



COMMONWEALTH of VIRGINIA

Executive Department

EXECUTIVE DIRECTIVE NUMBER FOUR (2023)

Deploying Targeted Resources in Response to the Emergency Management Assistance Compact Request from the State of Texas to Address Ongoing Southern U.S. Border Crisis

Importance of the Issue

The U.S.-Mexico border emergency has intensified over the last two years. In addition to the humanitarian crisis of individuals unlawfully entering the United States and the associated human trafficking plight, the flow of illegal drugs—including highly lethal fentanyl—has sharply increased. Those illegal drugs are transported into our Commonwealth, leading to the tragic deaths and overdoses of thousands of Virginians. The influx of fentanyl alone presents a severe threat to the Commonwealth, costing the lives of five Virginians each day on average. Virginia State Police have seized over 42 pounds of illegal fentanyl since last year, enough to kill every single Virginian. This crisis has accelerated dramatically, and Virginia has experienced a 20-fold increase in fatal fentanyl overdoses since 2013. Beyond deadly fentanyl, Mexican cartels send other narcotics, including cocaine, methamphetamines, and heroin, across the border in record amounts. Porous borders further allow national security threats, violent criminals, and human traffickers to cross into the United States with impunity. All states have become border states.

Since 2021, Texas has spent more than \$4.5 billion on border security operations, and the Texas Legislature recently passed an additional \$5.1 billion in funding to continue operations to secure the border. Texas has deployed thousands of its own National Guard soldiers and Department of Public Safety troopers to combat this crisis, adopting a “deter and repel” strategy to secure the border and prevent, detect, and interdict transnational criminal behavior between ports of entry along the border. One of the key tactics under the “deter and repel” strategy is the rapid deployment of personnel to erect physical barriers and demonstrate a physical presence to impede border crossings and prevent the smuggling of drugs, weapons, and people into Texas and the United States. Texas has become a first line of defense to fight the flow of criminals, contraband, and deadly drugs into communities across the nation. Texas has seen early success as a result of this change in mission and surge in resources.

The border crisis recently reached a new inflection point when the Director for the U.S. Centers for Disease Control & Prevention issued a Public Health Determination terminating an Order issued on 42 U.S.C. §§ 265, 268 and 42 C.F.R. § 71.40 (“Title 42”) as of May 11, 2023,

with the expiration of the Federal Public Health Emergency. Regular migration resumed under 8 U.S.C. (“Title 8”), requiring the State of Texas to further increase its resource commitment to combat this crisis.

On May 12, 2023, Texas Governor Greg Abbott renewed the disaster proclamation originally issued May 31, 2021, due to the imminent threat to health and public safety the continued crisis of unlawful crossings at the border causes as well as the failure of the Federal government to take action to prevent persons from unlawfully entering the country.

Due to continued instability along the U.S. border with Mexico, including the increase in trafficking of illegal drugs as well as human trafficking, Texas made numerous requests for assistance to all states and territories through the Emergency Management Assistance Compact (EMAC), of which Virginia is a founding member. On May 16, 2023, Texas requested other states provide military and law enforcement support to assist in managing these emergency conditions under EMAC.

Because of the resource intensive nature of the “deter and repel” strategy and the unmitigated danger posed by the increasing drug supply exacerbating the fentanyl crisis and the impact of criminal activity in the Commonwealth, Virginia will do its part to assist the State of Texas’ efforts with the coordinated deployment of Virginia National Guard soldiers to assist in key aspects of their mission.

Directive

Accordingly, pursuant to the authority vested in me by Article V of the Constitution of Virginia and by §§ 44-75.1, 44-146.17(5), 44-146.28.C, and 44-146.28:1 of the *Code of Virginia*, as the Governor and Commander-in-Chief of the Armed Forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby order the following actions to marshal all public resources and appropriate preparedness, response, and recovery measures in support of the State of Texas:

1. Activation of the Virginia Emergency Operations Center and the Virginia Emergency Support Team, as directed by the State Coordinator of Emergency Management, to coordinate the provision of assistance to Texas.
2. Deployment of 100 Virginia National Guard soldiers and 21 supporting personnel in state active-duty status for a duration of 30 days for the purpose of supporting the State of Texas’ request for assistance. The following conditions apply to the activation and deployment of the Virginia National Guard:
 - a. In all instances, members of the Virginia National Guard shall remain subject to military command as prescribed by § 44-78.1 of the *Code of Virginia* and are not subject to the civilian authorities of county or municipal governments. This shall not prohibit working in close cooperation with members of other Federal, State or Local authorities or receiving guidance from them in the performance of their duties.

- b. The Virginia National Guard concept of operations will include a 121-personnel emergency response package, with civil disturbance operation training, a Lieutenant Colonel-led command team forward with the unit in Texas, supporting Texas National Guard Task Force operations dispersed across the border, listening and operations post operations along the Southwest Border of Texas, and personnel will be equipped with weapons, ammunition, body armor, protective masks, and night vision and other support devices.

Effective Date

This Executive Directive shall be effective May 31, 2023, and shall remain in full force and in effect until September 30, 2023, unless sooner amended or rescinded by further directive or authorization. Termination of authority to conduct this mission does not terminate any federal-type benefits granted or to be granted due to injury or death as a result of service under this authority.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 31st day of May, 2023.



Handwritten signature of Glenn Youngkin in black ink.

Glenn Youngkin, Governor

Attest:

Handwritten signature of Kay Coles James in black ink.

Kay Coles James, Secretary of the Commonwealth