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Written testimony to the **House Committee on Homeland Security's Subcommittee on Border and Maritime Security Border and Maritime Security**

Hearing: "Boots on the Ground or Eyes in the Sky: How Best to Utilize the National Guard to Achieve Operational Control"

Testimony of Major General John Nichols:

Overview

Madame Chair, members of the committee, thank you for inviting me here today. My name is Major General John Nichols, and I am the Adjutant General from the great state of Texas. It is a pleasure to be here providing you information on the Texas National Guard so you can make informed decisions that will strengthen our nation's military forces and protect our borders and communities.

I want to begin by thanking Congresswoman Jackson-Lee and Congressmen McCaul and Cuellar for their support in our fight to keep the C-130s at the 136th Airlift Wing in Ft. Worth. The battle is continuing, but thanks in part to your support, we are making headway.

In times of emergency, the Governor of Texas relies on the 136th Airlift Wing's eight C-130s to protect not only Texans, but all Gulf State citizens. Since 2005, the Texas Air Guard's C-130s have flown 423 storm sorties, delivering 939 tons of needed supplies along the entire Gulf Coast. In addition, the C-130s are the only aircraft that can be called into action by the Governor in a state of emergency, far faster than federal forces can respond. As a result, Texas was the first to respond and successfully evacuate 800 hospital and nursing home patients during Hurricanes Ike and Gustav.

So again, thank you for helping us keep this issue alive in Washington, D.C.

The National Guard is unique in that we are dual missioned. First, we provide the President and the country with ready and trained combat forces in support of the defense of the nation. Secondly, we provide the Governor and the citizens of Texas with mission ready support to civil authorities.

The Texas National Guard has the largest Air and Army Guard force in the country and leads all other states in combat deployments. Since 9/11, we have deployed more than 31,000 soldiers and airmen in support of the Global War on Terror and overseas Contingency Operations. Our National Guard Soldiers and Airmen are on the front lines – at home and abroad – doing everything necessary to defend America and our way of life.

Today, I want to share with you the Texas National Guard's long history fighting the war on drugs. We support the National counter-narcotics fight in Texas with our:

TEXAS NATIONAL GUARD JOINT COUNTERDRUG TASK FORCE

Authorized by the National Defense Authorization Act in 1989 under Title 32 Section 112 of the US Code, the National Guard Counterdrug Program authorizes up to 4,000 National Guard members to perform drug interdiction and counterdrug activities in all 54 states and territories. The Texas National Guard's Joint Counterdrug Task Force (JCDTF) has provided unsurpassed, enduring, operational, counterdrug support to the combatant commander and the inter-agency enterprise for the past 22 years. The Task Force's highly skilled Soldiers and Airmen offer the continuity necessary to foster and maintain positive relationships with over 200 federal, state and local drug law enforcement agencies and community based organizations across the State of Texas, resulting in significant contributions to counter-narcotic operations along the Texas-Mexico border.

The Texas program is currently manned with 145 Army National Guard Soldiers and 70 Air National Guard Airmen, totaling 215 personnel serving on full time National Guard Duty. These Soldiers and Airmen are currently assigned to over 70 Federal, State and local law enforcement agencies and community-based organizations. Sixty eight

percent of the program's strength serves in direct support of Texas-Mexico border law enforcement support operations.

The Texas National Guard Joint Counterdrug Task Force uses a combination of investigative case analytical support and ground and aerial reconnaissance to assist law enforcement agencies in combating transnational threats, narco-terrorism and the direct nexus between drug trafficking, terrorism and related border violence.

- The program's investigative case analytical support mission provides trained personnel to assist assigned law enforcement agencies in researching and analyzing case information and producing law enforcement intelligence products.
- Ground reconnaissance missions provide area observation of suspected drug activity through both unattended camera support and visual observation posts using night vision and infrared/thermal imagery equipment.
- Aerial reconnaissance missions are supported by both rotary wing and fixed wing platforms. The Counterdrug Aviation Element accesses six LUH-72's (Lakota) to conduct law enforcement requested reconnaissance missions.
- Finally, Texas is one of 11 states that share the remaining five RC26, fixed-wing reconnaissance aircraft on a rotational basis.

These combined capabilities have allowed the Texas Joint Counterdrug Task Force to contribute over 2.4 million work days to law enforcement agencies, resulting in drug seizure assists totaling over \$54 billion dollars and the successful interdiction of \$387 million dollars in drug trafficker's cash since the Task Force's inception in 1989.

In addition to the supply reduction and interdiction components of the program, the Joint Counterdrug Task Force has oversight of Texas National Guard Youth Programs in the state and provides critical drug demand reduction, civil operation support and coalition building services to schools and community based organizations throughout Texas. In Fiscal Year 2011, the program's drug demand reduction team conducted educational

presentations that reached more than 110,000 Texas middle school students and supported the state's "Red Ribbon Campaign," encouraging drug free lifestyles.

