

UNCLASSIFIED

APR 06 2019

ACTION MEMO

DUSDP *[Signature]*

Prepared by: James Ross, OASD(HD&GS)  
Phone Number: (571) 256-8325

**FOR:** ACTING SECRETARY OF DEFENSE

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

*[Signature: Kenneth P. Rapuano]*

APR 05 2019

**SUBJECT:** Modification of DoD Support to Block Drug-Smuggling Corridors

**PURPOSE:** To obtain your approval of a Department of Homeland Security (DHS) request to modify steel bollard fencing specifications for projects you previously approved under 10 U.S.C. § 284.

**COORDINATION:** This action was coordinated with SecArmy and OGC.

**BLUF:** Approving this request will meet DHS's preferred specifications for barrier construction, but may result in less miles of coverage (estimated decrease from 57 to 48) due to increased cost. Also, the final bullet on page two addresses the Secretary of Defense request for DHS documents regarding 10 U.S.C. § 284.

**DISCUSSION:**

- On March 25, 2019, you approved a DHS request for assistance in blocking drug-smuggling corridors on the southern border (TAB C). You have the authority under 10 U.S.C. § 284 to use certain DoD funds to construct roads and fences, and to install lighting, to block drug-smuggling corridors across international boundaries of the United States in support of counter-narcotics activities of Federal law enforcement agencies.
- Specifically, you approved construction of roads and 18-foot steel bollard fences and installation of lighting for 3 DHS priority projects totaling 57 miles of fencing at an estimated cost of \$969 million:
  - DHS Priority 1: Yuma Sector Project 1, 5 miles/18-foot fence/\$85 million
  - DHS Priority 2: Yuma Sector Project 2, 6 miles/18-foot fence/\$102 million
  - DHS Priority 3: El Paso Sector Project 1, 46 miles/18-foot fence/\$782 million
- On March 29, 2019, DHS requested that DoD modify the specifications for the projects that you approved on March 25, 2019. DHS now requests that all fencing installed by DoD include a 5-foot anti-climb steel plate. Additionally, DHS requests that DoD construct 30-foot steel bollard fencing for Yuma Sector Project 1 (DHS Priority 1) and El Paso Sector Project 1 (DHS Priority 3). The fence for DHS Priority 2, Yuma Sector Project 2, remains 18-foot steel bollard (TAB D).

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Administrative Record - Section 284 Projects: 055

**UNCLASSIFIED**

- DHS requests that DoD directly follow the prioritization provided in their February 25, 2019, request for assistance as closely as possible, even if this means completing a portion of the fencing on some projects.

- A comparison of the projects you approved on March 25, 2019, with the modification provided by DHS on March 29, 2019, is provided in the table below. Costs and mileage figures are estimates and may change depending on the actual cost of construction.

DHS Priority	Project Name	SecDef Approved March 25, 2019 (\$17M/mile) 18-foot bollard	DHS Modification March 29, 2019 Height Varies by Project Now includes anti-climb feature	
			18-foot \$17.4M/mile (Note 1)	30-foot \$20.9M/mile (Note 1)
1	Yuma Sector Project 1	\$85M / 5 miles		\$104.5M / 5 miles
2	Yuma Sector Project 2	\$102M / 6 miles	\$104.4M / 6 miles	
3	El Paso Sector Project 1, segment 1	\$255M / 15 miles		\$313.5M / 15 miles
	El Paso Sector Project 1, segment 2	\$527M / 31 miles		\$459.8M / 22 miles (Note 2)
<b>Total Cost / Mileage</b>		<b>\$969M / 57 miles</b>	<b>\$982.2M/ 48 miles</b>	

Notes:

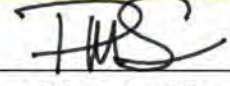
1. The U.S. Army Corps of Engineers (USACE) estimates the 5-foot anti-climb feature will add \$400K/mile to fence cost.
2. Undertaking construction in clearly defined segments, USACE should maximize the number of miles of approved barrier projects undertaken within the funds (\$1B) available.

- USACE should use the design-build construction contract methodology to maximize the number of miles of approved barrier projects undertaken within the funds (\$1B) available. As undefinitized contract actions are definitized, the work must be executed in clearly defined segments, and government commitments cannot exceed funds available. USACE estimates it should be able to provide at least 48 total miles of steel bollard fencing at a cost of \$982.2 million:
  - DHS Priority 1: Yuma Sector Project 1, 5 miles/30-foot fence/\$104.5 million
  - DHS Priority 2: Yuma Sector Project 2, 6 miles/18-foot fence/\$104.4 million
  - DHS Priority 3: El Paso Sector Project 1, 37 miles/30-foot fence/\$773.3 million
- The documents at TAB D and TAB E provide all the documentation provided by DHS for the use of 10 U.S.C. § 284 to construct fencing and roads, and to install lighting, to block

drug-smuggling corridors. These documents are submitted in response to your request to provide DHS Documentation (OSD003222-19) (TAB F).

**RECOMMENDATIONS:**

1) Approve DHS's modifications as stated in its March 29, 2019, request, 2) sign the letter to the Secretary of Homeland Security at TAB A, and 3) sign the letter at TAB B directing USACE to construct steel bollard fencing for DHS Priority Projects 1, 2, and 3 using the new specifications.

Approve:  Disapprove: \_\_\_\_\_ Other: \_\_\_\_\_  
APR - 9 2019

COORDINATION: TAB G

Attachments:  
As stated

**TAB**

**A**



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

APR - 9 2019

MEMORANDUM FOR ACTING SECRETARY OF HOMELAND SECURITY

SUBJECT: Modification of Department of Defense Support to Block Drug-Smuggling Corridors

Thank you for your April 5, 2019 request that the Department of Defense provide modified specifications on projects approved for construction under 10 U.S.C. § 284 in order to support more effectively the Department of Homeland Security's efforts to secure the southern border.

10 U.S.C. § 284(b)(7) authorizes the Department of Defense to construct roads and fences, and to install lighting, to block drug-smuggling corridors across international boundaries of the United States in support of counter-narcotic activities of Federal law enforcement agencies. For the following reasons, I have concluded that this modified request continues to satisfy the statutory requirements:

- The Department of Homeland Security (DHS)/Customs and Border Protection (CBP) is a Federal law enforcement agency;
- DHS has identified each project area as a drug-smuggling corridor; and
- The work requested by DHS to block these identified drug-smuggling corridors involves construction of fences (including a linear ground detection system), construction of roads, and installation of lighting (supported by grid power and including imbedded cameras).

Accordingly, I have approved construction of pedestrian fencing for Yuma Sector Projects 1 and El Paso Sector Project 1 with 30-foot steel bollard with anti-climb plate, and Yuma Sector Project 2, with 18-foot steel bollard with anti-climb plate, as requested in your April 5, 2019 request. Road construction and improvements, and lighting installation, will be included as described in your February 25, 2019 request.

As the proponent of the requested action, CBP will serve as the lead agency for environmental compliance and will be responsible for providing all necessary access to land. I request that DHS place the highest priority on completing these actions for the projects identified above. DHS will accept custody of the completed infrastructure, account for that infrastructure in its real property records, and operate and maintain the completed infrastructure.

I have authorized the Commander, U.S. Army Corps of Engineers, to coordinate directly with DHS/CBP and immediately begin planning and executing support to DHS/CBP by

undertaking the projects identified above in clearly defined segments to maximize the number of miles of barrier projects within the available funds (up to \$1 billion).

Additional support may be provided in the future, subject to the availability of funds and other factors.

A handwritten signature in black ink, reading "Patrick M. Shanahan". The signature is written in a cursive style with a large initial "P" and a long, sweeping underline.

Patrick M. Shanahan  
Acting

**TAB**

**B**



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

APR - 9 2019

MEMORANDUM FOR SECRETARY OF THE ARMY  
COMMANDER, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Modification of Department of Defense Support to Block Drug-Smuggling  
Corridors

By memorandum dated March 25, 2019, I advised you of my determination that the requirements of title 10, U.S. Code, section 284 were satisfied and of my approval of up to \$1B of support to the Department of Homeland Security (DHS) for Yuma Sector Projects 1 and 2 and El Paso Sector Project 1, specifically by constructing 57 miles of new 18-foot pedestrian fencing, constructing and improving roads, and installing lighting. In response to the April 5, 2019 request from DHS, I am modifying the specifications for the approved construction as follows: the Yuma Sector Project 1 and the El Paso Sector Project 1 will be undertaken with 30-foot bollard fencing and a 5-foot anti-climb plate, and Yuma Sector Project 2 will be undertaken with 18-foot bollard fencing and a 5-foot anti-climb plate. The construction and improvement of roads and the installation of lighting is unchanged.

U.S. Army Corps of Engineers (USACE) should use the design-build construction contract methodology to maximize the number of miles of approved barrier projects undertaken within the funds (\$1B) available. USACE will perform technical assessments of the proposed projects, develop project scopes and cost estimates for each project, determine and execute contracting plans, and execute the work within the scopes and funds provided. All work must be executed in clearly defined segments, and government commitments cannot exceed available funding. Funding will be provided under section 284 authority from the Army Budget Office for this purpose.

Unless specifically modified herein, all other requirements and limitations set out in my March 25, 2019 memorandum to the Secretary of the Army remain in effect.

My point of contact is Kenneth Rapuano, Assistant Secretary of Defense for Homeland Defense and Global Security.

Patrick M. Shanahan  
Acting

cc:

Chairman of the Joint Chiefs of Staff  
Under Secretary of Defense (Comptroller)/Chief Financial Officer  
Under Secretary of Defense Policy  
General Counsel of the Department Of Defense  
Assistant Secretary Of Defense Legislative Affairs  
Assistant Secretary of Defense for Homeland Defense and Global Security  
Assistant to the Secretary of Defense for Public Affairs





**TAB**

**C**

MAR 21, 2019

ACTION MEMO

Prepared by: James Ross, OASD(HD&GS)  
Phone Number: (571) 256-8325



**FOR:** ACTING SECRETARY OF DEFENSE

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

**SUBJECT:** Department of Homeland Security Request for Department of Defense Support to Block Drug-Smuggling Corridors

**PURPOSE:** To obtain your approval of a Department of Homeland Security (DHS) request for certain assistance in blocking drug-smuggling corridors along the southern border; and for you to direct specific actions by the Under Secretary of Defense (Comptroller)/Chief Financial Officer (USD(C)/CFO) and the Secretary of the Army/Commander, U.S. Army Corps of Engineers.

**COORDINATION:** This action was coordinated with SecArmy, USD(C)/CFO, OGC, ASD(SO/LIC), and the Joint Staff.

**BLUF:** Approving this request will support DHS's efforts to secure the southern border by blocking drug-smuggling corridors. You have the authority under 10 U.S.C. § 284 to use certain DoD funds to construct roads and fences, and to install lighting, to block drug-smuggling corridors across international boundaries of the United States in support of counter-narcotics activities of Federal law enforcement agencies.

