

Congressional Transcript

House-Senate Conference Committee on H.J. Res. 31, FY '19 Emergency Disaster Assistance Supplemental Appropriations Bill

Tuesday, January 29, 2019

SMITH:

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 five-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 five-minute rule applies to the totality of your conversation, or at least I'm going to try to have it be that way. So, in other words, if you ask a question for five minutes, it doesn't mean that the witnesses then answer it for another ten. We try to stop it at five. Now, for the witnesses, I will not cut you off in mid-sentence, but the second it hits that five minute, there will be a light little tapping just to remind you that we're supposed to move on to the next person. And if you could summarize at that point, that would be great.

I'll try--like I said, I'll 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 failsafe, you know, we'll take it for the record, and we'll submit it to your office when--when we get a chance. But, that's 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--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 dur-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 XXXII 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, it was--it was--it was an unusual step. And one of the biggest areas of questions we have there is what is the impact of this on DOD? As this committee well knows, we--you know, 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 inter-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 are 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 speaking for myself, but also I believe for all the people on this-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 important and the role that the military will occasionally play in helping it.

But, when you look at the statistics at the-the peak of our problem on the border was in 2004 and 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've actually had zero net migration from Mexico for I think going on four or five 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 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 come at that issue. So it's 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 on 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's 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 1976 law to do that. He would have to justify that emergency and I'm 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 he is talking 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, at the Pentagon that the president could go after is 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 -- not DOD priorities. There are other pots of money, but none of them that are big. I mean, let's face it when you look at the discretionary budget, the Department of Defense is where the money is at. So we are deeply concerned that if an emergency is declared the 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 the 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.

THORNBERRY:

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 affect 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 -- 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 X 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 1990's 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 19 -- in 2012 under President Obama, the military was used for construction to install sensor equipment and so forth. So I guess my take away 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 take away is that under administrations of both parties and congresses of both parties we obviously aren't providing for adequately 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 -- that takes us to areas outside of that committee how much we do on -- 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, what it at least informs 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.

SMITH:

Thank you. That gentleman please Mr. Rood you going to go first? Okay. Thank you.

ROOD:

Yes, Mr.--

SMITH:

For the record in your books there is a joint statement that they both provided for the committee.

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's 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 1990's. 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 is low on 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 the shelter and support to HHS would not negatively affect military training, operations, readiness or other military requirements including National Guard and Reserve readiness.

ROOD:

At the direction or -- 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 nonlaw 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 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 on requests for assistance. Across the full range of support, the 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 readiness. 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 "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 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 be-continue to be provided consistent with the law, including the Posse Comitatus Act, Section 1385 of 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 pol-Posse Comitatus Act.

So, Mr. Chairman, in conclusion, let me say the military's presence and support increased 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 illebal-illegal immigration, human smuggling, and drug trafficking along the Southern Border. The ongoing temporary DO's-D's 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.

SMITH:

Thank you. Admiral Gilday.

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 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 in 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 Souther-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 and all nine border patrol sectors across four states. And the emplacement 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'd like to thank you, again, for your support and for the opportunity to appear before the Committee. I look forward to taking your questions.

SMITH:

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?

ROOD:

With regard to active duty troops, Sir, we presently have just a little under 2300, or excuse me, just over 2300 active duty troops. They are scheduled, right now, to be deployed through January of 2019, but that can-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 (INAUDIBLE).

SMITH:

And what was the-the original number was, like, 5600, I believe, something like that.

ROOD:

There--.

SMITH:

--How long were that many troops there?

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, last fall--.

SMITH:

--Well, I know the numbers fluc-I'm sor-I know the numbers fluctuate but, the number of active duty troops that were sent there in the first place, and I'm focused on the active duty piece, I believe was 5600, is that correct?

ROOD:

It was 15-it was about 5900.

SMITH:

59, okay.

ROOD:

And that was in the beginning of November.

SMITH:

And that's the part that's 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 X. We've 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 5800 active-duty troops to the border? I-I-I don't see it.

ROOD:

So, I'll provide some context. The--.

SMITH:

--I'm sorry. Could you pull the microphone a little closer to you?

ROOD:

Yes, sir.

SMITH:

These things are not as sensitive as they could be.

ROOD:

Is that better?

SMITH:

That's much better, yes.

ROOD:

At that particular time, the-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-their personnel at support--at the ports of entry, and we could provide an augmentation force to allow them to do that.

So--.

SMITH:

--And did-did those-those border caravans all went to the ports of entry. Did they not?

ROOD:

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

SMITH:

Right.

ROOD:

Yes, sir. They all--.

SMITH:

--That's kind of what they said they were going to do, from what I was reading anyway.

ROOD:

Sir, not initially. So, they made that determination when they arrived in Mexico City. But, at the time that they went down to 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.

SMITH:

J-just for reference point, Mexico City's 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-got out of you folks was that they were going to get here in roughly January. And the border deployment believed the active-duty troops were first sent to the border in September, correct?

ROOD:

Sir, the active-duty--.

SMITH:

--October, or fill--?

ROOD:

--Sir, the active-duty troops, the request came in the end of October.

SMITH:

End of October? OK.

ROOD:

And we deployed them in early November.

SMITH:

These--o-one final question at this point because I'm going to let my colleagues get in here. You said that, you know, it's worked basically. The active-duty troops have, you know, improved the situation. W-what is your metric for that? Because as near as I can tell, you know, we have made substantial improvements since 2005 on border security. But, what metric has changed since we sent the active-duty troops there that shows that there's 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?

ROOD:

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. And they get more difficult for somebody to cross over illegally at those ports of entry. This made it easier

for--it-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 here I would say that the fact that we made it--that we harden those ports of entry is probably--probably the best answer I can give you.

ROOD:

The only thing I would add, Mr. Chairman, is 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. Their--their statements to us and their assessment of our--the efforts that DOD has provided is it has allowed them to focus their resources elsewhere, that is assisted in their mission accomplishment.

SMITH:

None of that is an actual metric measurement that's just sort of an opinion. One final question, sorry you have one final question; when are we going to be to 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 e 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?

ROOD:

Mr. Chairman, of course the Defense Department acts in support of requests from the Department of Homeland Security's CVP. They're 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 a decision was made in terms of the timeliness.

SMITH:

Got it. You don't really know basically--.

ROOD:

--What--.

SMITH:

--What do we need to accomplish, did I mean, I know at the end of the day it's DHS that makes that call. They decide what 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 was they are trying to accomplish so that they won't need you anymore.

ROOD:

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

SMITH:

And what would your take on that be?

ROOD:

It--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--

SMITH:

Sorry that's I don't--I don't want to interrupt. I'm acting, I'm asking specifically about the active duty troops who have been sent to the border. I understand all that other stuff. All that other stuff is fine. If that was all you were doing was all that stuff you talked about we wouldn't be having this here. Is the active duty troops sort of caught the attention of the committee?

ROOD:

Yeah, go ahead.

GILDAY:

Sir, if I can give an example, before that back to the metric.

SMITH:

Microphone again. Sorry.

GILDAY:

Sir, just for a moment on the metric we--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--we receive from CBP that you know, at the time we deployed, um, you know, those initial numbers were 10,000. Now 10,000 never reached the border, but you know, we--we felt we were better prepared, 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 5900 in early November by Christmas those numbers were down at 2400.

SMITH:

Why?

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--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 were 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 that equipment home.

SMITH:

Okay.

GILDAY:

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

SMITH:

Thank you. Mr. Thornberry?

THORNBERRY:

I want to-- I want to go back because I'm not sure we got the--the rest of the story. You started the--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--and so can you continue then and--and--and back to the Chairman's question why active duty in that circumstance versus Guard?

GILDAY:

Yes, sir. So broadly, we're taking a look at these requirements across the total force and we're trying to see which forces are best suited for the task-- .

GILDAY:

--and who is readily available. And so, in one's mind eye--mind's eye, they may think that 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 got those troops down there within a week. And so, I hope that gives a little bit more context there in terms of what drove the active duty, But, we-we did look at the guard, and we did look at guard capacity for the missions for those particular missions or the requirements that-that-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.