The Texas Counterdrug Program also facilitates an extremely successful at-risk drug prevention youth program. Our Texas ChalleNGe Academy, located in Sheffield, Texas, operates a dynamic in-residence academy aimed at intervening in and reclaiming the lives of high school dropouts between the ages of 16 and 18. The academy produces graduates with the values, life skills, education, and self-discipline necessary to succeed as productive citizens. To date, more than 2,000 at-risk Texas youth have completed the ChalleNGe Academy.

Our second Counter Drug youth program, called STARBASE, short for Science and Technology Academies Reinforcing Basic Aviation and Space Exploration, is a National Guard program designed to expose 5th graders to math applications through projects, simulations, and experiments in aviation and space-related fields. STARBASE, a Science, Technology, Engineering, and Math program, commonly called STEM, and has conducted more than 450 classes and graduated nearly 15,000 students in the past 15 years. The program currently serves more than 30 schools and is 100% federally funded.

These are just a few examples of National Guard programs that have a positive impact on our communities. I'd like to transition now to discussing the Fiscal Year 2013 budget.

According to the President's Fiscal Year 2013 budget request, the Department of Defense Counter Narcotics budget of \$1.1 Billion represents a loss of \$100 Million in OCONUS and CONUS drug interdiction activities. \$75 Million of the \$100 Million reduction is projected to come out of the National Guard Counterdrug State Plans budget. This \$75 Million reduction represents a 42% loss of the National Guard's Fiscal Year 2012 President's Budget of \$179 Million. The Department of Defense's support to the National Guard Counterdrug program has decreased from 27% of the department's

counter narcotic budget in 2003, to 24% in 2012, to a dramatic drop to 9% projected for 2013. This reduction will essentially cripple the Guard's ability to support its Congressionally mandated mission in support of the National Drug Control Strategy. Projected reduction in funding will result in over 1,100 fewer guardsmen across all 54 states and territories. This reduction translates to approximately 4,100 fewer missions and 4,000 fewer flying hours supporting counternarcotic operations against the robust, continuously adapting, organized drug cartels and transnational criminal organizations aiming to exploit American borders and communities.

The impact to the Texas Joint Counterdrug Task Force and its 1,265 miles of Texas-Mexico border is devastating and will result in a reduction in force from 215 to 115 personnel on orders. Approximately 10% of the program's Soldiers and Airmen are currently deployed OCONUS in support of OEF and other overseas contingency operations, and because of their junior status with the Texas Joint Counterdrug Task Force, these members will not have a full-time job to return to upon demobilization.

The impact to Texas law enforcement agencies is profound:

- Reduction from 215 to 115 soldiers and/or airmen on orders;
- 100 soldiers/airmen lost = 42% reduction in strength
 - 50 Investigative Analysts Lost = reduction from 38,687 man-days provided to LEAs in to 21,664 man-days provided;
 - 18 Special Operations Personnel Lost = reduction from 78,640 hours of ground surveillance conducted to 44,038 hrs of ground surveillance conducted;
 - Six Counterdrug Aviation Element Aviators Lost = reduction from 1,273 aerial surveillance hours flown to 712 aerial surveillance hours flown;
- 19 HQ Staff Lost
 - Seven Drug Demand Reduction/Civil Ops Lost = reduction from 107,000 youth reached to 59,920 youth reached; and
- Reduction from \$981M in seizure assists to \$549M total seizure assists.

At this time, I would like to give you some specific background on the Texas National Guard's operations along the Texas – Mexico border not involving the Texas Joint Counterdrug Task Force.

Texas Border Operations - Historical Perspective

Texas has a total area of over 266,000 square miles and is the second largest state in the union and the second largest in population with a total population of over 25 million (25,145,561). Texas shares a 1,241 mile international border with Mexico, with 26 border crossings and 26 official land, sea, and air ports of entry within the state, all of which have the potential to contribute to threats to United States security.

Texas Border Operations

Most recently, the Texas National Guard has assisted in border security since 2006. In March of that year, the State of Texas established the Border Security Operation Center and initiated Operation Rio Grande in response to border related crime, including narcotics and human trafficking, as well as crime committed by undocumented aliens and smugglers. Operation Rio Grande was primarily a law enforcement operation, surging federal, state, and local law enforcement assets at intelligence-based times and locations. This multi-agency effort included US Border Patrol, the Texas Department of Public Safety, the Texas Parks and Wildlife Game Wardens, and local police departments and sheriff's offices, with the goals of deterring, disrupting, and disorganizing illegal activity. The Texas National Guard provided planning support during the initial five operations, one in each Customs and Border Protection sector in Texas. These operations lasted approximately two weeks each, from June – September in 2006.

