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**DEPARTMENT OF DEFENSE'S SUPPORT  
TO THE SOUTHERN BORDER**

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COMMITTEE ON ARMED SERVICES  
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

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ONE HUNDRED SIXTEENTH CONGRESS

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, Tuesday, January 29, 2019.*

The committee met, pursuant to call, at 10:00 a.m., in Room 2118, Rayburn House Office Building, Hon. Adam Smith (chairman of the committee) presiding.

**OPENING STATEMENT OF HON. ADAM SMITH, A REPRESENTATIVE FROM WASHINGTON, CHAIRMAN, COMMITTEE ON ARMED SERVICES**

The CHAIRMAN. Call the meeting to order, if everyone could please take their seats. Welcome. Since this is our first hearing as a new committee, just one quick sort of housekeeping measure. We talked a little bit during our organizational meeting about the 5-minute rule. I didn't get into the specifics of it.

So now that we have witnesses here, when each of you are asking questions, the 5-minute rule applies to the totality of your conversation, or at least I am going to try to have it be that way. So in other words, if you ask a question for 5 minutes, it doesn't mean that the witnesses then answer it for another 10; we try to stop it at 5.

Now, for the witnesses, I will not cut you off in mid-sentence, but the second it hits that 5 minute, there will be a light little tapping, just to remind you that we are supposed to move on to the next person and if you could summarize at that point that would be great.

I will try—like I said, I will try to let you finish the thought, and then also we always have the option of, you know, if you don't get to everything that was asked, there's the fail-safe, you know, we will take it for the record, we will submit it to your office when we get a chance.

But that is because, as you can see, we have a large interest in this subject and we want to try to get to everybody today, give every member a chance, if possible, to ask questions.

So the purpose of today's hearing is to discuss the deployments to the border that have been done of both Guard, Reserve, and Active Duty members of the military.

To help us understand this policy, the Pentagon has sent us the Secretary of Defense for Policy John Rood, thank you very much for being here; and the Director of Operations for the Joint Staff, Vice Admiral Michael Gilday. I appreciate you both being here and look forward to your testimony.

We have a number of questions we want to figure out. First of all, it's just sort of the basics. How many Active Duty members have been sent? What is the plan going forward, how does that compare to the Guard and Reserve? Why did we choose Active Duty for part of this instead of the Guard and Reserve?

Because as most members of this committee know, there is a fairly substantial history of Presidents using members of the Guard and Reserve under title 32 for border security operations. What is a little bit more unusual is sending Active Duty personnel to the border. It's not unprecedented, but it has not been done before very often.

So this was an unusual step, and one of the biggest areas of question we have there is what is the impact of this on DOD [Department of Defense]? As this committee well knows, we fell way behind in readiness as a result of the Iraq war and the Afghanistan war, and just the tempo that the military had to go through, and we began to catch up on that, which is good.

But what impact does it have to readiness to send several thousand troops down to the southern border? It interrupts their training, it interrupts their dwell time. How is that impacting it? And also, we don't, to my knowledge, have a figure for what this has cost the Pentagon yet, so we want those details.

Another big piece of this is the reason Active Duty troops and Guard and Reserve were sent there in the first place was because there was a perceived crisis at the border. There really isn't that much evidence of that crisis.

Now, that is not to say that border security isn't a challenge, and in speaking for myself but also I believe for all of the people on this committee, we believe border security is enormously important and a challenge, something we have to continually try to figure out how to get right.

Not the primary jurisdiction of this committee, other committees are supposed to handle it, but we acknowledge its importance and the role that the military will occasionally play in helping it. But when you look at the statistics, the peak of our problem on the border was in 2004 and in 2005.

Consistently up to that point, there was over a million apprehensions of unauthorized attempted border crossings at the border. For the last several years, that number has been below 400,000, so roughly one-third of what it was.

And this didn't happen by accident. We made an investment in a bipartisan way. From 2005 forward, we have nearly doubled the number of Border Patrol agents. We have built 700 miles of wall. We have drones and sensors, and all manner of different efforts that have been taken to reduce the amount of unauthorized border crossings.

And as a result of that, we have actually had zero net migration from Mexico for I think going on 4 or 5 years. So while border security is always a challenge, there's really not much evidence that right at the moment it is a crisis that would call for the, if not unprecedented then highly unusual, step of sending Active Duty troops to the border.

We need to better understand not just that border security is a challenge, we get that. We get that drugs come across the border,

although as has been very well documented they do not usually come across—you know, they come across through ports of entry. There are other areas where we need to spend money if we are going to try to get at that issue.

So if it is an issue, why all of a sudden now is it a crisis and what impact is it having on the military? And lastly, we have all heard much of the discussion about the possibility of the President declaring a state of emergency and taking money from a variety of different places in order to build a wall.

And when he is talking about a state of emergency, he is talking about taking the money pretty much exclusively to build a wall. And, you know, that is not this committee's primary area of debate, but certainly I think all members here have a strong opinion and don't be surprised if you get a question or two about that.

But when it comes to the declaration of the emergency, the President has fairly broad authority under a 1976 law to do that. He would have to justify that emergency, and I am certain it would be challenged in court, but the real big concern here is where does he find the money?

And if he is talking about building a wall, I know we have talked about \$4 or \$5 billion right now, but the long-term cost of what he is talking about is much, much more than that. And the main—the only pot of money, as I understand it, in the Pentagon that the President could go after, would come out of military construction.

I think there is a bipartisan opinion on this committee that we should not be taking Department of Defense dollars out of military construction, well, for anything, for a wall or anything else, because again we have a readiness challenge, that money needs to be spent there.

So what would the impact of that be is something we are going to be interested in. There are other pots of money that the President can go to. The primary one is the Army Corps of Engineers and those are for projects that are primarily focused on flood relief, not necessarily, not DOD priorities.

There are other pots of money but none of them are that big. I mean let's face it, when you look at the discretionary budget, the Department of Defense is where the money's at. So we are deeply concerned that if an emergency is declared, that money is going to be taken out of DOD for what some of us think is a questionable purpose, but whether you support the purpose or not, where that money is right now is important and we would not like to see it taken away.

With that, I will yield to the ranking member for his opening statement and I thank our witnesses again for appearing before us.

**STATEMENT OF HON. WILLIAM M. "MAC" THORBERRY, A REPRESENTATIVE FROM TEXAS, RANKING MEMBER, COMMITTEE ON ARMED SERVICES**

Mr. THORBERRY. Let me join in welcoming our witnesses, thank you all for being here today. In my view, it is perfectly appropriate for our committee to examine the mission and the activities of our military on the southern border.

And I think that the questions the chairman asked at the beginning of his statement, what are we doing down there, how much

does it cost, what effect does it have on readiness, and so forth are perfectly legitimate questions.

I do have concerns that the broader issues related to the immigration debate that are not the purview of this committee may be brought into this room, even though we have no jurisdiction and even though it threatens, at least, to begin us this year on a more partisan contentious note than we otherwise might.

I hope that does not happen. When it comes to DOD, I note that the briefing material prepared for us by the staff say that the previous five administrations have authorized the use of Armed Forces operating under title 10 authorities in support of border security.

And as a matter of fact, we tried to look at the various functions going back to at least the early 1990s that include things like surveillance and logistics and command and control and aviation support and a whole variety of things.

I noticed that in 1997 under President Clinton, the military was used for construction to build and improve physical barriers. I noted in 2012 under President Obama, the military was used for construction to install sensor equipment and so forth.

So I guess my takeaway, trying to put this a little in context is, number one, what the administration has done is in line with, consistent with, the sorts of things that we have asked the military to do for a long, long time.

My second takeaway is that under administrations of both parties and Congresses of both parties, we obviously aren't providing for adequate resources for border security, because we keep having to use the military to back up the Border Patrol when it ought to be their job to do it.

Now again, some of that takes us into areas outside of this committee, how much we do on border security, but clearly it has implications for us. And I hope that as we not only look at what we are doing today but put today's mission in context, going back what, 30 years or more, that it at least informs maybe decisions that are made outside of this room.

Thank you all again for being here, we look forward to your testimony and I yield back.

The CHAIRMAN. Thank you. That, gentlemen—please, it was—Mr. Rood you are going to go first.

Secretary ROOD. Yes, thank you.

The CHAIRMAN. Okay. And for the record, in your—in your books, there is a joint statement that they both provided for the committee.

**STATEMENT OF HON. JOHN ROOD, UNDER SECRETARY OF DEFENSE FOR POLICY, OFFICE OF THE SECRETARY OF DEFENSE**

Secretary ROOD. Thank you. Mr. Chairman, Ranking Member Thornberry, other distinguished members of the committee, thank you for the opportunity to testify before you today on the Defense Department's support to the Department of Homeland Security U.S. Customs and Border Protection mission to secure the southern border of the United States.

The Department of Defense has a long history of supporting border security. DOD has supported efforts to secure U.S. borders



since the early 1990s. DOD has supported civilian law enforcement border security activities, counter-drug activities, and activities to counter transnational organized crime and other transnational threats.

Active, Reserve, and National Guard personnel have provided operational military support such as aerial reconnaissance, ground surveillance, search and rescue support, and medical support. DOD has loaned facilities and special equipment such as aerostats, ground surveillance radars, and ground sensors to CBP, or Customs and Border Protection.

DOD has also provided temporary housing support to the Department of Health and Human Services, or HHS, as part of the national response to the surge of unaccompanied alien children, or UAC, at the U.S. southern border.

From 2012 to 2017, DOD provided shelter for nearly 16,000 unaccompanied alien children who received care, security, transportation, and medical services from HHS.

Consistent with section 2815 of the National Defense Authorization Act for Fiscal Year 2017, the Secretary of Defense certified that providing this sheltering support to HHS would not negatively affect military training, operations, readiness, or other military requirements, including National Guard and Reserve readiness.

At the direction of President Bush, in support of CBP's Operation Jump Start, DOD provided National Guard personnel—some 6,000 from June of 2006 to July of 2007 and some 3,000 from July of 2007 to July of 2008—to augment and enhance CBP's ability to execute its border security mission.

National Guard personnel provided aviation, engineering, medical, entry identification, communications, vehicle maintenance, administrative, and other non-law enforcement support. In addition, the National Guard improved the southern border's security infrastructure by building more than 38 miles of fence, 96 miles of vehicle barrier, more than 19 miles of new all-weather road, and conducting road repairs exceeding 700 miles.

At the direction of President Obama, DOD provided up to 1,200 National Guard personnel annually from 2010 to 2016 in support of CBP's Operation Phalanx. National Guard personnel provided aerial reconnaissance, analytical support, and support to counter-drug enforcement activities that enabled CBP to recruit and train additional officers to serve along the southern border.

DOD works closely with the Department of Homeland Security [DHS] on requests for assistance. Across the full range of support that DOD has provided DHS—border security support, disaster support, special event security support, and support for protection of the President—DOD has worked closely with DHS as that department develops its request for DOD assistance as deliberately, expeditiously, and as effectively as possible to meet mission needs.

DOD carefully considers all requests for assistance, including in order to determine whether DOD has the requested capabilities and resources and whether providing the requested assistance is consistent with the law.

When a request is approved, DOD works with the requester to select the right forces and resources to meet the requester's mission needs and to avoid or mitigate potential impacts on military readi-

ness. DOD has used the same process for every DHS request for assistance related to DHS's border security mission.

In our current type of support, in his April 4, 2018, memorandum titled, Securing the Southern Border of the United States, the President directed the Secretary of Defense to support DHS in, quote, securing the southern border and taking other necessary actions to stop the flow of deadly drugs and other contraband, gang members, and other criminals and illegal aliens into this country, end quote.

The President also directed the Secretary of Defense to request the use of the National Guard to assist in fulfilling this mission, pursuant to section 502 of title 32, and to use such other authorities as appropriate and consistent with applicable law.

The President also directed the Secretary of Defense and the Secretary of Homeland Security, in coordination with the Attorney General, to determine what other resources and actions are necessary to protect our southern border, including Federal law enforcement and U.S. military resources.

All of this military support has been, and will continue to be, provided consistent with the law, including the Posse Comitatus Act, section 1385, title 18. Military personnel have supported civilian law enforcement efforts but do not directly participate in law enforcement activities such as search, seizure, and arrest.

Military personnel protecting CBP personnel performing their Federal functions at points of entry are consistent with the April 1971 opinion of the Department of Justice Office of Legal Counsel, also complying with the Posse Comitatus Act.

So, Mr. Chairman, in conclusion, let me say the military's presence and support increase the effectiveness of CBP's border security operations, free U.S. Border Patrol agents to conduct law enforcement duties at the southern border, and enhance situational awareness to stem the tide of illegal immigration, human smuggling, and drug trafficking along the southern border.

The ongoing temporary DOD support is a continuation of the Department's long history of supporting DHS and CBP in their mission to secure the U.S. border. These decisions are far from static, and we continue to work with the services, the National Guard Bureau, and U.S. Northern Command to evaluate mission requirements and associated risks.

Mr. Chairman, thank you for the opportunity to testify today.

[The joint prepared statement of Secretary Rood and Admiral Gilday can be found in the Appendix on page 59.]

The CHAIRMAN. Thank you.

Admiral Gilday.

**STATEMENT OF VADM MICHAEL GILDAY, USN, DIRECTOR OF OPERATIONS (J3), JOINT STAFF**

Admiral GILDAY. Good morning, Chairman Smith, Ranking Member Thornberry, distinguished members of the committee. Thank you for your support of the men and women in uniform who serve our Nation. And thanks for the opportunity this morning to address our military's support to the Department of Homeland Security in their mission to secure our southwest border.

As Secretary Rood mentioned, DOD has a well-established relationship with DHS. This includes our recent efforts to support the responses to hurricanes Michael and Florence, the wildfires in California, and our joint cybersecurity initiatives protecting our Nation's critical infrastructure.

DOD's mission of homeland defense is inextricably linked to DHS's mission of homeland security. There is no better example than the ongoing efforts of our Active and Guard personnel supporting Customs and Border Protection along our southern border today.

Since the Commander in Chief directed the military to support DHS in securing the southern—the southern border in April, National Guard personnel have supported CBP Operation Guardian Support, augmenting CBP efforts to secure the border by performing administrative, logistical, and operational support tasks from April to the present day.

Active Duty military personnel have supported CBP's Operation Secure Line since October in the areas of aviation, engineering, facilities, and medical support, and by providing protection for CBP personnel while they perform their Federal functions at our ports of entry.

This support is now transitioning to the operation of mobile surveillance cameras in support of CBP in all nine border patrol sectors across four States and the placement of concertina wire on existing barriers at areas designated by CBP between ports of entry in Arizona and in California.

We believe that our military's presence and support have served to increase the effectiveness of CBP's border security operation by enabling them to focus on their law enforcement duties at our ports of entry.

Our strong partnership with DHS has allowed us to match their mission requirements to existing core competencies of our Guard and Active force, while operating under existing DOD authorities. Thus far, the results have been very successful.

I would like to thank you again for your support and for the opportunity to appear before the committee. I look forward to taking your questions.

The CHAIRMAN. Thank you, gentlemen. Could you give us the specifics, as a starting point, on the Active Duty troops that were deployed, when they were first deployed, how many are there now, and how long they are supposed to be there for.

Secretary ROOD. With regard to Active Duty troops, sir, we presently have just a little under 2,300—or excuse me, just over 2,300 Active Duty troops. They are scheduled, right now, to be deployed through January of 2019.

One portion of them has been approved to be deployed through January of 2019. There will be additional deployments of Active Duty troops that will go through the end of this fiscal year, September 30th, in response to the latest request from the Department of Homeland Security.

The CHAIRMAN. And what was the original number was, like, 5,600 I believe, something like that? How long were that many troops there?

Secretary ROOD. There's a combination, sir, of National Guard and Active Duty troops that were deployed, and the numbers fluctuate. And so as you recall—

The CHAIRMAN. I know the numbers—I am sorry, I know the numbers fluctuate. But the number of Active Duty troops that were sent there in the first place—and I am focused on the Active Duty piece—I believe was 5,600. Is that correct?

Secretary ROOD. It was about 5,900.

The CHAIRMAN. 5,900. Okay.

Secretary ROOD. And that was at the beginning of November.

The CHAIRMAN. And that is the part that is kind of different from everything else, here. Most of what Mr. Thornberry referred to in terms of the Active Duty side of it is under title 10. We have provided equipment, sensors, and various other things.

It is very, very rare to send Active Duty troops to the border. We have used the Guard and Reserve consistently. And what was different about this set of circumstances that made us send, 5,800 Active Duty troops to the border? I don't see it.

Admiral GILDAY. Sir, I will provide some context—

The CHAIRMAN. I am sorry, could you pull the microphone a little closer to you, there?

Admiral GILDAY. Yes, sir.

The CHAIRMAN. These things are not as sensitive as they could be.

Admiral GILDAY. Is that better?

The CHAIRMAN. That is much better, yes.

Admiral GILDAY. At that particular time, the group of migrants that were massing in southern Mexico was approaching about 10,000. And at that time, we weren't sure, DHS wasn't sure, which route or routes that they were going to take to the southwest border. There were four or five different routes that they could have come by.

There was some concern with respect to timing, on whether they were going to go by foot, whether they were going to go by vehicle, or whether they were going to go by rail.

So at that time, the President directed that we examine options to augment CBP at the border so that they could mass their personnel at the ports of entry, and we could provide an augmentation force to allow them to do that.

The CHAIRMAN. And did those—those border caravans all went to the ports of entry, did they not?

Admiral GILDAY. Sir, they actually all went to the ports of entry in California, initially.

The CHAIRMAN. Right.

Admiral GILDAY. Yes, sir.

The CHAIRMAN. It's kind of what they said they were going to do, from what I was reading, anyway.

Admiral GILDAY. Sir, not initially. So they made that determination when they arrived in Mexico City, but at the time they were down in Hidalgo, we didn't know where they were going to go. We didn't know if they were going to go to Brownsville or if they were going to go to New Mexico.

The CHAIRMAN. Just for reference, Mexico City is a pretty fair distance from the border. And for the most part, these people are

walking. And that was one of the things that struck me at the time, every estimate that we got out of you folks was that they were going to get here in roughly January.

And the border deployment—I believe the Active Duty troops were first sent to the border in September, correct?

Admiral GILDAY. Sir, the Active Duty—

The CHAIRMAN. October—

Admiral GILDAY. The Active Duty troops, the request came in the end of October.

The CHAIRMAN. End of October, okay.

Admiral GILDAY. And we deployed them in early November.

The CHAIRMAN. I just—one final question this morning because I want to let my other colleagues get in here. You said that, you know, it's worked, basically; the Active Duty troops have improved the situation. What is your metric for that? Because as near as I can tell, you know, we have made substantial improvement since 2005 on border security, but what metric has changed since we sent the Active Duty troops there that shows that there has been some sort of improvement on any of these issues that you list in terms of, you know, drugs and border crossings and all of that?

Admiral GILDAY. Sir, in terms of metrics, the initial deployment consistent with a heavy deployment of engineering personnel, so along 22 of the ports of entry we laid some 70 miles of concertina wire to make it more difficult for somebody to cross over illegally at those ports of entry. This made it easier for—it allowed CBP, we believe, to be able to spread their manpower more efficiently across a large number of ports of entry that could have potentially been at risk.

Additionally, we sent medical personnel down to help with initial screening. And we also sent down some facilities people to provide facilities for CBP.

But in terms of the metrics, sir, I would say that the fact that we hardened those ports of entry is probably probably the best answer that I can give you.

Secretary ROOD. The only thing I would add, Mr. Chairman, as we look to the Customs and Border Patrol and the Department of Homeland Security as the primary mission-holder. Our role, of course, is to augment their efforts.

The CHAIRMAN. Right.

Secretary ROOD. Their statements to us and their assessment of the efforts that DOD has provided is that it has allowed them to focus their resources elsewhere and assisted in their mission accomplishment.

The CHAIRMAN. None of that is an actual metric measurement. That is just sort of the opinion. But one final question—sorry, I do have one final question. When are we going to be at the point where you can say we don't need Active Duty troops? Because we haven't needed them for a long time before that, now we apparently need them.

What are we looking for where we can get to the point where we no longer are going to send Active Duty troops to the border? What needs to be accomplished before we can stop using this somewhat unprecedented step of actually sending Active Duty troops to the border?

Secretary ROOD. Mr. Chairman, of course, the Defense Department acts in support of request from the Department of Homeland Security/CBP, they are the primary mission-holder. As we look to how we will choose to augment those resources and respond to those requests for assistance, we look across the total force, Active, Reserve, and National Guard, to determine what is the right mix and the appropriateness of the force to respond.