THORNBERRY:

So, Mr. Rood--

ROOD:

Congressman Thornberry, if I may add--

THORNBERRY:

--Yeah--

ROOD:

--Just briefly to that 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 s--satisfies those requests from 19 guard units, 19 states. And there's a limit to the number of volunteers, which is the way they've sourced them, that they can do.

And so, the feedback from the National Guard, bureau, and the adjutant generals is 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.

THORNBERRY:

OK. That-that really gets to where I wanted to go. So, if-if I could 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 request? 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--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? Is that--does that sum it up?

GILDAY:

Sir, I think so. I--I'd like to add, though, that the reas--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 could 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's consistent with--with the authorities that we have.

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

THORNBERRY:

But--but, you 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've got to in your conversations with them be ready to adjust to changes in the situation. Don't you?

ROOD:

Yes, that's right. And you're correct. Current information shows a caravan of over 12,000 people. There's three that we are tracking, the Department of Homeland Security is tracking, on 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-it will need to do so, and we do work very closely with DHS, 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 would be meaningful.

THORNBERRY:

OK. I yield back.

SMITH:

Thank you. Mr. Larsen?

LARSEN:

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

TORRES-SMALL:

Thank you, Undersecretary Rood, and Admiral Gilday, for being here. I really appreciate the dialogue about the choices that you're making when it comes to National Guard versus deployment of active military. And you listed some of the-the components, timeliness, scope of the request, the cost, and available troops.

One thing I'd like to dig into more is readiness. Admiral Gilday mentioned it briefly. We ask a lot from our troops, and when 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?

GILDAY:

So far, it has been manageable. So, as I explained a few minutes ago, we tried to--

TORRES-SMALL:

--I'm sorry--

GILDAY:

--I'm sorry, I explained a few minutes ago we try to rotate the troops in about every six to eight weeks So, we're trying to make sure we maintain that deploy to dwell ratio in a manageable level because we may have to call in those same forces to deploy to another mission.

The--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 and Western Pacific and so, we are trying to balance all of that. In this particular case we have--we have been using troops that are based here in the continental United States and we have been trying to rotate them in a fairly I want to say it's--it's a revolving door, But, that first group went in at 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--in that manner.

TORRES-SMALL:

Shifting gears just a little bit CBP personnel, it is 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--how the medical part of the mission is limited based on interactions with migrants and how that's controlled?

ROOD:

Congresswoman, you're correct. The Customs and Border Patrol is the primary mission holder in 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.

TORRES-SMALL:

Thank you. Just shifting a little bit to the National Guard. I represent New Mexico. We've 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?

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 than 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.

TORRES-SMALL:

I'm sorry. Just because we're running short on time the difference is?

ROOD:

The difference is it is a very similar mission and it depends on what the DHS request of us specifically to augment their forces and it varies over time whether it is surveillance or it's monitoring of different borders or in this particular case in placement of barriers between ports of entry.

TORRES-SMALL:

National Guard is also, placing barriers at ports of entry?

ROOD:

That mission, my understanding is it will be done by active duty.

TORRES-SMALL:

OK.

ROOD:

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

TORRES-SMALL:

So, any specific differences between this National Guard deployment and previous ones?

ROOD:

It's a basic mission.

GILDAY:

I think it's relatively the same. I can't speak to the--to the previous mission that you--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. So, they have a number of rotary wing aircraft with electrooptical and IR sensors that we don't have as many of in the active force to be honest. 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 help at CBP headquarters, paralegals, administrative assistants. And So, the--the hope is that we are freeing up--the goal is that we are freeing up CBP agents to actually do law enforcement.

SMITH:

Mr. Wilson.

WILSON:

Thank you, Mr. Chairman. And Honorable Rood and Admirable Gilday, thank you 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 first-hand experience of the benefits of being activated. I served 31 years in Army Guard. I'm grateful--I'm 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 at the comrade of our members has never been better. So, I--I want to thank you for the opportunities that you actually give, and it has been indicated in 19 different states. We have guard members at the southern border. I know how positive that is for our guard members.

The president--

WILSON:

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 Army guard. I have three--I'm 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--I want to thank you for the opportunities that you actually give, and it's been indicated 19 different states have had guard members at the Southern border. And I--I just know how positive that is for our guard members.

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 Jumpstart 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 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 personnel.

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--our deployed units in the field. They--they lived and worked together. And so as CBP performs their primary mission and--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 and placement of shipping containers and other temporary barriers to control the flow of--of individuals. And then medical support, aviation support, things of that nature. But it's just a day to day working relationship, sir.

WILSON:

Well, the backup and support makes such a positive difference and it's so meaningful. With the military mission extended to September 30, 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.

ROOD:

As mentioned, congressman we--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 AG 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--to meet those requests from the National Guard, that's where we've looked at active-duty through the end of this fiscal year, sir.

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 rule of force?

GILDAY:

I will. So I'll take each of those. On the--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 were also producing readiness during those of deployments. So as you know, sir, many times at the end of that deployment, you're at a higher state of readiness than you were going into it because you just accumulate that type of hands on deck plates, leadership, and experience that you typically wouldn't get at home station.

One really good example of 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've had to train with CBP personnel to make sure that we are clear on each of our authorities, to make sure there are 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've had is with military police. (INAUDIBLE)--

WILSON:

--In terms of its readiness, thank you very much.

GILDAY:

Yes, sir.

SMITH:

Thank you. Mr. Courtney.

COURTNEY:

Thank you, Mr. Chairman. I have a quick yes or no question. Given the threat description that surrounded this order, or the servicemembers of the border receiving imminent danger pay?

ROOD:

No.

GILDAY:

No sir.

COURTNEY:

Thank you. I would just yield the balance of my time to Congresswoman Lori.

TRAHAN:

Well thank you, Undersecretary Rood and Admiral Gilday. You stated that the military support is for three main purposes and providing forces to stop the tide of illegal immigration, stop the human trafficking, and stop the flow of illegal drugs. I'd like to hear, admiral, which of these three missions do you think is the most pressing?

GILDAY:

Drugs--

TRAHAN:

--Human trafficking--

GILDAY:

--Human trafficking--

TRAHAN:

--Or personnel crossing the border.

GILDAY:

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

TRAHAN:

--Okay.

GILDAY:

--which could be present at any point in the border.

TRAHAN:

Well, in that case, I'd like to focus on the flow of illegal drugs. And it's been reported that, you know, a large portion of the drugs do not in fact come across the border, they can 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 (inaudible) of 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 are 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're 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?

GILDAY:

So I--I think we really need to talk about the last probably 18 months under--under a new president with a new national security strategy at 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 of VEO 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've under--under sourced readiness for some time. That is the secretary and the acting secretary's now top priority is, in order to make us more lethal, we have to be ready. And so we have had to ruthlessly prioritize and I, quite honestly, although the drug problem is a big problem and we have historically under resourced Southern Command against that problem set.

And I just, I probably have an honest factory answer for you ma'am in terms of--in terms of our being able to--to--to improve in that regard, but I do think when we have--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--it is looked at, it just--I'm just being honest here with you with respect to the racking and stacking of national priorities, it hasn't reached the top.

TRAHAN:

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've placed it in our already order of priority for allocating forces. And when you say you use creativity, you just mentioned that when we use forces, we're not just consuming readiness, but we are producing readiness, 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 the readiness.

GILDAY:

Congresswoman, I think that's a fair comment. To your point about--to your point about priorities, so to the national defense strategy is a strategy and has laid out priorities that we follow, but--but reality strikes and we end up reprioritizing. And in this case, that's exactly happened.

TRAHAN:

Thank you. I yield my time.

SMITH:

Thank you. Mr. Turner.

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're having here today. Going to ask you two questions and then I'm going to concede my time to Mr. Bergman. The--the admiral indicated that it's hard to answer negative, how many people were deterred, how many people didn't cross the border. So I have two--two simple questions for you. I think there yes or no, but I'm 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 it closed--is the level of protection that's currently being provided by Homeland Security and the Department of Defense stopping illegal immigration? Has it stopped? Has illegal immigration stopped between Mexico in the United States as a result of the current level of production from homeland security and DOD?