In January 2007, Operation Rio Grande transitioned to Operation Wrangler. The State of Texas opened eleven Joint Operations and Intelligence Centers, one in each of the five CBP sectors, one covering the south Texas coast, and five covering major

movement corridors. These JOICs serve as regional multi-agency planning, synchronization, and criminal information centers. The Texas National Guard provides personnel, in a State Active Duty status, to these JOICs, providing administrative and analytical support. During Operation Wrangler I, from January 22 – 29, 2007, federal, state, and local law enforcement conducted surge operations along the entire Texas-Mexico border. The Texas National Guard provided an additional 350 personnel, in State Active Duty status, to augment law enforcement efforts. This mission now has transitioned into Operation Border Star. The Texas National Guard currently has 38 personnel supporting six JOICs on this mission, as well as the Joint Counterdrug Task Force.

Operation Jump Start

In May 2006, President Bush announced the deployment of 6,000 National Guard personnel to provide support to US Customs and Border Protection. Operation Jump Start was a two-year, \$1.2 billion mission that ran from June 2006 through July 2008. Operation Jump Start augmented the US Border Patrol with additional manpower for administrative and operational assistance missions, alleviating Border Patrol agents of these responsibilities and allowing those agents to be sent back out to the field where they were needed most. At its peak, the Texas National Guard deployed 1,900 personnel for Operation Jump Start.

DHS Operation Phalanx

On May 25, 2010, the President directed the temporary use of up to 1,200 National Guard personnel on the Southwest Border to support the Department of Homeland Security (DHS) activities. From October 1, 2010, through February 29, 2012, the Texas National Guard provided 286 personnel. In Texas, we called this mission Operation River Watch. Operation River Watch supported both Customs and Border Protection and Immigration and Customs Enforcement by supporting two key mission sets, Entry

Identification, and Criminal Analysis. Additionally, the Texas National Guard provided a joint, 13 personnel Command and Control Cell.

Funding for the first year of support to Operation Phalanx was initially programmed for \$135 million. With careful execution of this funding, it was reduced to \$110 million. On December 15, 2011, the Secretary of Defense extended the EIT mission through the end of February and established the requirement for the Aerial Detection and Monitoring mission beginning not later than March 1, 2012. The budget for Calendar Year 2012, covering the last two months of Operation River Watch I and ten months of Operation River Watch II, is \$60 million, a significant cost saving to the US taxpayer.

In Texas, the Texas National Guard provided 246 personnel for Entry Identification Teams, or EITs, supporting Customs and Border Protection. At the request of CBP, this support was focused on three US Border Patrol stations in the Rio Grande Valley sector: Rio Grande City, McAllen, and Weslaco. We provided one Texas Army National Guard company, each with 82 personnel, to each station. These personnel were fully integrated with US Border Patrol and attended USBP Roll Call and shift briefings. The personnel and positioning was scheduled with their USBP counterparts. Our guardsmen were armed, but only for self-defense. They were trained extensively on the Rules for the Use of Force. These forces occupied highly overt positions, 24 hours a day, seven days a week. The majority of these positions employed a Mobile Surveillance System, either a Scope Truck with an elevated camera, or a Sky Box, an elevated observation platform. Over the 17 months of Operation River Watch, these three companies were credited with assisting US Border Patrol by observing 8,112 undocumented aliens, which led to 4,030 apprehensions and 3,417 aliens who turned-back to Mexico prior to apprehension. The companies were also credited with the seizure of 17,665 lbs. of marijuana.

In the other key mission set, supporting Immigration and Customs Enforcement, the Texas National Guard provided 27 Criminal Analysts from both the Texas Army and Air

National Guard in ten different locations throughout Texas, including the border area. All of these personnel maintained a Secret security clearance and assisted ICE in over 350 different Homeland Security Investigations, including: immigration crime; human rights violations; human smuggling; smuggling of narcotics, weapons and other types of contraband; financial crimes; cybercrime; and export enforcement issues.

Operation River Watch was originally scheduled to end on June 30, 2011, but was extended three times. The first extension included the last quarter of Fiscal Year 2011 and the second extension included the first quarter of Fiscal Year 2012. The third extension completed the mission, and included January and February of 2012.

In December 2011, the Department of Defense announced that not later than March 1, 2012, the National Guard personnel supporting DHS would be reduced from 1,200 to no more than 300 personnel. The mission sets changed as well. In addition to continuing the Criminal Analysis mission, the National Guard would transition from a ground-observation mission to an aerial detection and monitoring mission. Currently, the Texas National Guard Commander of Domestic Operations is in overall command of 101 personnel conducting both rotary wing and fixed wing aerial detection and monitoring to Customs and Border Protection, 15 personnel providing Criminal Analysis to Immigration and Customs Enforcement, and 11 personnel providing liaison and life support.