And that is where our decision was made in terms of the timeliness—

The CHAIRMAN. Got it. So you don't really know basically what we need to accomplish. At the end of the day, it's DHS that makes that call. They decide that they need. They ask you for help. They work through it. But surely as the one providing the resources and trying to plan for the future, they have given you some idea of what it is they are trying to accomplish so that they won't need you anymore.

Secretary ROOD. They do give us an idea and we work with them to scope the requests and to understand what they are trying to accomplish so that we provide the right capabilities.

The CHAIRMAN. And what would your take on that be?

Admiral GILDAY. It depends on the specific request, sir. You know, for example, some of the requests where they have asked for surveillance capabilities, we delve into a little bit of what are you trying to detect and why and what are the circumstances?

With regard to the National Guard, of course, we work with the National Guard Bureau and—

The CHAIRMAN. Sorry, but that is—I don't want to interrupt, I am asking specifically about the Active Duty troops who have been sent to the border. I understand all that other stuff. All that other stuff, if that was all you are doing, was all that stuff that you have talked about, we wouldn't be having this hearing.

It is the Active Duty troops that sort of caught the attention of the committee.

Admiral GILDAY. Sir, if I can give an example, but before that, back to the metric—

The CHAIRMAN. Microphone again, sorry.

Admiral GILDAY. Sir, just for a moment on the metric. We really are trying to prove a negative if we are trying to prove, you know, how many people didn't cross the border. We just don't know, except for the feedback that we receive from CBP that, you know, at the time we deployed, you know, those initial numbers were 10,000; now 10,000 never reached the border. But, you know, we felt that we were better prepared—or CBP was better prepared because of the work that we did.

In terms of the work that we have done and are doing, it's not, it's not a steady-state demand signal. So although we deployed 5,900 in early November, by Christmas those numbers are down to 2,400—

The CHAIRMAN. Why?

Admiral GILDAY. Because we had—we finished laying the concertina wire. When that mission was complete, we redeployed those people home. When we determined that the flow of migrants that had to be screened by our medical personnel wasn't as high as originally estimated, we downsized and we brought those people home.

When the facilities that we built were no longer required by CBP, they had initially surged their forces—their personnel down there, we had provided temporary housing. When that wasn't required, we sent our people and we sent the equipment home.

And so we have tried to adjust, keeping in mind readiness, keeping in mind cost. And so it has been fairly evolving and dynamic.

The CHAIRMAN. Thank you. Mr. Thornberry.

Mr. THORNBERRY. Admiral, I want to go back, because I am not sure we got the rest of the story. You started your answer a few moments ago on why Active Duty, with 10,000 folks coming up through Mexico, didn't know for sure where they are going to go. The decision was that the Border Patrol folks would focus on the ports of entry, and that left the rest of the border to be covered.

And so can you continue then? And back to the chairman's question, why Active Duty in that circumstance versus Guard?

Admiral GILDAY. Yes, sir. So broadly we are taking a look at these requirements across the total force. And we are trying to see which forces are best suited for the task and who is readily available. And so in one's mind's eye, they may think that the National Guard is just a gigantic organization that we continue to draw from for years and years, for a decade, in fact. And we just can't.

And so at the time when those forces were massing and we weren't sure whether they were going to come by foot, by vehicle, or by train, the decision was made within the Department given the options that we laid out in terms of timing, to send Active Duty, because we get those troops down there within a week.

And so I hope that gives a little bit more context, sir, in terms of what drove the Active Duty. But we did look at the Guard, and we did look at Guard capacity for the missions—for those particular missions or the requirements that DHS and CBP had requested, and we just did not have those. We didn't have that—those skill sets available in the Guard to draw upon at the time.

Secretary ROOD. Congressman Thornberry, if I may add just briefly to that?

Mr. THORNBERRY. Yeah.

Secretary ROOD. In evaluating the present request, in working with the National Guard Bureau and the state adjutant generals, part of the reason, or the reason that we have selected from the Active Duty to fill part of those requests going forward is that the Guard satisfies those requests from 19 Guard units, 19 States. And there's a limit to the number of volunteers, which is the way they have sourced them, that they can do.

And so the feedback from the National Guard Bureau and the adjutant generals is that about the present state, a little over 2,000, is what they can sustain. And therefore the delta between that sustainable rate and the new request from the Department of Homeland Security is what we are going to source, therefore, from the Active Duty.

Mr. THORNBERRY. Okay. Yeah, that really gets to where I wanted to go. So if I can just summarize my understanding of this, Homeland Security says, we need help doing X, Y, Z, and then you—can you, DOD, help us? And then you look at what those specific requirements, or asks, are, and figure out what forces can fulfill their requests?

And in this case, one of the key things was how quick can you get them there, because you didn't know where the caravan was going. And, secondly, what sort of specific capabilities did you need, because a lot of the Guard folks, at least the ones that you could deploy, didn't really have it. Does that sum it up?

Admiral GILDAY. Sir, I think so. I would like to add, though, that these requirements from CBP just don't drop as a surprise. And so we work with CBP on a daily basis to refine these requirements so that we can be more predictable, so that we can ask hard questions, so that we can look at legal aspects and make sure that, you know, the force is going to be used in a way that is consistent with the authorities that we have.

And so it is ongoing partnership to get to what we think is the right answer. And the right answer isn't always satisfactory for all parties.

Mr. THORBERRY. But you have got to be flexible with events, because, for example, there are stories that there's a new caravan that is forming in Central America, headed this way. So you have got to, in your conversations with them, be ready to adjust to changes in the situation, don't you?

Secretary ROOD. Yes, that is right. And you are correct, current information shows a caravan of over 12,000 people. There are three that we are tracking—the Department of Homeland Security is tracking—en route, and one of which is over 12,000 people, in the latest estimate.

And so, yes, we do have to be flexible on those events. As Admiral Gilday mentioned, the number of troops and the mix of them has varied over time and it will need to do so. And we do work very closely with DHS and CBP to understand the “what” they are trying to accomplish more fully so that we can source it and provide the type of assistance that will be meaningful.

Mr. THORBERRY. Okay. I yield back.

The CHAIRMAN. Thank you, Mr. Larsen.

Mr. LARSEN. Thank you, Mr. Chairman. If I could, Mr. Chairman, I would like to yield my time to Representative Torres Small. Microphone.

Ms. TORRES SMALL. Thank you, Under Secretary Rood and Admiral Gilday, for being here. I really appreciate the dialogue about the choices that you are making when it comes to National Guard versus deployment of Active military. And you listed some of the components: timeliness, the scope of the request, the cost, and available troops.

One thing I would like to dig into more is readiness. Admiral Gilday mentioned it briefly. We ask a lot from our troops, and it's critical that we provide that readiness, specifically through rest and refit between missions and deployment.

So what impact does an increase in deployment of troops used along the border have on soldier readiness?

Admiral GILDAY. So far, it has been manageable. So as I explained a few minutes ago, we try to—

The CHAIRMAN. I am sorry, microphone.

Admiral GILDAY. As I explained a few minutes ago, we try to rotate the troops in about every 6 to 8 weeks. And so we are trying to make sure that we maintain that deployed-to-dwell ratio at a



manageable level, because we may have to call on those same forces to deploy to another mission.

The border security mission is obviously a high priority for the administration, and so we are balancing that requirement along with Syria, Afghanistan, ongoing commitments in Africa, the Western Pacific, and so we are trying to balance all of that.

But in this particular case, we have been using troops that are based here in the continental United States and we have been trying to rotate them in at a fairly—I don't want to say it is a revolving door, but you know, that first group went in at the beginning of November, they were out before Christmas, the next group will come out at the end of the month here, and so we try to manage it in that manner.

Ms. TORRES SMALL. Shifting gears just a little bit, CBP personnel, it's my understanding, are meant to be the primary and principal members who interact with migrants on the border, but we have already discussed somewhat the medical component of the mission.

Can you give me a little more clarification on how the medical part of the mission is limited based on interactions with migrants and how that is controlled?

Secretary ROOD. Congresswoman, you are correct, the Customs and Border Patrol is the primary mission holder and the law enforcement agency. They have the responsibility to interface principally with the migrants. DOD personnel, medical personnel, are there to assist after screening has been conducted by CBP personnel.

If there's someone they believe presents an illness or an issue that they would like to refer them after that screening to DOD personnel, we can assist with medical treatment.

Ms. TORRES SMALL. Thank you. Just shifting a little bit to the National Guard. I represent New Mexico. We have had a long history of National Guard working on the border as part of the anti-drug task force. Can you explain a little bit the differences between that longer history and the current National Guard operation?

Secretary ROOD. Well, as you mentioned, Congresswoman, National Guard members and indeed other members of the force have been deployed over the years to the border, in addition to those deployments that the current President, President Trump, has directed.

Of course, President Obama directed several deployments. Those occurred during President Bush's tenure and during President Clinton's tenure. Their mission is always—the primary mission holder is the Department of Homeland Security, Customs and Border Protection.

Ms. TORRES SMALL. And I am sorry, just because we are running short on time, the differences?

Secretary ROOD. The differences—it is a very similar mission and it depends on what the DHS requests of us specifically to augment their forces. And that varies over time, whether it is surveillance or it's monitoring of different border areas, or in this particular case, emplacement of barriers between ports of entry.

Ms. TORRES SMALL. So National Guard is also placing barriers at ports of entry?

Secretary ROOD. That mission—my understanding is it will be done by Active Duty.

Ms. TORRES SMALL. Okay.

Secretary ROOD. About 150 miles of concertina wire in between ports of entry between now and the end of the fiscal year.

Ms. TORRES SMALL. So any specific differences between this National Guard deployment and previous ones?

Admiral GILDAY. I think it's relatively the same. I can't speak to the previous mission that you referred to, but I can give you some examples of what we are relying on the Guard for now.

Heavily—with respect to aviation—and so they have a number of rotary-wing aircraft with electro-optical and IR [infrared] sensors that we don't have as many of in the Active force to be honest, and so they have about 17 aircraft that we rely upon heavily, particularly in New Mexico and Arizona.

The other place where we are providing a lot of support is vehicle mechanics for CBP vehicles, intelligence analysts that help at CBP headquarters, paralegals, administrative assistance, and so the hope is that we are freeing up—or the goal is that we are freeing up CBP agents to actually do law enforcement.

Ms. TORRES SMALL. Thank you.

The CHAIRMAN. Mr. Wilson.

Mr. WILSON. Thank you, Mr. Chairman. And Secretary Rood and Admiral Gilday, thank you so much for being here today. We are so fortunate to have the military personnel, the personnel that we have with the U.S. Custom and Border Protection agents on our border to protect American families, to address the issues that we have on the southern border, and I want to thank both of you for your service.

In particular, I have a firsthand experience of the benefits of being activated. I served 31 years in Army Guard, I am very grateful to have three sons who have served in the National Guard. We have found that being activated—for us, it was hurricane recovery and relief—but being activated and mobilized actually enhances training and the camaraderie of our members has never been better.

And so I want to thank you for the opportunities that you actually give, and as has been indicated, 19 different States have had Guard members at the southern border. And I just know how positive that is for our Guard members.

A precedent exists with the last five administrations for the use of DOD personnel, and Secretary Rood, for surveillance, logistics, aviation support, and other assistance. This support on the southern border has been carried out with Operation Jump Start under President George Bush and Operation Phalanx under President Barack Obama.

Can you discuss the relationship between the DOD and Customs and Border Protection personnel on the ground and do you see this relationship changing on the extension of Active Duty mission? And of course, we understand that it's backing up the law enforcement and personnel.

Secretary ROOD. Congressman, as you correctly point out, the Defense Department has a long history of supporting Customs and Border Protection as well as other Federal agencies in support of

their civil missions. And the relationship is really a very close one, both here in Washington and in our deployed units in the field, they live and work together.

And so as CBP performs their primary mission and their law enforcement duties, we assist them, and that takes various forms. As mentioned, construction at 22 ports of entry recently, not only concertina wire but jersey barriers, vehicle obstructions, emplacement of shipping containers and other temporary barriers to control the flow of individuals, and then medical support, aviation support, things of that nature.

But it is just a day-to-day working relationship, sir.

Mr. WILSON. Well the backup and support makes such a positive difference and it is so meaningful. With the military mission extended to September 30th, 2019, what if any does the Department have for transitioning the mission from Active Duty to National Guard? What conditions are going to be met? As indicated, it's ever changing.

Secretary ROOD. As mentioned, Congressman, when we receive requests for assistance from the Department of Homeland Security, we look at them for legality, whether we have the capability and the appropriateness of the request, and then work with CBP in this particular case. In other cases, we do other support.

To refine that here, the National Guard Bureau and the State adjutant generals have indicated there's a predicted steady state, if you will, that they think they can source in terms of their provision. And so where we are unable to meet those requests from the National Guard, that is where we have looked at Active Duty through the end of this fiscal year, sir.

Mr. WILSON. Thank you, Mr. Secretary, and Admiral Gilday, what opportunities exist for units mobilized to the border to maintain a high level of readiness? This is a concern by all of us. Can you address the training that DOD personnel receive on the Standing Rules for the [Use] of Force?

Admiral GILDAY. I will. So I will take each of those. On the first point, sir, I think it ties back to a point that you made earlier about readiness. And so when we deploy our forces, most people just think that we are consuming readiness. But we are also producing readiness during those deployments.

So as you know, sir, many times at the end of that deployment, you are at a higher state of readiness than you were going into it because you just accumulate that type of hands-on deckplates, leadership, and experience that you typically wouldn't get at home station.

One really good example is the military police that we have, under DOD authorities, providing protection for CBP should they be overwhelmed at the border; and so the way that we have had to train with CBP personnel to make sure that we are clear on each of our authorities, to make sure that our communications are compatible, to make sure that we understand each other's tactics, techniques, and procedures. We ran those teams together with CBP through 10 different vignettes, training scenarios, both day and night.

And so we try to expose them to a wide range of possibilities. Some of the best training that we have had is with the military police. In terms of—

Mr. WILSON. Enhances readiness. Thank you very much.

Admiral GILDAY. Yes, sir.

The CHAIRMAN. Thank you. Mr. Courtney.

Mr. COURTNEY. Thank you, Mr. Chairman. I have a quick yes-or-no question. Given the threat description that surrounded this order, are the service members at the borders receiving imminent danger pay?

Secretary ROOD. No.

Admiral GILDAY. No, sir.

Mr. COURTNEY. Thank you. I would just yield the balance of my time to Congresswoman Luria.

Mrs. LURIA. Well, thank you, Under Secretary Rood and Admiral Gilday. You stated that the military support is for three main purposes. In providing forces to stop the tide of illegal immigration, stop human trafficking, and stop the flow of illegal drugs.

I would like to hear, Admiral, which of these three missions do you think is the most pressing?

Admiral GILDAY. Drugs—

Mrs. LURIA. Human trafficking—

Admiral GILDAY. Trafficking—

Mrs. LURIA. Or personnel crossing the border.

Admiral GILDAY. Difficult to prioritize. All pretty important. I would say that I think as we transition to our new mission set from the ports of entry to the areas between the ports of entry, we bring a skill set with respect to detection and monitoring that I think is going to be very valuable for CBP in trying to get their arms around all three of those problems—

Mrs. LURIA. Okay.

Admiral GILDAY [continuing]. Which could be present at any point in the border.

Mrs. LURIA. Well, in that case, I would like to focus on the flow of illegal drugs. And it has been reported that, you know, a large portion of the drugs do not in fact come across the border. They come by sea and our ports of entry.

And as you know, also myself, as a surface warfare officer for 20 years, we know that the Navy used to supply forces frequently in support of SOUTHCOM [U.S. Southern Command], JIATF [Joint Interagency Task Force] South, to stop that flow.

I met with Admiral Grady, who's the executive agent for Global Force Management for Fleet Forces, and he confirmed that the only forces that we're giving to SOUTHCOM currently are those that happen to be transiting as an opportunity between east and west coasts.

So I was wondering if you could compare the request for forces that we are currently receiving from SOUTHCOM versus those that we are meeting, towards the goal of stopping the flow of drugs at sea. And what percentage of requests for forces from SOUTHCOM would you say have gone unmet in the last several years?

Admiral GILDAY. So I think we really need to talk about the last probably 18 months under a new President with a new National Security Strategy and a new defense strategy.

And so that new defense strategy racks and stacks problem sets for us with respect to China, Russia, North Korea, Iran, and the counter-VEO [violent extremist organization] problem. And so what we have done in the past year in particular, is we have prioritized our resources in accordance with those priorities. We just can't do it all.

As the chairman brought up in his statement at the beginning, we have under-sourced readiness for some time. That is the Secretary, and the acting Secretary now's, top priority, is in order to make us more lethal, we have to be ready.

And so we have had to ruthlessly prioritize. And quite honestly, although the drug problem is a big problem, we have historically under-resourced Southern Command against that problem set.

And I—I probably have an unsatisfactory answer for you, ma'am, in terms of—in terms of our being able to improve in that regard. But I do think—when we have problems like that, I do think it requires more imagination to get after it in a better way. And so it is looked at. I am just being honest with you with respect to the racking and stacking of national priorities. It hasn't reached the top.

Mrs. LURIA. So with that racking and stacking of national priorities, this is currently the only one in our discussion that is being potentially envisioned as a national emergency. So it doesn't seem consistent with where we have placed it in our order of priority for allocating forces.

And when you say, use creativity, you just mentioned that when we use forces, we are not just consuming readiness, but we are producing readiness?

Admiral GILDAY. Yes.

Mrs. LURIA. So that is another element that I would ask you to consider, possibly, when we have forces that are not actually deployed but in their workup and training phases, to be able to participate as well in this mission of combating the flow of drugs at sea while they are also building their readiness.

Admiral GILDAY. Congresswoman, I think that is a fair comment. To your point about priorities, so the National Defense Strategy is a strategy. And it has laid out priorities that we follow. But reality strikes, we end up reprioritizing. And in this case, that is exactly what happened.

Mrs. LURIA. Thank you. I yield my time.

The CHAIRMAN. Thank you. Mr. Turner.

Mr. TURNER. Thank you, Mr. Chairman.

Admiral, Secretary Rood, thank you for being here. Thank you for your service.

Secretary Rood, thank you for your expertise and the dialogue that you are having here today. I am going to ask you two questions and then I am going to concede my time to Mr. Bergman.

The admiral indicated that it is hard to answer a negative. How many people were deterred, how many people didn't cross the border. So I have two simple questions for you. I think they are yes or no but I am not going to restrict you to yes or no if you feel you need to answer them more broadly.

So to your knowledge, is the United States border with Mexico currently closed? And by closed, I mean is the level of protection

that is currently being provided by Homeland Security and the Department of Defense stopping illegal immigration? Has it stopped? Has illegal immigration stopped between Mexico and the United States as a result of the current level of protection from Homeland Security and DOD?

Secretary ROOD. No. Just in the last 3 months alone, CBP reports apprehending 154,000 illegal immigrants.

Mr. TURNER. To your knowledge, Mr. Secretary, are there portions of the U.S. border between Mexico and the United States where individuals can enter the United States illegally, unimpeded?

Secretary ROOD. Yes.

Mr. TURNER. Thank you, Mr. Secretary. I yield my time to Mr. Bergman.

Mr. BERGMAN. Thank you and I appreciate you yielding time, Mr. Turner. I am glad you both are here.

Just for clarification, I want to make sure that nothing has changed since I took off the uniform about 10 years ago and that you only pay a guardsman or reservist when they are performing some type of duty. Correct? Okay.

Admiral GILDAY. Yes.

Mr. BERGMAN. So the point is there are Active Duty personnel that we have down there today. You are paying them normal pay rate. No combat pay. Just our normal pay rate. Any TAD [temporary additional duty]?

Admiral GILDAY. Sir, it depends, but those numbers are very, very small.

Mr. BERGMAN. So the point is——

Admiral GILDAY. So they do receive, when they deploy for more than 30 days away from home station, they do receive a modest family separation allowance.

Mr. BERGMAN. Okay, so family separation allowance. But the bottom line is minimal to no additional cost by utilizing Active Component personnel. Any idea how many of the Active Component personnel that you are using down there, it's their first deployment since joining the military?

In other words, they are not in a dwell time because they have been stressed over a period of time?

Admiral GILDAY. Sir, I would like to take that for the record.

[The information referred to was not available at the time of printing.]