ROOD:

No. Just in the last three months alone, CBP reports apprehending 154,000 local immigrants.

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 unimpeded?

ROOD:

Yes.

TURNER:

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

BERGMAN:

Thank you and I--I appreciate you yielding time, Mr. Turner. Glad--I'm 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 in that you only pay a guardsman or a reservist when they're performing some type of duty. Correct? Okay.

ROOD:

Yes.

BERGMAN:

So, the point is your active-duty personnel that we have down there today, you're paying them, normal pay rate, no combat pay, just their normal pay rate. Any TAD?

GILDAY:

Sir, it depends, But, those numbers are very, very small.

BERGMAN:

Yeah. So, the (INAUDIBLE), what do they get? What did they receive?

GILDAY:

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

BERGMAN:

Ok. 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're using down there, it's their first deployment since joining the-the military? In other words, they're not--they're not in a dwell time because they've been stressed over a period of time?

GILDAY:

Sir, I'd like to take that for the record.

BERGMAN:

Ok. Well, it's a--because we know that troops coming off the line need to get R&R, 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 are getting stressed?

GILDAY:

Not skill sets so much, sir. But, I would say if we're stressed anywhere, it's rotary-rotary wing, and just because of the demand we have for helicopters in--in Syria, in Iraq, in Afghanistan. So, we've been a bit pinched in terms of helos to be hon--to be honest, but-But, not at a point where we have significant concerns about it.

BERGMAN:

OK, So, stress on the flight hours on the airframe as opposed to time on the pilot's seat, bucket seat?

GILDAY:

Just to bit--yes, sir--just--

BERGMAN:

--Ok--

GILDAY:

--Availability to the assets with crews that they're at a--let's say a one-to-two dwell.

BERGMAN:

Ok. Is there--is it--is it fair to say that if we have a lot of first-time folks deploying, this is--this is why they join, maybe a slightly different, you know, fight, if you will, or mission, probably more appropriately said than they--than they originally envisioned on their first deployment. But, are we making them more capable because of the-the training and what they're doing on a daily basis here So, that when we do have to deploy them somewhere in the world, that they're-they're higher ready, you know, more ready and-and ready to take on whatever mission?

GILDAY:

Sir, I'd say in general, yes. Specifically down to every person, I think it'd 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--it is a critically important mission at the moment.

BERGMAN:

We know that no matter what the situation is, whether we're-we're dealing with combat injuries on the battle field or dealing with humanitarian assistance, disaster relief, the need for medical personnel, whether it be doctors or nurses, is going to continue to be--to be stressed, no matter what we're using them for. So, it--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's stay in that first one or two, especially in that middle-block era, and I yield back.

SMITH:

Thank you. If I could just follow up with a quick-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're doing. And I guess the question that occurred to me is it--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 come across, I mean I would--I would think you could plop 50,000 U.S. troops down there in the border, and you'll still have a hard time doing that. And also, note for the committee, and I'm sure Mr. Turner's aware, every single combatant commander that we have has requests that go unfilled. And it's absolutely true because there is too much in the world that we need to do, we don't have the resources for all of it.

And I guess that's the biggest concern from this discussion here, is, yeah, we could talk about the border all day long, and if that's the only thing that you had to worry about at DOD, well, heck, 5900? Pfft, that's nothing. I mean, why not 50,000? Ok? But, we've got other needs in the world, which we will hear about in great detail in this committee. And the reason we're starting here is because this is not primary to our mission. And if we start down this road of 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'll always be a border problem. We're not going to completely shut that border off. But, we also, have ISIS. We also, have Afghanistan and Syria. We're 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 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's going to take priority,"? Under what circumstances do you say that?

ROOD:

Mr. Chairman, that's--

SMITH:

--I know that's not directly your call or secretary of Defense's call, But, I'm curious as to your perspective.

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 of it. Do we have a capability that will actually meet that need and then we do look at readiness and the impact on our other mission areas? What--and the same approach basic approach applies whether it's DHS requesting support at the border or--

SMITH:

--What would be most helpful on this is if you can give us example of when you did say no to DHS what--and I'll drum it up, what if you asked for \$10 billion out of MILCON to help build a wall would you say no then?

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 makes 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 whether we say no, we haven't always approved every request from 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 needs. Sometimes they don't have a full understanding of what we can do.

SMITH:

Okay. Thank you. Mr. Garamendi.

GARAMENDI:

Thank you, Mr. Chairman. In case nobody noticed, we're in the midst of a raging debate about this whole issue of border security and apparently the department, 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, skillsets and operation that the individual units had when they were deployed to the border the 5900? What were their skillsets? That's unit by unit So, please deliver that to us. Secondly, there is a major question of readiness that 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 southwest--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'd like to turn over my remaining time to an esteemed lady from Oklahoma, Ms. Horn.

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'm 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've 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, hardening of the border and that sort of thing?

GILDAY:

Congresswoman, your first question was--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 we can draw upon for you name an emergency that we're going to respond to or we need to send additional forces to plus up for a particular mission somewhere in the globe. So, those forces are trained, certified, man trained and equipped in order to--.

HORN:

Where they were before their deployment and--and--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've discussed the historical nature of the National Guard using--being--be working with DHS and--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?

GILDAY:

Congresswoman, your first question was--was about where the--where these forces were before they actually went out of 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 it emergency that we are going to respond to, or we need to send additional forces to plus up for 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--and we selected them specifically because we felt that they were best suited based on--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.

HORN:

As a follow-up to that, you mentioned 30-day turnaround for deployment. What is the difference in turnaround time for the appointment between the active-duty troops that you--that were deployed and a National Guard unit being deployable in that time?

GILDAY:

Ma'am, I will have to get back to you with specifics on those corresponding dual times between both active and guard and give you a--to give you a precise answer.

HORN:

I yield back my time.

SMITH:

Thank you. Mr. Rogers.

ROGERS:

Thank you, Mr. Chairman. Unfortunately, I'm painfully familiar with this topic. I've been on the Homeland Security Committee for 15 years and, while we talked a lot today about the last 12 or 13 years where we been repeatedly sending reserve and guard and active-duty troops down there, it's 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 and the initial part of this hearing, what's it going to take for us to not have to continue this pattern, we're going to have to adequately fund the Department of Homeland Security instead of continually reaching into DOD to subsidize that department.

It is been inadequately funded since its inception by Republican and Democrat administrations. That has to be addressed. So one of the things this president is trying to address has been asking for money for fencing. And I'm 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'd like to know, admiral, do you know how much it's cost for these last appointments will we have down there? How much it costs the DOD?

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 it was \$103 million. And we project in FY19 to be \$448 million. So it'll be about \$550 million overall for the guard and the--it's difficult to give you an accurate estimate right now on--on active duty just based--as I've described, the requirement is evolving and fluctuating.

ROGERS:

And that's the most recent, I mean, we continue to do this and we've 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.

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 so there are many purposes for obstacles and I'm sure it's the same way in the Navy. We have turn, fixed, disrupt, and block.

Do--and I--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 the cars that were unlocked. So they didn't--those locks and 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're covered, unless they are constantly watched, that you can always get by or bypass them, however they do make it easier to where you locate people to come across illegally? Would you agree with that, vice admiral and--and Mr. Secretary?

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're right in the fact that a barrier is ineffective unless you're surveilling it and you can react if it's breached.

KELLY:

And I--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 in 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 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, 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's forces when guard forces can do the same thing, admiral?

GILDAY:

Yes, sir. As you said initially, it's one force who is best suited for the task. And I meant as I mentioned earlier, the guard has sustainability issues as well that we can't just wish away, just like

the active site does. And so I think it's a--it's a balance approach in terms of how we use--how we put those people to best use.

KELLY:

And thank you. And with that, I yield back, Mr. Chairman.

SMITH:

Thank you. Mr. Norcross.

