



UNDER SECRETARY OF DEFENSE
2000 DEFENSE PENTAGON
WASHINGTON, DC 20301-2000

DEC 20 2018

POLICY

The Honorable Elizabeth Warren
United States Senate
Washington, DC 20510

Dear Senator Warren:

I am writing to you on behalf of Secretary Mattis in response to your November 19, 2018, letter, requesting answers to questions regarding the use of additional military personnel on the southern border of the United States to assist U.S. Customs and Border Protection (CBP).

Department of Defense support to CBP is being executed pursuant to Presidential direction, including the April 4, 2018, Presidential memorandum, "Securing the Southern Border of the United States." The military's presence and support increases the effectiveness of CBP's border security operations, frees up Border Patrol Agents to conduct law enforcement duties, and enhances situational awareness to stem the tide of illegal activity along the southern border of the United States. The Department of Defense has a long history of supporting the Department of Homeland Security and CBP in their mission to secure the U.S. border.

Enclosed are answers to your questions. Thank you for your continued support of the U.S. Armed Forces. A similar letter will be sent to Representative O'Rourke and Representative Speier.

Sincerely,

A handwritten signature in blue ink that reads "John C. Rood".

John C. Rood

Enclosure:
As stated



Response to Questions

1. What was the process by which President Trump ordered, and DoD sent, over 5,000 troops to the border?

Answer: Department of Defense (DoD) support to U.S. Customs and Border Protection (CBP) is being executed pursuant to the President's direction, including his April 4, 2018, memorandum, "Securing the Southern Border of the United States." This memorandum directed the Secretary of Defense to "support the Department of Homeland Security 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 most recent deployment of military personnel to support CBP is being executed based on Department of Homeland Security (DHS) requests for DoD assistance to CBP, pursuant to the President's April 4 memorandum, to address the migrant caravan approaching the U.S. southern border. The military's presence and support increases the effectiveness of CBP's border security operations, frees up U.S. Border Patrol Agents to conduct law enforcement duties, and enhances situational awareness to stem the tide of illegal activity along the U.S. southern border.

The number of military personnel that can be deployed pursuant to the President's April 4 memorandum is the number necessary to provide assistance to CBP requested by DHS and approved by DoD.

DoD and DHS continue to work closely together to carry out the President's direction.

2. Why were active duty military personnel used for this mission rather than the National Guard as has been customary for such operations in the past, including as recently as April 2018?

Answer: DoD selected the military personnel best-suited and available from the Total Force to provide the assistance to CBP requested by DHS and approved by DoD.

Approximately 2,100 National Guard personnel continue to support CBP's efforts to secure the southern border pursuant to the April 4, 2018, Presidential memorandum, "Securing the Southern Border of the United States." Additional National Guard or Reserve personnel, as available, may also contribute to the mission as operations continue.

3. What is the plan for the use of military personnel for this operation?

Answer: DoD military personnel will continue to provide assistance to CBP requested by DHS and approved by DoD. This assistance is currently scheduled to end on or about January 31, 2019 and will be reviewed regularly for potential extension.

a. Are reports that the troops have "little to do beyond providing logistical support" accurate?

Answer: DoD military personnel are assisting DHS with the following efforts: planning; engineering (harden land ports of entry and adjacent buffer zones); strategic and tactical airlift; logistics; equipment staging/movement; medical assistance; and force protection coverage for U.S. military personnel and, if needed, CBP personnel.

b. Please provide a summary of the functions provided to date by the 5,000 soldiers, and the number of troops used to fulfill each of these functions.

Answer: As of December 3, 2018, 5,369 U.S. military personnel had provided the following support to DHS and CBP: contingency planning; hardening or reinforcing ports of entry (POEs) and placing wire obstacles between POEs; aviation support; medical assistance; and force protection coverage for U.S. military personnel and, if needed, CBP personnel. All DoD support is being provided as specified in DHS requests for assistance.

c. Please provide a summary of the functions expected to be provided during the remainder of the deployment, and the estimated number of troops that will be used to fulfill each of these functions.

Answer: DoD military personnel will conduct the functions described above in the answer to question 3.b for the remainder of the deployment as specified in the DHS requests for assistance. The actual number of DoD military personnel will vary based on specific CBP requirements.

4. Of the troops deployed in support of this mission, how many were sent to California?

Answer: As of November 27, 2018, approximately 1,799 active duty military personnel were deployed to provide assistance to CBP in California.

a. What tasks have those troops been assigned?

Answer: These military personnel were tasked to provide the following assistance to CBP: planning; engineering (harden land ports of entry and adjacent buffer zones); tactical airlift; logistics; and force protection support.

b. Does DoD have plans to reposition troops from Texas to California?

Answer: DoD plans to transfer units currently deployed to Texas to California to support CBP in light of the increased number of migrants in Tijuana, Mexico, seeking to enter the United States.

5. How long will this operation last?

Answer: This operation is currently scheduled to end on or about January 31, 2019 and will be reviewed regularly for potential extension.

a. Do the orders include a specific end date?

Answer: This operation is currently scheduled to end on or about January 31, 2019 and will be reviewed regularly for potential extension.

b. If yes, can this date be extended, and if so for how long, and based on what criteria?

Answer: Yes, if necessary, this operation could be extended if requested by the Secretary of Homeland Security and approved by the Secretary of Defense. DoD support is based on specific CBP requirements.

c. If there is no specific end date, what criteria will be used to determine when the mission is complete?

Answer: This operation is currently scheduled to end on or about January 31, 2019 and will be reviewed regularly for potential extension.