**DISCUSSION:**

- On February 25, 2019, the Secretary of Homeland Security requested DoD assistance in blocking up to 11 specific drug-smuggling corridors on Federal land along the southern border of the United States. DHS requested that DoD provide this support in order of stated priority as DoD resources allow by (1) replacing existing vehicle barricades or dilapidated pedestrian barricades with construction of new pedestrian fences (i.e., fences that would block both vehicles and pedestrians), (2) constructing new and improving existing patrol roads, and (3) installing lighting. (TAB D). This support to DHS is consistent with the President's direction in his April 4, 2018, memorandum, "Securing the Southern Border of the United States" (TAB E).
- 10 U.S.C. § 284(b)(7) gives you the authority, using funds from the counter-narcotics support line in DoD's "Drug Interdiction and Counter-Drug Activities, Defense" appropriation, to construct roads and fences, and to install lighting, to block drug-smuggling corridors across international boundaries of the United States in support of counter-narcotic activities of Federal law enforcement agencies.
  - The requirements of Section 284 are met: DHS/Customs and Border Protection (CBP) is a Federal law enforcement agency; DHS has identified each project area as a drug-smuggling corridor; and the work requested by DHS falls within the scope of subsection 284(b)(7) in that it

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OSD001680-19/CMD003528-19

involves construction of fences (including a linear ground detection system), construction of roads, and installation of lighting (supported by grid power and including imbedded cameras).

- Any support provided under Section 284, including under subsection (b)(7), is subject to 10 U.S.C. § 276, which provides that support may not be provided if the provision of such support would adversely affect the military preparedness of the United States.
- On March 1, 2019, you directed an evaluation of the DHS request for assistance (TAB F).
  - The Secretary of the Army/Commander, U.S. Army Corps of Engineers (USACE) provided preliminary cost estimates for the 11 DHS-requested border fencing construction projects, totaling \$4.47B (based on construction of a 30-foot bollard fencing) and covering 217.8 miles. If the height of the bollard were changed to 18 feet, the estimated cost would be \$3.7B. (TAB G)
  - To meet any level of the support requested by DHS, additional funds must be transferred into the "Drug Interdiction and Counter-Drug Activities, Defense" appropriation using DoD's general transfer authority (GTA), which is provided in Section 8005 of the Department of Defense Appropriations Act, 2019, and Section 1001 of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year 2019. Together, these GTA provisions allow total transfers of up to \$4B. Congressional notification is required under both sections, but there is no statutory requirement to obtain prior congressional approval.
    - The Department may use GTA only upon a determination by the Secretary of Defense that such action is necessary in the national interest, and the transfer may only be used to provide funding for higher priority items, based on unforeseen military requirements, than those items for which funds were originally appropriated, and in no case for an item for which funds or authorization have been denied by Congress.
    - The USD(C)/CFO has identified \$1B of FY 2019 Army military personnel funds as excess to current military personnel requirements and available for transfer into the Drug Interdiction and Counter-Drug Activities, Defense, appropriation (TAB H).
    - You may determine that:
      - Use of GTA is necessary in the national interest (see April 4 memo);
      - Using funding to block drug smuggling corridors is a higher priority than the Army military personnel funds that have become excess to this fiscal year's Army military personnel programmatic requirement;
      - The military requirement for this increased support to DHS was unforeseen at the time of the budget request; and
      - Congress has not denied funding or authorization for support to DHS under Section 284(b)(7).
  - The CJCS indicates that reprogramming "of these funds into the Drug Interdiction and Counter-Drug Activities, Defense account will have no immediate negative impact on joint force readiness. However, if these funds were not reprogrammed they likely would be used to address currently unfunded DoD requirements" (TAB I). The Under Secretary of Defense for



Policy (USD(P)) concurs that there is no reduction in readiness. Because there is no adverse effect on readiness and the source funds are excess to need, providing the recommended support would not adversely affect the military preparedness of the United States.

- The Secretary of the Army requests that if the full \$1B is not used for support of DHS under Section 284, the remainder be returned to the Army for reprogramming and funding of unfunded Army requirements.
- During the USD(C)/CFO's mid-year review, additional funds may be identified that are excess to need or are lower-priority programmatic requirements that will not adversely affect military preparedness. The USD(C)/CFO and the USD(P) will coordinate with the CJCS and the heads of other appropriate DoD Components to provide a recommendation regarding construction of additional DHS-requested projects under Section 284.

#### OPTIONS:

- DHS's request for assistance includes approximately 218 miles of road construction, lighting installation, and fencing construction, set out as 11 distinct projects. DHS specifically requested "that DoD's support under 10 U.S.C. § 284 address the requirements in order of priority as DoD resources allow."
  - All projects require that the Secretary of Homeland Security use her authority to waive such legal requirements (including environmental laws) as she determines are necessary to waive to ensure expeditious construction. Prior to executing such a waiver, the Secretary of Homeland Security must consult with relevant governmental officials, Indian tribes, and property owners to minimize effects on the environment, culture, commerce, and quality of life. The DHS request provides that DHS will be responsible for applicable environmental planning and compliance, including stakeholder outreach and consultation.
  - CBP has indicated that the timeline to complete consultations and execute waivers will be longer if multiple projects are undertaken.
- We also considered USACE's ability to undertake projects using its multiple award task order contract (MATOC), which was developed as a contracting vehicle for border-fencing construction and has a limit of \$350M per individual task order. USACE could propose a task order in excess of \$350M under Federal Acquisition Regulation Part 16.5 procedures. Although a contractor would have to agree to a task order above \$350M, we believe that contractors will agree to larger task orders. Using the MATOC improves contract management and may reduce legal challenges to the projects since it was competitively bid.
  - Although the MATOC is not currently available because it is under protest, USACE anticipates that the bid protest will be resolved in time to support DHS. If the protest is not resolved as quickly as anticipated, USACE can use a new sole-source contract, which has somewhat higher legal risk.



- With the constraint of \$1B in available resources, USACE would be able to construct approximately 57 miles of 18-foot or 46 miles of 30-foot bollard fencing. The CBP Commissioner confirmed that CBP still strongly prefers 30-foot bollard fencing.
- The DHS order of priority, mileage, and estimated cost for each project are as follows:

DHS Priority	Project Name	Cost / Miles (\$17M/mile) 18-foot bollard	Cost/Miles (\$20.5/ mile) 30-foot bollard
1	Yuma Sector Project 1	\$ 85M / 5 miles	\$103M / 5 miles
2	Yuma Sector Project 2	\$102M / 6 miles	\$123M / 6 miles
3	El Paso Sector Project 1, segment 1	\$255M / 15 miles	\$308M / 15 miles
	El Paso Sector Project 1, segment 2	\$527M / 31 miles	\$636M / 31 miles
4	El Centro Sector Project 1	\$259M / 15.25 miles	\$313M / 15.25 miles
5	Tucson Sector Project 1	\$646M / 38 miles	\$779M / 38 miles
6	Tucson Sector Project 2	\$ 85M / 5 miles	\$103M / 5 miles
7	Tucson Sector Project 3	\$340M / 20 miles	\$410M / 20 miles
8	Tucson Sector Project 4	\$442M / 26 miles	\$533M / 26 miles
9	Yuma Sector Project 3	\$527M / 31 miles	\$636M / 31 miles
10	El Paso Sector Project 2	\$400M / 23.51 miles	\$482M / 23.51 miles
11	Tucson Sector Project 5	\$ 34M / 2 miles	\$41M / 2 miles

- Addressing the DHS request in order of priority results in the following options:
  - **Option 1:** DHS “Top 3” Priorities: \$969M; 57 miles of 18-foot bollard fencing (\$17M/mile).  
PRO: This course of action provides the most mileage for \$1B and meets DHS’s “Top 3” Border Fencing counter-drug priorities. By building to the 18-foot bollard standard, sufficient savings will be realized to complete all 3 projects for \$1B. El Paso Sector Project 1 would tie into existing fencing that is 18-feet high. All projects may be undertaken using the USACE MATOC, thereby limiting the number of contractors able to mount protests.  
CON: Does not meet DHS’s desire for 30-foot bollard fencing. USACE would have to justify exceeding the MATOC’s normal \$350M ceiling and would have to obtain concurrence of the contractor awarded with a task order for Segment 2 of El Paso Sector Project 1. Additionally, there is a greater risk of being unable to execute the projects this fiscal year due to CBP capacity issues in completing multiple environmental consultations and waivers. Requires USACE to manage more projects.
  - **Option 2:** El Paso Sector Project 1: \$943M; 46 miles of 30-foot bollard fencing (\$20.5M/mile).  
PRO: Highest-priority single project within available funding. Requires only one use of DHS’s waiver authority. Meets DHS’s desire for 30-foot bollard fencing.  
CON: Does not account for DHS’s two highest priority projects. USACE may award both segments of this project using the MATOC, but Segment 2 (which is above the \$350M ceiling) requires contractor consent.
  - **Option 3:** DHS Priorities 1, 2, 3 (segment 1), 4, and 6: \$948M; 46.25 miles of 30-foot bollard fencing.



**PRO:** Fully funds the two highest and four of the top six DHS priority projects. Meets DHS's desire for 30-foot bollard fencing. All projects may be undertaken using the USACE MATOC, thereby limiting the number of contractors able to mount protests.

**CON:** Funds only one segment of DHS Priority 3. Fewer miles than Option 1. Additionally, there is a greater risk of being unable to execute projects this fiscal year due to CBP capacity issues in completing multiple environmental consultations and waivers. In particular, DHS Priority 6 includes an environmentally sensitive area, which could further extend the time required for consultations and delay issuance of a waiver for that specific project. Requires USACE to manage more projects.

**RECOMMENDATIONS:**

1) Determine, in light of the views of the CJCS and the USD(P), that providing up to \$1B in support does not adversely affect the military preparedness of the United States because there is no adverse effect on readiness and the source funds are excess to need.

Approve: THS Disapprove: \_\_\_\_\_ Other: \_\_\_\_\_  
MAR 25 2019

2) Approve Option 1 -- immediate DoD support to DHS's Priority Projects 1, 2, and 3 (57 miles of 18-foot bollard fence), and sign the letter to the Secretary of Homeland Security at TAB A. This option meets DHS's top 3 priority projects and provides the maximum mileage of 18-foot bollard fencing for \$1B.