NORCROSS:

Thank you, chairman. Planning nobody can guess what the president is going to do, but we had some indications what he might do. The--have you taken into account, outside of the personnel, the cost for construction of the barrier different than the wire and fence that you are presently working on of you were to do the 230 miles?

GILDAY:

Sir I--maybe you should take this one.

ROOD:

Well, as you mentioned, congressman, a national emergency declaration is not been issued by the president and, if it were, there are other legal requirements that we've done prudent preplanning to understand the law and our obligations under it. And, depending on what the Department of Homeland Security CBP would identify and how those--those to request would be met, that would determine the type of wall and the cost.

NORCROSS:

So you're not looking at any scenarios right now at all? You're--there's no preplanning whether you put a concrete barrier or some steel up or some wire?

ROOD:

Yes, it would--it would depend on the circumstances that we would reach at that--at that moment. And obviously, we have done prudent preplanning. I've seen, as you have, the statements the president has made regarding the possibility of a national emergency. So we have looked into what our--how that would operate.

NORCROSS:

So what are your ranges of cost estimates?

ROOD:

Again, it--there's no--after the president were to declare a national emergency--

NORCROSS:

--We understand the process, but you have to look down the road and anticipate we could put a full barrier up of a 35-foot wall, we could put wire. You're not going to wait till that phone call comes to start planning. That's one thing that you do well.

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're talking about a barrier construction or even the placement of wire. Those are considerations that would need to be reached at that point.

NORCROSS:

So no preplanning in terms of cost? And personnel or what it would take to do the job this taking place until you get that declaration?

ROOD:

We would have--in that circumstance, we have not made any decisions nor formalized with those would be, but obviously depending on what the type of barrier or the Army Corps of Engineers in the barrier case would be asked to do. They have done looking at different types of construction.

NORCROSS:

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

ROOD:

Sir, we--we would respond to what the Department of Homeland Security and the CBP identify in that area. The Army Corps of Engineers--

ROOD:

Within such a declaration of 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 is available and we would obviously work with the Department of

Homeland Security to get their latest prioritized listing and from all of 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.

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So no preplanning in terms of cost and personnel of what it would take to do the job is taking place until you get that declaration?

ROOD:

We would have--in that circumstance we have not made any decisions nor formalized what those would be, but obviously, depending on what 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.

NORCROSS:

This the most cost effective way of putting up the barrier?

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--and those things vary given the circumstances at the time.

NORCROSS:

I yield back. Thank you.

SMITH:

Thank you, Mr. Conaway. Is that correct? I don't think he's here. He's not here. Mr. Lamborn.

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. They have a well-defined plan of how they could put that to use. But if that doesn't happen the president does 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'm going to direct this to you and maybe this is a little speculative and you can't give me a definitive and final answer, 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 would hate to see that happen, but that would be the best possible alternative I can think of. Especially compared to taking money for military construction. Because those projects have been in the pipeline for years and years. That would be disruptive. My hope would be emergency to emergency. Do you have any thoughts on those lines, Mr. Rood?

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 was the authority authorized by the president in his declaration the secretary of Defense would then need to make a determination that by then undertaking these military construction projects that was necessary to support the use of the armed forces then we would flow from there. There are only limited authorities available to the Defense Department and--if directed by the president or authorized, I should say to pursue them and he would identify in his declaration what those authorities were.

LAMBORN:

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

General Gilday, I would like to ask you a question and you've already done a good job of explaining the benefits that accrue when these missions are being performed to the people doing these missions. And you talked about facilities, troops, engineering, medical and rotary wing. When it comes to readiness, we talked about construction, but we also talk about training. That's 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?

GILDAY:

Yes, sir, as I mentioned earlier, I think with each of the skillsets it varies a bit. The example I gave with medical so they're--they're 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 they are doing on the border. They know it's important work. They know it must be done. I do think that again, to answer your question, I do think there are varying degrees to be honest with you on how much training value that you receive from each particular mission. Some more than others.

LAMBORN:

Thank you, Mr. Chairman. I yield back.

CARBAJAL:

Thank you, Mr. Chairman. During Operation Desert Storm and after 9/11 President invoked the National Emergencies Act, NEA twice. Citing the military construction authority. According to the Department of Defense records the Department funded 18 projects. I'm looking at these projects right now; air field runways, medical facilities, barracks, security measures for weapons of mass destruction etcetera, etcetera to name a few. All of those projects were determined as necessary to support the armed forces in a declared emergency, which makes sense. You need a runway for aircraft to land, places for service members to live and receive healthcare. 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?

GILDAY:

Sir, that's a hypothetical.

CARBAJAL:

You can give me a hypothetical answer.

GILDAY:

I'll give you a hypothetical answer if that's okay. So the president has a range of different authorities that he can evoke. And each of those authorities are tied to laws that have specific requirements that--that would dictate how that money--that would dictate the determination of the calculus the department would go through to determine whether or not you could justify using those funds to--to build a barrier.

CARBAJAL:

Do you know what those authorities are?

GILDAY:

I broadly, I know what they are, sir. I have not looked at them in detail because I am not an engineer. I know that there are specific authorities that you have stated that would have to show that DOD benefits you know, whether we, whether the argument would be that we no longer have to deploy 5900 people to the wall we would have to take a look at that more deeply to see if that's a--that's a justifiable cause, effect.

CARBAJAL:

Thank you.

GILDAY:

Yeah.

CARBAJAL:

How is the department determining which military construction projects can we be scrapped in order to fund the wall? I'm sure you are looking at that now in light of the rhetoric and discussion that is ensuing? Which projects would be scrapped?

ROOD:

Congressman, of course, the president would need to evoke a national emergency and cite the use of Section 2808 of Title 10 which is the military construction provision to authorize such an activity. president is not, of course, chosen to do so. Therefore we have only done a preliminary pre-planning. We have not developed a specific list of military construction projects because the president hasn't taken that step.

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 five years and because of the children being exposed to high levels of lead they are now dealing with health related disabilities and symptoms. Funds are required to address these deteriorating condition--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 for MILCON and family housing be used to improve the living conditions for servicemembers and their families?

ROOD:

Congressman, again, this would be a hypothetical situation. The president has not chosen to invoke a national emergency and authorize the use of Section 2808 military construction funds. So we-- we at the Defense Department are not making trades with those funds at this time.

CARBAJAL:

Would you agree if you have to take funding from existing DOD priorities it would leave some of those priorities without funding?

ROOD:

The--if--

CARBAJAL:

--Or is there enough funding surplus right now available for the wall?

ROOD:

Any--any use of military construction funds for purpose B not purpose A would obviously come from one source to another, sir.

CARBAJAL:

Thank you. And I touch on this because I also have Kent Roberts in my district--

CARBAJAL:

--to Secretary Mattis regarding this constituent call and the serious concerns raised. This family lived on base for about five 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 conditions, 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?

ROOD:

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CARBAJAL:

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ROOD:

The--if--

CARBAJAL:

Or is there enough funding surplus right now available for the wall?

ROOD:

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

CARBAJAL:

Thank you. And 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 exist 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.

SMITH:

The gentleman's time has expired.

CARBAJAL:

So thank you very much. I yield my time back.

SMITH:

Thank you. Mr. Wittman.

WITTMAN:

Thank you, Mr. Chairman, Secretary Rood, Vice Admiral Gilday. Thanks so much for joining us. Up here in 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 Border Patrol agents achieve the counter narcotics mission 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?

ROOD:

Yes.

WITTMAN:

Very good. Thank you, Mr. Secretary. I'm going to now yield the balance of my time to Mr. Mitchell.

MITCHELL:

Thank you, Mr. Wittman. I appreciate that. Secretary Rood, or vice admiral, 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're here at this moment in time talking about this because we failed to provide accurate resources to DHS to deal with their own mission, their own challenges. So we're now having to assist those, supplemented those resources. Can either of you tell me of the

approximately \$500 million we're talking about estimated for the year what percentage of those needs DHS could address themselves if properly funded?

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 (INAUDIBLE)--

MITCHELL:

Could you talk a little louder? I'm sorry.