Mr. BERGMAN. Okay. Well, because we know the troops coming off the line need to get R&R [rest and recuperation], need to get refreshed, need to get retrained, in some cases re-missioned if they change units. Any special skill sets that are required on the border right now that we might call HDLD, high demand/low density assets that would be getting stressed?

Admiral GILDAY. Not skill set so much, sir, but I would say if we are stressed anywhere it is rotary wing just because of the demand we have for helicopters in Syria, in Iraq, and Afghanistan. So we have been a bit pinched in terms of helos, to be honest. But not at a point where we have significant concerns about them——

Mr. BERGMAN. Okay. So stress on the flight hours on airframe as opposed to time on the pilot seat, button seat? Okay.

Admiral GILDAY. Yes, sir, just availability of the assets with crews that are at a, let us say, a 1:2 dwell.

Mr. BERGMAN. Okay. Is it fair to say that if we have a lot of first-time folks deploying, this is why they joined, maybe in a slightly different, you know, fight, if you will, or mission, probably more appropriately said, than they originally envisioned on their first deployment.

But are we making them more capable because of the training and what they are doing on a daily basis here so that when we do have to deploy them somewhere in the world that they are more ready and ready to take on whatever mission?

Admiral GILDAY. Sir, I would say in general, yes. Specifically, down to every person I think it would be difficult to make that argument that the medical personnel, for example, who are doing medical screening may not be optimizing their skill sets. But that said, it is a critically important mission at the moment.

Mr. BERGMAN. We know that no matter what the situation is, whether we are dealing with combat injuries on the battlefield or dealing with humanitarian assistance, disaster relief, the need for medical personnel, whether it be doctors or nurses, is going to continue to be stressed no matter what we are using them for.

So with that, for those of you who have been around a while, the Three Block War—humanitarian assistance, keeping the peace, and making the peace—bottom line is, let us stay in that first one or two, especially in that middle block here. And I yield back.

The CHAIRMAN. Thank you. If I could just follow it up with a quick question based on Mr. Turner's question there. So DHS asks you basically for help at the end of the day with what they are doing. And I guess the question that occurred to me is, do you ever say no?

Because by Mr. Turner's definition there, I mean, to actually close the border to stop anybody from ever being able to cross in an unauthorized manner, anything across, I would think you could plop 50,000 U.S. troops down there on the border, you would still have a hard time doing that.

And also note for the committee, and I am sure Mr. Turner is aware, every single combatant commander that we have has requests that go unfilled. It is absolutely true, because there is too much in the world that we need to do. We don't have the resources for all of them. I guess that is the biggest concern from this discussion here is, yes, we can talk about the border all day long, and if that is the only thing that you had to worry about at DOD, well, heck, 5,900, that is nothing.

I mean, why not 50,000, okay? But we have got other needs in the world which we will hear about in great detail in this committee. And the reason we are starting here is because this is not primary to our mission. And if we start down this road with what those previous questions were and say, you know, DOD, it's all about the border, where does it stop?

So, under what circumstances would you say no; look, yes there is a border problem. There will always be a border problem. We are not going to completely shut that border off. But we also have ISIS [Islamic State of Iraq and Syria]. We also have Afghanistan and

Syria. We are worried about Russia and China. Do we have a sufficient presence to deal with deterring that threat?

So, under what circumstances, when DHS comes over and says, hey, we need your equipment, we need your troops, do you say, look, we don't have the ISR [intelligence, surveillance, and reconnaissance] that we need in Africa, all right? We don't have, you know, enough of a troop presence in Eastern Europe to deter Russia, so that is going to take priority.

Under what circumstances do you say that?

Secretary ROOD. Mr. Chairman, when—

The CHAIRMAN. I know that is not directly your call. That is more the Secretary of Defense's call. But I am curious as to your perspective.

Secretary ROOD. Yes, sir. When the Department of Homeland Security or another civil agency makes a request for assistance, we look at it from the legality of it, the appropriateness—do we have a capability that can actually meet that need? And then we do look at readiness and the impact on our other mission areas.

And the same approach, basic approach applies whether it is DHS requesting support at the border or—

The CHAIRMAN. What would be most helpful on this is if you could give us an example of when you did say no to DHS. You know, and I will drub it up, what if they asked you for \$10 billion out of MILCON [military construction] to help build the wall? Would you say no then?

Secretary ROOD. Well, with respect to use of MILCON authorities, of course, the President would need to declare a national emergency and the Secretary of Defense make certain determinations before we would ever reach that question. And so the Department of Homeland Security couldn't make that request directly to us. It would need to be initiated by the President's declaration.

With respect to your question about where we say no, we haven't always approved every request from the Department of Homeland Security, but we generally work with them to find ways that we can adjust what we are going to provide to meet the mission need. Sometimes they don't have a full understanding of what we can do.

The CHAIRMAN. Okay. Thank you. Mr. Garamendi.

Secretary ROOD. Yes, sir.

Mr. GARAMENDI. Thank you, Mr. Chairman.

In case nobody noticed, we are in the midst of a raging debate about this whole issue of border security, and apparently the President wanted to use the military like 10 days before the election. All well and good.

Specific question probably more for the record. What were the precise talents, skill sets, and operation that the individual units had when they were deployed to the border, the 5,900? What were their skill sets? And that is unit by unit. So please deliver that to us.

Secondly, there's a major question of readiness. It has been raised here over and over. And thirdly, apparently the military is good at stacking containers to form some sort of a wall and laying concertina wire. What else did they actually do? And apparently they were deployed in the southeastern part of Texas, and the threat moved to San Diego and Tijuana.



Did the military move also to address that threat? All for the record, having asked for that specific information, I would like to turn over my remaining time to the esteemed lady from Oklahoma, Ms. Horn.

[The information referred to can be found in the Appendix on page 72.]

Ms. HORN. Thank you very much, Mr. Garamendi, and thank you, Mr. Secretary and Admiral for being here today. My question focuses back on readiness for a moment, and I am curious as to the Active Duty troops that were deployed, where they were before their deployment and what they were doing before their deployment and what it took to get them down there.

And then the second part of my question is given that we have discussed the historical nature of the National Guard working with DHS and taking the lead on some of these, does the National Guard have the capability to accomplish the same mission—concertina wire and hardening of the border and that sort of thing?

Admiral GILDAY. Congresswoman, your first question was about where these forces were before they actually went down to the border. So they were based in the continental United States and they were ready forces—ready to deploy within 30 days.

And so we always have a reserve of forces that we can draw upon for—you name an emergency that we are going to respond to, or we need to send additional forces to plus-up for a particular mission somewhere in the globe.

And so those forces are trained, certified, manned, trained, and equipped in order to do their specific tasks. And we selected them specifically because we felt that they were best suited based on the inventory of forces that we had, that they were best suited with those skill sets in a timely manner to deploy at the right readiness level and properly trained.

With respect to your second question, which had to do with whether or not Guard has the skill sets for concertina wire, they do and they have in the past, but not in this particular—but not in this particular operation.

Ms. HORN. As a follow-up to that, you mentioned a 30-day turn-around for deployment. What is the difference in turnaround time for deployment between the Active Duty troops that deployed and a National Guard unit being deployable in that time?

Admiral GILDAY. Ma'am, I will have to get back to you with specifics on those corresponding dwell times between both Active and Guard to give you a precise answer.

[The information referred to was not available at the time of printing.]

Ms. HORN. I yield back my time.

The CHAIRMAN. Thank you. Mr. Rogers.

Mr. ROGERS. Thank you, Mr. Chairman. Unfortunately, I am painfully familiar with this topic, I have been on the Homeland Security Committee for 15 years. And while we have talked a lot today about the last 12 to 13 years where we have been repeatedly sending Reserve and Guard and Active Duty troops down there, it has been going on since the Alamo and every decade in between, we have used DOD assets for that mission.

But to get to the chairman's question in the initial part of this hearing, what is it going to take for us to not have to continue this pattern? We are going to have to adequately fund the Department of Homeland Security instead of continually reaching into DOD to subsidize that department.

It has been inadequately funded since its inception by Republican and Democrat administrations. That has to be addressed. So one of the things this President's trying to address, been asking for money for fencing. And I am just astounded by the fact that we continue to act stupid in Congress and fuss over things like \$5.7 billion in fencing and it cost us \$11 billion to shut the government down.

I would like to know, Admiral, do you know how much it has cost for these last deployments that we have had down there, how much it costs the DOD?

Admiral GILDAY. So I can tell you, sir, Active Duty, our projection through the end of this month is \$132 million, and for the National Guard in the last fiscal year was \$103 million, and we project in fiscal year 2019 to be \$448 million.

So it will be about \$550 million overall for the Guard and the—it is difficult to give you an accurate estimate right now on Active Duty just based—as I have described, the requirement is evolving and fluctuating.

Mr. ROGERS. Yeah, and that is just the most recent. I mean, we continue to do this and we have got to adequately fund the Department of Homeland Security, specifically Customs and Border Protection. With that, I yield the balance of my time to General Kelly.

Mr. KELLY. Thank you, Mr. Rogers, for yielding time. Just very quickly, you know, I spent my whole military career as an engineer, and I was what they call a sapper on the Army side. You know, what we do is build obstacles, okay?

And there are many purposes for obstacles and I am sure it is the same way in the Navy. We have turn, fix, disrupt, and block. And I use an analogy, locks don't keep burglars out of your houses or cars. But I do know in my neighborhood last year, there were burglars going through and breaking into all of the cars that were unlocked.

So those locks didn't keep them from getting in a car, but it did slow them down. And barriers or obstacles—I prefer not even barriers—obstacles have different purposes and they move people to where they are.

Do you agree that obstacles never, unless they are covered, unless they were constantly watched, that you can always get by or bypass them, however they do make it easier to where you locate people coming across illegally?

Would you agree with that, Vice Admiral and Mr. Secretary?

Admiral GILDAY. Yes sir, in the abstract, I agree with that. There are a lot of variables that go into wall placement, but I think you are right in the fact that a barrier is ineffective unless you are surveilling it and you can react if it's breached.

Mr. KELLY. And I want to touch just a little bit about whether it's Guard or Active Component, you guys agree that the new policy is that Guard and Reserves and Active Component is a force of one, and they all have operational requirements?

And I want to use my small State of Mississippi, which has about 10,000 members in our Mississippi Army National Guard and about 1,500 in our Air Guard, but currently, we have one company, Charlie Company, First Battalion, 114th Aviation that is on the border supporting this mission and doing great work down there.

That being said, we have a BCT [brigade combat team] doing Operation Spartan Shield in Kuwait, Jordan, other places, so that is about 4,500 of our 10,000 Army soldiers. We have the 184th ESC [Expeditionary Sustainment Command], which is also a headquarters which is in Kuwait right now doing logistics.

We have State missions, we have these little things called hurricanes that we have to respond to, we have all these forces deployed as part of the Active force, as part of the rotational forces we have to defend our missions. Is that a reason to use maybe sometimes Active Duty forces when Guard forces can do the same thing, Admiral?

Admiral GILDAY. Yes, sir. As you said initially, it is one force; who's best suited for the task? And as I mentioned earlier, the Guard has sustainability issues as well that we can't just wish away just like the Active side does.

And so I think it is a balanced approach in terms of how we use—how we put those people to best use.

Mr. KELLY. And thank you for that.

I yield back, Mr. Chairman.

The CHAIRMAN. Thank you. Mr. Norcross.

Mr. NORCROSS. Thank you, Chairman.

Planning. Nobody can guess what the President's going to do, but we have some indications what he might do. Have you taken into account, outside of the personnel, the cost for construction of a barrier different than the wire and fence that you are presently working on? If you were to do the 230 miles.

Admiral GILDAY. Sir—maybe you should take this one.

Secretary ROOD. Well, as you mentioned, Congressman, a national emergency declaration has not been issued by the President. And if it were, there are other legal requirements that we have done prudent—pre-planning to understand the law and our obligations under it.

And depending on what the Department of Homeland Security, CBP would identify and how those requests would be met, that would determine the type of wall and the cost—

Mr. NORCROSS. So you are not looking at any scenarios right now at all? There's no pre-planning—

Secretary ROOD. We are merely—

Mr. NORCROSS [continuing]. Whether you are going to put a concrete barrier or some steel up or some wire?

Secretary ROOD. Yes. It would depend on the circumstances that we would reach at that moment. And obviously, we have done prudent pre-planning. I have seen, as you have, the statements the President has made regarding the possibility of a national emergency. So we have looked into how that would operate.

Mr. NORCROSS. So what are your ranges of cost estimates?

Secretary ROOD. Again, it—there is no—after the President were to declare a national emergency—

Mr. NORCROSS [continuing]. We understand the process. But—  
Secretary ROOD. But—but with—

Mr. NORCROSS [continuing]. You have to look down the road and anticipate. We could put a full barrier up, a 35-foot wall. We could put wire. You are not going to wait until that phone call comes to start planning. That is one thing that you do well.

Secretary ROOD. Within such a declaration, a national emergency would be the citation of the authorities under which it is done. We have limited authorities. Depending on what those authorities are, sir, it would define how much money was available. And we would obviously work with the Department of Homeland Security to get their latest prioritized listing.

And from all those factors—land availability, cost of land, other things, would come into play if you were talking about a barrier construction or even the placement of wire. Those are considerations that would need to be reached at that point.

Mr. NORCROSS. So no pre-planning in terms of cost and personnel, or what it would take to do the job that is taking place until you get that declaration?

Secretary ROOD. We would have—in that circumstance, we have not made any decisions nor formalized what those would be. But obviously, depending on what the type of barrier the Army Corps of Engineers in the barrier case would be asked to do, they have been looking at different types of construction.

Mr. NORCROSS. Is this the most cost-effective way of putting up a barrier?

Secretary ROOD. Sir, we would respond to what the Department of Homeland Security and the CBP identified in that area. The Army Corps of Engineers has done construction, parts of the 654 miles of barrier on the southern border, over our history. And those things vary, given the circumstances at the time.

Mr. NORCROSS. I yield back. Thank you.

The CHAIRMAN. Thank you. Mr. Conaway. Is that correct? I don't think he is here. He is not here.

Mr. Lamborn.

Mr. LAMBORN. Thank you, Mr. Chairman.

Thank you both for being here. And I was on the border a week ago today, in the Brownsville, McAllen area. And talking to the people there, they have a very good plan of what they would like to do if they were given more assets, more money, more resources.

So my first hope is that we as a Congress will give Homeland Security more of what they need. And that they have a well-defined plan of how they could put that to use.

But if that doesn't happen, the President will have the choice he will have to make, of declaring a national emergency and then using money from somewhere to build some kind of barrier.

And my hope—Mr. Rood, I am going to direct this to you. And maybe this is a little speculative and you can't give me a definitive and final answer, but my hope would be that emergency money for that purpose would come out of emergency money from another purpose, and we would have to replenish that later; like disaster relief.

I mean, I would hate to see that happen. But that would be the best possible alternative I can think of, especially compared to tak-

ing money from military construction. Because those projects have been in the pipeline for years and years, and that would be disruptive.

So my hope would be it would be emergency to emergency. Do you have any thoughts on those lines, Mr. Rood?

Secretary ROOD. Well, Congressman, of course at this stage the President has not chosen to declare a national emergency. And if he were to do so, then the Secretary of Defense, the next step in the process would need to determine that undertaking military construction projects.

Assuming that that was the authority authorized by the President in his declaration, then the Secretary of Defense would then need to make a determination that, by undertaking these military construction projects, that that was necessary to support the use of the Armed Forces. And then we would flow from there.

There are only limited authorities available to the Defense Department if directed by the President or if authorized, I should say, to pursue them. And he would identify, in his declaration, what those authorities were.

Mr. LAMBORN. Okay, thank you. And I will just reiterate. My hope is that Congress does the right thing, and we authorize money and not—we don't have to go down that road at all.

General Gilday, I would like to ask you a question. And you have already done a good job of explaining the benefits that accrue when these missions are being performed, to the people doing those missions.

And you talked about facilities, troops, engineering, medical, and rotary wing. When it comes to readiness, we have talked about construction but we also talked about training. That is the other component.

We have used our troops in a variety of worldwide humanitarian missions: Ebola outbreak in Africa, tsunamis, earthquake relief, and others. And there is a humanitarian component to the southern border crisis, as well as a national security component.

When our medical troops, for instance, are helping Homeland Security on the border, are they gaining experience that helps them? Or if they were doing a humanitarian mission in Africa, does that help them in their professional and military careers?

Admiral GILDAY. Yes, sir. As I mentioned earlier, I think with each of the skill sets, it varies a bit. The example I gave with medical, so they are doing follow-on screenings after CBP does their initial medical screening.

So most of those referrals are routine elements and so I could make the argument that if I deployed those same people overseas to Afghanistan, that they might receive a higher level of training.

But I think that we have placed a high degree of importance on the work that they are doing on the border. They know it is important work. They know it must be done.

I do think that—again, to answer your question, I do think there's varying degrees, to be honest with you, on how much training value that you receive from each particular mission, some more than others.

Mr. LAMBORN. Thank you.

Mr. Chairman, I yield back.

The CHAIRMAN. Mr. Carbajal.

Mr. CARBAJAL. Thank you, Mr. Chairman.

During Operation Desert Storm and after 9/11, Presidents invoked the National Emergencies Act, NEA, twice, citing the emergency military construction authority. According to the Department of Defense records, the Department funded 18 projects.

I am looking at these projects right now; airfield runways, medical facilities, barracks, security measures for weapons of mass destruction, et cetera, et cetera, to name a few. All of those projects were determined as necessary to support the Armed Forces in the declared emergency, which makes sense.

You need a runway for aircraft to land, places for service members to live and receive health care. Admiral Gilday, how is the border wall necessary to support the use of Armed Forces and what authorities would be needed to make that determination?

Admiral GILDAY. Sir, that is a hypothetical. I—

Mr. CARBAJAL. You can give me a hypothetical answer.

Admiral GILDAY. I will give you a hypothetical answer if that is okay.

So the President has a range of different authorities that he can invoke. And each of those authorities are tied to laws that have specific requirements that would dictate how that money—that would dictate the determination of the calculus that the Department would go through to determine whether or not you could justify using those funds to build a barrier.

Mr. CARBAJAL. Do you know what those authorities are?

Admiral GILDAY. Broadly I know what they are, sir, I have not looked at them in detail because I am not an engineer. But I know that there are specific authorities that, as you have stated, we would have to show that DOD benefits.

You know, whether the argument would be that we no longer have to deploy 5,900 people to the wall, we would have to take a look at that more deeply to see if that is a justifiable, you know, cause-effect.

Mr. CARBAJAL. Thank you.

Admiral GILDAY. Yeah.

Mr. CARBAJAL. How is the Department determining which military construction projects can be scrapped in order to fund the wall? I am sure you are looking at that now in light of the rhetoric and the discussion that is ensuing.

Which projects would be scrapped?

Secretary ROOD. Congressman, of course, the President would need to invoke a national emergency and cite the use of section 2808 of title 10, which is the military construction provision, to authorize such an activity. The President's not, of course, chosen to do so; therefore, we have only done preliminary, prudent pre-planning, we have not developed a specific list of military construction projects because the President hasn't taken that step.

Mr. CARBAJAL. Thank you. Last year, I received a call from some of my constituents who had to endure living on base in housing environments with their families, that they are expected to live—at Fort Benning, Georgia, to be exact.

I specifically sent a letter to Secretary Mattis regarding this constituent call and the serious concerns raised. This family lived on

base for about 5 years, and because of the children being exposed to high levels of lead, they are now dealing with health-related disabilities and other symptoms.

Funds are required to address these deteriorating living conditions but now there is a chance that we will neglect service members again. This time it will be for, again, a needless wall. Could any of these obligated funds for MILCON and family housing be used to improve the living conditions for service members and their families?

Secretary ROOD. Congressman, again, the—this would be a hypothetical situation that the President has not chosen to invoke a national emergency and authorize the use of section 2808 military construction funds. So we at the Defense Department are not making trades with those funds at this time.

Mr. CARBAJAL. But will you agree, if you had to take funding from existing DOD priorities, it would leave some of those priorities without funding?

Secretary ROOD. The—if—

Mr. CARBAJAL [continuing]. Or is there enough funding surplus right now available for the wall?

Secretary ROOD. Any use of military construction funds for purpose B instead of purpose A it would obviously come from one source to another, sir.

Mr. CARBAJAL. Thank you. I touch on this because I also have Camp Roberts in my district, and I am informed there is an important road for really important training and facilities that exists on this base. And currently, that road cannot be traversed. And again, these funds that would go towards a wall would be taken away from being able to rehabilitate that road. So—

The CHAIRMAN. The gentleman's time has expired.