Approve: THS Disapprove: \_\_\_\_\_ Other: \_\_\_\_\_  
MAR 25 2019

3) Determine that transferring \$1B in funds for this support is in the national interest and that the other requirements of Section 8005 of the Department of Defense Appropriations Act, 2019, and Section 1001 of the John S. McCain NDAA for FY 2019 are met (i.e., that the item to be funded is higher priority than the item for which funds and authority are transferred, that the increase in Section 284(b)(7) support is based on unforeseen military requirements, and that the programmatic increase in Section 284(b)(7) support to DHS has not been denied by Congress).

Approve: THS Disapprove: \_\_\_\_\_ Other: \_\_\_\_\_  
MAR 25 2019

4) Sign the memorandum to the USD(C)/CFO at TAB B -- authorizing the transfer of up to \$1B of FY 2019 Army military personnel funds into the "Drug Interdiction and Counter-Drug Activities, Defense" appropriation, and direct the USD(C)/CFO, upon approval of the transfer by the Office of Management and Budget, to notify Congress promptly of the transfer.

Approve: THS Disapprove: \_\_\_\_\_ Other: \_\_\_\_\_  
MAR 25 2019

5) Sign the memorandum to the Secretary of the Army at TAB C, authorizing the Commander, U.S. Army Corps of Engineers, to undertake DHS Priority Project 3.

Approve: THS Disapprove: \_\_\_\_\_ Other: \_\_\_\_\_  
MAR 25 2019

COORDINATION: TAB J

Attachments: As stated



**TAB**

**A**



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

MAR 25 2019

The Honorable Kirstjen Nielsen  
Secretary of Homeland Security  
Washington, DC 20528

Dear Madam Secretary:

Thank you for your February 25, 2019 request that the Department of Defense provide support to your Department's effort to secure the southern border by blocking up to 11 drug-smuggling corridors along the border through the construction of roads and fences and the installation of lighting.

10 U.S.C. § 284(b)(7) gives the Department of Defense the authority to construct roads and fences and to install lighting to block drug-smuggling corridors across international boundaries of the United States in support of counter-narcotic activities of Federal law enforcement agencies. For the following reasons, I have concluded that the support you request satisfies the statutory requirements:

- The Department of Homeland Security (DHS)/Customs and Border Protection (CBP) is a Federal law enforcement agency;
- DHS has identified each project area as a drug-smuggling corridor; and
- The work requested by DHS to block these identified drug smuggling corridors involves construction of fences (including a linear ground detection system), construction of roads, and installation of lighting (supported by grid power and including imbedded cameras).

Accordingly, at this time, I have decided to undertake Yuma Sector Projects 1 and 2 and El Paso Sector Project 1 by constructing 57 miles of 18-foot-high pedestrian fencing, constructing and improving roads, and installing lighting as described in your February 25, 2019 request.

As the proponent of the requested action, CBP will serve as the lead agency for environmental compliance and will be responsible for providing all necessary access to land. I request that DHS place the highest priority on completing these actions for the projects identified above. DHS will accept custody of the completed infrastructure, account for that infrastructure in its real property records, and operate and maintain the completed infrastructure.

The Commander, U.S. Army Corps of Engineers, is authorized to coordinate directly with DHS/CBP and immediately begin planning and executing up to \$1B in support to DHS/CBP by undertaking the projects identified above.





Additional support may be available in the future, subject to the availability of funds and other factors.



Patrick M. Shanahan  
Acting

**TAB**

**B**



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

MAR 25 2019

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE (COMPTROLLER)/CHIEF  
FINANCIAL OFFICER

SUBJECT: Funding Construction in Support of the Department of Homeland Security Pursuant  
to 10 U.S.C. § 284

On February 25, 2019 the Secretary of Homeland Security requested that the DoD provide support to the Department of Homeland Security's (DHS) effort to secure the southern border by blocking up to 11 drug-smuggling corridors along the border through the construction of roads and fences and the installation of lighting. I have determined that the requirements of title 10, U.S.C., section 284, have been satisfied. Accordingly, I have approved DoD support for Yuma Sector Projects 1 and 2 and El Paso Sector Project 1 (DHS Priority Projects 1, 2, and 3) and have authorized up to \$1B in funding for the construction of 18-foot high pedestrian fencing, the construction and improvement of roads, and the installation of lighting to block drug-smuggling corridors along the southern border.

I have also decided that the Department will reprogram funds to provide the support described above. This support will be funded through a transfer of \$1B of FY 2019 Army military personnel appropriations into the "Drug Interdiction and Counter-Drug Activities, Defense" appropriation. I am advised that this amount is excess to the Army's current programmatic needs with respect to military personnel. You should undertake a reprogramming action to effectuate such transfer, as authorized by law.

The reprogramming action that I am directing satisfies the statutory requirements. I have determined that a transfer of funds and authorizations of appropriations for the construction of fences and roads and the installation of lighting to block drug-smuggling corridors is in the national interest. In an April 4, 2018 memorandum, "Securing the Southern Border of the United States," the President directed DoD to assist DHS in stopping the flow of illegal drugs into the United States. The reprogramming action is necessary to advance that goal. I have also determined that the other requirements of Section 8005 of the DoD Appropriations Act, 2019, and Section 1001 of the John S. McCain National Defense Authorization Act for FY 2019 are met as set forth below:

- The items to be funded (Yuma Sector Projects 1 and 2 and El Paso Sector Project 1) are a higher priority than the item for which funds and authority are transferred (excess Army military personnel funds) because Yuma Sector Projects 1 and 2 and El Paso Sector Project 1 are necessary in the national interest to prevent the flow of drugs into the United States and the Army military personnel funds are excess to need due to under-execution and lower-than-expected end-strength.
- Support to law enforcement under Section 284 for the construction of fences and roads and the installation of lighting to block drug-smuggling corridors is a military requirement assigned by statute. The need to provide support for Yuma Sector Projects 1



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and 2 and El Paso Sector Project 1 was an unforeseen military requirement not known at the time of the FY 2019 budget request.

- Support under Section 284 for construction of roads and fences and the installation of lighting, including for Yuma Sector Projects 1 and 2 and El Paso Sector Project 1, has not been denied by Congress.

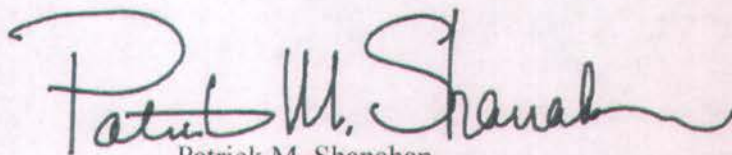
The funds that will be used for this project are excess to the need for which they were appropriated, and therefore, the use of such funds will not have a negative impact on joint force readiness. As such, I have determined that providing the requested support for Yuma Sector Projects 1 and 2 and El Paso Sector Project 1 will not adversely affect the military preparedness of the United States.

This \$1B in funds will be allocated to the Department of the Army with instructions to allocate it further to the U.S. Army Corps of Engineers to undertake fence and road construction and lighting installation for the approved project.

No funds may be transferred or re-programmed from the drug-demand-reduction program, the National Guard counter-drug program, or the National Guard counter-drug schools program in order to fund subsection 284(b)(7) support to DHS.

You will comply with all statutory requirements, but will do so without regard to comity-based DoD policies that prescribe prior approval from congressional committees.

My point of contact is Kenneth Rapuano, Assistant Secretary of Defense for Homeland Defense and Global Security.



Patrick M. Shanahan  
Acting

cc:  
Secretary of the Army  
Chairman of the Joint Chiefs of Staff  
Under Secretary of Defense for Policy  
General Counsel of the Department of Defense  
Assistant Secretary of Defense for Legislative Affairs  
Assistant to the Secretary of Defense for Public Affairs  
Commander, U.S. Army Corps of Engineers

**TAB**

**C**



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

MAR 25 2019

MEMORANDUM FOR SECRETARY OF THE ARMY

SUBJECT: Construction of Roads and Fences along the U.S. Southern Border in Support of the Department of Homeland Security

On February 25, 2019 the Secretary of Homeland Security requested that the DoD provide support to the Department of Homeland Security's (DHS) effort to secure the southern border by blocking up to 11 drug-smuggling corridors along the border, through the construction of roads and fences and the installation of lighting.

Having determined that the requirements of title 10, U.S.C. section 284, have been satisfied, I have decided to provide up to \$1B of support for Yuma Sector Projects 1 and 2 and El Paso Sector Project 1, specifically by constructing 57 miles of new 18-foot pedestrian fencing, constructing and improving roads, and installing lighting.

I have directed the Under Secretary of Defense (Comptroller)/Chief Financial Officer to transfer \$1B into the Drug Interdiction and Counter-Drug Activities, Defense, account. That \$1B will be allocated to the Department of the Army with instructions to further allocate it to the U.S. Army Corps of Engineers to undertake the DHS priority projects identified above.

The U.S. Army Corps of Engineers will be the construction agent for this support and will take all necessary action to undertake construction this fiscal year. In light of the urgent and compelling nature of the crisis at the southern border, as described by the President, Secretary of Homeland Security, and other DHS officials, you should undertake construction as quickly as possible, consistent with applicable law.

As the proponent of the requested action, Customs and Border Protection will serve as the lead agency for environmental compliance and will be responsible for providing all necessary access to land. DHS will accept custody of the completed infrastructure, account for that infrastructure in its real property records, and operate and maintain the completed infrastructure.

My point of contact is Kenneth Rapuano, Assistant Secretary of Defense for Homeland Defense and Global Security.

Patrick M. Shanahan  
Acting

cc:

Chairman of the Joint Chiefs of Staff  
Under Secretary of Defense (Comptroller) / Chief Financial Officer  
Under Secretary of Defense for Policy  
General Counsel of the Department of Defense  
Assistant Secretary of Defense for Legislative Affairs  
Assistant to the Secretary of Defense for Public Affairs  
Commander, U.S. Army Corps of Engineers



OSD001680-19/CMD003531-19

**TAB**

**D**

Executive Secretary

U.S. Department of Homeland Security  
Washington, DC 20528



Homeland  
Security

February 25, 2019

MEMORANDUM FOR: CAPT Hallock N. Mohler Jr.  
Executive Secretary  
Department of Defense (DoD)

FROM: Christina Bobb *Christina Bobb*  
Executive Secretary  
Department of Homeland Security (DHS)

SUBJECT: Request for Assistance Pursuant to 10 U.S.C. § 284

#### I. Overview

As the government department tasked with border security, the Department of Homeland Security (DHS), through U.S. Customs and Border Protection (CBP), is requesting that the Department of Defense assist DHS in its efforts to secure the southern border. The Secretary has directed me to transmit this request for assistance to your attention. This memorandum supersedes the February 22, 2019 version.

In Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended (IIRIRA), 8 U.S.C. § 1103 note, Congress has directed DHS to construct border infrastructure in areas of high illegal entry to deter illegal crossing of both drugs and people into the United States. Pursuant to Section 102, DHS has identified the areas set forth in Section II below as areas of high illegal entry where CBP must take action (the Project Areas).