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 in DHS and CBP, they could do it themselves.

MITCHELL:

I appreciate the general response. Let's try vice admiral. What percentage of the overall--is actually military specific versus a lack of resources in DHS, sir?

GILDAY:

So to answer your question, sir, none of the capabilities that we are providing are combat capabilities. It's 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.

MITCHELL:

So the reality is we're sitting here today discussing this because we failed to adequately deal with a comprehensive solution to a southern border, so now we're trying to basically put our finger in the holes in order to--until Congress does its job? Would you disagree with that, vice admiral?

GILDAY:

Sir, I--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's a--that one's a tricky one to answer.

MITCHELL:

Thank you. Mr. Chair, I'll yield back. Thank you very much.

SMITH:

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 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. What we're hearing now from the--gosh, if we just gave more money to the Department of Homeland Security this wouldn't be a problem. And it's odd for me to be making this point, you know, with the fiscal conservatives on the other side of the aisle. We're \$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--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?

So to imply, well, so let's 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 until 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 spent on border security. So I'm 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've got to make a budget that works for all of us, and this is going to be something we're 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, we've got to find it somewhere. You know, if we can find it somewhere I'm wide open to the discussion, but we have to make choices. Mr. Thornberry.

THORNBERRY:

Thank you, Mr. Chairman. I'll avoid getting into the broader budget issues, which obviously affect a whole variety of things. I'd 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, 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's 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's important to acknowledge that things change, and our government has to respond.

SMITH:

And that is very true. And we'd 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. We face some very difficult choices, no matter how the circumstances come down to us. Mr. Keating.

KEATING:

Thank you, Mr. Chairman. I'm glad the discussion has taken this turn. Mr. Rood, my understanding is that you're familiar with the 2018 National Defense Strategy because you helped write that. Is that correct?

ROOD:

I didn't help write it, sir. I came in afterwards, but I've been helping--

KEATING:

You're familiar with the contents?

ROOD:

Yes, sir. Yes, sir.

KEATING:

Would in your opinion, just in a sentence or so, what's the use of that document? What's the importance of that for utilization purposes?

ROOD:

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

KEATING:

I'd suggest, too, that it's also an important document, as well, when we're looking at the overall strategic priorities. It's an important budget document, as well, for this committee and for Congress because that's what we look towards to do the, you know, Fiscal Year '19 to Fiscal Year 2023 budget requests. So although things do change quickly, when I heard the Admiral say that, you know, it's hard to get priorities when you were asked that question about our activities in the southern border versus what's in that defense strategy document. Or we have to be creative. That creates problems for us doing our job in using that. For instance, Mr. Rood, in that whole document was the term southern border ever--those words ever in that document?

ROOD:

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

KEATING:

Was the word caravan ever used?

ROOD:

Not that I can recall.

KEATING:

So here's our dilemma as a committee and a Congress. We have to have priorities.

SMITH:

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ROOD:

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ROOD:

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

KEATING:

Was the word "caravan" ever used?

ROOD:

Not that I can recall.

KEATING:

So, here's 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 we have a--this is an important hearing as a discussion point to-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 a 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're at a point where I'm hearing terms, you know, just hard to give priorities. Everything's important. Things that aren't even mentioned in the strategic document we're supposed to use to make those priorities are now coming to the forefront, and they're being said. There's prices 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?

ROOD:

Sure, I'll--Congressman, I would say--commend your--your knowledge and--and the way that you're following the National Defense Strategy. That is our guidepost in the Defense Department. We are trying to live that life to make those--that vision of what we're saying. And there's some hard choices that are described in that document, in that--setting out that vision for the future. And some of it is an uncomfortable reality that we as a nation need to confront.

I--with respect to support to civil authorities, I would say those kinds of requests--and--and we do not lack the ability to prioritize our resources, and I think you'll see in the coming budget that we have made a--a major effort to try to tack 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's not just limited to the Southern border. I me, for example, this coming weekend at the Super Bowl, the Defense Department will provide assets in support of civil authorities. When the UN 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's a range of others, fires, floods, etc.

KEATING:

I would just say this, that--

ROOD:

--Yes, sir--

KEATING:

--Although parenthetically, I have a great deal of confidence in the defense of the New England Patriots. I also want to say this. That's been traditionally done, but I see a difference in scope that's occurring with the discussions we're having now with the Southern border and--and the effect of that on our readiness, on those five central areas of threat, China, Russia, North Korea, and Iran, and terrorist groups. In that--in that document that's 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--and I'll just say this because my time's out, that we have to do a better job if we're going to act in a bipartisan way, listening to our military defense to have a clearer, more accountable, and a more timely demonstration of what these priorities are. I yield back, Mr. Chair.

SMITH:

Thank you. Ms. Hartzler.

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's not a warzone down there. I--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's with the drug cartels. As I spent time with the Border Patrol agents, and we could actually see the scouts of--on the other side of the border, and they talked about how we're outmanned and out-funded in many ways and how we 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's more than died in 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's what people are talking about, oh we are finding drugs at the port of entry. And I championed that. I also know there are a lot of drugs that are making it across that they are not catching, and they are ending up in Missouri and they are ending up in my families that I talked to my parents whose child has died of a heroin overdose. That is why we have got to counter this.

Missouri National Guard was deployed there last summer. They did an amazing job. They have to UH-72 crews. During the six months they were there they had 470 apprehensions and they got 1,986 pounds of marijuana that was seized I think good--God what they were doing that didn't end up in our country. But, they are doing an amazing job and Congress is actually giving the DOD the ability to provide military support to law enforcement agencies specifically for countering the counter drug purposes. Specifically, for Section 284 of Title X of the United States code authorizes the DOD to provide support to counter drug 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, 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 counter drug operations at the border and can you please provide specific examples of how the DOD is carrying out authorities authorized by Congress?

ROOD:

Congresswoman, we have, at the department provided support to counter drug 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 X does provide the secretary of Defense the authority in performance of that counter drug mission such as blocking drug smuggling corridors to erect barriers of fencing, provide road construction things of that nature to aid in counter narcotics mission.

HARTZLER:

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

ROOD:

If it needs to--

HARTZLER:

--And it's already law?

ROOD:

Yes, that's right if it meets that criteria in Section 284, yes ma'am.

HARTZLER:

How many miles of fence has been built to date under this authority?

ROOD:

I'll have to take for the record, the specific amount of fencing built under that authority. Now, of course, there's 654 miles of barrier at the southern border today.

HARTZLER:

Right. And I think that it's very clear we have already given them the authority to do this and we do have a very critical mission to keep people safe and to make sure people don't die as a result of these transnational drug cartel activity. And currently, they are. So, it's--it's imperative for us to find a solution and I'm very hopeful that in the next three weeks we will come together in a bipartisan fashion to address the security issue as well as a humanitarian issue that Ranking Member Thornberry mentioned. Because we have a 42 percent increase in member family units and we have 60,000 unaccompanied children that were caught last year, 60,000. I'm 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--

HARTZLER:

--are going to die. So thank you for what you're doing. I yield back.

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 was conducted? Were there NSC meetings? Were there principal meetings, deputy meetings that were pushing for that decision, reviewing the DH--DHS process and informing the DOD's response to this?

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 were 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.

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?

ROOD:

There were meetings typically chaired by other members and 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.

KIM:

Who were the White House officials that were chairing the meetings that were reviewing this particular request during that time period?

ROOD:

I 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 on the National Security Council staff.

KIM:

Well, I appreciate that. It's 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 steps 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.

SMITH:

Thank you. Mr. Scott?

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 '18 budget there was \$1.375 billion for border wall construction, \$251 million in San Diego, \$445 million for the Rio Grande Valley, \$196 again for the Rio Grande Valley, \$445 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 they go down to SOUTHCOM to discuss JIATF South and the things that go on down there, 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 who did this. As of 2016, 43 of the 50 most homicidal cities on the planet were located in Latin America. Is that consistent with your beliefs, gentleman?

ROOD:

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

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's from a report from the Igarape 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's a fair statement?

ROOD:

Yes, sir.