Mr. CARBAJAL. Thank you very much, I yield my time back.

The CHAIRMAN. Thank you.

Mr. Wittman.

Mr. WITTMAN. Thank you, Mr. Chairman.

Secretary Rood, Vice Admiral Gilday, thanks so much for joining us. Up here in the corner. There we go.

Secretary Rood, I just wanted to ask one simple question, just yes or no. Are the troops that are currently deployed along with our Customs and Border Patrol agents, are they a help in helping the Customs and Border Patrol agents achieve the counter-narcotics missions that they have been charged with? And do the troops and their capabilities also help the Customs and Border Patrol agents in stymieing the flow of narcotics into the United States?

Secretary ROOD. Yes.

Mr. WITTMAN. Very good. Thank you, Mr. Secretary.

I am going to now yield the balance of my time to Mr. Mitchell.

Mr. MITCHELL. Thank you, Mr. Wittman, I appreciate that.

Secretary Rood or Vice Admiral, a question for you. First, let's start with—let's not deal with hypotheticals, which some of my colleagues want to talk about, if-then.

We are here at this moment of time talking about this because we failed to provide adequate resources to DHS to deal with their

own mission, their own challenges. So we are now having to assist those—supplement those resources.

Can either of you tell me, of the approximately \$500 million we are talking about estimated for the year, what percentage of those needs DHS could address themselves if properly funded?

Secretary ROOD. Well, certainly the Department of Homeland Security, CBP looks, as we understand it, within their own resources and authorities first before asking for augmentation or supplemental—

Mr. MITCHELL. Can you talk a little louder, sir? I am sorry.

Secretary ROOD. Certainly the DHS, CBP looks within their own resources—as we understand it from them—before asking for supplementation or augmentation from the DOD. And so the specialized skills—there are some specialized skills we bring to the table, but in other cases if they possess those capabilities at DHS and CBP, they could do it themselves.

Mr. MITCHELL. I appreciate the general response. Let us try, Vice Admiral, what percentage of the overall is actually military-specific versus a lack of resources at DHS, sir?

Admiral GILDAY. So to answer your question, sir, none of the capabilities that we are providing are combat capabilities, it is not a war zone along the border. And so all the, you know, I talked about aviation, I talked about paralegals, mechanics, facilities, medical, concertina wire, none of that is a unique military skill set.

Mr. MITCHELL. So the reality is we are sitting here today discussing this because we failed to adequately deal with a comprehensive solution to our southern border. So now, we are trying to basically put our finger in the holes until Congress does its job.

Would you disagree with that, Vice Admiral?

Admiral GILDAY. Sir, if I took that same argument and said that we need to use DOD to respond to a hurricane. There are certain situations where, you know, one of our primary missions is defense support to civil authorities. And so I think that one is a tricky one to answer.

Mr. MITCHELL. Thank you.

Mr. Chair, I will yield back. Thank you very much.

The CHAIRMAN. Thank you. I do want to make a quick note on the budget. The President made his budget request for the Department of Homeland Security in February of 2018. Congress fully met that request, both the Senate and the House. So what whatever crisis occurred to him in the months that followed, it was not at the top of his mind in February of 2018.

That was the budget request and we fully funded it. This is not a question for you, gentlemen, this is just, you know, to make the point. We are hearing now from the—I mean, gosh, if we just gave more money to the Department of Homeland Security, this wouldn't be a problem.

And, you know, it's odd for me to be making this point, you know, with the fiscal conservatives on the other side of the aisle, we are \$22 trillion in debt. Our deficit is going to be \$1 trillion this year. We just cut taxes by somewhere in the neighborhood of \$2 trillion.

On this committee, we hear repeatedly about all the areas of the Department of Defense that have gone underfunded. We don't



have—well, I was going to say, we can't print money. We can, in fact, print money. But there's a downside to that, as I think all of the Republicans would acknowledge.

So where are you going to find all this extra money, you know, for the Department of Homeland Security sort of implied, well, so just get more money. We also have a few other needs in the country that have gone unmet. We have a \$600 billion infrastructure deficit by most estimates, to the point where water is poisoned and bridges are collapsing in the United States of America.

So we have to make budget choices. And I will also point out that go back to 2005 and to now, we have quadrupled the number of Border Patrol agents, we have built 700 miles of wall, we have drones and sensors, we have massively increased the amount of money that we have spent on border security.

So I am not sure the solution here is just spend more money so that way we don't have to steal it from the Department of Defense. We have got to make a budget that works for all of us. And this is going to be something we are going to wrestle with once we try to get our budget in place for this year, because there are a lot of DOD needs.

The discretionary budget, a little over \$1 trillion, okay? And Department of Homeland Security is part of that. We, at DOD, are like 55 percent of that. So before you get too excited about giving more money to DHS, you have got to find it somewhere. You know, if we can find it somewhere, I am wide open to the discussion. But we have to make choices.

Mr. Thornberry.

Mr. THORNBERRY. Thank you, Mr. Chairman.

I will avoid getting into the broader budget issues, which obviously affect a whole variety of things. I would simply point out that with DOD, Homeland Security, or any of the agencies, they have to formulate their budget months in advance of it even coming to us.

One of the things that changed is that now we have thousands and tens of thousands of migrants who are coming in caravans which we have not seen before. And I think members, if they look at the statistics which are provided by the Department of Homeland Security, the days when we had a greater number of people, but most of them were from Mexico and you could simply put them back across the border, are very different from these large family groups, 10,000, 12,000 people coming. So yes, it changed the requirements.

And as we have been talking, if anything, we have to be more flexible to respond to changing circumstances. I think that is what the President is trying to do. I would prefer he not have to resort to DOD to make up for gaps in Department of Homeland Security funding. But I do think it is important to acknowledge that things change and our government has to respond.

The CHAIRMAN. And that is very true. And we would be in a better position to respond if we weren't \$22 trillion in debt. So the more resources you have the more flexibility you have. And we face some very difficult choices no matter how the circumstances come down to us.

Mr. Keating.

Mr. KEATING. Thank you, Mr. Chairman. I am glad the discussion has taken this turn.

Mr. Rood, my understanding is that you are familiar with the 2018 National Defense Strategy because you helped write that. Is that correct?

Secretary ROOD. I didn't help write it, sir, I came in afterwards. But I have been helping implement it.

Mr. KEATING. You are familiar with the contents?

Secretary ROOD. Yes, sir. Yes, sir.

Mr. KEATING. What, in your opinion—just in a sentence or so—what is the use of that document? What is the importance of that for utilization purposes?

Secretary ROOD. Yes, to guide the activities of the Defense Department and others and prioritize our efforts.

Mr. KEATING. Yes, I would suggest too that it is also an important document as well when we are looking at the overall strategic priorities. It is an important budget document as well for this committee and for Congress, because that is what we look towards to do the, you know, fiscal year 2019 to fiscal year 2023 budget requests.

So although things do change quickly, when I heard the admiral say that, you know, it is hard to get priorities, when you were asked that question about our activities in the southern border versus what is in that defense strategy document, or we have to be creative.

That creates problems for us doing our job and using that. For instance, Mr. Rood, in that, that whole document, was the term southern border ever—those words ever in that document?

Secretary ROOD. I don't recall that in the unclassified version, sir.

Mr. KEATING. Was the word caravan ever used?

Secretary ROOD. Not that I can recall.

Mr. KEATING. So here is our dilemma, as a committee and a Congress, we have to have priorities. Money is finite. And we have to make decisions on funding.

So I think this is an important hearing as a discussion point to go from going forward because things aren't in sync in terms of the way I view them. We have to make those decisions. We have to assess priorities. This committee has a history—this Congress has history of really relying on our defense and our military to tell us what those priorities are so we can fund them.

I think we are at a point where I am hearing terms, you know, just hard to give priorities, everything is important, things that aren't even mentioned in the strategic document we are supposed to use to make those priorities are now coming to the forefront and they are being said there is crisis surrounding those things.

But the two things have to get in sync. And I think instead of a question, you might want to comment, how can this committee best function? Because we can't function giving those resources going forward, when we have to take a turn and look at different views, quote/unquote, or we have to be creative.

Those things really make our job next to impossible. Could you comment on that?

Secretary ROOD. Sure, I will—Congressman, I would say—commend your knowledge and the way that you are following the National Defense Strategy. That is our guidepost in the Defense Department. We are trying to live that life to make that vision of what we are saying.

And there are some hard choices that are described in that document, in setting out that vision for the future. And some of it is an uncomfortable reality that we as a Nation need to confront.

With respect to support to civil authorities, I would say those kinds of requests—and we do not lack the ability to prioritize our resources and I think you will see in the coming budget that we have made a major effort to try to track along the lines of the National Defense Strategy.

With respect to support to civil authorities, of course, this is a longstanding activity the Department of Defense has done. And it is not just limited to the southern border. I mean, for example, this coming weekend at the Super Bowl, the Defense Department will provide assets in support of civil authorities. When the U.N. General Assembly meets in the summertime in New York or in September, we will also provide support to civil authorities for that type of activity. And there is a range of others. Fires, floods, et cetera.

Mr. KEATING. I would just say this. That although—

Secretary ROOD. Yes.

Mr. KEATING [continuing]. Parenthetically I have a great deal of confidence in the defense of the New England Patriots, I also want to say this, that has been traditionally done.

But I see a difference in scope that is occurring with the discussions we are having now with the southern border and the effect of that on our readiness, on those five central areas of threat—China, Russia, North Korea and Iran, and terrorist groups.

And that document that is our—I think our guidepost, going forward, the things that all of a sudden are getting so much more, you know, resources drawn to them aren't contained in that.

And I will just say this because my time is out. That we have to do a better job if we are going to act in a bipartisan way, listening to our military and defense, to have a clearer, more accountable and a more timely demonstration of what these priorities are.

I yield back, Mr. Chair.

The CHAIRMAN. Thank you.

Ms. Hartzler.

Mrs. HARTZLER. Thank you, Mr. Chairman.

And thank you, gentlemen, for your role in keeping our Nation safe from threats, both foreign and nearby.

And Admiral, you said that it is not a war zone down there. I would just like to pause a little bit on that because I had an opportunity to go in October to the border. And I came away with the impression that we are at war. And it is with the drug cartels.

As I spent time with the Border Patrol agents, and we could actually see the scouts on the other side of the border, and they talked about how we are outmanned and out-funded, in many ways, and how they are taking advantage of so many people in this process. And people are dying.

Last year, we lost 72,000 people to drug overdoses, 72,000. That is more people than died during the entirety of the Vietnam war. And so we have a mission to protect people's lives, including to counter the drug crisis.

And the drugs are flowing across our border. Our agents are doing a wonderful job. They are finding a lot of drugs, and that is what people talk about, we are finding drugs at the port of entry. And I champion that.

But I also know there are a lot of drugs that are making it across that we are not catching, and they are ending up in Missouri. And they are ending up in my families that I have talked to, there are parents whose child has died of a heroin overdose.

That is why we have got to counter this. The Missouri National Guard was deployed there last summer. They did an amazing job. They had two UH-72 crews. During the 6 months they were there, they had 470 apprehensions and they got 1,986 pounds of marijuana that was seized. I thank God for what they are doing, that that didn't end up in our country.

But they are doing an amazing job. And Congress has actually given the DOD the ability to provide military support to law enforcement agencies, specifically for countering the counterdrug purposes; section 284 of title 10 of the United States Code authorizes the DOD to provide support to counterdrug activities to control the transnational organized crime.

The law clearly identifies various activities that DOD is authorized to conduct, including the construction of road and construction of fences, light installation among smuggling quarters, aerial and ground reconnaissance, transportation.

So I guess, two questions I would like to focus on. How long has the Department of Defense been providing support to counterdrug operations at the border? And can you please provide specific examples of how DOD is carrying out the authorities authorized by Congress?

Secretary ROOD. Congresswoman, we have, at the Department, provided support to counterdrug missions at the Department of Homeland Security and, indeed, other civilian agencies, for a very long time, for decades. That support continues.

As you correctly point out, section 284 of title 10 does provide the Secretary of Defense the authority in performance of that counterdrug mission, such as blocking drug-smuggling corridors, to erect barriers, fencing, provide road construction, things of that nature, to aid in that counternarcotics mission.

Mrs. HARTZLER. So you are saying that Congress has authorized the Department of Defense to build a fence to counter drugs?

Secretary ROOD. If it meets the—

Mrs. HARTZLER. That is already law?

Secretary ROOD. Yes, that is right. If it meets that criteria in section 284, yes, ma'am.

Mrs. HARTZLER. Okay. How many miles of fence have been built, to date, under this authority?

Secretary ROOD. I will have to take, for the record, the specific amount of fencing built under that authority. Now, of course, there are 654 miles of barrier at the southern border today.

[The information referred to was not available at the time of printing.]

Mrs. HARTZLER. Right. And I think that it is very clear, we have already given, then, the authority to do this. And we do have a very critical mission to keep people safe and to make sure that people don't die as a result of these transnational drug cartel activity. And currently, they are.

So it is imperative for us to find a solution. And I am very hopeful that in the next 3 weeks, we will come together in a bipartisan fashion to address this security issue as well as the humanitarian issue that Ranking Member Thornberry mentioned.

Because we have a 42 percent increase in number of family units, and we have 60,000 unaccompanied children that were caught last year, 60,000. I am a former teacher and a mom. This is a humanitarian crisis. We had two children die.

As long as there is this incentive with an open border, the drug cartels are going to continue to take advantage of women and children, and people are going to die. So thank you for what you are doing.

I yield back.

The CHAIRMAN. Mr. Kim.

Mr. KIM. Hi. Thank you, Mr. Chairman.

Thank you so much. Good morning, Secretary Rood, and good morning, Admiral Gilday. I wanted to build off of a question that the chairman asked earlier about the process of review for the DHS request.

Now, when we are dealing with crises and emergencies, our Nation has a process put in place with the National Security Council, convening our national security agencies to be able to discuss and evaluate those considerations in how we respond to these types of emergencies.

I worked at the National Security Council through a number of different crises and emergencies, and I saw how that collective process was important. It was something that strengthened our response, making sure that we are getting interagency buy-in and equities to consider these different efforts.

So I wanted to ask, with the decision last October with the deployment of Active Duty in response to the crisis that you were talking about, what interagency process, what national security process at the NSC [National Security Council] was conducted? Was there NSC meetings? Were there principal meetings, deputy meetings that were pushing for that decision, reviewing the DHS process and informing the DOD's response to this?

Secretary ROOD. Congressman, there were a series of meetings that were convened by the White House to review and coordinate the roles of different departments and agencies that included the National Security Council, as you mentioned.

At times, those are done pursuant to the National Security Council's activities. At other times, more on the domestic policy council side of the ledger. And so there were quite a few of those meetings and they continue to be an ongoing process.

You are exactly right that it is critical to coordinate those various activities, because in this particular case, the Defense Department

is not the lead agency, we are providing support and augmentation to the Department of Homeland Security.

Mr. KIM. So prior to DOD's decision to move forward to fulfill the request by DHS, there was a Principals Committee, a National Security Council meeting convened that moved forward with those conclusions that informed DOD's response?

Secretary ROOD. There were meetings typically chaired by other members in the White House staff to convene that included members of the National Security Council staff in them. With reviewing the exact deployment of Active Duty forces, obviously that was a Defense Department decision about how to source the request for assistance from the Department of Homeland Security.

Mr. KIM. Who were the White House officials that would chair in the meetings that were reviewing this particular request during that time period?

Secretary ROOD. We would have to get you the specifics, but certainly there were any number of those meetings that were held, including with the White House Deputy Chief of Staff convening some of those, as well as others such as, as I mentioned, with the participation of the Homeland Security Advisor and the National Security Council staff.

Mr. KIM. Great. Well I appreciate that. It is incredibly important that we follow up, so I would like to hear some greater detail on what meetings were happening and to whatever extent you can share that, because these processes that are put in place are there for our Nation's protection.

This process put through the National Security Act put in place something to make sure we have that constant deliberation and we have a certain amount of set standards by which we approach every emergency and crisis, whether domestic or foreign.

And these are the types of staffs that understand why it is we have a Situation Room in the White House that allows us to gather and check politics at the door and make sure that we focus in on approaching these with the best security in mind for the American people.

So that is why I asked those questions. Thank you, I yield back my time.

The CHAIRMAN. Thank you. Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman. I know the Chair mentioned that the 2018 DHS budget was funded and to be honest with you, I remember very little discussion about the budget.

I think it was just accepted and it was done, and I would just point out to the other members that in the fiscal year 2018 budget, there was \$1.375 billion for border wall construction, \$251 million in San Diego, \$445 million for the Rio Grande Valley, \$196 million again for the Rio Grande Valley, \$445 million for San Diego, El Centro, Yuma and Tucson, 84 miles in all.

The President has now requested funding for an additional 215 miles, a significant portion of which is the completion of the border wall in those very areas where it was started under the 2018 appropriations, where there was little if any discussion, certainly no discussion about it being immoral to do such a thing.

I want to follow up on what my colleague Ms. Hartzler said and the Congresslady from Virginia, Ms. Luria. I believe the point she

was getting at—and I want to encourage my colleagues, I don't pretend to tell anybody on this committee what to do, but I would suggest a CODEL [congressional delegation] down to SOUTHCOM to discuss JIATF South and the things that go on down there and what can be done to stop the flow of drugs in the United States is well worthwhile and would be worth the committee actually having a hearing on.

But if I may, reading from a report from Latin America, from—forgive me, I don't have the name of who did this. As of 2016, 43 of the 50 most homicidal cities in the planet were located in Latin America. Is that consistent with your beliefs, gentlemen?

Secretary ROOD. Sir, I confess I am not familiar with the particular statistic you are citing, but obviously there are a number of cities in Latin America that do experience a high rate of homicide.

Mr. SCOTT. At least 17 of the top 20 countries in the world with regard to homicide rates are located in Central America. I think one thing that most of us would agree on—and that is from a report from the Igarapé Institute.

I think one of the things most of us in this committee would agree on is that the vast majority of that violence is the end result of the trafficking of drugs and the money that comes from drugs through the cartels in those regions and countries of the world. Do you believe that is a fair statement?

Secretary ROOD. Yes, sir.

Mr. SCOTT. Admiral, with regard to SOUTHCOM and JIATF South, if you talk to any of the leadership down there, they will tell you that on a regular basis, that they know where the drugs are—we knew exactly where they were at some point in the event, but didn't have the assets to go after them.

Is that a fair statement from what you hear from your colleagues, Admiral Tidd, or—

Admiral GILDAY. Yes, sir. SOUTHCOM is never satisfied with the amount of resources they have for the enormous responsibility they have with respect to counter-narcotics.

Mr. SCOTT. So since September the 11th, my understanding and certainly numbers vary a little bit, but somewhere around 10,000 Americans have lost their lives, civilian and military, in what we call the global war on terror.

Is that pretty close to an accurate number?

Secretary ROOD. I—

Mr. SCOTT. 3,000 on September 11th.

Secretary ROOD. I think that is about right, sir.

Mr. SCOTT. We lose 5,000 Americans every month to drug overdoses, more so today than just a few years ago. It is growing, quite honestly, exponentially. It is baffling to me that we give SOUTHCOM the leftovers when these acts of terrorism in our backyard are coming from the western hemisphere, they are in the western hemisphere.

And we spend virtually nothing on SOUTHCOM. JIATF South, \$435.5 million, less than 1.5 percent of the U.S. counter-narcotics budget that resulted in greater than 76 percent of the interdictions of drugs coming into the United States.

Mr. Chairman, my time is about to expire but I do hope that the committee will pursue the funding of SOUTHCOM and JIATF

South and the role that they play in the war on the drugs coming into this country and what our help through that means can do with regard to bringing stability in Central and South America.

The CHAIRMAN. Thank you, Mr. Scott. I think it is a very important point, we are going to have the SOUTHCOM Commander testify at our normal hearing as we get ready for our budget. I think that is enormously important as we look at those needs.

And I will point out we do spend a lot of money in this country on combating drugs coming into this country, prosecuting those that distribute them. I would suggest that there are a couple other areas if we are dealing with the drug problem. Number one, it is much more of a demand problem than it is a supply problem. We have spent a lot of money trying to cut it off, we have sent a lot of people to jail.