Within the Project Areas, DHS is experiencing large numbers of individuals and narcotics being smuggled into the country illegally. The Project Areas are also used by individuals, groups, and transnational criminal organizations as drug smuggling corridors. Mexican Cartels continue to remain dominant in these areas, influencing and controlling narcotics and human smuggling operations, within their respective strongholds.

DHS must use its authority under Section 102 of IIRIRA to install additional physical barriers and roads in the vicinity of the United States border in order to deter and prevent illegal crossings within the Project Areas. The construction of border infrastructure within the Project Areas will support DHS's ability to impede and deny illegal entry and drug smuggling activities within the Project Areas.



OSD001680-19/CMD002193-19



The Project Areas identified are adjacent to some of the most densely populated metropolitan areas of Mexico and are also home to some of the strongest and most violent drug cartels in the world. Deterring and preventing illegal cross-border activity will help stem the flow of illegal narcotics and entries in these areas. Similarly, the improved ability to impede, deny, and be mobile within the Project Areas creates a safer operational environment for law enforcement.

To support DHS's action under Section 102 of IIRIRA, DHS is requesting that DoD, pursuant to its authority under 10 U.S.C. § 284(b)(7), assist with the construction of fences roads, and lighting within the Project Areas to block drug-smuggling corridors across the international boundary between the United States and Mexico.

## **II. Capabilities Requested**

Within the Project Areas there is existing vehicle fence and dilapidated pedestrian fencing. Vehicle fencing is intended to stop vehicles from illegally entering the United States, but can be climbed over or under by individuals. Pedestrian fencing is intended to prevent and deter individuals and vehicles from illegally crossing into the United States.

DHS requests that DoD assist in the execution of projects, within the Project Areas set forth below, to: (1) replace existing vehicle barriers or dilapidated pedestrian fencing with new pedestrian fencing; (2) construct roads; and (3) install lighting.

The new pedestrian fencing includes a Linear Ground Detection System, which is intended to, among other functions, alert Border Patrol agents when individuals attempt to damage, destroy or otherwise harm the barrier. The road construction includes the construction of new roads and the improvement of existing roads. The lighting that is requested has an imbedded camera that works in conjunction with the pedestrian fence. The lighting must be supported by grid power.

The segments of fence within the Project Areas identified below are situated on federal property. DHS will be responsible for securing, to the extent required, any other real estate interest or instrument that is required for project execution. In the event a real estate interest or instrument that is needed for project execution cannot be obtained for a segment of fence within a Project Area in a time frame that is within the requirements of this request for assistance, the segment may be withdrawn from this request. In addition, DHS will be responsible for any applicable environmental planning and compliance to include stakeholder outreach and consultation associated with the projects.

**Project Areas:**

**II.A. El Centro Sector**

Within the United States Border Patrol El Centro Sector (El Centro Sector) DHS is requesting that DoD assist by undertaking road construction, by replacing approximately 15 miles of existing vehicle barrier with new pedestrian fencing, and by installing lighting in the specific locations identified below.

The specific Project Area identified below is located in Imperial County, California and has been identified by the Office of National Drug Control Policy (ONDCP) as a High Intensity Drug Trafficking Area (HIDTA). Multiple local transnational criminal organizations known for smuggling drugs into Calexico from Mexico using a variety of tactics, techniques, procedures, and varying concealment methods operate in this area, including *Cartel De Jalisco Nueva Generacion* (CJNG) as well as remnants of the *Beltran Leyva* Organization and *La Familia Michoacana* organizations. CJNG, based in Jalisco, was previously a faction of the *Sinaloa* Cartel. CJNG broke away from the *Sinaloa* Cartel and has become an established Mexican Cartel. The Mexican government has declared CJNG as one of the most dangerous cartels in the country.

Due to the close proximity of urban areas on both sides of the border, the El Centro Sector suffers from some of the quickest vanishing times – that is, the time it takes to illegally cross into the United States and assimilate into local, legitimate traffic. These quick vanishing times enable the illegal activities of transnational criminal organizations, whether they are smuggling people or narcotics.

Border Patrol's own experience with apprehensions between border crossings bears this out. In fiscal year 2018, there were over 29,000 apprehensions of illegal entrants attempting to enter the United States between border crossings in the El Centro Sector. Also in fiscal year 2018, Border Patrol had approximately 200 separate drug-related events between border crossings in the El Centro Sector, through which it seized over 620 pounds of marijuana, over 165 pounds of cocaine, over 56 pounds of heroin, and over 1,600 pounds of methamphetamine.

The specific Project Area is as follows:

- *El Centro Project 1:*
  - The project begins approximately 10 miles west of the Calexico Port of Entry continuing west 15.25 miles in Imperial County.
  - Start coordinate: 32.63273, -115.922787; End coordinate: 32.652563, -115.662399

## II.B. Yuma Sector

Within the United States Border Patrol Yuma Sector (Yuma Sector) DHS is requesting that DoD assist by undertaking road construction, by replacing approximately 36 miles of existing vehicle barrier and approximately 6 miles of dilapidated pedestrian fencing with new pedestrian fencing, and by installing lighting in the specific locations identified below. The specific areas identified below are located in Yuma County, Arizona.

Yuma County has been identified by the ONDCP as a HIDTA. Of particular note is the operation of the *Sinaloa* Cartel in this area. The *Sinaloa* Cartel continues to be the most powerful cartel in the country and controls illicit networks and operations in the United States. Despite the arrest of Joaquin "El Chapo" Guzman-Loera, its narcotics business has continued uninterrupted. As a result, there have been no significant changes within the *Sinaloa* Cartel's hierarchy, or any changes in the illicit operations conducted by the *Sinaloa* Cartel.

Border Patrol's own experience with apprehensions between border crossings bears this out. In fiscal year 2018, there were over 26,000 apprehensions of illegal entrants attempting to enter the United States between border crossings in the Yuma Sector. Also during fiscal year 2018, Border Patrol had over 1,400 separate drug-related events between border crossings in the Yuma Sector, through which it seized over 8,000 pounds of marijuana, over 78 pounds of cocaine, over 102 pounds of heroin, over 1,700 pounds of methamphetamine, and over 6 pounds of fentanyl.

The replacement of ineffective pedestrian fencing in this area is necessary because the older, wire mesh design is easily breached and has been damaged to the extent that it is ineffective. Additionally, this area is notorious for border violence and narcotics smuggling. Furthermore, while the deployment of vehicle barrier in the Yuma Sector initially curtailed the volume of illegal cross-border vehicular traffic, transnational criminal organizations quickly adapted their tactics switching to foot traffic, cutting the barrier, or simply driving over it to smuggle their illicit cargo into the United States. Thus, in order to respond to these changes in tactics, DHS now requires pedestrian fencing.

The specific Project Areas are as follows:

- *Yuma Project 1:*
  - The project begins approximately 1 mile southeast of the Andrade Port of Entry continuing along the Colorado River for approximately 5 miles in Yuma County.
  - Start coordinate: 32.704197, -114.726013; End coordinate: 32.642102, -114.764632)

- *Yuma Project 2:*
  - The project involves the replacement of two segments of primary pedestrian fencing in Yuma Sector for a total of approximately 6 miles. This includes approximately 2 miles of fencing along the Colorado River.
  - Start coordinate: 32.37755528, -114.4268201; End coordinate: 32.3579244, -114.3623999;
  - The project also includes replacement of primary pedestrian fencing approximately 17 miles east of the San Luis Port of Entry, on the Barry M Goldwater Range, continuing east for approximately 4 miles.
  - Start coordinate: 32.51419938, -114.8011175; End coordinate: 32.49350559, -114.8116619
  
- *Yuma Project 3:*
  - The project begins approximately 0.4 miles east of the Barry M. Goldwater Range continuing approximately 31 miles east through the Cabeza Prieta National Wildlife Refuge in Yuma County.
  - Start coordinate: 32.232935, -113.955211; End coordinate: 32.039033, -113.33411

### **III.C. Tucson Sector**

Within the United States Border Patrol Tucson Sector (Tucson Sector) DHS is requesting that DoD assist by undertaking road construction, by replacing approximately 86 miles of existing vehicle barrier with new pedestrian fencing, and by installing lighting in the specific locations identified below. The specific areas identified below are located in Pima, Cochise, and Santa Cruz Counties, Arizona.

Pima, Cochise and Santa Cruz Counties have been identified by the ONDCP as a HIDTA. The *Sinaloa* Cartel relies on their local associates to coordinate, direct, and support the smuggling of illegal drugs and aliens from Mexico to the United States. Since Arizona is contiguous with the U.S.-Mexico International Boundary, the Tucson and Phoenix metropolitan areas are major trans-shipment and distribution points for contraband smuggling. Plaza bosses operate as a *Sinaloa* Cartel leader within their specific area of operation along the Sonora-Arizona corridor of the U.S.-Mexico International Boundary.

Border Patrol's own experience with apprehensions between border crossings bears this out. In fiscal year 2018, there were over 52,000 apprehensions of illegal entrants attempting enter the United States between the border crossings in the Tucson Sector. Also in fiscal year 2018 Border Patrol had over 1,900 separate drug-related events between border crossings in the Tucson Sector, through which it seized over 1,600 pounds of marijuana, over 52 pounds of cocaine, over 48 pounds of heroin, over 902 pounds of methamphetamine, and over 11 pounds of fentanyl.

In addition, the absence of adequate pedestrian fencing, either due to the presence of vehicle barrier only or ineffective pedestrian designs, in the Tucson sector continues to be particularly problematic as it pertains to the trafficking of illegal narcotics. Rival transnational criminal organizations frequently employ "rip crews" who leverage the remote desert environment and lack of infrastructure to steal one another's illicit cargo resulting in increased border violence.

The terrain also provides high ground to scouts seeking to protect and warn smuggling loads being passed through the area. Transnational criminal organizations have successfully utilized this advantage in furtherance of their illicit activity and for this reason the area is in need of an improved capability to impede and deny illegal crossings or people and narcotics. In addition, the area hosts a number of tourist attractions that allow illegal activity to blend into legitimate activity; avoiding detection and evading interdiction.