6. What legal authorities were used to justify this deployment?

Answer: There are various authorities under which DoD may undertake or provide support to security along the border on a reimbursable basis and, under certain circumstances, on a non-reimbursable basis. Consistent with the direction in the President's April 4, 2018, memorandum, "Securing the Southern Border of the United States," DoD is providing support to DHS on a non-reimbursable basis to the maximum extent authorized by law.

7. What are the Rules of Engagement (ROE) for this operation?

Answer: ROE are for military operations overseas. The Standing Rules for the Use of Force (SRUF), (Enclosure L of the Chairman of the Joint Chiefs of Staff Instruction 3121.01B) remain in effect for land- and air-based operations in the United States. Military personnel are permitted to take action to defend themselves and others within clear limits.

a. Has the ROE been promulgated throughout all units at or deploying to the border?

Answer: The SRUF has been promulgated throughout all units at or deploying to the border. Unit commanders at all levels are required to teach and train their personnel on the SRUF. Military personnel are highly trained and, for the most part, require no additional training. However, U.S. Northern Command conducted mandatory two-day training with all military personnel deployed to the southern border before those personnel began support to CBP.

b. The President's public comments implied that the use of rocks and stones could be used as a justification to shoot individuals at the border. Would such action be consistent with this ROE?

Answer: In accordance with the SRUF, force is to be used only as a last resort, and the force used should be the minimum necessary. The use of force must be reasonable in intensity, duration, and magnitude based on the totality of the circumstances to counter the threat. If force is required, non-deadly force is authorized, and may be used to control a situation and accomplish the mission, or to provide self-defense of DoD personnel, defense of non-DoD

persons in the vicinity if directly related to the assigned mission, or in defense of protected property, when doing so is reasonable under the circumstances. Deadly force is to be used only when all lesser means have failed or cannot reasonably be employed, and may only be used in circumstances such as for self-defense of DoD personnel when commanders reasonably believe that a person poses an imminent threat of death or serious bodily harm to DoD personnel.

c. If not, have soldiers been provided with specific guidance indicating that the President's remarks were not consistent with the ROE?

Answer: Unit commanders at all levels are required to teach and train their personnel on the SRUF, particularly on the appropriate use of both non-deadly and deadly force in self-defense and in the defense of others. Military personnel are highly trained and, for the most part, require no additional training. However, U.S. Northern Command conducted mandatory two-day training with all personnel deployed to the southern border before those personnel began support to CBP.

8. What is the cost of the operation?

Answer: As of November 14, 2018, DoD Components reported approximately \$14 million in actual obligations for expenses such as travel, supplies, and transportation. Based on the current, phased force laydown of approximately 5,900 Active Component military personnel through December 15, 2018, the estimated cost to deploy, operate, sustain, and redeploy forces is approximately \$72 million.

DoD's border support mission continues to evolve as DHS and U.S. Northern Command refine the operation. As a result, DoD is still in the process of capturing requirements and estimating the potential costs. The final total cost will depend on the total size, duration, and scope of the DoD support.

a. How much has the operation cost to date?

Answer: As of November 14, 2018, DoD Components reported approximately \$14 million in actual obligations for expenses such as travel, supplies, and transportation.

b. What is the current average daily cost of operations?

Answer: Approximately \$930,000 (the average of costs from October 31 through November 14).

c. What is the estimated total cost of this operation?

Answer: Based on the current, phased force laydown of approximately 5,900 Active Component military personnel through December 15, 2018, the estimated total to deploy, operate, sustain, and redeploy forces is approximately \$72 million.

d. What is the breakdown of this total cost, i.e., personnel costs, logistics and transportation, equipment, etc.?

Answer: Cost estimates by category include:

- Personnel (Active Component Military): \$19 million
- Transportation (Personnel, Equipment, & Supplies): \$20 million
- Operating Expenses: \$28 million
- Border Fortification & Barrier Material: \$5 million

e. What budgetary account is DoD drawing from to pay for the operation? Will operational costs be reimbursed by DHS as the requesting agency under DSCA?

Answer: DoD is providing the support on a non-reimbursable basis, to the extent legally available. The DoD Comptroller is reviewing DoD accounts to fund this mission with minimal disruption to readiness and other DoD missions.

9. Has this operation caused any resource gaps to other ongoing operations? What will be the impact of this operation on military readiness?

Answer: DoD, including the Military Departments/Services, proactively continues to manage any impacts on readiness regardless of mission set by means of diligent and conscientious unit selection, and appropriate mission assignment processes while also leveraging training and readiness opportunities where applicable.

a. What would these units mobilized in support of this operation otherwise be doing if they had remained at their respective home stations?

Answer: Units deployed in support of DHS are at varying states of readiness and execute collective training, like field training exercises, at every level of command on a routine basis. Additionally, training requirements and training calendars vary from unit to unit. Because these training schedules are created at the company level and approved at the battalion level, additional time will be needed to collect the data required to determine the effects on every unit's scheduled Mission-Essential Task List (METL), training taking into account the training value derived from completing METL requirements in an operational environment.

10. Have forces deployed in support of this operation received specific pre-deployment training for this operation? If so, please provide a comprehensive list of that training.

Answer: Military personnel are highly trained and, for the most part, require no additional training. However, U.S. Northern Command conducted mandatory two-day training with all military personnel deployed to the southern border before those personnel began support to CBP.

11. Have U.S. forces sustained any fatalities or injuries, or suffered any health problems in the process of fulfilling this mission? If so, please provide a summary of all such fatalities, injuries, or health problems.

Answer: One U.S. Marine was injured on December 3, 2018, in California. The Marine was struck by a vehicle driven by a private citizen who was allegedly weaving in and out of traffic.