We have to figure out how to get Americans to stop demanding so many drugs and a huge part of that is making treatment available. I know in my own State there are people who want treatment for various drug addictions who cannot get it because they either don't have—there aren't simply any beds, any people available to provide it or they don't have the healthcare dollars to pay for it. And if you ask any expert who has studied the drug problem which is more important to stopping it, supply or demand, every single one of them will say demand.

As long as there is the unbelievable demand for drugs they will find some way to get in here, no matter how many people we arrest, no matter how many walls we build. We got to do it. I don't disagree with that. And we have. But let us understand the totality of the problem and also the finite resources that we have talked about earlier.

Mr. Cisneros, you are recognized for 5 minutes.

Mr. CISNEROS. Thank you, Mr. Chairman. Thank you Mr. Secretary, thank you, Admiral, for being here today. I will keep my questions short and brief, but we know DHS requested DOD to improve 37 miles of the Barry Goldwater Range, 37 miles of barrier fencing there at an estimated cost of \$450 million.

We also know the Navy took \$7.5 million of its operational and maintenance budget in order to start that. We also know, as previously was stated, that construction—the military backlog of construction—there is a backlog of military construction. So my question is what maintenance had to be deferred or delayed or canceled because of that transfer of maintenance money to this barrier wall?

And going forward, what construction is going to have to be canceled or future maintenance is going to have to be delayed or canceled because of the money going to improve this 37 miles of barrier wall?

Secretary ROOD. Congressman, as you point out, along the Barry Goldwater Range, which is an active bombing range, there was a request from the Department of Homeland Security to examine a larger barrier there.

We have not performed military construction funds for that. The Navy, as you point out, used \$7.5 million to conduct planning in the event that a decision is made to erect such a barrier, but that decision to use a construction funds has not yet occurred. Now, that came from the operations and maintenance accounts and those are



broad accounts in which we draw from to support the operations of the Defense Department, sir.

Mr. CISNEROS. Yes, but being a former Navy supply officer, I know how hard commands fight for that money and they want that money. And I know how devastating it could be when that money's taken away. And I am sure a commanding officer could have used that money, that he is saying that now my readiness has been delayed because it's been taken away. But I mean do we have a list of any deferred or canceled maintenance that had to be stopped because this money has been transferred?

Secretary ROOD. Congressman, I will have to take that for the record and see if there are any specific lists that we could provide.

[The information referred to was not available at the time of printing.]

Mr. CISNEROS. Okay. And secondly, I know we—again, we talked about the military construction and if the President enacts his powers in order to declare an emergency and where that money would come from.

Now I know you can't answer a hypothetical question—or you don't want to answer a hypothetical question, but will you commit to providing a list to the committee in the event that authority by the President is triggered, including the specific impact on military readiness and the requirements of each project that is identified for cancellation or deferral if the President in fact does declare an emergency in order to build his wall?

Secretary ROOD. Congressman, again, the President has not made such a declaration at this point. And then, depending on which part of the law that he would authorize DOD to act pursuant to, then that would guide us down another path that we would have to meet the requirements of that law.

So it may not involve military construction, depending on should the President invoke such authority and then what authority he should cite in that declaration. And so it would be premature, since we don't possess such a list at this point, to provide that to you.

Mr. CISNEROS. I understand but what I am asking simply in this situation is if that situation does occur, will you provide a list to this committee telling us what construction is being canceled?

Secretary ROOD. We would certainly operate in accordance with the law. I think here we are not yet at the stage where we would reach such a question, sir. And so we would obviously keep the committee informed about our activities. But consistent with the requirements in whichever applicable law was conducted—and depending on which authority the President cited, there are different requirements that apply, as you are aware, I am sure.

Mr. CISNEROS. I defer my time back.

The CHAIRMAN. Thank you. Mr. Brooks.

Mr. BROOKS. Thank you, Mr. Chairman. 9/11, as we all know, resulted in the deaths of roughly 3,000 Americans in New York, Pennsylvania, and Virginia and the Washington, DC, area. And the net effect of the loss of those 3,000 lives was to invade Iraq and Afghanistan at cost of trillions of dollars and many thousands of lost lives by military personnel and civilian support personnel.

In contrast, illegal aliens cause roughly 2,000 homicides on American soil per year. At least over 2,000 illegal aliens were ap-

prehended by Federal law enforcement officers in fiscal year 2018, for homicides. And as was mentioned earlier by Congresswoman Hartzler and Congressman Scott, drug overdoses cost roughly 70,000 American lives per year and the evidence is overwhelming that a substantial portion of the drugs, those poisons that caused the loss of American lives, come across our southern border illegally.

In terms of lost American lives, then, our poor southern border combined with the homicides of illegal aliens far exceeds the loss of life caused by 9/11. With that as a backdrop, I want to direct your attention to 10 United States Code 284, which authorizes President Trump to deploy the military to the southern border to build fences and to do a lot of other things. And for clarity, if you look it up in the dictionary, the word fence includes the word barrier and the word barrier includes walls made of a variety of different materials.

So that having been said, it seems to me that 10 U.S. Code 284 can be used by the President of the United States to direct the United States military to build a wall. Now as of today—you have mentioned military forces along the southern border. Have any of them been deployed pursuant to 10 U.S.C. 284?

Secretary ROOD. Congressman, I don't believe any of our forces have been deployed pursuant to 10 U.S.C. 284. You are correct, however, that that use of authority would authorize the Secretary of Defense to erect barriers, roads, fencing, those type of materials to disrupt drug smuggling.

Mr. BROOKS. Does 10 U.S.—excuse me, 10 U.S.C. 284, as you understand it, require the declaration of a national emergency before it is implemented?

Secretary ROOD. No.

Mr. BROOKS. It does not?

Secretary ROOD. No.

Mr. BROOKS. Has President Trump, to your knowledge, ever used 10 U.S.C. 284 to direct the military to build the wall that is necessary for border security?

Secretary ROOD. No, not to my knowledge, Congressman.

Mr. BROOKS. If President Trump were to direct the Pentagon, United States military pursuant to 10 U.S.C. 284, to build such barriers as are necessary to secure our southern border from drug trafficking and international crime cartels, would the United States military obey that order?

Secretary ROOD. If we judge it to be a lawful order, yes, sir. And I assume it would be.

Mr. BROOKS. Thank you, I appreciate your responses and, Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. Thank you. Ms. Houlahan.

Ms. HOULAHAN. Gentlemen, thank you so much for your time. Mr. Rood and Admiral Gilday, I am a new Member of Congress and newly put on the Readiness Subcommittee, and so most of my questions will have to do with the readiness aspect of this.

And I understand for years that the Department has been briefing Congress on the concerns of readiness on our Armed Forces, and so to that end I would love it if you could—if you are able to talk us through a couple of the major units that are deployed at

the border, what their mission is. And if you could tell us what they would be doing if they weren't on the border right now, normally?

Admiral GILDAY. That is a good question. So we have engineering battalions who, right now, are—and that is actually a joint project with both Army engineers and Air Force welders, we are actually welding concertina wire above the wall in sections of Arizona and California.

Those particular units would not probably be doing that if they weren't deployed to the southern border. I am not sure where they were in the readiness cycle when they were deployed, but I can look up that information and try to give you a sense.

With respect to readiness, I will honestly say that some units either have or will miss company level training opportunities based on the deployment. But because we are limiting the deployments to fairly short periods of time, we believe that in every one of those cases we can recover from that.

Ms. HOULAHAN. So if it would be all right to ask for the record if we could have a list of all of the units that are deployed and also their DRRS [Defense Readiness Reporting System] reports from before and after the deployment so that we could understand from a quantitative perspective how the readiness has been effected if it has been positively or negatively.

[The information referred to can be found in the Appendix on page 74.]

My second question is for either of you all. And I understand in reading your preparation material that in some cases small portions and in some cases individuals are being deployed from their units separate from their units.

And we know the units have a finite period at home to train for their next deployment. Are we hurting their home unit training or readiness, are we impeding or impairing individuals' career abilities by deploying in this way?

Admiral GILDAY. I don't think it is a significant impact. Based on the short duration in time that we are deploying them, we have tried to, whenever possible, deploy our personnel as units instead of deploying them individually, because that is how they were trained and certified.

And so we are trying to maintain that construct so we get the most out of that deployment forward down to the border. There is a cost with respect to dwell time and we do deploy them, we have to recover that.

And so there is no way around that, but again, we have tried to minimize the time away to minimize that recovery.

Ms. HOULAHAN. So it is definitely clear in the preparation materials that I read that there were some individuals and very small groups of people that have been deployed. And so I would like to know if there's any way of capturing the impact of that that you could report back to us from a quantitative perspective.

The next question that I have is for Mr. Rood, which has to do with title 10 and section 276, which states that the Secretary of Defense should prescribe regulations to ensure that the provision of any support to law enforcement does not adversely affect the military preparedness of the United States.

Are you aware of any directives or policy statements put forth by the Department to ensure that any readiness impacts of this border deployment has been mitigated?

Secretary ROOD. The deployments that are done to the border area of course are all consistent with our domestic authorities and DOD personnel deployed there are not engaged in law enforcement activities.

The Secretary does gauge their impact on readiness, and as mentioned, we track that through a regular reporting system. And depending on the units, in some cases readiness has increased, in other cases it's declined. And that varies over the course of a deployment.

Ms. HOULAHAN. So I am not certain if I heard a yes or no answer to the question. I guess I was asking if there were any directives or policy statements put forth by the Department, and I didn't know if I actually heard a yes or no on that.

Secretary ROOD. Could I ask you to clarify, you are asking for a directive that changes the present policy on usage—

Ms. HOULAHAN. I am looking for how the directives are being implemented specifically.

Secretary ROOD. Perhaps I could take that for the record. I am not aware of any change from our past practice with respect to—

Ms. HOULAHAN. So it sounds like that is no I guess is the answer.

Secretary ROOD. I will confess, I am not sure I properly understand your question, and I am sure it is my issue, Congresswoman. [Laughter.]

Ms. HOULAHAN. Not a problem, not a problem. I yield the rest of my time and thank you, sir.

The CHAIRMAN. Ms. Stefanik.

Ms. STEFANIK. Thank you, Mr. Chairman. At this hearing today we have heard comments that have already established that the current U.S. military presence on the southern border is indeed similar in size and scope to the DOD support to border protection and security over the previous two administrations.

And I understand the DOD pays the bill to support DHS through use of operation and maintenance and personnel funds, usually to the tune of about \$100 million per year. My question, and this will build upon some of the previous questions, is what if any readiness functions go unfunded or unexecuted because of the additional cost to support missions like Operation Guardian Support and Operation Faithful Patriot?

I know in the previous response you touched upon the cost because of dwell time. Can you go further in depth on the dwell time issue, but any other readiness impacts?

Admiral GILDAY. So in terms of monetary costs, in terms of what we had to reprogram in order to, you know, conduct an out-of-cycle deployment, I will have to get back to you on what the trades were in order to make that happen.

So we didn't do something, we are not going to do something based on that deployment, but I will have to go back and take a look at that in order to give you a more concise answer.

[The information referred to was not available at the time of printing.]

Ms. STEFANIK. Okay, I think that is really important that we get that information. Building upon that, and this was also touched upon previously, but I would like more specifics, can you describe what the training value is to Active Duty Army and Marine Corps units deployed to the southern border, and are we ensuring that the right types of units perform the right types of duties to enhance their training and readiness.

Admiral GILDAY. I think that we have done an excellent job at matching specific skill sets and units that have been trained in those mission areas that we are matching them to along the border.

Ms. STEFANIK. And can you give me an example of that?

Admiral GILDAY. I think a really good example are military police. And so we are using them in a mission to protect CBP should those ports of entry get overrun. They are the absolute perfect unit to perform that function.

I mentioned earlier, they have received great training value from the training vignettes that they have done with CBP in preparation for that mission.

Ms. STEFANIK. And my last question is, since the October 2018 request, how specifically have border points been hardened during the initial deployment of Active Duty personnel? And what specifically does that hardening involve? And which specific points were indeed hardened?

Secretary ROOD. Congresswoman, there were 22 points of entry along the four southern States that were in the nine sectors that CBP breaks that mission into. And at those barriers—at those areas around the points of entry, 70 miles of concertina wire was emplaced atop existing barrier. In other cases, depending on the location, to control vehicle traffic, there was a request for Jersey barriers or other vehicle-shaping barriers.

And then in other cases, to harden the specific location, construction was performed to create barriers and place shipping containers, things of that nature. It varied depending on which point of entry and how that the hardening was done.

Ms. STEFANIK. Thank you very much.

I yield back.

The CHAIRMAN. Thank you.

Mr. Crow.

Mr. CROW. Thank you, Secretary Rood, Admiral Gilday. We appreciate you being here today.

I have been struggling to try to piece together a chronology of the decision to send the Active Duty troops to the border. As me and my colleagues have pointed out, there is a long history of National Guard and Reserve cooperation, support. But what distinguishes this is the use of Active Duty and the number of Active Duty troops.

And I am also very concerned always with operational need driving the use of Active Duty forces as opposed to politics. So could you help me answer a simple question, who originated the idea to send Active Duty soldiers to the border? Did that idea come out of the White House or did it come out of the Department of Homeland Security?

Secretary ROOD. Neither, sir. When the request is received for assistance by the Department of—the Department of Homeland Security is the mission-holder and they provide a request for assistance where they are unable to meet their needs to the Department of Defense.

The Department of Defense then looks at those needs, whatever the request is, and tries to identify from the total force the best way to source the mission need. And that is where the decision ended up being made in that particular case, as Admiral Gilday testified, to use Active Duty troops last fall in addition to the National Guardsmen that were already deployed.

Mr. CROW. So there was a determination that there were no sufficient National Guard and Reserve forces available to meet that request?

Admiral GILDAY. So it was primarily driven by timing. I described at the time the direction came from the White House and those migrants were massing down in southern Mexico, the direction was to move forces fairly expeditiously to the border. And so based on the fact that with—

Mr. CROW. You said that directive came from the White House.

Admiral GILDAY. That directive ultimately came from the White House, yes, as I recall. So that direction for us to deploy, not necessarily to use Active Duty forces. That was a decision made inside the Department.

Mr. CROW. Okay. The second question relates to just the living conditions for our troops on the border. There were reports late last year of our soldiers in tents, without running water. Can you please explain for me what the living conditions for those soldiers look like right now?

Admiral GILDAY. My understanding of the living conditions are pretty good for deployed units that are living in tents. I haven't heard any reports, sir, of a lack of running water or of any facilities that they require.

Mr. CROW. How many soldiers are living in tents right now?

Admiral GILDAY. Sir, I would have to get back to you with an exact count. Based on the mission and the location, we probably have some people in hotels, particularly as we move to this, as we transition to the missions between the POEs [points of entry] out in the middle of the desert in some cases.

So I will have to get back to you with specifics.

[The information referred to was not available at the time of printing.]

Mr. CROW. Admiral, you said earlier that barriers are ineffective unless you are also surveilling them. One of the requests from DHS is to build an additional 150 miles of concertina wire by March of this year. Is it your understanding that that 150 miles will also be surveilled mileage?

Admiral GILDAY. It is not. I don't know what CBP's plan is along that section of concertina-wired wall that we are helping out with. I don't know what their long-term plan is.

Mr. CROW. So by your definition that a barrier has to be surveilled to be effective, then would some of that mileage potentially be ineffective?

Admiral GILDAY. I am unsure if I—I am unsure if there is—

Secretary ROOD. Sir, we received the request for assistance again from the Customs and Border Patrol but it is our understanding they do have a surveillance plan along these barriers. In some cases it is to go in addition to existing infrastructure that is there, sir.

Mr. CROW. I understand that, but I would like some clarification on whether or not the resources that are being used by the Department of Defense are effectively being used. And if there is not coordination between DHS and DOD to make sure that is happening, we definitely need make sure that it is.

Secretary ROOD. There is close coordination and part of the recent request for assistance from the Department of Homeland Security is about mobile surveillance assets to provide additional capability to detect and monitor movements and activities at the border.

Mr. CROW. Thank you.

I yield back.

The CHAIRMAN. Thank you. We are going to try to wrap this up at 12:30 just because I don't want to abuse the Pentagon witnesses the first time they send them over to me so that they don't send any more. It may slip a little bit past that, but if we could move as quickly as possible through the rest that would be great.

Mr. Gaetz.

Mr. GAETZ. Thank you, Mr. Chairman. And note taken.

Admiral Gilday, as you are aware, one of the cost drivers for military construction is the changing classification of the mission, where the mission itself is not changing, but perhaps it goes from TS [Top Secret] to TS/SCI [Sensitive Compartmented Information] or to some different security classification.

In a world—and I know this hasn't happened yet, but in a world in which MILCON dollars were used for a barrier at the southern border, would we expect those missions perhaps to be reevaluated in terms of their classification or would we expect those construction projects to sort of go to the top of the list in a reprioritization?

Admiral GILDAY. I am not sure I understand your question specifically, sir, with respect to the security classifications.

Mr. GAETZ. Right. So in a world in which one of the cost drivers to MILCON is the fact that some facilities have to go from TS to SCI or—

Admiral GILDAY. Now I understand—

Mr. GAETZ. To TS, like, walk us through what happens to those types of projects in a world in which resources were not available for that type of construction.

Admiral GILDAY. Sir, I would be speculating. I have not been involved with any of the, you know, initial work that has gone on to take a look at what those metrics might be. But I will get back to you with a better answer.

[The information referred to was not available at the time of printing.]

Mr. GAETZ. Yes, my request would be like in a world in which that were to happen that we look at those specific types of MILCON projects and really determine the impact on them.

And Mr. Chairman, heeding your advice, I would like to yield my remaining to my colleague from Florida, Mr. Waltz.

The CHAIRMAN. Thank you very much. Enormously helpful, I appreciate it. Well, actually, go ahead.

Mr. WALTZ. Thank you, Mr. Chairman.

As a Pentagon alum, been on the other side of there—thank you for coming. So broadly speaking, I think we all agree that the Pentagon has been providing the support for many decades. Is there an effort to get to the point where the Pentagon's not providing the support?

So, if we looked at the DHS appropriation and looked at what you are being requested, is that roughly—does that roughly match or is there some reason that the National Guard Bureau in particular wants to, or needs to, or provides training and readiness value of continuing to provide this support, or have we all just become very comfortable with this kind of steady state?

Secretary ROOD. Sir, I would say the Department of Homeland Security Customs and Border Patrol, they obviously deploy a larger number of agents, a larger number of resources to the border. DOD's role is to augment them. Now, as situations arise—and they have varied over the years—but there has been a steady stream for decades, where the Defense Department has provided that support. Sometimes the nature is adjusted over time, but it has been there.

Mr. WALTZ. Contingencies aside or spikes, but just a trend line.

Secretary ROOD. And it's really a resourcing issue outside the Defense Department.

Mr. WALTZ. Because DHS's resources have increased.

Secretary ROOD. Yes, sir.

Mr. WALTZ. Right. And the chairman noted that apprehensions have decreased, are you seeing—bottom line, are you seeing an increase or decrease in requests over time, over, say, the last several years, aside from the recent caravan, coming from DHS?

Secretary ROOD. In the last year we have seen an uptick, if you will, in the requests due to the increased activities and the flow. And again, I mean, the volume is instructive. Last year over 500,000 apprehensions by our law enforcement authorities; a larger number of people entered the country and were not apprehended. Last 2 years alone, a larger number than the population of Washington, DC, have been apprehended, or a city the size of San Francisco—

Mr. WALTZ. Right.

Secretary ROOD. Apprehensions in 2 years.

Mr. WALTZ. On the Active Duty side, I would like to echo Ms. Stefanik, my colleague, and I would be very interested in what are the Active Duty troops not doing? I mean, what was the opportunity cost? Were they—did they miss training rotations? Are they in the lineup for deployment, the effect on dwell time? Just understanding better that cost.

And then finally, I would like to echo Mr. Scott and the importance of JIATF South. Secretary of Navy Spencer has indicated that ships are critical to the deterrent of drugs coming across our waterways.

Admiral Tidd indicated we are only stemming about a quarter of what we are detecting, one-fourth. Is there any consideration, re-



consideration for the Navy providing more assets to SOUTHCOM, particularly LCS [littoral combat ship], which would be uniquely suited for that mission?

Admiral GILDAY. Sir, it is not a Navy call. And so, I go back to the National Defense Strategy and as unpopular as it is, it is a ruthless prioritization. And I don't think that anybody in uniform disagrees at the severity of the drug problem, but the—

The CHAIRMAN. The gentleman's time has expired.

Mr. WALTZ. Okay, fair enough.