The specific Project Areas are as follows:

- *Tucson Project 1:*
  - The project includes replacement of two segments of vehicle barriers. The first segment begins approximately 2 miles west of the Lukeville Port of Entry continuing west approximately 30 miles.
  - Start coordinate: 32.038278, -113.331716; End coordinate: 31.890032, -112.850162
  - The second segment project begins approximately 3 miles east of the Lukeville Port of Entry and continues east approximately 8 miles in Pima County, Arizona.
  - Start coordinate: 31.8648, -112.76757; End coordinate: 31.823911, -112.634298
  
- *Tucson Project 2:*
  - The project includes approximately 5 miles of primary pedestrian fence replacement around the Lukeville Port of Entry extending from approximately 2 miles west of the port to approximately 3 miles east of the port.
  - Start coordinate: 31.8899921, -112.850162; End coordinate: 31.8648, -112.76757

- *Tucson Project 3:*
  - The project includes three segments of vehicle barrier replacement beginning approximately 18 miles west of the Naco Port of Entry and continuing to approximately 25 miles east of the Douglas Port of Entry (or approximately 5 miles west of the Arizona/New Mexico state line) for approximately 20 miles of non-contiguous vehicle barrier replacement in Cochise County, Arizona.
  - Start coordinate: 31.333754, -110.253863; End coordinate: 31.333767, -110.250286;
  - Start coordinate: 31.334154, -110.152548; End coordinate: 31.334137, -110.147464;
  - Start coordinate: 31.333995, -109.453305; End coordinate: 31.332759, -109.129344
  
- *Tucson Project 4:*
  - The project begins approximately 9 miles east of the Nogales Port of Entry and continues eastward for approximately 30 miles with approximately 26 miles of non-contiguous vehicle barrier replacement in Santa Cruz and Cochise Counties, Arizona.
  - Start coordinate: 31.333578, -110.79579; End coordinate: 31.333511, -110.775333;
  - start coordinate: 31.33328, -110.70545; End coordinate: 31.333602, -110.288665)
  - Note: An additional approximately 0.3 miles of new pedestrian fence could be built between the existing segmented vehicle barrier locations to fill existing gaps if appropriate real estate interest can be verified
  
- *Tucson Project 5:*
  - The project includes approximately 2 miles of vehicle barrier replacement beginning approximately 4.5 miles east of the Sasabe Port of Entry continuing east in six non-continuous segments for approximately 15 miles in Pima and Santa Cruz Counties, Arizona.
  - Start Coordinate: 31.460175, -111.473171; End Coordinate: 31.459673, -111.471584;
  - Start Coordinate: 31.453091, -111.450959; End Coordinate: 31.449633, -111.440132;
  - Start Coordinate: 31.440683, -111.412054; End Coordinate: 31.437351, -111.40168;
  - Start Coordinate: 31.423471, -111.358336; End Coordinate: 31.422541, -111.355444;
  - Start Coordinate: 31.42221, -111.354379; End Coordinate: 31.421321, -111.351608;

- o Start Coordinate: 31.386813, -111.243966; End Coordinate: 31.385462, -111.239759)

## **II.D. El Paso Sector**

Within the United States Border Patrol El Paso (El Paso Sector) DHS is requesting that DoD assist by undertaking road construction, by replacing approximately 70 miles of existing vehicle barrier with new pedestrian fencing, and by installing lighting in the specific locations identified below. The specific areas identified below are located in Luna, Hidalgo and Doña Ana Counties, New Mexico. Luna, Hidalgo and Doña Ana Counties have been identified by the ONDCP as a HIDTA.

There are three specific transnational criminal organizations of interest operating in the El Paso Sector - the *Sinaloa* Cartel as well as remnants of the *Juarez* Cartel and the *Beltran Leyva* Organization. In the El Paso Sector the *Sinaloa* Cartel employs a variety of tactics, techniques and procedures depending upon the terrain and environment to move drugs across the border. While the *Sinaloa* Cartel has a strong presence and control of territories at the flanks of the Sector, it does not have full control of the territory throughout the El Paso Sector. The *Juarez* Cartel, traditionally a major trafficker of marijuana and cocaine, has become an active member in opium cultivation and heroin production.

Border Patrol's own experience with apprehensions between border crossings bears this out. In fiscal year 2018, there were over 31,000 apprehensions of illegal entrants attempting to enter the United States between border crossings in the El Paso Sector. Also in fiscal year 2018, Border Patrol had over 700 separate drug-related events between border crossings in the El Paso Sector, through which it seized over 15,000 pounds of marijuana, over 342 pounds of cocaine, over 40 pounds of heroin, and over 200 pounds of methamphetamine.

Although the deployment of vehicle barrier in the El Paso Sector initially curtailed the volume of illegal cross-border vehicular traffic, transnational criminal organizations quickly adapted their tactics switching to foot traffic, cutting the barrier, or simply driving over it to smuggle their illicit cargo into the United States.

Thus, in order to respond to these changes in tactics, CBP now requires pedestrian fencing. Successfully impeding and denying illegal activities or transnational criminal organizations in this area is further complicated by the close proximity of New Mexico Highway 9 to the border. In some cases the highway is less than a half a mile, allowing illegal cross-border traffic to evade detection and apprehension and quickly vanish from the border area.

The specific Project Areas are as follows:

- *El Paso Project 1:*
  - The project includes 46 miles of vehicle barrier replacement beginning approximately 17.5 miles west of the Columbus Port of Entry continuing east in non-contiguous segments to approximately 35 miles east of the Columbus Port of Entry within the Luna and Doña Ana Counties, New Mexico.
  - Start Coordinate: 31.7837, -107.923151; End Coordinate: 31.783689, -107.679049;
  - Start Coordinate: 31.783672, -107.573919; End Coordinate: 31.783741, -107.038154
  
- *El Paso Project 2:*
  - The project includes 23.51 miles of Vehicle Barrier replacement in non-contiguous segments within Hidalgo and Luna Counties, New Mexico. The first segment begin approximately 5.1 miles east of the New Mexico/Arizona Border continuing east 4.55 miles.
  - Start Coordinate: 31.332323, -108.962631; End Coordinate: 31.332292, -108.885946;
  - The second segment begins approximately 3 miles west of the Antelope Wells Port of Entry to 3 miles east of the port of entry for 6.12 miles of Vehicle Barrier replacement.
  - Start Coordinate: 31.333368, -108.582412; End Coordinate: 31.333407, -108.47926;
  - The third segment begins approximately 20 miles west of the Columbus Port of Entry extending west 12.84 miles.
  - Start Coordinate: 31.783722, -108.182442; End Coordinate: 31.783708, -107.963193;

### **III. Technical Specifications**

As set forth above, DHS requires road construction, installation of lighting, and the replacement of existing vehicle barrier or dilapidated pedestrian fencing with new pedestrian fencing within the Project Areas. DHS will provide DoD with more precise technical specifications as contract and project planning moves forward.

Given DHS's experience and technical expertise, DHS plans to coordinate closely with DoD throughout project planning and execution, to include review and approval of design specifications, barrier alignment and location, and other aspects of project planning and execution.



#### **IV. Sequencing**

The DHS request for assistance includes approximately 218 miles in which DHS requires road construction, the installation of lighting, and the replacement of existing vehicle fencing or dilapidated pedestrian fencing with new pedestrian fencing within the Project Areas. DHS requests that DoD's support under 10 U.S.C. § 284 address the requirements in order of priority as DoD resources allow. The DHS order of priority is as follows:

1. Yuma Sector Project 1
2. Yuma Sector Project 2
3. El Paso Sector Project 1
4. El Centro Sector Project 1
5. Tucson Sector Project 1
6. Tucson Sector Project 2
7. Tucson Sector Project 3
8. Tucson Sector Project 4
9. Yuma Sector Project 3
10. El Paso Sector Project 2
11. Tucson Sector Project 5

#### **V. Funding**

DHS requests that DoD provide the above-referenced border fences, roads, and lighting on a non-reimbursable basis as support to block drug smuggling corridors.

DHS will accept custody of the completed infrastructure and account for that infrastructure in its real property records.

DHS will operate and maintain the completed infrastructure.

#### **VI. Conclusion**

DHS requests DoD assistance under 10 U.S.C. § 284 to construct fences, roads, and to install lighting in order to block drug smuggling corridors in the Project Areas set forth above. The Project Areas set forth above are also areas of high illegal entry under IIRIRA § 102(a), and the requested fences, roads, and lighting will assist in deterring illegal crossings in the Project Areas.

TAB

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THE WHITE HOUSE

WASHINGTON

April 4, 2018

MEMORANDUM FOR THE SECRETARY OF DEFENSE  
THE ATTORNEY GENERAL  
THE SECRETARY OF HOMELAND SECURITY

SUBJECT:           Securing the Southern Border of the  
                    United States

1. The security of the United States is imperiled by a drastic surge of illegal activity on the southern border. Large quantities of fentanyl, other opioids, and other dangerous and illicit drugs are flowing across our southern border and into our country at unprecedented levels, destroying the lives of our families and loved ones. Mara Salvatrucha (MS-13) and other deadly transnational gangs are systematically exploiting our unsecured southern border to enter our country and develop operational capacity in American communities throughout the country. The anticipated rapid rise in illegal crossings as we head into the spring and summer months threatens to overwhelm our Nation's law enforcement capacities.

2. The combination of illegal drugs, dangerous gang activity, and extensive illegal immigration not only threatens our safety but also undermines the rule of law. Our American way of life hinges on our ability as a Nation to adequately and effectively enforce our laws and protect our borders. A key and undeniable attribute of a sovereign nation is the ability to control who and what enters its territory.

3. Our professional and dedicated U.S. Customs and Border Protection agents and officers, U.S. Immigration and Customs Enforcement officers, and other Federal, State, and local law enforcement personnel work tirelessly to defend our homeland against these threats. They risk their lives daily to protect the people of this country. Theirs is a record of dedication and sacrifice, meriting the unwavering support of the entire United States Government.

4. The situation at the border has now reached a point of crisis. The lawlessness that continues at our southern border



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is fundamentally incompatible with the safety, security, and sovereignty of the American people. My Administration has no choice but to act.

5. The Department of Defense currently assists other nations in many respects, including assisting with border security, but the highest sovereign duty of the President is to defend this Nation, which includes the defense of our borders.

6. The President may assign a mission to the Secretary of Defense to support the operations of the Department of Homeland Security in securing our southern border, including by requesting use of the National Guard, and to take other necessary steps to stop the flow of deadly drugs and other contraband, gang members and other criminals, and illegal aliens into the country. The Secretary of Defense may use all available authorities as appropriate, including use of National Guard forces, to fulfill this mission. During the administrations of Presidents George W. Bush and Barack Obama, the National Guard provided support for efforts to secure our southern border. The crisis at our southern border once again calls for the National Guard to help secure our border and protect our homeland.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States, including section 502 of title 32, United States Code, and section 301 of title 3, United States Code, I hereby direct as follows:

Section 1. The Secretary of Defense shall 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 Secretary of Defense shall request use of National Guard personnel to assist in fulfilling this mission, pursuant to section 502 of title 32, United States Code, and may use such other authorities as appropriate and consistent with applicable law.

Sec. 2. The Secretary of Homeland Security shall work with the Secretary of Defense to provide any training or instruction necessary for any military personnel, including National Guard units, to effectively support Department of Homeland Security personnel in securing the border.

