

ACTION MEMO

APR 13 2018

DUSD(P) *Do*

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FOR: SECRETARY OF DEFENSE

FROM: Kenneth P. Rapuano, Assistant Secretary of Defense, Homeland Defense & Global Security

SUBJECT: Request for DoD Assistance in Support of the U.S. Customs and Border Protection Security Mission

PURPOSE: Request that you approve DoD operations that support U.S. Customs and Border Protection (CBP) for southern border security activity through September 30, 2018, and authorize the Executive Secretary to sign the letters to CBP at TAB A.

COORDINATION: This action was coordinated with OGC, USD(C), and the Joint Staff.

BLUF: Executing 12,000 flight hours for light helicopters, which is estimated to require 750 aircrew and support personnel, and conducting operations with 1,343 ground personnel, will support CBP. This Request for Assistance (RFA) subsumes the initial CBP RFA that you approved on April 6 (TAB D) and seeks additional capabilities. Recommend that you approve operations that directly support CBP and are in furtherance of the President's direction to take other necessary actions to secure the southern border.

DISCUSSION: On April 4, 2018, the President, assigned the Secretary of Defense a mission to support the Department of Homeland Security in securing the southern border, and to take other necessary actions to stop the flow of deadly drugs and other contraband, gang members and other criminals, and illegal aliens into this country (TAB C).

- DoD and DHS have been directed by the President to work together with southern border State Governors to deploy the National Guard and support the CBP border security mission.
- On April 11, 2018, CBP requested 12,000 flight hours of light helicopter support, and 1,343 ground support personnel (TAB B).
 - Light helicopter support will provide persistent day and night aerial surveillance in high-risk border areas to gain and maintain situational awareness and meet rapid response interdiction requirements identified by CBP.
 - Ground support personnel will provide infrastructure, operational, and surveillance support to the nine Border Patrol Sectors along the southern border.
- These requirements will start to be filled immediately, but incrementally, as available forces and assets are identified, and as CBP confirms its readiness to receive forces.
- National Guard personnel would perform this mission in title 32, U.S. Code, section 502(f) duty status in support of CBP. Title 10 forces will not be used without your direct approval.

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SD SMA		DSD SMA	
SD MA		DSD MA	
CoS		DSD CA	
SD Action Grp			
ES		ESB Rvw	100 9/13
ESR		ESD	

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National Guard forces are ordered to duty by their respective State Governors and remain under the command and control of the State Governors.

- Neither DoD nor National Guard personnel will conduct law enforcement activities, be assigned responsibilities that require direct contact with migrants, or be assigned missions that require them to be armed. Decisions regarding arming military personnel for self-defense purposes, and related rules for the use of force, will be informed by the circumstances of their missions and made by the respective State Governors, in consultation with CBP.
- This support will be provided through September 30, 2018, and on a non-reimbursable basis.
 - Conducting southern border security operations will execute missions the President has assigned to DoD. National Guard personnel conduct those operations at your request. As such, reimbursement is not required. To the extent that National Guard personnel provide support that is determined to be reimbursable, your approval by signing below waives any requirement for reimbursement pursuant to section 277(c) of title 10, U.S. Code.
 - The USD(C) is reviewing accounts to fund this mission with minimal disruption to the Department and to minimize Congressional concerns. CBP understands that DoD's overall contributions must remain within the funding and personnel constraints that you direct.
- Commander, U.S. Northern Command, is the supported commander.
- The Joint Staff will coordinate with the National Guard Bureau and assess whether use of forces for border security support operations will result in any broader operational impacts.
- DoD support to the CBP border security mission currently is scheduled through September 30, 2018, subject to your direction and the direction of the President. RFAs past this date will be considered on a case-by-case basis.

RECOMMENDATION: Approve DoD support to CBP through September 30, 2018, on a non-reimbursable basis, and authorize the ExecSec to sign response letter at TAB A.

Approve:  Disapprove: _____ Other: _____

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COORDINATION: TAB E

Attachments:

As stated





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1000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1000

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MEMORANDUM FOR EXECUTIVE SECRETARY, DEPARTMENT OF HOMELAND
SECURITY

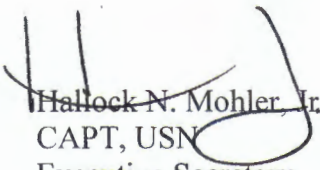
SUBJECT: Department of Defense Assistance in Support of the U.S. Customs and Border
Protection Security Mission

Thank you for your April 11, 2018, letter regarding U.S. Customs and Border Protection's (CBP) request for assistance from the Department of Defense (DoD). I am responding on behalf of Secretary Mattis.

The Secretary has reviewed and approved your request for 12,000 flight hours of light helicopter support and 1,343 ground support personnel, which will be provided using National Guard personnel in title 32, U.S. Code, Section 502(f) status. National Guard personnel will begin to fill the requirements and will fulfill the requirements incrementally, as available forces and assets are identified. This support is approved on a non-reimbursable basis through September 30, 2018.

These National Guard personnel will not conduct law enforcement activities, will not be assigned responsibilities that require direct contact with migrants, and will not be assigned missions that require them to be armed. Decisions regarding arming National Guard personnel for self-defense purposes, and approval of rules for the use of force as may be necessary, will be informed by the circumstances of their missions and made by the respective State Governors in consultation with CBP.

The Secretary appreciates the opportunity to support the Department of Homeland Security's mission of securing and managing the Nation's southern border.


Hallock N. Mohler, Jr.
CAPT, USN
Executive Secretary