The CHAIRMAN. Good there.

Ms. Slotkin.

Ms. SLOTKIN. Hey, gentlemen, thank you for doing this. I have been in your seat and I know it's getting on in time here. So thank you for sticking with us.

As someone who was at the Pentagon, who was married to a 30-year Army veteran and who has a stepdaughter on Active Duty right now, I am extremely concerned that we preserve the perception and reality that the U.S. military is apolitical.

So, the three concerns I have or the three questions I have are, one, about the timing of the decision to deploy, which is hard to feel wasn't political given how close it was to the midterms.

Number two, the choice to put Active Duty folks down there instead of Guard, which I absolutely agree has been done for a long time by many administrations.

And then, three, the missions that those Active Duty folks are pursuing and any bleed over into law enforcement activities, which, of course, goes back to the very founding of our state.

So, on the choice to deploy, on the timing, in answer to Mr. Crow's question, you said it was a directive from the White House, is that correct? In the form of a memo?

Admiral GILDAY. As best as I can recall. Not specific that Active Duty be deployed, but that the U.S. military respond.

Secretary ROOD. And accompanying that is, of course, a formal request for assistance from the Department of Homeland Security.

Ms. SLOTKIN. Of course. Was there anyone, civilian or military at the three-star rank or above, who disagreed or pushed back on the request and the timing of the request? To your knowledge—just obviously that you would be aware of?

Admiral GILDAY. There were certainly discussions about, you know, making best military advice on how we should respond.

Ms. SLOTKIN. Was there any formal dissent, any transmissions back to the White House with the dissent of any one civilian or military above—three-star or above that you were tracking?

Admiral GILDAY. Not that I know of, no.

Ms. SLOTKIN. Okay. On the choice of Active Duty, so I heard your reply, I think to Representative Luria, that there—it was really available forces at that time and having to get to the border very quickly.

Is there any other factors that went into the decision to use Active Duty over Guard besides speed, for the record? Intelligence reporting, obviously we are in an unclassified setting, any other factors on record that led to the decision to use Active Duty?

Admiral GILDAY. I think other factors were capacity, the right skill sets, readiness impacts were considered, and timing was key.

Ms. SLOTKIN. Was there ever a consideration of—we have now seen stories come out of some, I think, misstated talking points about the terrorist threat emanating out of the caravans, out of the number of terrorists that were coming across the border in that area, was there a threat assessment in any way that led to the choice to use Active Duty over Guard?

Admiral GILDAY. No, there was no connection.

Ms. SLOTKIN. Okay. And then the missions, obviously, we all know that the U.S. military cannot perform law enforcement activities inside the United States. I am sure we all believe that that is important.

I understand that there was a memo that was sent over by then Chief of Staff Kelly, indicating that in agreement with the law as it stands, no law enforcement activities were to take place unless otherwise directed by the President of the United States.

Has the President of the United States directed the Department of Defense in any way to use those forces in law enforcement roles?

Admiral GILDAY. No.

Secretary ROOD. No.

Ms. SLOTKIN. Okay. Thanks, gentlemen.

I yield the rest of my time.

The CHAIRMAN. Thank you.

Mr. Bacon.

Mr. BACON. Thank you, chairman. And want to thank both of you for coming in, I thank for you leadership and your service in securing our country.

We have serious vulnerabilities in our southern border and American citizens are suffering a devastating impact. We have talked about drugs today, human trafficking, some of the criminals that get through that victimize innocent Americans, Sunni extremism, we could go on and on—and I think Ms. Hartzler raised—just a huge impact, 72,000 Americans this year will suffer or die of an overdose. And much of those drugs are coming over from our southern border.

So I just want to make the statement that Republicans and Democrats must sit together, negotiate and solve this problem in good faith. Americans demand it and we can do better.

Under Secretary Rood, I just want to clarify a couple of your key points for our constituents back in the Nebraska Second District. And I want to just clarify some key points, just make sure I have it right. Is the current deployment consistent with past precedent of Republican and Democratic administrations?

Secretary ROOD. Yes.

Mr. BACON. Is the current deployment consistent with law?

Secretary ROOD. Absolutely.

Mr. BACON. And is the current deployment support of an inherent Federal function?

Secretary ROOD. Yes.

Mr. BACON. Thank you. I think those are key points that we need to stress. Admiral Gilday, about a year ago, Admiral Tidd said that some of the pathways and vulnerabilities used by criminal organizations in South and Central America are being exploited by terrorists.

The Guatemala Ambassador personally told me that he has detained dozens of Sunni extremists within their country, there were—that were trying to get to our country using—and they had false identifications. Rear Admiral Hendrickson said a year ago that individuals have been detained south of the border who have ties with terrorists and some with the intentions to conduct attacks against our homeland. Can you give us an update on what you know—what this threat of terrorism is via our southern border?

Admiral GILDAY. Yes, sir. I will say this, the threat is real. I would also say that we have a significant presence of special forces in South America as we speak. They are conducting training missions, and so as we talk about priorities within the Department of Defense and the fact that we are resource constrained, it is in our best interest to form those partnerships to help those countries take care of those problems whenever they can. And so that is an example of our focus in South America, getting after that particular threat stream.

Mr. BACON. If you have any other updates that you can share, obviously in an unclassified setting, on the terrorist activity that we are seeing through South America and Central America. Also the information I have is about 8 months old.

Admiral GILDAY. Yes sir, we can arrange a briefing for you to get an update on that.

Mr. BACON. Thank you, I yield back.

The CHAIRMAN. Thank you. Ms. Sherrill.

Ms. SHERRILL. Thank you gentlemen for being here today, thank you for your preparation, you have taken quite a bit of time to come here, and thank you to your staff for all of the preparation as well. I was happy to hear from my colleague that the National Guards troops were excited and enjoyed being deployed on these extra missions.

I have heard that from some of our National Guardsmen and women as well, that they enjoy the extra training. I can tell you that our Active Duty service men and women do not always enjoy the extra deployments especially as they come right before the holidays, over Thanksgiving and Christmas as this one did.

I bring that up because I am really concerned about the OPTEMPO [operations tempo]. As you know better than I, Secretary Rood, over the last several years we have seen significant strain on our Armed Forces from the 5 accidents in the 7th Fleet, the tragic loss of 17 sailors aboard the USS *Fitzgerald* and the USS *McCain*, to our special forces leadership expressing concern at the high rate of deployment and how it is affecting recruitment, to Secretary Mattis himself highlighting the need to restore readiness to our National Guard by resetting their equipment, we have seen strains in our military. I know that is something, Admiral Gilday, that the military's been working very hard to get troops back home with their families at a better rate.

You, I am sure, during your service saw the difference after 9/11 in troop deployments and what a hardship that could be on our military service member and families.

Given that, Secretary Rood, it is my understanding that our troops at the border are providing the following capabilities: stringing concertina wire as we have heard, planning assistance, engi-

neering and aviation support, medical teams, command and control facilities, mobile surveillance camera operations, and temporary housing and personal protective equipment for CBP personnel. Are any of these missions, missions that the DHS or contractors for the DHS could not provide?

Secretary ROOD. Well the starting point of course, Congresswoman, is the DHS making an assessment that their organic capabilities—they need augmentation, and therefore they are making a request to the Defense Department for support to civil authorities so that is the triggering event.

Obviously the Department of Homeland Security, CBP and others possess things such as helicopters and medical personnel in addition to the Defense Department. But depending on the circumstances they have made a determination that their assets—and we work with them to try to develop an understanding of the mission need—that their assets were insufficient by themselves to meet that need, hence they have made a request for assistance.

Ms. SHERRILL. So they have made the determination that their assets are insufficient. Were they given sufficient assets, could they undertake those missions?

Secretary ROOD. In a general sense, yes. I mean, for example some of the helicopter support that DOD has provided, if the DHS—I assume if they had sufficient rotary-wing support they could have met that mission need themselves.

Ms. SHERRILL. The reason I am asking is because as you yourself said, the rotor-wing support, and as a former helicopter pilot I am certainly interested in all things rotary wing.

The needs overseas are very great and now that we are providing this on the border, the balance between what DHS should be doing and what I think Active Duty military troops should be doing is something that I am very interested in.

And so, what I am looking for is should the DHS really be advocating for better supplies and then we, as the House Armed Services Committee, can really help our troops to perform their missions, and their traditional missions, especially overseas with our wars in Syria, Iraq, Afghanistan, as well as now where our special forces are deployed across the world—including, as we hear, in South America.

And so I guess that is something that I think we need to continue to look into. I will talk to you a bit, Admiral Gilday, as you know some of the Nation's greatest threats are the security vulnerabilities in our land, air, and sea ports. This is particularly something I care about, being from New Jersey because we have some of the largest ports of entry in the United States.

And there are new and emerging threats and I am concerned that all this talk about border security when we don't include our other ports of entry, is really missing some of the emerging threats that we have seen.

And I bring this up because just last Tuesday night, at Newark Airport, one of the 15 busiest airports in the country, it was shut down for an hour after reports of an unauthorized drone, when it entered their airspace. This delay cost our economy \$65 million, and disrupted many people's lives. So given that, I wonder Admiral—

The CHAIRMAN. I am sorry, your time has expired so whatever you want to know is going to have to be for the record.

Ms. SHERRILL. I will come back to that, thank you very much and thank you for your time today.

The CHAIRMAN. Okay. And at the end of this hearing there will be an opportunity—everyone here will have an opportunity to submit questions and statements for the record.

Mr. Banks.

Mr. BANKS. Thank you, Mr. Chairman. Secretary Rood, in a New York Times article dated November 10, 2018, anonymous Pentagon officials were quoted deriding the deployment as an expensive waste of time and resources and a morale killer to boot.

Do you know who those anonymous sources at the Pentagon were that would call this is a waste of time?

Secretary ROOD. No, sir. Obviously, this is a mission that we take seriously at the Defense Department that we have executed before in various permutations. And we are executing in support of our colleagues at the Customs and Border Protection.

Mr. BANKS. Clearly, you would agree everything that we have heard over the past couple of hours would contradict those anonymous sources who called this deployment a waste of time. Would you agree simply?

Secretary ROOD. Yes, border security is an element in national security. And that is part of the Defense Department's mission.

Mr. BANKS. In a Time magazine article dated November 15, 2018, former Secretary of Defense Chuck Hagel said quote, "It's a waste of time. It's clear to me that he is using the military as political pawns which is completely irresponsible."

Everything that we have heard over the past couple of hours would clearly contradict former Secretary Hagel's account of what is occurring at the border that our troops have contributed to, correct?

Secretary ROOD. Sir, I have not read former Secretary Hagel's comments. But I can say our mission is devoted to supporting the Customs and Border Patrol. There is a very legitimate long-standing mission that we have performed over the years at the Defense Department. And we are doing so again.

Mr. BANKS. Later in that article, it is quoted saying quote, "Troops often find themselves with little to do. They fill their time throwing a football around, texting their girlfriends, exercising or waiting for the outdoor mess hall to open."

Secretary wouldn't you agree that quote and these descriptions are not just disrespectful but downright demeaning to our men and women in uniform?

Secretary ROOD. Our men and women in uniform are very devoted to the missions that they have been sent upon. And the type of behavior you are talking about, waiting for the mess hall to open or throwing a football, by the way, in my travels around the world, it's not unusual behavior—

Mr. BANKS. Do you find that in Afghanistan as well?

Secretary ROOD. For our troops.

Mr. BANKS. That is right. Admiral, I wonder if you can—in your opening statement, you talked some about those surveillance missions. I wonder if you can—we haven't talked a whole lot about

that today. Can you describe or give us anecdotes of what is involved with that mission and how our troops have contributed to that?

Admiral GILDAY. Sir, we are just transitioning now from our missions at the ports of entry to this surveillance mission between the ports of entry. We have an ongoing pilot program right now with the Marine Corps with the special MAGTF [Marine Air-Ground Task Force]-7 out of Camp Pendleton is actually working with CBP.

One of the things we are trying to do is get our arms around the exact requirement with respect to manpower. And so, the systems are a little bit different than the systems that we have in the Marine Corps or in the Navy or in the Army. And so, there will be a training period.

But essentially, there are trucks and vans that have a surveillance camera suite. And the mission is to conduct surveillance, detection, and monitoring between the POEs so that we can then cue CBP to come in and detain the people.

Fairly simple mission, but again you go back to the effectiveness of a barrier or any type of wall is ineffective without surveillance, so. So we owe you a report out on whether or not we—on the effectiveness of this operation. We have direction from the Secretary of Defense to conduct an assessment no less than 90 days.

Sir, if I could just add. A moment ago, you talked about throwing around footballs. And we have tried really hard not to waste people's time down at the border. So, there have been occasions when we haven't gotten it right with respect to numbers.

And maybe we had excess capacity. But we have brought those people back when we realized that we have made a mistake. And we are not trying just to have a photo op down there with people on the border.

Mr. BANKS. I appreciate that. After hearing your testimony and your answers over the past couple of hours, it is clear to me more than ever that our troops have played a valuable role at the border. And we appreciate your testimony today. With that, I yield back.

The CHAIRMAN. Thank you. We have three people left who want to ask questions. It is after 12:30 so if we could—and two of them represent districts on the border, so I want to try to get to them. But the quicker we can do it, the more the witnesses will appreciate it, but Miss Escobar from Texas.

Ms. ESCOBAR. Thank you, Mr. Chairman. Gentlemen, thank you so much for being here. I am very grateful for your leadership and for your responses to the questions. I come from the U.S.-Mexico border. I represent El Paso, Texas, which has been one of the safest communities in the United States for close to two decades.

The vast majority of the individuals that we are seeing coming to the southern border are people seeking asylum. They are not individuals here who are setting out to do us harm. I want to recall that in 1997 and would like for you all to help me out with this, a young man, Esequiel Hernandez, was shot and killed by a U.S. Marine who was patrolling the border. Can you help me and remind me and remind Americans what are the rules of engagement when you are in communities like my own, like Redford, Texas, and West Texas?

Admiral GILDAY. So, they are not rules of engagement when we have forces deployed in domestic situations like this. They are actually standing rules for the use of force. And they are guidance that authorizes the use of non-lethal force in order to control an escalating situation.

And the emphasis in our training is towards deescalation. So, how can you use a minimal amount of force to get the problem under control so that it doesn't become a larger problem.

We always have the inherent right of self-defense to use deadly force. But we train to only use deadly force when all lesser means have failed or cannot be reasonably employed.

So the emphasis is on nonlethal. I would tell you that the preponderance of the troops we have down at the border have not been in a position to have contact with migrants; the medical personnel, yes.

But even the protection personnel that we put to protect CBP, they are the fourth or fifth echelon back in terms of a defense in depth kind of construct. I hope that answers your question, ma'am, with respect to the use of force.

Ms. ESCOBAR. Yes, thank you so much. Another follow-up question on a separate topic, last summer during the height of the family separation crisis, the Department of Homeland Security asked the Department of Defense to prepare to receive unaccompanied minors at some of the military installations.

In my district, Fort Bliss was identified as one of those potential sites. Can you provide us with an update? Have any other sites been identified? What is the status of this? And would you commit to notifying this committee of any updates on this topic?

Secretary ROOD. Congresswoman, I would say as you correctly pointed out, last year the Department of Homeland—HHS, Health and Human Services had made requests of the Defense Department for supplementary housing for unaccompanied alien children. There was a separate request from the Department of Homeland Security for housing of families of migrants.

In both cases, the Defense Department reviewed our available facilities, and they were both for facilities or land for temporary facilities to be erected. And we provided a favorable response to both the Department of HHS and DHS.

Those departments chose not to take advantage of those availabilities, and they still haven't to this period of time. And so at present, we don't have something ongoing or a search for other locations that we would notify the committee of.

Ms. ESCOBAR. In the future, if that does come up again, are you committed to notifying this committee?

Secretary ROOD. We would certainly keep in contact with you on that, yes.

Ms. ESCOBAR. Okay. Thank you.

I yield.

Mrs. DAVIS. Thank you, Mr. Chairman.

And thank you all for staying and being here with us. Appreciate it.

I wanted to go back, just very, very quickly. When do you think we might have some information regarding the opportunity costs in

terms of our troops and their families? Any sense of how soon that can get out?

Admiral GILDAY. Ma'am, we will take a look at that as soon as we get back this afternoon, and get back to you. Again, I don't think it has been significant in terms of time. But we do owe you an answer on that.

[The information referred to was not available at the time of printing.]

Mrs. DAVIS. Okay. Thank you.

I want to go to the national emergency that we are talking about. And I understand, Secretary Rood, a hypothetical, if you will. But at the same time, it is not so hypothetical if we are looking, perhaps, into 3 weeks from now. What does that look like from the viewpoint of the military?

Secretary ROOD. Well, as you know, Congresswoman, the President has the authority to declare a national emergency—

Mrs. DAVIS. Of course.

Secretary ROOD [continuing]. Or the Congress. And so obviously, we would await such a determination by either the Congress or the President. And depending on what authority—in this case, the President, I think you were referring to—were to cite, it then triggers certain requirements depending on which statute is utilized.

And so we have done some prudent planning to try to determine what our legal obligations would be, to make sure we understand the correct operation of those different authorities.

But at this stage, it hasn't progressed to the point that I am aware of, that the President has issued—

Mrs. DAVIS. But—what I am wondering about is that the number of illegal crossings. Clearly, they are down. I mean, they are down even from George W. Bush, I believe, even half, from a millions, somewhere in the neighborhood of about 400,000 at this time.

So it's not the number of crossings. We didn't declare a national emergency at that time. The President—Bush did not do that. What is it now?

Secretary ROOD. Well, the numbers of crossings have fluctuated over the years. Last year, the—and we rely on the Department of Homeland Security for this data. Their number of apprehensions, there's a larger number of people that come across than—than are apprehended, of course.

Mrs. DAVIS. Of course.

Secretary ROOD. And they gave us a 521,000 in fiscal year 2018, which is up from 415,000 the previous fiscal year. The difference is, really, the caravans and some of the nature of the asylum-seekers.

Mrs. DAVIS. Is the nature of the asylum-seekers, though, is what they need something different? So if we had more judges and more processing capability, perhaps, that is really what is needed, not necessarily declaring a national emergency.

So, you know, what I am wondering is, how I translate that for my constituents. My constituents all live on the border, as does my colleague, Ms. Escobar. So how do we see that? And I think that they count on our military, I think, to define, also clearly, why is this a national emergency? What do they have to do? How do they protect their children? How do they protect their families?



I mean, I don't know that anybody has—we have a national emergency for natural disasters that I don't think in the State of California, or in the country, we have declared that. Other Presidents have not stepped in to do that even though the situations were different for them.

So I think we owe it to people to try and explain that a little bit better than—and I think that is done. And the other thing very quickly, and thank you again for your indulgence, the concern of border agents, just this weekend I happened to be talking to one of our Border Patrol agents who was sharing with me what we know is that they need more agents.

And we have put more money into that. We actually had—we had one contractor who did a miserable job at it, but we were doing better. But we also had a tremendous number of people who have left this service. How are we going to keep up? And what role do these discussions have?

I know that my constituent really felt that we made it very difficult for people who want to be a border agent today. Not your problem but I just think it's one that we need to recognize. If we are putting more money in, that is great, but we are not hiring the people because we are losing as many people as we are hiring. And so the attrition rate is really what is causing this problem.

Thank you very much for being here. I appreciate your—

The CHAIRMAN. Thank you.

Ms. Speier.

Ms. SPEIER. Thank you, Mr. Chairman.

And thank you both for indulging us. I am going to be as brief as possible. Let me first say that I wish my colleague on the other side of the aisle was still here. He referenced a service member as being disrespectful for commenting that it was a waste of time. I would suggest that that is the actions of a whistleblower, not someone who is being disrespectful.

I spent Christmas Eve at the border serving our troops. In addition to doing that, I had three 1-hour meetings with different groups at the border. And the colonel there said to me at the end of my time there, our mission is complete here. That was on December 24th.

The service members told me about placing C-wire [concertina wire] at the border, but they also said to me, people who are climbing over those fences and walls aren't running away, they are sitting on the wire or at the wire waiting for a CBP officer to come so they can be apprehended as asylum-seekers.

So I am concerned that the readiness that we should be working on with our service members is not being done. Many of these service members now have lost time with their families at Thanksgiving, at Christmas, at New Year's, are still there. They don't have an end of the mission date that they can rely on.

I don't think this is the way to treat our service members. So with all of that, I am going to ask you to just comment on that. If the mission is complete, why are they still there?