Sec. 3. The Secretary of Defense and the Secretary of Homeland Security, in coordination with the Attorney General,

are directed to determine what other resources and actions are necessary to protect our southern border, including Federal law enforcement and United States military resources. Within 30 days of the date of this memorandum, the Secretary of Defense and the Secretary of Homeland Security, in coordination with the Attorney General, shall submit to the President a report detailing their findings and an action plan, including specific recommendations as to any other executive authorities that should be invoked to defend the border and security of the United States.

Sec. 4. Any provision of any previous proclamation, memorandum, or Executive Order that is inconsistent with the actions taken in this memorandum is superseded to the extent of such inconsistency.

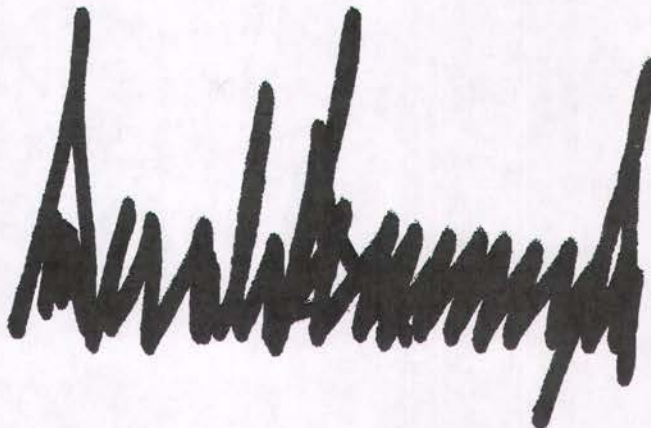
Sec. 5. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A large, bold, handwritten signature in black ink, appearing to be 'Donald Trump', is centered at the bottom of the page.

**TAB**

**F**



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

MAR - 1 2019

MEMORANDUM FOR SECRETARY OF THE ARMY  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARY OF DEFENSE FOR POLICY  
UNDER SECRETARY OF DEFENSE (COMPTROLLER)/CHIEF  
FINANCIAL OFFICER OF THE DEPARTMENT OF DEFENSE  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Assessing the Department of Homeland Security Request for Department of Defense Support to Block Drug-Smuggling Corridors

On February 25, 2019, Department of Homeland Security (DHS) requested the Department provide support for construction of fences and roads, and installation of lighting to block drug-smuggling corridors across specific sections of the southern border with Mexico.

The Secretary of the Army will review the list of land parcels and projects provided by DHS for border barrier construction and provide to the Under Secretary of Defense for Policy (USD(P)) a prioritized listing of projects the U.S. Army Corps of Engineers is capable of undertaking this fiscal year, with the anticipated timeline (including commencement and completion) and estimated costs for each project, no later than March 6, 2019.

The Chairman of the Joint Chief of Staff will provide to me, no later than March 6, 2019, military advice on impacts to force readiness and impacts to the Combatant Command missions.

The Under Secretary of Defense (Comptroller)/Chief Financial Officer will review the request for fiscal considerations and provide funding recommendations to the USD(P) no later than March 6, 2019.

The USD(P) will evaluate the effects, if any, on DoD's counterdrug program. The USD(P) will also, by March 7, 2019, consolidate the above information and recommendations from components in coordination with the General Counsel and other appropriate DoD officials, for my decision.

Patrick M. Shanahan  
Acting

cc:

Assistant Secretary of Defense for Legislative Affairs  
Assistant Secretary of Defense for Homeland Defense and Global Security  
Assistant to the Secretary of Defense for Public Affairs  
Chief, U.S. Army Corps of Engineers



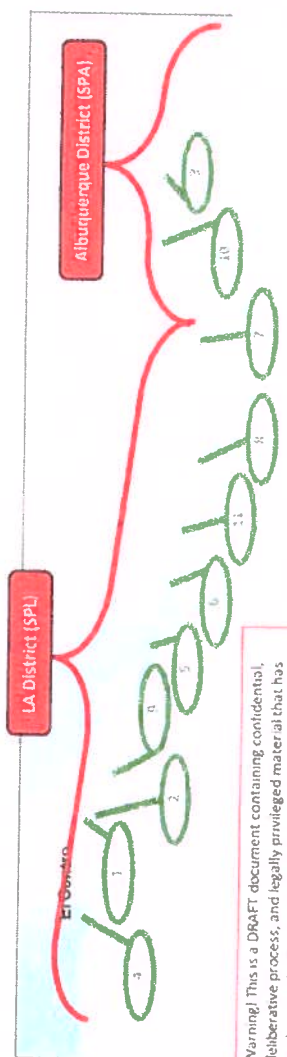
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**TAB**

**G**



# 284- Funded Border Infrastructure Program



Warning! This is a DRAFT document containing confidential, deliberative process, and legally privileged material that has not been authorized for release. You are hereby notified that any dissemination, copying, or further distribution of this information to unauthorized individuals is strictly prohibited and could result in disciplinary action and civil or criminal penalties. See, e.g., 18 U.S.C. § 641; 5 C.F.R. § 2635.703.

This data is notional, only to illustrate future reporting.

- Section 284:**
- Funds Received: \$0
  - Funds under Contract: \$0
  - Total Barrier Miles Planned: 117 mi. (above \$2.5B cut line)
  - Total Barrier Miles Completed: 0 mi.

Legend for Project Milestones (Dates):

- Action Completed (Green circle)
- Action Started (Yellow circle)
- Issues (Red circle)
- Action Pending < 7d (Blue circle)
- Action Pending > 7d (Purple circle)

Section 284 Program Milestones		
	Anticipated	Actual
Emergency Declaration		15-Feb
DHS Requests DoD Support		22-Feb
Army Acq Exec Determines "Urgent & Compre	R+7	
DoD Approves DHS Request	R+7	
USD(P) Authorizes the Use of Funds	NLT 8 Mar 19	
Army acq exec supports use of same-source contracts NLT 8 Mar (CICA)		
Validate design (18 vs. 30-ft, anti-climb features, etc.) NLT 8 Mar.		
Receive 1 <sup>st</sup> Tranche of Construction funds NLT 18 Mar.		
Army provides directive to construct the projects		
DHS secures all required real estate prior to construction		
DHS waives NEPA/ Environmental Regulations prior to construction.		

Project Name	Project Milestones (Dates)											
	Start to Engneering (Ends)	Start to Engneering (Starts)	Start to Engneering (Ends)	Start to Engneering (Starts)	Start to Engneering (Ends)	Start to Engneering (Starts)	Start to Engneering (Ends)	Start to Engneering (Starts)	Start to Engneering (Ends)	Start to Engneering (Starts)	Start to Engneering (Ends)	Start to Engneering (Starts)
1 - Yuma Project 1	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18
2 - Yuma Project 2	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18
3 - E-Paso Proj 1	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18
4 - E-Guano Proj 1	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18
5 - Tucson Proj 1	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18
6 - Tucson Proj 2	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18
7 - Tucson Proj 3	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18
8 - Tucson Proj 4	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18
9 - Yuma Proj 1	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18
10 - E-Paso Proj 2	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18	6/1/18

Project Name	State	Agency	Contract #	Start Date	End Date	Contract Value	Contract Status	Contract Completion
1 - Yuma Project 1	SP	SP	AZ	5/22	5/22			
2 - Yuma Project 2	SP	SP	AZ	5/22	5/22			
3 - E-Paso Proj 1	SP	SP	NM	5/22	5/22			
4 - E-Guano Proj 1	SP	SP	CA	5/22	5/22			
5 - Tucson Proj 1	SP	SP	AZ	5/22	5/22			
6 - Tucson Proj 2	SP	SP	AZ	5/22	5/22			
7 - Tucson Proj 3	SP	SP	AZ	5/22	5/22			
8 - Tucson Proj 4	SP	SP	AZ	5/22	5/22			
9 - Yuma Proj 1	SP	SP	AZ	5/22	5/22			
10 - E-Paso Proj 2	SP	SP	NM	5/22	5/22			

**TAB**

**H**



OFFICE OF THE UNDER SECRETARY OF DEFENSE  
1100 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1100

MAR 08 2019

COMPTROLLER

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR POLICY

SUBJECT: Assessing the Department of Homeland Security Request for Department of Defense Support to Block Drug-Smuggling Corridors

As directed by the Acting Secretary of Defense on March 1, 2019, I am providing an assessment of the fiscal considerations and funding recommendations, of the Department of Homeland Security (DHS) request for assistance, dated February 25, 2019, to provide counter-drug support pursuant to 10 U.S.C. 284(b)(7). This review was conducted absent the cost estimates developed by the Department of the Army, and thus, the amounts identified below may change once the actual cost estimates are known.

In order to support the DHS request for assistance, the Department would need to transfer funding into the Drug Interdiction and Counter-Drug Activities, Defense appropriation, using the general transfer authority (GTA) provided for under Section 8005 of the Department of Defense Appropriations Act, 2019. The Department can use this authority to transfer funding if the funds are used for 1) a higher priority item, 2) the item is based on unforeseen military requirements, and 3) the item for which funds are requested has not been denied by Congress.

I recommend implementing the transfer of funds in two increments. The first (TAB A) would consist of \$1 billion for the construction efforts, resourced from fact-of-life execution year assets. Up to an additional \$1.5 billion could be provided in a second increment. I will accelerate the Department's midyear execution review in order to aide in the identification of potential sources that minimize the risk to operations and readiness.

*Elaine McCusker*

Elaine McCusker  
Deputy Under Secretary of Defense  
(Comptroller)



<b>Subject:</b> Support for DHS Counter-Drug Activity Reprogramming Action		<b>DoD Serial Number:</b> FY 19-01 RA
<b>Appropriation Title:</b> Various Appropriations		
		<b>Includes Transfer?</b> Yes

<b>Component Serial Number:</b>	<i>(Amounts in Thousands of Dollars)</i>							
	<b>Program Base Reflecting Congressional Action</b>		<b>Program Previously Approved by Sec Def</b>		<b>Reprogramming Action</b>		<b>Revised Program</b>	
	<b>Quantity</b>	<b>Amount</b>	<b>Quantity</b>	<b>Amount</b>	<b>Quantity</b>	<b>Amount</b>	<b>Quantity</b>	<b>Amount</b>
<b>Line Item</b>								
a	b	c	d	e	f	g	h	i

This reprogramming action is submitted because this action uses general transfer authority. This reprogramming action provides funding in support of higher priority items, based on unforeseen military requirements, than those for which originally appropriated; and is determined to be necessary in the national interest. It meets all administrative and legal requirements, and none of the items has previously been denied by the Congress.