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 Ted?

GILDAY:

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

SCOTT:

So since September 11, 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?

GILDAY:

I think that's--

SCOTT:

3000 (INAUDIBLE) September 11.

GILDAY:

I think that's about right, sir.

SCOTT:

We lose 5000 Americans every month to drug overdoses, more so today than just a few years ago. It's growing quite honestly exponentially. It's baffling to me that we give SOUTHCOM the leftovers when--when these acts of terrorism in our backyard are coming from the Western Hemisphere. They are in the Western Hemisphere.

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 interdiction 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 drugs coming into this country and what that--what our help through that means can do with regards to bringing stability in Central and South America.

SMITH:

Thank you, Mr. Scott. I think it's a very (INAUDIBLE) point that we are going to have the SOUTHCOM commander testify at our normal hearing as we get ready for our budget. I think that's enormously important as we look at those needs.

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 of 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 send 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 (INAUDIBLE)

SMITH:

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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 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 are available to provide it, or they don't have the healthcare dollars to pay for it.

And if you ask any expert who 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 would a people we arrest, no matter how any walls we build. We've got to do it. I don't disagree with that, and we have, but let's understand the totality of the problem. And also the finite resources that we talked about earlier. Mr. Cisneros, you're recognized for five minutes.

CISNEROS:

Thank you, Mr. Chairman. Thank you, Mr. Secretary, thank you, admiral for being here today. I'll 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 that Navy took \$7.5 million out 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--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?

ROOD:

Congressman, as you--as you point out, along the Barry Goldwater Range, which is an active bombing range, there is--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 construction fence 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 defendant Defense Department, sir.

CISNEROS:

Yeah, but being a former Navy supply officer, I know how hard commands fight for that money and they want that money and it's--and I know how devastating he could be when that money is taken away and that I'm sure a commanding officer could've used that money that he 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?

ROOD:

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

CISNEROS:

Okay. And secondly, I know we, again, we talked about the--the military construction and if the president enacts his--his powers in order to declare an emergency and where that money would come from. And I know you can't answer a hypothetical question, or you don't want to answer hypothetical question, but will you commit to providing a list of the committee in the event the authority--that authority by the president is triggered, including the specific impact of military readiness--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?

ROOD:

Congressman, again, the president has not made such a declaration at this point. And then, depending on which point of the--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 in law involve military construction depending on should the president invoke such authority and then what authority he should cite in the declaration. And so it would be premature, since we don't possess such a list at this point, to--to provide that to you.

CISNEROS:

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

ROOD:

We would certainly operate, you know in accordance with--with the law. I think here we--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 in and depending on which authority the president cited, there are different requirements that applies, as you are aware, I'm sure.

CISNEROS:

I defer my time back.

SMITH:

Thank you. Mr. Brooks.

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 Washington, excuse me, 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 a cost of trillions of dollars and many thousands of lost lives by military personnel and civilians support personnel.

In contrast, illegal aliens cause roughly 2,000 homicides on American soil per year, at least over 2,000 illegal aliens were apprehended by federal law enforcement officers in Fiscal Year 2018 for homicide, 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 cause the loss of life American lives, come across our Southern border illegally. In terms of lost American lives, then, our porous 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 in 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've mentioned military forces along the Southern border, have any of them been deployed pursuant to 10 USC 284?

ROOD:

Congressman, I don't believe any of our forces have been deployed pursuant to 10 USC 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--to disrupt drug smuggling.

BROOKS:

Does 10 U.S., excuse me, 10 USC 284 as you understand it require the declaration of a national emergency before it is implement it?

ROOD:

No.

BROOKS:

It does not?

ROOD:

No.

BROOKS:

Has President Trump, to your knowledge, ever used 10 USC 284 to direct the military to build a wall that is necessary for border security?

ROOD:

No, not to my knowledge, congressman.

BROOKS:

If President Trump were to direct the Pentagon, the United States military, pursuant to 10 USC 284 to build such barriers as are necessary to secure our Southern border from drug trafficking and international crime cartels, with the United States military obey that order?

ROOD:

If--if we judge it to be a lawful order, yes, sir. And I--and I assume it would be.

BROOKS:

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

SMITH:

Thank you. Miss Houlahan.

HOULAHAN:

Gentlemen, you so much for your time. Mr. Rood and Admiral Gilday, I'm 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 our--that the department has been briefing Congress on the concerns of readiness on our Armed Forces and so, to that end, I'd love it if you could, if you're 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, if you could tell us what they would be doing, if they weren't on the border right now, normally.

GILDAY:

That's a good question. So we have engineering battalions who right now are it's actually a joint project with both Army engineers and Air Force welders who are actually welding concertina wire above the wall and--in--in sections of Arizona and California. Those particular units would not probably be doing that if they want to deploy to the Southern border. I--I'm not sure where they were in the readiness cycle when they were deployed, but I can--I can look at that information--

GILDAY:

--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 in their deployment. But because

we're limiting the deployments to fairly short periods of time, we believe that in every one of those cases we can recover from that.

HOULAHAN:

So if it would be all right to ask for the record if I could have--if we could have a list of all of the units that are deployed and also their (INAUDIBLE) reports from before and after the deployment so that we could understand from a quantitative perspective how the readiness has been affected, if it has been, positively or negatively. 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?

GILDAY:

I don't think it's a significant impact based on the--based on the short duration and time that we are deploying them. We have tried to, whenever possible, deploy--deploy our personnel as units instead of deploying them individually because that's how they were trained and certified, and so we're 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 when we do deploy them. We have to recover that. And so there's no way around that, but again, we have tried to minimize the time away to minimize that recovery.

HOULAHAN:

So it definitely is 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 in 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?

ROOD:

The deployments that are done to the border area, of course, are all consistent with our domestic authorities and are not--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 case readiness is increased. In other cases it's declined. And that varies over the course of a deployment.

HOULAHAN:

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

ROOD:

Could I ask you to clarify? You're asking for a directive that changes the present policy on usage?

HOULAHAN:

I'm looking for how the directives are being implemented specifically.

ROOD:

Perhaps I could take that for the--I'm not aware of any change from our past practice with respect to--

HOULAHAN:

So it sounds like that's a no, I guess, is the answer?

ROOD:

I'll confess I'm not sure I properly understand your question. I'm sure it's my issue, Congresswoman.

HOULAHAN:

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

SMITH:

(INAUDIBLE)

STEFANIK:

Thank you, Mr. Chairman. At this hearing today we've 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 that 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?

GILDAY:

So in terms of monetary costs, in terms of what we've had to reprogram in order to, you know, conduct an out of cycle deployment, I'll have to get back to you on what the trades were in order to make--in order to make that happen. So we didn't do something. We're not going to do something based on that deployment, but I'll have to go back and take a look at that in order to give you a more concise answer.

STEFANIK:

Okay, I think that--that is really important that we get that information. Building upon that, and this was also touched upon previously but I'd 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?

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're matching them to along the border.

STEFANIK:

And can you give me an example of that?

GILDAY:

I think a really good example are military police. And so we're 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've received great training value from the training vignettes that they've done with CBP in preparation for that mission.

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?

ROOD:

Congresswoman, there were 22 ports--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 placed 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 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 port--point of entry in how the hardening was done.

STEFANIK:

Thank you very much. I yield back.

SMITH:

Thank you. Mr. Crow.

CROW:

Thank you, Secretary Rood, Admiral Gilday. We appreciate you being here today. I've been struggling to try to piece together a chronology of the decision to send the active-duty troops to the border. As many of my colleagues have pointed out, there is a long history of National Guard and reserve cooperation and support, but what distinguishes this is the use of active-duty and the number of active-duty troops. And I'm 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?

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 Defense Department. The Defense Department 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's 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.

CROW:

So there was the determination that there were no sufficient National Guard and reserve forces available to meet that request?

GILDAY:

(INAUDIBLE) both. So it was primarily driven by timing. I described at the time the direction came from the White House, and those migrants were amassing down in Southern Mexico. The direction was to move forces fairly expeditiously to the border. And so based on the fact that with-

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CROW:

I'm sorry, you said that directive came from the White House to move forces?