Admiral GILDAY. So ma'am, at its peak, we had 5,900 troops, Active Duty, deployed to the border. This was in early November. That number was cut down to about 2,400 by Christmas. And so what we have tried to do is systematically reduce those numbers

as, for example, if DHS said that they needed 50—70 miles of concertina wire laid, and we lay that wire, we then redeploy those people home.

Initially we deployed our troops to Texas, Arizona, and California. When the migrant groups did not go to Texas or Arizona, and they went towards San Diego, towards your home district, we reduced those numbers in those two States significantly, almost down to zero. And so we have tried to match the troops to the requirement on an evolving basis as best we can.

I am sorry to hear about the colonel's comment, and am I am just guessing it was perhaps the military police group that was in San Diego. What he may have been talking about, ma'am, was the fact that that mission perhaps they saw it as complete when the surge of migrants, you know, dissipated. And that is a fair comment to make.

We have tried to be responsive in reducing those numbers as quickly as we can.

Ms. SPEIER. I yield back.

The CHAIRMAN. Thank you.

Before we leave, I ask unanimous consent to include into the record all member statements and extraneous material; without objection, so ordered. I want to very much thank our witnesses for staying with us for the entire time, and the committee for their questions.

Mr. Thornberry, anything? We are good. We are adjourned. Thank you.

[Whereupon, at 12:44 p.m., the committee was adjourned.]

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**A P P E N D I X**

JANUARY 29, 2019

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**PREPARED STATEMENTS SUBMITTED FOR THE RECORD**

JANUARY 29, 2019

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Joint Statement by  
The Honorable John Rood  
Under Secretary of Defense for Policy  
Office of the Secretary of Defense  
And  
Vice Admiral Michael Gilday, USN  
Director of Operations  
The Joint Staff

Before the 116th Congress  
Committee on Armed Services  
U.S. House of Representatives  
January 29, 2019

**Introduction**

Chairman Smith, Ranking Member Thornberry, distinguished Members of the Committee: Thank you for the opportunity to testify before you today on Department of Defense (DoD) support to the Department of Homeland Security (DHS) U.S. Customs and Border Protection (CBP) mission to secure the southern border of the United States.

**The Department of Defense Has a Long History of Supporting Border Security**

DoD has a long history of supporting efforts to secure U.S. borders. Since the early 1990s, DoD has supported civilian law enforcement agency border security activities, counterdrug activities, and activities to counter transnational organized crime and other transnational threats. Active, Reserve, and National Guard personnel have provided operational military support, such as aerial reconnaissance, ground surveillance, search and rescue support, and medical support. DoD has loaned facilities and special equipment, such as aerostats, ground surveillance radars, and ground sensors to CBP. DoD has also provided temporary housing support to the Department of Health and Human Services (HHS) as part of the national response to the surge of unaccompanied alien children (UAC) at the U.S. southern border. From 2012 to 2017, DoD provided shelter for nearly 16,000 UAC, who received care, security, transportation, and medical services from HHS. Consistent with section 2815 of the National Defense Authorization Act for FY 2017 (Public Law 114-328), the Secretary of Defense certified that providing this sheltering support to HHS would not negatively affect military training, operations, readiness, or other military requirements, including National Guard and Reserve readiness.

At the direction of President Bush, in support of CBP's Operation Jump Start, DoD provided National Guard personnel (6,000 from June 2006 - July 2007; 3,000 from July 2007 - July 2008) to augment and enhance CBP's ability to execute its border security mission. National Guard personnel provided aviation, engineering, medical, entry identification, communications, vehicle maintenance, administrative, and other non-law enforcement support. In addition, the National Guard improved the southern border security infrastructure by building more than 38 miles of fence, 96 miles of vehicle barrier, more than 19 miles of new all-weather road, and road repairs exceeding 700 miles. At the direction of President Obama, DoD provided



up to 1,200 National Guard personnel annually from 2010 to 2016 in support of CBP's Operation Phalanx. National Guard personnel provided aerial reconnaissance, analytical support, and support to counterdrug enforcement activities that enabled CBP to recruit and train additional officers and agents to serve on the border.

**DoD Works Closely with the Department of Homeland Security on Requests for Assistance**

Across the full-range of support that DoD has provided DHS – border security support, disaster support, special event security support, and support for protection of the President – DoD has worked closely with DHS, as DHS develops its requests for DoD assistance as deliberately, expeditiously, and effectively as possible to meet mission needs.

DoD carefully considers all requests for assistance, including in order to determine whether DoD has the requested capabilities and resources and whether providing the requested assistance is consistent with the law. When a request is approved, DoD works with the requester to select the right forces and resources to meet the requester's mission needs, and to avoid or mitigate the potential impacts on military readiness. DoD has used the same process for every DHS request for assistance related to DHS's border security mission.

**Current Department of Defense Border Security Support**

In his April 4, 2018, memorandum, "Securing the Southern Border of the United States," the President directed the Secretary of Defense to support DHS in "securing the southern border and taking other necessary actions to stop the flow of deadly drugs and other contraband, gang members and other criminals, and illegal aliens into this country." The President also directed the Secretary of Defense to request the use of National Guard personnel to assist in fulfilling this mission, pursuant to section 502 of title 32, U.S. Code, and to use such other authorities as appropriate and consistent with applicable law. The President also directed the Secretary of Defense and the Secretary of Homeland Security, in coordination with the Attorney General, to determine what other resources and actions are necessary to protect our southern border, including Federal law enforcement and U.S. military resources.

From April 2018 to the present, National Guard personnel have supported CBP Operation Guardian Support, augmenting CBP efforts to secure the southern border. National Guard personnel have performed a range of administrative, logistical, and operational support tasks, freeing U.S. Border Patrol agents from these duties and enabling more U.S. Border Patrol agents to patrol the border. National Guard support to CBP Operation Guardian Support is scheduled to continue through September 30, 2019.

From October 2018 to the present, active-duty military personnel have supported CBP Operation Secure Line by providing: aviation support (e.g. transporting CBP quick reaction forces); engineering support (e.g., hardening U.S. ports of entry (POEs), providing temporary barriers, and emplacing concertina wire); planning support; last line of outward defense protection for CBP personnel performing their Federal functions at POEs; and loaned personnel protective equipment (e.g., helmets with face shields, hand-held shields, and shin guards). Active-duty military personnel were selected because the Secretary of Defense determined them to be the best-suited and most readily available forces from the Total Force to provide the assistance requested by the DHS. Then, as now, the Department continually assesses the necessary force composition and layout. We adjust as necessary to meet mission requirements, while minimizing impacts on readiness, as well as consider future and global response military operational requirements. For example, the protection of CBP personnel performing their Federal functions at POEs will shift to a contingency basis (i.e., available when needed), starting February 1, 2019. Likewise, with each approved request, we ensure that the assigned military forces are trained and prepared to execute the mission in support of CBP.

On January 11, 2019, the Acting Secretary of Defense approved a DHS request for additional active-duty military support of CBP Operation Secure Line. These military personnel will operate mobile surveillance cameras in Arizona, California, New Mexico, and Texas in all nine Border Patrol Sectors, and emplace concertina wire on existing barriers at areas designated by CBP along the southern border between POEs in Arizona and California. The mobile surveillance camera support is currently scheduled to continue through September 30, 2019. CBP has requested that an additional 150 miles of concertina wire be emplaced no later than March 31, 2019.

All of this military support has been – and will continue to be – provided consistent with the law, including the Posse Comitatus Act, section 1385 of Title 18, U.S. Code. Military personnel have supported civilian law enforcement efforts, but do not participate directly in law enforcement activities, such as search, seizure, and arrest. Military personnel protecting CBP personnel performing their Federal functions at POEs are, consistent with the April 1971 opinion of the Department of Justice Office of Legal Counsel, also complying with the Posse Comitatus Act.

**Conclusion**

The military's presence and support increase the effectiveness of CBP's border security operations, free U.S. Border Patrol agents to conduct law enforcement duties at the southern border, and enhance situational awareness to stem the tide of illegal immigration, human smuggling, and drug trafficking along the southern border. The ongoing temporary DoD support is a continuation of DoD's long history of supporting DHS and CBP in their mission to secure the U.S. border. These decisions are far from static, as we continue to work with the Services, the National Guard Bureau, and U.S. Northern Command to evaluate mission requirements and associated risks.

Chairman Smith, Ranking Member Thornberry, distinguished members of the Committee, thank you for the opportunity to testify before the committee.



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**QUESTIONS SUBMITTED BY MEMBERS POST HEARING**

JANUARY 29, 2019

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## QUESTIONS SUBMITTED BY MR. SMITH

Mr. SMITH. Please provide a list of all support provided by the Department of Defense (to include Military Departments, Defense Agencies, and Field Activities) to other Federal Agencies for missions on, or related to, the southern border from April 1, 2018 to January 30, 2019. Support includes any provision of personnel, materiel, or administrative services provided on a reimbursable or non-reimbursable basis, including, but not limited to, acquisition, contracting, financial (appropriated, working capital, and non-appropriated funds), materiel, equipment, goods, services, military personnel, civilian personnel, and other support. This list must include the granting DOD entity, the receiving Agency or Agencies, as well as type, time period, cost of support, and whether DOD has or will be reimbursed.

Secretary ROOD. Department of Defense (DOD) support to the Department of Homeland Security (DHS) at the southern border is being executed pursuant to the President's direction, including in his April 4, 2018, Presidential memorandum, "Securing the Southern Border of the United States."

DOD assistance to Customs and Border Protection (CBP) Operation Guardian Support

On April 5, 2018, CBP requested DOD assistance in support of the CBP border security mission in four specific border sectors: Rio Grande Valley, Laredo, and Del Rio, Texas; and the Tucson sector in Arizona. On April 6, 2018, the Secretary of Defense authorized and approved up to 4,000 National Guard personnel in a duty status pursuant to section 502(f) of title 32, U.S. Code (i.e., support of operations or missions undertaken by the member's unit at the request of the President or Secretary of Defense), to conduct operations in support of validated DHS border security missions through September 30, 2018. Duty under Section 502 requires the concurrence of the Governors concerned. National Guard personnel were to support mission requirements identified by appropriate DHS and DOD officials. In accordance with this direction, the Secretary of Defense approved CBP requests for the following National Guard support:

- Aviation support (e.g., medium- and heavy-lift support; 9,084 flight hours for light aviation support; and 1,422 flight hours for unmanned aircraft system (UAS) support);
- Infrastructure support (e.g., infrastructure maintenance, road maintenance, infrastructure deployment, vegetation clearing, and facility maintenance);
- Fleet maintenance and repair and movement of vehicles;
- Communications support;
- 90 intelligence analysts;
- 20 planners; and
- Surveillance support (e.g., surveillance camera operators, aerostat surveillance systems with crew, mobile surveillance platform operators)

On April 11, 2018, DHS requested 12,000 flight hours of light helicopter support and 1,343 ground support personnel. On April 13, 2018, the Secretary of Defense approved the request through September 30, 2018.

On May 9, 2018, DHS requested 736 National Guard personnel to assist CBP Office of Field Operations, Air and Maritime Operations, and Office of Intelligence. On May 11, 2018, the Secretary of Defense approved the request through September 30, 2018.

On August 21, 2018, DHS requested an extension of the National Guard support to September 30, 2019, and up to 15,950 flight hours of air support and 2,182 ground support personnel (7,800 hours of light rotary-wing air support in 7 U.S. Border Patrol (USBP) sectors; 1,700 hours of medium rotary-wing air support in 3 USBP sectors; 3,450 hours of fixed-wing air support in 4 USBP sectors; and 3,000 hours of UAS support in 4 USBP sectors), as well as 327 indirect support personnel for command and control. On August 30, 2018, the Secretary of Defense approved the request.

The current estimated cost of this support totals \$411 million, including \$103 million in fiscal year (FY) 2018 and \$308 million in FY 2019. Consistent with the President's direction, including in his April 4, 2018, Presidential memorandum, "Securing the Southern Border of the United States," DOD support is provided on a non-reimbursable basis to the greatest extent legally permissible.

Attorney Support for the Department of Justice

On May 16, 2018, the Department of Justice (DOJ) requested that DOD detail 21 attorneys with criminal trial experience to DOJ to serve as Special Assistant United States Attorneys (SAUSAs) for a period not to exceed 179 days. On May 27, 2018, the Secretary of Defense approved the request.

DOD provided a combination of Active Component (5), Reserve Component (14) (including 2 Air National Guard), and civilian (2) attorneys. All Reserve officers served in a voluntary duty status pursuant to section 12301(d) of title 10, U.S. Code. These attorneys were sourced from the Air Force (5), Army (9), Marines (2), Navy (3), and Defense Legal Services Agency (2).

DOD attorneys were assigned to U.S. Attorney Offices in: Corpus Christi, Texas (1); Del Rio, Texas (3); El Centro, California (1); El Paso, Texas (2); Laredo, Texas (2); Las Cruces, New Mexico (5); McAllen, Texas (2); San Diego, California (4); and Yuma, Arizona (1).

These DOD attorneys were appointed as SAUSAs and worked full time under the direction and supervision of Assistant U.S. Attorneys, assisting in prosecuting reactive border immigration cases, with a focus on misdemeanor improper entry and felony illegal reentry cases. Their duties included: drafting pleadings; assisting with plea negotiations; and making court appearances, all under the supervision of Assistant U.S. Attorneys.

This detail of DOD personnel, which cost \$1.5 million, was executed pursuant to the Economy Act and was executed on a fully reimbursable basis.

DOD assistance to CBP Operation Secure Line

On August 8, 2018, DHS requested two military planners to assist the CBP Migrant Crisis Action Team (MCAT) through November 20, 2018. On August 17, 2018, the Secretary of Defense approved the request. On November 17, 2018, DHS requested a 90-day extension for the two military planners. On November 19, 2018, the Secretary of Defense approved the request.

On October 25, 2018, DHS requested additional support to address the risk posed by an approaching Central American migrant caravan. Specifically, DHS requested:

- Military planning team to coordinate operation, engineering, medical, and logistic support.
- Engineering capability to provide temporary vehicle barriers and pedestrian style fencing at and around a port of entry (POE), including but not limited to: 2 one-half-mile segments of continuous anti-personnel intrusion fencing (for a total of 1 mile), approximately 4 one-way retractable vehicle anti-intrusion barricades, up to approximately 100,000 square feet of configurable pedestrian fencing, and approximately 5,000 total (non-continuous) feet of fixed vehicle barricades.
- Deployable medical units to triage and treat up to 1,000 personnel every 24 hours and to be prepared to stabilize and prepare injured personnel for commercial transport to civilian medical facilities as necessary.
- Medium-lift rotary-wing aviation support, on-call 24-hours a day, to supplement the movement of CBP quick reaction force tactical personnel in and around locations determined by CBP day or night.
- Strategic lift aviation, available with 12-hour notification, to move up to 400 CBP personnel and equipment to a location determined by CBP.
- Command center facility for up to 100 personnel.
- Temporary housing for up to 2,345 CBP personnel.
- Meals-ready-to-eat for 2,345 CBP personnel for 2 meals per day for approximately 10 days and field kitchen capable of feeding 2,345 CBP personnel for 1 meal per day for 10 days.
- Riot gear equipment (helmet with face shield, hand-held shields, shin guards) for 500 CBP personnel.
- Military personnel to provide Federal, State, and local police with assistance necessary to protect CBP personnel as they perform their Federal functions.

On October 26, 2018, the Secretary of Defense approved the request—with the exception of the request for military personnel to protect CBP personnel, which required a Presidential determination—and authorized active-duty military personnel to provide support through December 15, 2018. DOD selected the military personnel best-suited and available from the total force to provide the assistance to CBP requested by DHS, pursuant to the President's direction and as approved by DOD. Active-duty military personnel were more readily available than, and their use did not incur the additional pay and allowance costs associated with using, National Guard personnel. Although military personnel are highly trained and, for the most part, required no additional training, U.S. Northern Command conducted mandatory two-day training with all military personnel deployed to the southern border before



those personnel began providing support to CBP. This deployment of military personnel did not, and is not expected to, compromise the ability of the U.S. Armed Forces to respond to other national security threats around the world.

On November 14, 2018, DHS requested that DOD emplace an additional 26 miles of concertina wire at designated locations outside the POE buffer zones. DHS remained responsible to address environmental compliance for all areas of installation and the necessary access to land. On November 16, 2018, the Secretary of Defense approved the request and authorized the support through December 15, 2018.

On November 15, 2018, DHS requested DOD assistance with medical evaluations, and, if needed, urgent medical care of migrants referred by CBP to DOD deployed medical units at up to three POEs, or port extensions, along the U.S. Southwest border. DOD medical personnel also were to evaluate, treat, or refer migrants identified by CBP with potential or suspected conditions or infectious diseases that pose a public health risk. Once evaluated and treated for urgent medical conditions, or suspected conditions or infectious diseases, migrants either were to be returned to CBP for processing or to be transferred by CBP to local civilian health facilities for further medical care. DOD medical personnel were not to be present at locations where CBP conducts migrant medical screening. CBP law enforcement officials were to maintain custody for each migrant referred to DOD medical personnel at all times. CBP remained responsible for escorting migrants to and from the DOD medical units, and during transportation to and from local civilian health facilities. CBP also remained responsible for providing interpreters for migrants who were to be evaluated or treated by DOD medical personnel. On November 16, 2018, the Secretary of Defense approved the request and authorized DOD medical assistance through December 15, 2018.

On November 18, 2018, DHS requested that DOD protect CBP personnel performing their Federal functions within property controlled by CBP at or adjacent to one or more designated POEs, as necessary. This DOD military protection would be employed if CBP, other Federal law enforcement personnel, National Guard personnel operating under State command and control, and State and local law enforcement personnel were unable to apprehend or otherwise control migrants or other individuals attempting to enter the United States who threaten to harm CBP personnel or disrupt the ability of such personnel to perform their Federal functions within property controlled by CBP at or adjacent to a POE. On November 18, 2018, the Secretary of Defense approved the request contingent upon authorization by the President, which was provided on November 20, 2018. DOD military personnel protecting CBP personnel were authorized to perform missions that required direct contact with migrants and, at DOD's discretion, might require them to be armed. Decisions regarding arming of DOD personnel and related rules for the use of force were informed by the circumstances of this protection mission and made by DOD, or, in the case of National Guard personnel performing this mission under State control, by the applicable State Governors, and in consultation with CBP. DOD military personnel performing this mission were not to perform civilian law enforcement-type activities, such as arrest, search, and seizure; however, DOD military personnel were authorized to take actions to mitigate hostile actions by migrants against CBP personnel performing their Federal functions within property controlled by CBP at or adjacent to a designated POE, including but not limited to a show of force, crowd control, temporary detention, and cursory search necessary for the protection of CBP personnel. In these circumstances, "temporary detention" meant holding individuals for a brief period of time to resolve an imminent threat to the safety and security of CBP or DOD personnel within property controlled by CBP at or adjacent to the designated POE and to effectuate the orderly transfer of such individuals to CBP or other law enforcement personnel as soon as possible (CBP's expectation was that such detention would last seconds to minutes, depending on the situation).

On November 30, 2018, DHS requested an extension of the active-duty military support in CBP Region IX (California and Arizona), with the proviso that, as operationally required, the extended capabilities could be shifted or expanded back into CBP Region VI (New Mexico and Texas) following consultation between DHS and DOD. DHS requested that DOD:

- Maintain medium-lift rotary-wing aircraft capability with accompanying pilots and aviation support personnel to supplement the movement of CBP tactical personnel in and around locations determined by CBP. These aircraft were to perform standard aviation mission profiles, including but not be limited to Quick Reaction Force support, helicopter rope suspension technique/fast rope insertion of QRF personnel, command and control (C2), transport of CBP personnel and mission essential supplies, and casualty evacuation.
- Maintain aviation terminal control and asset de-confliction at CBP designated locations.

- Maintain the fixed-wing capability with accompanying pilots and aviation support personnel to move approximately 50 CBP personnel and equipment to a location determined by CBP within 12 hours following a 48-hour notification.
- Maintain capability at CBP-designated locations to evaluate and treat up to 200 migrants, CBP personnel, and other authorized personnel per day, and to provide emergency casualty care and public health support.
- Maintain Military Police support at CBP-designated locations to protect CBP personnel performing their Federal functions.
- Maintain engineering capabilities at CBP-designated locations to emplace POE barriers, emplace additional hardening measures as required, and maintain POE-hardening structures (including but not limited to fencing, concertina wire, and barriers). In CBP Region IX, maintain engineering capabilities at CBP-designated locations to complete currently agreed-to engineering priorities (if not completed by December 15, 2018). Maintain capability to surge engineering barrier maintenance and repair support to needs that emerge along the border outside of CBP Region IX.
- Maintain temporary housing and/or structures to house up to 500 CBP personnel with associated latrine and shower facilities. CBP was to establish/maintain interagency agreements with appropriate DOD organization.
- Maintain temporary hand receipt of riot gear.