This reprogramming action transfers \$1,000.000 million from the Military Personnel, Army, 19/19, and Reserve Personnel, Army, 19/19, appropriations to the Drug Interdiction and Counter-Drug Activities, Defense, 19/19, appropriation. This reprogramming action uses \$1,000.000 million of general transfer authority pursuant to section 8005 of division A of Public Law 115-245, the Department of Defense (DoD) Appropriations Act, 2019; and section 1001 of Public Law 115-232, the John S. McCain National Defense Authorization Act for Fiscal Year (FY) 2019.

<b><u>FY 2019 REPROGRAMMING INCREASE:</u></b>	<b><u>+1,000,000</u></b>
<b><u>Drug Interdiction and Counter-Drug Activities, Defense, 19/19</u></b>	<b><u>+1,000,000</u></b>
<b><u>Budget Activity 01: Counter-Narcotics Support</u></b>	
238,306	238,306
	<b>+1,000,000</b>
	1,238,306

Explanation: Funds are required to provide support for counter-drug activities of the Department of Homeland Security (DHS). DHS has identified areas along the southern border of the United States that are being used by individuals, groups, and transnational criminal organizations as drug smuggling corridors, and determined that the construction of additional physical barriers and roads in the vicinity of the United States border is necessary in order to impede and deny drug smuggling activities. DHS requests DoD assistance in the execution of projects to replace existing vehicle barriers or dilapidated pedestrian fencing with new pedestrian fencing, construct roads, and install lighting. Title 10, U.S.Code, Section 284(b)(7) authorizes the DoD to support counterdrug activities of other Federal agencies through the construction of roads and fences, and the installation of lighting, to block drug smuggling corridors across international boundaries of the United States. Such support is funded using DoD's Drug Interdiction and Counter-Drug Activities appropriation. This is a base budget requirement.

Approved (Signature and Date)

<b>Subject:</b> Support for DHS Counter-Drug Activity Reprogramming Action						<b>DoD Serial Number:</b> FY 19-01 RA		
<b>Appropriation Title:</b> Various Appropriations						<b>Includes Transfer?</b> Yes		

<b>Component Serial Number:</b>	<i>(Amounts in Thousands of Dollars)</i>							
	<b>Program Base Reflecting Congressional Action</b>		<b>Program Previously Approved by Sec Def</b>		<b>Reprogramming Action</b>		<b>Revised Program</b>	
<b>Line Item</b>	<b>Quantity</b>	<b>Amount</b>	<b>Quantity</b>	<b>Amount</b>	<b>Quantity</b>	<b>Amount</b>	<b>Quantity</b>	<b>Amount</b>
a	b	c	d	e	f	g	h	i

<b><u>FY 2019 REPROGRAMMING DECREASES:</u></b>					<b>-1,000,000</b>			
<b><u>Military Personnel, Army, 19/19</u></b>					<b>-993,627</b>			
<b><u>Budget Activity 01: Pay and Allowances of Officers</u></b>	14,000,263		14,000,263		-56,440		13,943,823	

**Explanation:** Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-38.9 million) and Continuation Pay (CP) (\$-17.5 million) for military members enrolled in the new Blended Retirement System (BRS) as a result of fewer than planned opt-ins from the legacy retirement system. This is base budget funding.

<b><u>Budget Activity 02: Pay and Allowances of Enlisted</u></b>	27,151,209		27,151,209		-754,212		26,396,997	
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**Explanation:** Funds are available due to a 9,500 Soldier reduction to Army's overall end strength target (478,000 vice 487,500) as Army refocuses on smart, modest annual growth without compromising quality in a highly challenging recruiting and retention market. Funds are available from the following programs stemming from strength reductions and rate-driven adjustments observed in execution to date. This is base budget funding.

- \$325.9 million in basic pay, primarily driven by the decrease in projected average strength
- \$135.1 million in retired pay accrual, primarily driven by the decrease in projected average strength
- \$15.9 million in clothing allowances, stemming from reduced requirements for non-accession related uniform purchases
- \$13.3 million in incentive pays and family separation allowances, reflecting current base budget execution trends showing a shift toward higher Overseas Contingency Operations execution
- \$141.3 million in separation payments, driven by nearly 10 thousand fewer projected separations than seen in fiscal year 2018, fewer Soldiers eligible for disability separation in the Integrated Disability Evaluation System, and fewer projected involuntary separations
- \$29.0 million in social security tax employer contributions, primarily driven by the decrease in projected average strength
- \$27.6 million in enlistment and reenlistment incentives, due to projections for fewer recruitment contracts with bonus options compared to prior year execution and a smaller than expected cohort eligible for reenlistment
- \$66.1 million due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-41.4 million) and Continuation Pay (CP) (\$-24.7 million) for military members enrolled in the new Blended Retirement System (BRS) as a result of fewer than planned opt-ins from the legacy retirement system

<b>Subject:</b> Support for DHS Counter-Drug Activity Reprogramming Action							<b>DoD Serial Number:</b> FY 19-01 RA	
<b>Appropriation Title:</b> Various Appropriations							<b>Includes Transfer?</b> Yes	

<b>Component Serial Number:</b>	<i>(Amounts in Thousands of Dollars)</i>							
	<b>Program Base Reflecting Congressional Action</b>		<b>Program Previously Approved by Sec Def</b>		<b>Reprogramming Action</b>		<b>Revised Program</b>	
	<b>Quantity</b>	<b>Amount</b>	<b>Quantity</b>	<b>Amount</b>	<b>Quantity</b>	<b>Amount</b>	<b>Quantity</b>	<b>Amount</b>
<b>Line Item</b>	<b>Quantity</b>	<b>Amount</b>	<b>Quantity</b>	<b>Amount</b>	<b>Quantity</b>	<b>Amount</b>	<b>Quantity</b>	<b>Amount</b>
<b>a</b>	<b>b</b>	<b>c</b>	<b>d</b>	<b>e</b>	<b>f</b>	<b>g</b>	<b>h</b>	<b>i</b>

**Budget Activity 04: Subsistence of Enlisted Personnel**  
 2,269,930                      2,269,930                      -57,420                      2,212,510

**Explanation:** Funds are available due to a decrease in projected average enlisted strength, lower than budgeted rate increases (no inflation in 2019 vice 3.4% budgeted), and a slight increase in the amount of realized collections for members subsisting in Army dining facilities. This is base budget funding.

**Budget Activity 05: Permanent Change of Station Travel**  
 1,785,401                      1,785,401                      -115,726                      1,669,675

**Explanation:** Funds are available due to lower than budgeted rates of execution that have been realized in recent move expenditures. This is base budget funding. Specifically:

- \$36.9 million is available in accession moves
- \$26.1 million is available in rotational moves
- \$52.7 million is available in separation moves

**Budget Activity 06: Other Military Personnel Costs**  
 317,883                      317,883                      -9,829                      308,054

**Explanation:** Funds are available due to a lower-than-projected number of former soldiers receiving unemployment compensation payments. This is base budget funding.

**Reserve Personnel, Army, 19/19**                      -6,373  
**Budget Activity 01: Reserve Component Training and Support**  
 4,874,662                      4,871,312                      -6,373                      4,864,939

**Explanation:** Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions for military members enrolled in the new Blended Retirement System (BRS) as a result of fewer than planned opt-ins from the legacy retirement system. This is base budget funding.

**TAB**

**I**

UNCLASSIFIED

CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-9999

CM-0065-19

18 Mar 2019



INFO MEMO

FOR: ACTING SECRETARY OF DEFENSE

DepSec Info \_\_\_\_\_

FROM: General Joseph F. Dunford Jr., CJCS *JFD 3/16*

SUBJECT: Assessment of Impacts to Force Readiness and Combatant Command Missions to Support Department of Homeland Security (DHS) Request to Block Drug-Smuggling Corridors

- In response to your direction on March 1, 2019 (TAB A), this memorandum provides my current assessment on the impacts to both force readiness and Combatant Command missions in light of DHS's request for the Department of Defense (DoD) to block drug-smuggling corridors (TAB B).
- Presently, USD(C) has identified approximately \$1B from the Army Military Personnel (MILPERs) account to reprogram in the coming weeks to construct fences, roads, and lighting along the southwest border in support of DHS. These funds have been identified by USD(C) as excess to need due to the under-execution in military personnel accounts.
- Reprogramming of these funds into the Defense Drug Interdiction and Counter-Drug Activities account will have no immediate negative impact on joint force readiness. However, if these funds were not reprogrammed they likely would be used to address currently unfunded DoD requirements. An example of this is at TAB C.
- I will continue to evaluate and advise on potential impacts to force readiness and Combatant Command missions as future reprogramming decisions are made.

COORDINATION: None

Attachments:

As stated

Prepared by: Lieutenant General Andrew P. Poppas, USA; Director, J-3; 703-697-3702



UNCLASSIFIED

Administrative Record - Section 284 Projects: 102

OSD002506-19/CMD002504-19





SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

MAR - 1 2019

MEMORANDUM FOR SECRETARY OF THE ARMY  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARY OF DEFENSE FOR POLICY  
UNDER SECRETARY OF DEFENSE (COMPTROLLER) CHIEF  
FINANCIAL OFFICER OF THE DEPARTMENT OF DEFENSE  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Assessing the Department of Homeland Security Request for Department of  
Defense Support to Block Drug-Smuggling Corridors

On February 25, 2019, Department of Homeland Security (DHS) requested the  
Department provide support for construction of fences and roads, and installation of lighting to  
block drug-smuggling corridors across specific sections of the southern border with Mexico.

The Secretary of the Army will review the list of land parcels and projects provided by  
DHS for border barrier construction and provide to the Under Secretary of Defense for Policy  
(USD(P)) a prioritized listing of projects the U.S. Army Corps of Engineers is capable of  
undertaking this fiscal year, with the accelerated timeline (including commencement and  
completion) and estimated costs for each project no later than March 6, 2019.

The Chairman of the Joint Chiefs of Staff will provide to me, no later than March 6, 2019,  
military advice on impacts to force readiness and impacts to the Combatant Command missions.

The Under Secretary of Defense (Comptroller) Chief Financial Officer will review the  
request for fiscal considerations and provide funding recommendations to the USD(P) no later  
than March 6, 2019.

The USD(P) will evaluate the effects, if any, on DoD's counterdrug program. The  
USD(P) will also, by March 7, 2019, consolidate the above information and recommendations  
from components in coordination with the General Counsel and other appropriate DoD officials,  
for my decision.