GILDAY:

That directive ultimately came from the White House, yes.

CROW:

Okay.

GILDAY:

As I recall. So that direction for us to deploy, not necessarily use title--not necessarily to use active-duty forces. That was a decision made inside the department.

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?

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 lack of running water or any facilities that they--

ROOD:

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GILDAY:

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CROW:

How many--how many soldiers are living in tents right now?

GILDAY:

Sir, I'd have to get back to you with an exact count. Based on 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 out in the middle of the desert in some cases. So I'll have to get back to you with the specifics.

CROW:

Admiral, you said earlier that barriers are ineffective unless you are also surveilling them. One of the request 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?

GILDAY:

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

CROW:

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

GILDAY:

I'm not sure if--I'm not sure if there is.

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's to go in addition to existing infrastructure that's there, sir.

CROW:

Well, 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 aren't--if there is not coordination between DHS and DOD to make sure that's happening, we definitely need to make sure that it is.

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.

CROW:

Thank you. I yield back.

SMITH:

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 in the more. It may slip a little bit past that but if we could move as quickly as possible through the rest here that would be great. Mr. Gaetz?

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 in classification of the mission where the mission itself is not changing but perhaps it goes from OT(SP) to TSSCI 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?

GILDAY:

I'm not sure I understand your question specifically, sir, with respect to the security classification.

GAETZ:

Right. So--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 you know (INAUDIBLE) 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?

GILDAY:

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

GAETZ:

Yeah, 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'd like to use my remaining time to my colleague from Florida, Mr. Waltz.

SMITH:

Thank you very much. Enormously helpful. I appreciate it. I actually--Go ahead.

WALTZ:

Thank you, Mr. Chairman. As a--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 supports or if we looked at the DHS appropriation and looked at what you are being requested is that roughly, is that roughly match or is there some reason that the National Guard Bureau in particular wants to or needs to or

provides training or readiness value of continuing to provide the support or have we all just become very comfortable with this kind of steady-state?

ROOD:

Sir, I would say that 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's been there.

WALTZ:

Contingencies outside or spikes but just a trend line.

ROOD:

It's really a resourcing issue outside the Defense Department.

WALTZ:

As DHS's resources have increased--

ROOD:

Yes, sir.

WALTZ:

--right? And the chairman noted that apprehensions have decreased are you seeing--are you seeing--bottom line are you seeing an increase or decrease in request over time over say the last several years aside from the recent caravan coming from DHS?

ROOD:

In the last year we have seen an uptick if you will in the requests due to the increased activities in 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 two years alone a larger number than the population of Washington, DC have been apprehended or a city the size of San Francisco, apprehensions in two years.

WALTZ:

On the active duty aside I'd like to echo Ms. Stefanik, my colleague, and I'd be very interested in what are the active-duty troops not doing? I mean what is--what was the opportunity cost or 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'd like to echo Mr. Scott in the importance of JIATF South. Secretary Navy Spencer has indicated that ships are critical to the deterrent of drugs coming across our waterways. Admiral Kidd(SP) indicated we are only stemming about a quarter of what we are detecting, one-fourth. Is there any consideration, reconsideration for the Navy providing more assets to SOUTHCOM particularly LCS which would be uniquely suited for that mission?

GILDAY:

Sir, it's 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--I don't think that anybody in uniform disagrees at the severity of the drug problem but--

SMITH:

The gentleman's time has expired.

WALTZ:

Okay, fair enough.

SMITH:

Good there. Ms. Slotkin?

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--for sticking with us.

As someone who was at the Pentagon who is married to a 30-year Army veteran and has a stepdaughter on activity 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 for 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 inst--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?

GILDAY:

As best as I--as best as I can recall not specific that active-duty be deployed but that the U.S. military respond.

ROOD:

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

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?

GILDAY:

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

SLOTKIN:

Was there any formal dissent, any transmissions back to the White House with the dissent of anyone, civilian or military, above at three-star or above? That you are tracking?

GILDAY:

Not that I know of. No.

SLOTKIN:

Okay. On the choice of active duty, so I heard your reply I think to Representative Luria that it was really of available forces at that time and having to get to the border very quickly. The--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're in an unclassified setting. Any other factors on record that led to the decision to use active-duty?

GILDAY:

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

SLOTKIN:

Was there ever a consideration of we've 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 terrorist that were coming across the border in that area. Where is there a threat assessment?

SLOTKIN:

It was really available forces at that time and, you know, having to get to the border very quickly. The--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're in an unclassified setting, any other factors on record that led to the decision to use active duty?

GILDAY:

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

SLOTKIN:

Was there ever a consideration of, you know, we've 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 their a threat assessment in any way that led to the choice to use active duty over guard?

GILDAY:

No, there was no connection.

SLOTKIN:

Okay. And then the missions, just obviously we all know that the--the U.S. military cannot perform law enforcement activities inside the United States. I'm--I'm sure we all believe that that's important. I understand that there was a memo that was sent over by then secretary--then Chief of Staff Kelly indicating that, you know, 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?

GILDAY:

No.

ROOD:

No.

SLOTKIN:

Okay. Thanks, gentlemen. I yield the rest of my time.

SMITH:

Thank you. Mr. Bacon.

BACON:

Thank you, chairman. And I want to thank both of you for coming in. I thank you for your leadership and your service and securing our country. We have serious vulnerability--vulnerabilities at our Southern border and American citizens are paying a devastating--are suffering a devastating impact. We've 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 Miss 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--I just want to make the statement that Republicans and Democrats must sit together, negotiate, solve this problem in good faith area Americans demand it and we can do better. Undersecretary Rood, I just want to clarify a couple of key points from our constituents back in the Nebraska second district. And what--I want to just clarify some key points and make sure that I had it right. Is the current deployment consistent with past precedent of Republican and Democratic administrations?

ROOD:

Yes.

BACON:

Is the current deployment consistent with law?

ROOD:

Absolutely.

BACON:

And is the current deployment supportive of an inherent federal function?

ROOD:

Yes.

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 of vulnerabilities used by criminal organizations in South and Central America are being exploited by terrorists. The Guatemalan ambassador personally told me that he has detained dozens of Sunni extremists within their country that were--that were trying to get to our country using--and they had false identifications.

Rear Admiral Hendrix (SP) said a year--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 that--what this threat of terrorism is via our Southern border? Thank you.

GILDAY:

Yes sir. I will say this, the threat is real. I would also say that we have a significant presence with 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's in our best interest to form those partnerships to help those countries take care of those problems whenever they can. And so that's where--that--that is an example of our focus in South America getting after that particular threat stream.

BACON:

Do you have any other updates that you can share, obviously in an unclassified setting, on the terrorist activity that we're seeing through South American and Central America? Most of the information I have is about eight months old.

GILDAY:

Yes sir. We can arrange a briefing--briefing for you to get an update on that.

BACON:

Thank you. I yield back.

SMITH:

Thank you. Miss Sherrill.

SHERRILL:

Thank you gentlemen for being here today. Thank you for your preparation. You are obviously--you've taken quite a bit of time to come here and thank you to your staff are all of the preparation as well. I was happy to hear from my colleagues that the National Guard's 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 they enjoy the extra training.

I can tell you that our active duty servicemen 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 op-tempo. As you know, better than I, Secretary Rood, over the last several years, we've seen significant strain on our Armed Forces from the five accidents in the seventh 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's 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 something, Admiral Gilday, that the military has been working very hard to get troops back home with their families at a better rate. You, I'm sure during your service, saw the difference after 9/11 in troop deployments and how--what a hardship that could be on our military service member families. Given that, Secretary Rood, it's my understanding that our troops at the border are providing the following capabilities, stringing concertina wire, as we've heard, planning assistance, engineering in 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?

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's the--that's 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've made a determination that they are assets, and we work with them, to--to try to develop an understanding of the mission need that their assets were insufficient by themselves to meet that need. Hence, they made a request for assistance.

SHERRILL:

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

ROOD:

In--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 needs themselves.