On December 4, 2018, the Secretary of Defense approved the request, extending the support through January 31, 2019, or such time that CBP, in consultation with DHS and DOD, determined that the risk posed by the caravan to CBP personnel performing their Federal functions at POEs affected by the arrival of the caravan was mitigated or reduced to an acceptable level, whichever was earlier.

On December 27, 2018, DHS requested new DOD support. Specifically, in addition to aviation support, which was previously approved by the Secretary of Defense through September 31, 2019, DHS requested: (1) mobile surveillance camera operators to support CBP agents through September 30, 2019; and (2) 150 miles of concertina wire emplacement between the POEs by March 31, 2019. On January 11, 2019, the Secretary of Defense approved the request.

The estimated cost of DOD support to CBP Operation Secure Line through January 31, 2019, is \$132 million. Consistent with the President's direction, including in his April 4, 2018, Presidential memorandum, "Securing the Southern Border of the United States," DOD support is provided on a non-reimbursable basis to the greatest extent legally permissible.

Mr. SMITH. Please provide an accounting of all expenses incurred by the Department of Defense—specified by appropriation, budget activity, and sub-activity group—for all operations and support for DOD and other Federal activities along the southern border. This should include appropriated, working capital, and non-appropriated funds. This list include the granting DOD entity, the receiving Agency or Agencies, as well as type of activity, time period, cost, and whether DOD has or will be reimbursed.

Secretary ROOD. DOD support to CBP Operation Guardian Support commenced on April 7, 2018. As of February 21, 2019, DOD has incurred \$216 million in reported obligations for expenses such as National Guard pay and allowances, applicable per diem costs, Operation and Maintenance support costs, and Operation and Maintenance flying hour costs (\$103M FY 2018; \$113M FY 2019).

Costs are primarily being reported in the following Budget Sub-Activity Groups (SAGs):

Appropriation	Budget Activity	Sub-Activity Group	Sub-Activity Group Title	FY 2018 & FY 2019 Amount <sup>1</sup> (\$ in Thousands)
National Guard Personnel, Army	Reserve Component Training and Support	080	Special Training	\$163,112
National Guard Personnel, Air Force	Reserve Component Training and Support	080	Special Training	\$18,668
Operation and Maintenance, Army National Guard	Operating Forces	114	Theater Level Assets	\$16,524
		116	Aviation Assets	\$17,936
<b>FY 2018 &amp; FY 2019 TOTAL</b>				<b>\$216,240</b>

<sup>1/</sup> Costs reported by the National Guard Services as of February 21, 2019

DOD support to CBP Operation Secure Line commenced on October 16, 2018, and, as of February 20, 2019, DOD has incurred \$49 million in reported obligations such as personnel subsistence/per diem/lodging/family separation allowance, travel, supplies, and transportation. Costs are primarily being reported in the following Budget Sub-Activity Groups (SAGs):

Appropriation	Budget Activity	Sub-Activity Group	Sub-Activity Group Title	FY 2019 Amount <sup>1</sup> (\$ in Thousands)
Operation and Maintenance, Army	Operating Forces	111	Maneuver Units	\$4,069
		112	Modular Support Brigades	\$83
		113	Echelons Above Brigade	\$12,906
		116	Aviation Assets	\$1,845
		121	Force Readiness Operations Support	\$13,379
		131	Base Operations Support	\$615
		133	Management and Operational Headquarters	\$0.2
	Training and Recruiting	321	Specialized Skilled Training	\$7
	Administration and Servicewide Activities	422	Central Supply Activities	\$4
		423	Logistics Support Activities	\$66
	424	Ammunition Management	\$12	
	437	Other Construction Support and Real Estate Management	\$34	
Operation and Maintenance, Marine Corps	Operating Forces	1A1A	Operational Forces	\$3,556
Military Personnel, Air Force				\$47
Operation and Maintenance, Air Force	Operating Forces	011C	Combat Enhancement Forces	\$19
		011R	Real Property Maintenance	\$6,902
		011W	Contractor Logistics Support & System Support	\$600
		011Z	Base Support	\$3,692
		012A	Global C3I & Early Warning	\$19
		012C	Other Combat Operations Support Programs	\$8
		015C	Combatant Command Mission Operations - USNORTHCOM	\$197
	Mobilization	021A	Airlift Operations	\$348
		021D	Mobilization Preparedness	\$210
	Administration and Servicewide Activities	043A	Security Programs	\$1
Defense-wide	Administration and Servicewide Activities			\$185
<b>FY 2019 TOTAL</b>				<b>\$48,805</b>

<sup>1</sup>/Costs reported by the DoD Components as of February 20, 2019

DOD provides support to CBP under available legal authorities, consistent with the April 4, 2018, Presidential memorandum, "Securing the Southern Border of the United States." All DOD costs incurred are on a non-reimbursable basis, to the greatest extent legally permissible.

Presently, the DOD Components providing the personnel and capabilities are responsible for the resulting bills. The DOD Components are leveraging base budget appropriations to pay for the border support mission. To date, the DOD Components have reported costs mainly in Operation and Maintenance and Military Personnel accounts. The DOD Comptroller is reviewing DOD accounts to fund this support with minimal disruption to readiness and other DOD missions. The DOD Comptroller will analyze the reported costs to develop sourcing strategies for potential reprogramming actions, as required, in the context of all DOD requirements.

Mr. SMITH. During your testimony you stated that "most people just think we are consuming readiness, but we're also producing readiness during those of deployments." Please provide specific examples. How is there an overall net gain in readiness for units that support the border mission as it relates to missed home station training, reset, or pre-deployment training? Your testimony referred to the training

specific to Military Police (MPs) and the potential for command and control leadership principles that may get exercised. Please exclude these from your examples.

Admiral GILDAY. In aggregate, the Joint Force's support to the Southwest Border (SWB) mission has not significantly impacted the strategic readiness of the Joint Force, largely because the current Global Force Management (GFM) process enables the Force Providers to source the SWB mission and internally rotate forces in such a way as to mitigate the overall impacts to strategic readiness.

Although the strategic readiness impact to the Joint Force is mitigated, individual unit impacts can be more pronounced. Analysis of unit reporting in the Defense Readiness Reporting System (DRRS) indicates that there have been both increases and decreases to unit-level readiness reporting for those units supporting the SWB mission since October, 2018. It is important to note that short-term unit readiness increases are tempered by decreases caused by both split/partial deployments and missed unit-level training activities.

The instances of unit readiness increases involve units and individuals who are employed in such a way that the assigned mission in support of the SWB aligns with the unit's designed or "Core" wartime mission. Examples of small-unit and individual readiness increases represent instances when the unit, and/or individuals, are able to exercise aspects of their Core Mission Essential Tasks (METs) while conducting the SWB mission. Additional examples of units/individuals who are able to exercise components of their Core-METs include engineering units that are emplacing obstacles and constructing barriers, as well as Quartermaster, Field Feeding Companies (FFCs), who are able to execute tasks that directly link to the unit's Core-METs.

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#### QUESTIONS SUBMITTED BY MR. GARAMENDI

Mr. GARAMENDI. Please provide specific details on which units have been deployed, including those expected to be deployed in the coming weeks, the locations of their deployments, and how this mission is impacting troops' readiness.

Secretary ROOD. As of March 13, 2019, there were approximately 3,999 active-duty military personnel supporting CBP Operation Secure Line. The attached document identifies active-duty military units supporting CBP Operation Secure Line. [The information referred to is classified and retained in the committee files.]

As of March 11, 2019, there were approximately 2,227 National Guard personnel supporting CBP Operation Guardian Support at the southern border of the United States. National Guard personnel from Alabama, Arizona, Arkansas, California, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Nebraska, New Hampshire, New Mexico, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, and West Virginia are currently supporting CBP Operation Guardian Support. The attached document identifies National Guard units supporting CBP Operation Guardian Support. [The information referred to is classified and retained in the committee files.]

DOD, including the Military Services, proactively manages any effects on readiness regardless of mission set by means of diligent and conscientious unit selection, through appropriate mission-assignment processes, and by leveraging training and readiness opportunities when available.

Mr. GARAMENDI. Please provide specific details on which units have been deployed, including those expected to be deployed in the coming weeks, the locations of their deployments, and how this mission is impacting troops' readiness.

Admiral GILDAY. For the complete listing of units, locations, please see classified enclosure (ENCL-A) ENCL-A is the placemat. [The enclosure referred to is classified and retained in the committee files.]

To date, the Joint Force's support to the Southwest Border (SWB) mission has not significantly impacted the strategic readiness of the Joint Force, largely because the current Global Force Management (GFM) process enables the Force Providers to source the SWB mission and internally rotate forces in such a way as to mitigate the overall impacts to strategic readiness.

This assessment is based largely from the overall impacts to the Force Providers. The Army units providing support to the SWB mission are sourced primarily from units outside of Brigade Combat Teams (BCTs), which enables the Army to preserve BCT readiness in support of National Defense Strategy (NDS) priorities. For the Marine Corps, the initial sourcing of Request for Assistance 3 (RFA-3) included a Regimental Headquarters in addition to an Engineer Battalion Headquarters and a Military Police (MP) Company. As of mid-February, the Marine Regimental Headquarters is being replaced by an Army Brigade Headquarters, which will help miti-

gate some of the impacts to training and readiness I Marine Expeditionary Force (I MEF).

Depending on the SWB's continued mission, scope, and duration, an overall readiness decline is possible in training proficiency, equipment readiness and personnel availability, as well as a degradation of available forces to support global commitments. The Joint Staff, in conjunction with OSD and the Force Providers will continue to closely assess these potential impacts.

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#### QUESTIONS SUBMITTED BY MR. BROWN

Mr. BROWN. Mr. Rood, the administration is considering the declaration of a national emergency on the southern border. Yet, the deployment strategy indicates the administration believes the situation is improving. Active duty troop deployment peaked at 5,900 in November 2018 and has since fallen to 2,300 troops currently at the southern border. How does this justify the potential declaration of a national emergency?

Secretary ROOD. On February 15, 2019, the President declared a national emergency because “[t]he current situation at the southern border presents a border security and humanitarian crisis that threatens core national security interests and constitutes a national emergency.” In his proclamation, the President also determined that “[b]ecause of the gravity of the current emergency situation, it is necessary for the Armed Forces to provide additional support to address the crisis.”

Mr. BROWN. Mr. Rood, when the deployment was extended to September 2019, DOD stated that troops would be providing “mobile surveillance camera operations”. I have deep concerns regarding our military conducting surveillance operations on U.S. soil. What authorities are you using to authorize this surveillance and how are you ensuring that the rights of U.S. citizens are protected?

Secretary ROOD. Congress has provided DOD with several authorities to detect and monitor cross-border traffic. For example, section 274 of title 10, U.S. Code, authorizes DOD, in support of civilian law enforcement agencies, to detect, monitor, and communicate the movement of surface traffic outside of the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary.

DOD's exercise of such authorities are consistent with the law, including laws protecting the rights of U.S. citizens.

Mr. BROWN. Vice Admiral Gilday, there has been reporting that several overseas deployments—including at least one to Europe—have been impacted by using our military in our own backyards in California, Texas, Arizona, and New Mexico instead of where they are trained to operate—abroad and in foreign lands. How many overseas deployments have been impacted by this decision and how has the diversion affected our commitments to our allies?

Admiral GILDAY. No overseas deployment impact reported (confirmed with each of the Force Providers); all impacts reported have been CONUS-based training events and exercises. Accordingly, the Joint Staff assesses that the current Joint Force support to the SWB mission has not affected commitments with allies or partners.

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#### QUESTIONS SUBMITTED BY MS. HOULAHAN

Ms. HOULAHAN. Please provide an updated list deployed personnel and a map of their location. For any units larger than 10, please describe what their mission is and what they would be doing if they weren't on the border right now.

Secretary ROOD. As of March 13, 2019, there were approximately 3,999 active-duty military personnel supporting CBP Operation Secure Line. The attached document identifies active-duty military units supporting CBP Operation Secure Line. [The information referred to is classified and retained in the committee files.]

As of March 11, 2019, there were approximately 2,227 National Guard personnel supporting CBP Operation Guardian Support at the southern border of the United States. National Guard personnel from Alabama, Arizona, Arkansas, California, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Nebraska, New Hampshire, New Mexico, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, and West Virginia are currently supporting CBP Operation Guardian Support. The attached document identifies National Guard units supporting CBP Operation Guardian Support. [The information referred to is classified and retained in the committee files.]

Military personnel are performing aviation; engineering (e.g., temporary barriers, and emplace concertina wire); communications; fleet maintenance; law enforcement

information analysis; planning; and detection and monitoring. Additionally, a small number of personnel remain available for emergency response at POEs in California through September 30, 2019. This includes 1 military police platoon and a small number of medics on 48-hour notice and 1 military police company on 7-day Prepared-to-Deploy Order with medics.

Ms. HOULAHAN. Please provide a list of all the units that have been and are currently deployed and also their Defense Readiness Reporting System (DRRS) reports from before and after deployment so that we could understand from a quantitative perspective how their readiness has been affected if it has been positively or negatively.

Secretary ROOD. [Please see the classified enclosure (ENCL-B) for the list of all units and a snapshot of their DRRS reports from October 2018 through the present. ENCL-B is the J35 SWB Product.] [The enclosure referred to is classified and retained in the committee files.]

Ms. HOULAHAN. In some cases, individuals are being deployed from their units separate from their units and we know the units have a finite period at home to train for their next deployment. Are we hurting their home unit training or readiness, are we impeding or impairing individuals' career abilities by deploying in this way? How is the Department capturing the impact of this from a quantitative perspective?

Secretary ROOD. In aggregate, the Joint Force's support to the CBP security mission at the southern border has not affected the strategic readiness of the Joint Force significantly, largely because the current Global Force Management (GFM) process enables the Force Providers to source Joint Force support to CBP at the southern border and internally rotate forces in such a way as to mitigate the overall effects on strategic readiness.

In those cases where readiness may have been affected for units supporting the CBP, many of the reported negative effects are due to partial or split deployments (not the full unit). The issue is that partially deployed, or split-based, units are unable to train effectively to collective standards against their designed mission, which degrades their overall unit readiness. Historical review of reporting for units that experience readiness degradations due to partial deployments for a limited period of time indicates that these units can return to pre-deployed readiness levels fairly quickly. Accordingly, the GFM process enables the Force Providers both to source and rotate units in such a way as to mitigate the overall effects on readiness. The GFM process includes detailed impact statements that clearly articulate risks to both mission and force. These impact statements include effects on readiness, thereby quantitatively capturing the impact of DOD's support of CBP at the southern border.

Ms. HOULAHAN. Title 10, section 276 states that the Secretary of Defense should prescribe regulations to ensure that the provision that any support to law enforcement does not adversely affect the military preparedness of the United States. Are you aware of any directives or policy statements put forth by the department to ensure that any readiness impacts of this border deployment has been mitigated? If so, please provide copies of those policies or directives. If not, why not? How does the Department plan to comply with Section 276?

Secretary ROOD. DOD policy in DOD Directive 3025.18, "Defense Support of Civil Authorities (DSCA)," requires that all requests from civil authorities for assistance be evaluated for effects on readiness. DOD, including the Military Services, proactively manages any effects on readiness regardless of mission set by means of diligent and conscientious unit selection, through appropriate mission-assignment processes, and by leveraging training and readiness opportunities when available. As such, DOD does not anticipate that DOD support to DHS at the southern border will adversely affect the military preparedness of the United States.

DOD Instruction 3025.21, "Defense Support of Civilian Law Enforcement Agencies," establishes that it is DOD policy that "DOD shall be prepared to support civilian law enforcement agencies consistent with the needs of military preparedness of the United States, while recognizing and conforming to the legal limitations on direct DOD involvement in civilian law enforcement activities." DOD Instruction 3025.21 also provides guidance and assigns responsibilities with regards to "evaluating requests for assistance in terms of effect on military preparedness of the United States."

The President's January 27, 2017, memorandum, "Rebuilding the U.S. Armed Forces," established that it is "the policy of the United States to rebuild the U.S. Armed Forces." Consistent with this policy, military readiness remains a key DOD priority.

Ms. HOULAHAN. Will the Department seek reimbursement for the deployment of forces to the Southern Border as outlined by 10 USC 277? If so, will the funds from

the reimbursement used to remediate any readiness challenges with the deployed units?

Secretary ROOD. Consistent with the President's direction, including his April 4, 2018, Presidential memorandum, "Securing the Southern Border of the United States," DOD support is provided on a non-reimbursable basis to the greatest extent legally permissible. Section 277(c) of title 10, U.S. Code, for instance, authorizes the Secretary of Defense to waive reimbursement for support if such support: (1) is provided in the normal course of military training or operations; or (2) results in a benefit to the element of DOD or personnel of the National Guard providing the support that is substantially equivalent to that which would otherwise be obtained from military operations or training. In addition, section 1059 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) authorizes the Secretary of Defense to provide assistance to U.S. Customs and Border Protection, without reimbursement, for purposes of increasing ongoing efforts to secure the southern land border of the United States.

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#### QUESTIONS SUBMITTED BY MR. BACON

Mr. BACON. Vice Admiral Gilday, in testimony last year Admiral Tidd, Commander of USSOUTHCOM, stated "threat networks including ... terrorist supporters and sympathizers ... use common pathways and conduct operations that span the [southern] region and reach deep into our homeland." In your testimony you affirmed this statement adding that you consider the terror threat in the Southern Region to be "very real". Please provide an updated assessment of the terror threat in the Southern Region including number of individuals with known or suspected connections to terrorism detained each year over the previous 5 years by the U.S. or partner governments in Central or South America that pose a threat to the United States.

Admiral GILDAY. [The information is classified and retained in the committee files.]

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#### QUESTIONS SUBMITTED BY MS. ESCOBAR

Ms. ESCOBAR. Mr. Rood, does the military believe Central American families, who have a right to seek asylum under international and immigration laws, constitute a national emergency? Subsequently, does the military believe that asylum seekers are a threat to national security?

Secretary ROOD. DOD defers to the White House and the Department of Justice to comment on the President's lawful authority to declare a national emergency. DOD support to DHS is being executed pursuant to the President's direction, including in his April 4, 2018, Presidential memorandum, "Securing the Southern Border of the United States." The Secretary of Homeland Security has repeatedly emphasized the nature of the crisis at the southern border.

Ms. ESCOBAR. Mr. Rood, the President, in reference to using the military to build a wall, recently said "the military wants this to happen". Can you please respond to the President's comment?

Secretary ROOD. DOD defers to the White House to elaborate on the President's statement.

DOD uses barriers to protect and control access to military installations in the United States and overseas, including areas of active conflict.

According to the Secretary of Homeland Security, border barriers enable the U.S. Border Patrol to cover more border area with fewer agents and to manage more effectively the flow of people entering and exiting the United States.

Ms. ESCOBAR. The President is reportedly considering pulling \$3.6 billion in military construction funds and \$3 billion in Pentagon civil works funds to build a wall. This sets a terrible precedent for critical dollars for the military to be diverted toward a campaign promise. Mr. Rood, if the President declares a national emergency, how will the military ensure the American people are safe from actual threats to our country?

Secretary ROOD. On February 15, 2019, the President declared a national emergency and invoked section 2808 of title 10, U.S. Code. If the Acting Secretary of Defense determines that barrier construction is necessary to support the use of the armed forces, his selection of military construction (MILCON) projects to be used as funding sources for the emergency MILCON projects would minimize effects on readiness.

Ms. ESCOBAR. Mr. Rood, the Trump administration has repeatedly claimed that terrorists are coming in through the southern border. What data can you share

about how many national security threats cross at the southern border? The northern border?

Secretary ROOD. DOD defers to DHS to describe potential terrorist entry into the United States through the southern border. In accordance with section 402 of the Homeland Security Act of 2002 (Public Law 107-296; section 202 of title 6, U.S. Code), DHS is responsible for preventing the entry of terrorists and the instruments of terrorism into the United States and for securing the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States. The Secretary of Homeland Security has repeatedly emphasized the nature of the crisis at the southern border.