The Texas portion of this mission is known as Operation River Watch II. Texas has received a great deal of support with this mission. One of the planning factors was to sustain Texas' National Guard Joint Counterdrug Task Force capability by not using the task force as a force provider for Operation River Watch II. With the pending OCONUS deployment of a significant portion of the 36th Combat Aviation Brigade from the Texas Army National Guard, Texas has required support from over ten states and territories to fill the aerial requirements. This effort is lead by the 2-151 Security and Support Aviation Battalion from the South Carolina Army National Guard, as the command element of Joint Task Force Liberty.

On March 1, 2012, Joint Task Force Liberty commenced operations supporting the US Department of Homeland Security. The mission is to conduct aerial detection and monitoring in order to detect, interdict, and disrupt Terrorist Criminal Organizations/Drug Trafficking Organizations along the Texas-Mexico border through December 31, 2012. The intent of JTF Liberty is to augment Customs Border Protection operations. The presence of JTF Liberty allows the National Guard to support DHS with air mobile assets that can quickly match the dynamic environment of the border. This provides a significant enhancement in the ability to detect and deter illegal activity at the border and offers greater support to the thousands of men and women involved in border security.

JTF Liberty's area of responsibility spans over 200 miles of border, from the Gulf Coast to an area northwest of Laredo, incorporating both the Rio Grande Valley and Laredo sectors. The unit employs both Army and Air Guardsmen in Title 32 status in the command and control, operation and maintenance of twelve UH-72A Lakota and one RC-26B aircraft. The JTF is committed to providing CBP with 640 rotary wing and 200 fixed wing flight hours per month.

The Task Force is working closely with all stakeholders to better integrate efforts and resources. Through interagency collaboration, greater information sharing is emerging, enabling the employment of assets in a more deliberate manner with increased effectiveness. Development of techniques, tactics, and procedures, especially utilizing the UH-72A Mission Equipment Package, is ongoing with demonstrated efficiency.

Since commencement of operations, Joint Task Force Liberty has executed a total of 1,073 flight hours, including 947 UH-72A hours and 126 RC-26B hours as of April 6, 2012. Additionally, in just over one month of operations, the Task Force was credited by CBP in assisting with 1,980 undocumented alien observations, 1,144 apprehensions, 689 turn-backs, 25 Alien Smuggling cases, and the seizure of 4,508 lbs. of marijuana.

Because of our long standing successful partnerships and interaction with the Texas Department of Public Safety and the local and Federal law enforcement agencies along

the border over the past 22 years, we want to further that success and increase our capabilities by establishing a Joint Interagency Training Center in South Texas. We are exploring the options with assistance from Congressman Cuellar to help us find suitable land. If the state can acquire the available land, then the Texas National Guard can work with federally funded agencies, such as the Department of Homeland Security, Customs and Border Patrol and DOD, to build facilities that all agencies can utilize for training. Our collaboration will ensure greater capabilities for all of our border operations. A facility like this does not exist anywhere along the Texas – Mexico border. We feel this is the essential next step in training and operations in such a vital area for the safety and security of America.

The National Guard in a Title 32 status is the only DoD provider capable of supporting domestic law enforcement agencies in the fight against illicit drugs and transnational threats to the homeland due to its exemption from the Posse Comitatus Act (18 USC Sec 1385). Congress has repeatedly demonstrated its recognition of both the capabilities and efficiencies that the National Guard brings to the counterdrug fight while simultaneously providing training and operational experience for Guard personnel. A key consequence of having these soldiers and airmen working with and standing by law enforcement is that they not only use and hone their military specialized skills, but they also gain additional skills by working with federal, state and local law enforcement and other community organizations. This makes them better soldiers and airmen and improves their units when they are mobilized for overseas deployments to fight wars in Iraq, Afghanistan, and areas such as the Horn of Africa.

I hope I have done an adequate job of briefing you on a general overview of what the Texas National Guard does for our state and our country. The Texas National Guard is battle-ready, accessible, flexible, affordable, and a sustainable military force. Unlike our active duty counterparts, Texas Guard members live and serve in each of Texas' 254 counties. We have over 100 facilities in 65 counties. This connection with every community is an incalculable advantage to state and national security. With Air and Army National Guard units in every corner of our state, our Governor has the capacity to quickly tailor and employ multi-service solutions to the full spectrum of domestic

operations including to state emergencies, a need that is imperative in a state of our size.

Thank you all for the opportunity to appear before you today. The Texas National Guard will continue to support the President of the United States and the Governor of Texas and work to keep Texans safe by ensuring our readiness at the time of need.