SHERRILL:

The reason I'm asking is because, as you yourself said, the rotary wing support, and as a former helicopter pilot, I'm certainly interested in all things rotary wing, the--the needs overseas are--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'm very interested in. And so what I'm looking for is should the DHS really be--be advocating for better supplies and that 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, and 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's something that I think we need to continue to look into. I'll 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 seaports. 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--I'm concerned that all this talk about border security when we don't include our--our other ports of entry is really missing some of the emerging threats that we've seen.

And I bring this up because it just last Tuesday night in 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--

SMITH:

--I'm sorry, your time is expired so whatever you want to know is going to have to be for the record.

SHERRILL:

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

SMITH:

Okay. And at the end of this hearing there will be an opportunity--everyone here will have an opportunity submit questions and statements for the record. Mr. Banks.

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--

BANKS:

--sources at the Pentagon were that would call this a waste of time?

ROOD:

No sir. Obviously, this is a mission that we take seriously at the Defense Department that we've-- we've executed before in--in various permutations and we are executing in support of our colleagues at the customs and border protection.

BANKS:

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

ROOD:

Yes. Border security is an element of national security and that is part of the Defense Department's mission.

BANKS:

In a Time Magazine article dated November 15, 2018, former secretary of Defense Chuck Hagel said, "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've heard of the past couple of hours would clearly contradict former Secretary Hagel's account of what's occurring at the border that our troops have contributed to, correct?"

ROOD:

Sir, all I--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 that the Defense Department are doing so again.

BANKS:

Later in that article, it's quoted saying, "Troops often find themselves with little to do. They fill-- 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 that quote and these descriptions are not just disrespectful but downright demeaning to our men and women in uniform?

ROOD:

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

BANKS:

--You find that in Afghanistan as well--

ROOD:

--For our troops.

BANKS:

That's right. Admiral, I wonder if you can, in your opening statement you talked some about the surveillance mission. I'm wondering if you can--if you can--we haven't talked a whole lot about that today, but can you describe or give us anecdotes of what--what is involved with that mission and how our troops have contributed to that?

GILDAY:

So we're 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 7 out of Camp Pendleton is actually working with CBP. One of the things we're trying to do is get our arms around the exact requirement with--with respect to manpower.

And so the systems are a little bit different than the systems that--that we have in the Marine Corps or in the--in the Navy or in the Army, and so we are--there will be a training period, but essentially there are trucks and vans that have a--that have a surveillance camera suite and we are--the mission is to conduct surveillance, detection and monitoring between the POE's so that we can then queue CBP to come in to make--and--and detain--and detain the people. Fairly simple mission, but--but again, you know we go back to the effectiveness of a dash of the barrier or any type of wall isn't effective without surveillance.

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 in no less than 90 days. Sir, if I could just add, a moment ago you talked about, you know, throwing around footballs, and we--we have tried really hard not to waste people's time--people's time down to the border, so there have been occasions when we have--when we haven't gotten it right with respect to numbers. And maybe--maybe we had excess capacity, but we have brought those people back when we realized that we have made a mistake. And we're not trying just to have a photo up down there with the people on the--on the border.

BANKS:

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

SMITH:

Thank you. We have three people left who want to ask questions. It is after 12:30 so if we could--and two of whom 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--will appreciate it. But Ms. Escobar from Texas.

ESCOBAR:

Thank you, Mr. Chairman. Gentlemen, thank you so much for being here. I'm 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 a--one of the safest communities in the United States for close to two decades. The--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--I want to recall that in 1997 and would like for you to--to help me out with this, the young man, Esequiel Hernandez, was shot and killed by a U.S. Marine who was patrolling the--the border. Can you help me and--and remind me remind Americans what are the rules of engagement when--when you are in communities like my own, like Redford ,Texas and West Texas?

GILDAY:

So there are not rules of engagement when we have forces deployed in--in domestic situations like this. There are actually standard--standing rules for the use of force. And they're guidance that authorizes the use of nondeadly force in order to control an escalating situation. And the emphasis in our training is towards de-escalation. 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 only--we train to only to 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--the proponents of the troops we have done of the border have not been in a position to have contact with--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.

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 as to 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? Can have any other sites then identified, what is the status of this, and would you commit to notifying this committee of any updates on this topic?

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

ESCOBAR:

In the future, if that does come up again, would--are you committed to notifying this committee?

ROOD:

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

ESCOBAR:

Okay. Thank you. I yield.

DAVIS:

Thank you, Mr. Chairman, and thank you all for staying and--and being with us. I 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--of how soon that can get out?

GILDAY:

Ma'am, we'll take a look at that as soon as we get back this afternoon and--and get back to you. Again, I don't get been significant in terms of time, but we--but we do owe you an answer on that.

DAVIS:

Okay, thank you. I--I want to go to the national--to the national emergency that we're--that we're talking about. And I understand, Secretary Rood, a hypothetical, if you will, but if you will, it's not so hypothetical if we are looking perhaps into three weeks from now. What does that look like from the viewpoint of the military?

ROOD:

Well as--as you know, Congresswoman, the president has the authority to declare a national emergency or the Congress, and so obviously we would notify the committee of--

ESCOBAR:

In the future, if--if that does come up again, would--are you committed to notifying this committee?

ROOD:

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

ESCOBAR:

Okay. Thank you. I yield.

DAVIS:

Thank you, Mr. Chairman, and thank you all for staying and--and being here with us. Appreciate it.

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ROOD:

Well, as you know, congresswoman, the president has the authority to declare a national emergency or the Congress. And so, obviously, we would--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're referring to--were to cite, it then triggers certain requirements depending on which statute is utilized. And so, we've--we have looked at what the--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'm aware of that the president--

DAVIS:

--What I'm wondering about is the number of illegal crossings. Clearly, they're down. I mean, they're down even from George W. Bush, I believe, even half from a million somewhere in the neighborhood of about 400,000 at this time. Did--so--it's not the number of crossings. We didn't declare a national emergency at that time. President Bush did not do that. What's--what is it now?

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, those that--there's a larger number of people that come across than are apprehended, of course.

DAVIS:

Of course.

ROOD:

And they gave us a 521,000 in Fiscal Year '18, which is up from 415,000 the previous fiscal year. The difference is really the caravans and some of the nature of that asylum seekers.

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's really what's needed, not necessarily declaring a national emergency. So, you know, what I'm 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 I--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? You know, I don't know that anybody--we have a national emergency for natural disasters, but I don't think in the state of California or in the country we've 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 I think that's 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 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 left the service. How are we going to keep up, and what role does--do these discussions have? I know that the--my constituent really felt that we've made it very difficult for people want to be a border agent today. Not your problem, but I just think it's one that we need to recognize. If we're putting more money in, that's great, but we're not hiring the people because the--we're losing as many people as we're hiring. And so, the attrition rate is really what's causing this problem. Thank you very much for being here. I appreciate your-

SMITH:

Thank you. Ms. Speier?

SPEIER:

Thank you, Mr. Chairman, and thank you both for indulging us. I'm 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's the actions of a whistleblower, not someone who was being disrespectful.

I spent Christmas Eve at the border serving our troops. In addition to doing that, I had three one 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 sea 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 and--so they can be apprehended as asylum seekers. So, I'm 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'm going to ask you to just comment on that. If the mission is complete, why are they still there?

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--if DHS said that they needed 50--70 miles of concertino wire laid and we lay that wire, we then redeploy those people home.

Initially, we deployed our troops to Texas, Arizona and California. When--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'm sorry to hear about the colonel's comment, and I--I'm just guessing - it was perhaps the military police group that was in San Diego. The--what he may--he may have been talking about, ma'am, was the fact that that mission, perhaps they saw it as complete when the--when the surge of migrants, you know, dissipated, and it's a fair comment to make. We have tried to be responsive in reducing those numbers as quickly as we can.

SPEIER:

I'll yield back.

SMITH:

Thank you. Before we leave, I ask--ask consent to include into the record all members' 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.

(INAUDIBLE) anything? We're good? We're adjourned. Thank you.