Patrick M. Shanahan  
Acting

- cc:
- Assistant Secretary of Defense for Legislative Affairs
- Assistant Secretary of Defense for Homeland Defense and Global Security
- Assistant to the Secretary of Defense for Public Affairs
- Chief, U.S. Army Corps of Engineers



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Executive Secretary

U.S. Department of Homeland Security  
Washington, DC 20528



Homeland  
Security

February 25, 2019

MEMORANDUM FOR: CAPT Hallock N. Mohler Jr.  
Executive Secretary  
Department of Defense (DoD)

FROM: Christina Bobb  
Executive Secretary  
Department of Homeland Security (DHS)

SUBJECT: Request for Assistance Pursuant to 10 U.S.C. § 284

#### I. Overview

As the government department tasked with border security, the Department of Homeland Security (DHS), through U.S. Customs and Border Protection (CBP), is requesting that the Department of Defense assist DHS in its efforts to secure the southern border. The Secretary has directed me to transmit this request for assistance to your attention. This memorandum supersedes the February 22, 2019 version.

In Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended (IIRIRA), 8 U.S.C. § 1103 note, Congress has directed DHS to construct border infrastructure in areas of high illegal entry to deter illegal crossing of both drugs and people into the United States. Pursuant to Section 102, DHS has identified the areas set forth in Section II below as areas of high illegal entry where CBP must take action (the Project Areas).

Within the Project Areas, DHS is experiencing large numbers of individuals and narcotics being smuggled into the country illegally. The Project Areas are also used by individuals, groups, and transnational criminal organizations as drug smuggling corridors. Mexican Cartels continue to remain dominant in these areas, influencing and controlling narcotics and human smuggling operations, within their respective strongholds.

DHS must use its authority under Section 102 of IIRIRA to install additional physical barriers and roads in the vicinity of the United States border in order to deter and prevent illegal crossings within the Project Areas. The construction of border infrastructure within the Project Areas will support DHS's ability to impede and deny illegal entry and drug smuggling activities within the Project Areas.



OSD001680-19/CMD002193-19

www.dhs.gov

Subject: Request for Assistance Pursuant to 10 U.S.C. § 284  
Page 2

The Project Areas identified are adjacent to some of the most densely populated metropolitan areas of Mexico and are also home to some of the strongest and most violent drug cartels in the world. Deterring and preventing illegal cross-border activity will help stem the flow of illegal narcotics and entries in these areas. Similarly, the improved ability to impede, deny, and be mobile within the Project Areas creates a safer operational environment for law enforcement.

To support DHS's action under Section 102 of IIRIRA, DHS is requesting that DoD, pursuant to its authority under 10 U.S.C. § 284(b)(7), assist with the construction of fences roads, and lighting within the Project Areas to block drug-smuggling corridors across the international boundary between the United States and Mexico.

## **II. Capabilities Requested**

Within the Project Areas there is existing vehicle fence and dilapidated pedestrian fencing. Vehicle fencing is intended to stop vehicles from illegally entering the United States, but can be climbed over or under by individuals. Pedestrian fencing is intended to prevent and deter individuals and vehicles from illegally crossing into the United States.

DHS requests that DoD assist in the execution of projects, within the Project Areas set forth below, to: (1) replace existing vehicle barriers or dilapidated pedestrian fencing with new pedestrian fencing; (2) construct roads; and (3) install lighting.

The new pedestrian fencing includes a Linear Ground Detection System, which is intended to, among other functions, alert Border Patrol agents when individuals attempt to damage, destroy or otherwise harm the barrier. The road construction includes the construction of new roads and the improvement of existing roads. The lighting that is requested has an imbedded camera that works in conjunction with the pedestrian fence. The lighting must be supported by grid power.

The segments of fence within the Project Areas identified below are situated on federal property. DHS will be responsible for securing, to the extent required, any other real estate interest or instrument that is required for project execution. In the event a real estate interest or instrument that is needed for project execution cannot be obtained for a segment of fence within a Project Area in a time frame that is within the requirements of this request for assistance, the segment may be withdrawn from this request. In addition, DHS will be responsible for any applicable environmental planning and compliance to include stakeholder outreach and consultation associated with the projects.

**Project Areas:**

**II.A. El Centro Sector**

Within the United States Border Patrol El Centro Sector (El Centro Sector) DHS is requesting that DoD assist by undertaking road construction, by replacing approximately 15 miles of existing vehicle barrier with new pedestrian fencing, and by installing lighting in the specific locations identified below.

The specific Project Area identified below is located in Imperial County, California and has been identified by the Office of National Drug Control Policy (ONDCP) as a High Intensity Drug Trafficking Area (HIDTA). Multiple local transnational criminal organizations known for smuggling drugs into Calexico from Mexico using a variety of tactics, techniques, procedures, and varying concealment methods operate in this area, including *Cartel De Jalisco Nueva Generacion* (CJNG) as well as remnants of the *Beltran Leyva* Organization and *La Familia Michoacana* organizations. CJNG, based in Jalisco, was previously a faction of the *Sinaloa* Cartel. CJNG broke away from the *Sinaloa* Cartel and has become an established Mexican Cartel. The Mexican government has declared CJNG as one of the most dangerous cartels in the country.

Due to the close proximity of urban areas on both sides of the border, the El Centro Sector suffers from some of the quickest vanishing times – that is, the time it takes to illegally cross into the United States and assimilate into local, legitimate traffic. These quick vanishing times enable the illegal activities of transnational criminal organizations, whether they are smuggling people or narcotics.

Border Patrol's own experience with apprehensions between border crossings bears this out. In fiscal year 2018, there were over 29,000 apprehensions of illegal entrants attempting to enter the United States between border crossings in the El Centro Sector. Also in fiscal year 2018, Border Patrol had approximately 200 separate drug-related events between border crossings in the El Centro Sector, through which it seized over 620 pounds of marijuana, over 165 pounds of cocaine, over 56 pounds of heroin, and over 1,600 pounds of methamphetamine.

The specific Project Area is as follows:

- *El Centro Project 1:*
  - The project begins approximately 10 miles west of the Calexico Port of Entry continuing west 15.25 miles in Imperial County.
  - Start coordinate: 32.63273, -115.922787; End coordinate: 32.652563, -115.662399

## II.B. Yuma Sector

Within the United States Border Patrol Yuma Sector (Yuma Sector) DHS is requesting that DoD assist by undertaking road construction, by replacing approximately 36 miles of existing vehicle barrier and approximately 6 miles of dilapidated pedestrian fencing with new pedestrian fencing, and by installing lighting in the specific locations identified below. The specific areas identified below are located in Yuma County, Arizona.

Yuma County has been identified by the ONDCP as a HIDTA. Of particular note is the operation of the *Sinaloa* Cartel in this area. The *Sinaloa* Cartel continues to be the most powerful cartel in the country and controls illicit networks and operations in the United States. Despite the arrest of Joaquin "El Chapo" Guzman-Loera, its narcotics business has continued uninterrupted. As a result, there have been no significant changes within the *Sinaloa* Cartel's hierarchy, or any changes in the illicit operations conducted by the *Sinaloa* Cartel.

Border Patrol's own experience with apprehensions between border crossings bears this out. In fiscal year 2018, there were over 26,000 apprehensions of illegal entrants attempting to enter the United States between border crossings in the Yuma Sector. Also during fiscal year 2018, Border Patrol had over 1,400 separate drug-related events between border crossings in the Yuma Sector, through which it seized over 8,000 pounds of marijuana, over 78 pounds of cocaine, over 102 pounds of heroin, over 1,700 pounds of methamphetamine, and over 6 pounds of fentanyl.

The replacement of ineffective pedestrian fencing in this area is necessary because the older, wire mesh design is easily breached and has been damaged to the extent that it is ineffective. Additionally, this area is notorious for border violence and narcotics smuggling. Furthermore, while the deployment of vehicle barrier in the Yuma Sector initially curtailed the volume of illegal cross-border vehicular traffic, transnational criminal organizations quickly adapted their tactics switching to foot traffic, cutting the barrier, or simply driving over it to smuggle their illicit cargo into the United States. Thus, in order to respond to these changes in tactics, DHS now requires pedestrian fencing.

The specific Project Areas are as follows:

- *Yuma Project 1:*
  - The project begins approximately 1 mile southeast of the Andrade Port of Entry continuing along the Colorado River for approximately 5 miles in Yuma County.
  - Start coordinate: 32.704197, -114.726013; End coordinate: 32.642102, -114.764632)

- *Yuma Project 2:*

- The project involves the replacement of two segments of primary pedestrian fencing in Yuma Sector for a total of approximately 6 miles. This includes approximately 2 miles of fencing along the Colorado River.
- Start coordinate: 32.3775528, -114.4268201; End coordinate: 32.3579244, -114.3623999;
- The project also includes replacement of primary pedestrian fencing approximately 17 miles east of the San Luis Port of Entry, on the Barry M Goldwater Range, continuing east for approximately 4 miles.
- Start coordinate: 32.51419938, -114.8011175; End coordinate: 32.49350559, -114.8116619

- *Yuma Project 3:*

- The project begins approximately 0.4 miles east of the Barry M. Goldwater Range continuing approximately 31 miles east through the Cabeza Prieta National Wildlife Refuge in Yuma County.
- Start coordinate: 32.232935, -113.955211; End coordinate: 32.039033, -113.33411

### III.C. Tucson Sector

Within the United States Border Patrol Tucson Sector (Tucson Sector) DHS is requesting that DoD assist by undertaking road construction, by replacing approximately 86 miles of existing vehicle barrier with new pedestrian fencing, and by installing lighting in the specific locations identified below. The specific areas identified below are located in Pima, Cochise, and Santa Cruz Counties, Arizona.

Pima, Cochise and Santa Cruz Counties have been identified by the ONDCP as a HIDTA. The *Sinaloa* Cartel relies on their local associates to coordinate, direct, and support the smuggling of illegal drugs and aliens from Mexico to the United States. Since Arizona is contiguous with the U.S.-Mexico International Boundary, the Tucson and Phoenix metropolitan areas are major trans-shipment and distribution points for contraband smuggling. Plaza bosses operate as a *Sinaloa* Cartel leader within their specific area of operation along the Sonora-Arizona corridor of the U.S.-Mexico International Boundary.

Border Patrol's own experience with apprehensions between border crossings bears this out. In fiscal year 2018, there were over 52,000 apprehensions of illegal entrants attempting enter the United States between the border crossings in the Tucson Sector. Also in fiscal year 2018 Border Patrol had over 1,900 separate drug-related events between border crossings in the Tucson Sector, through which it seized over 1,600 pounds of marijuana, over 52 pounds of cocaine, over 48 pounds of heroin, over 902 pounds of methamphetamine, and over 11 pounds of fentanyl.

In addition, the absence of adequate pedestrian fencing, either due to the presence of vehicle barrier only or ineffective pedestrian designs, in the Tucson sector continues to be particularly problematic as it pertains to the trafficking of illegal narcotics. Rival transnational criminal organizations frequently employ "rip crews" who leverage the remote desert environment and lack of infrastructure to steal one another's illicit cargo resulting in increased border violence.

The terrain also provides high ground to scouts seeking to protect and warn smuggling loads being passed through the area. Transnational criminal organizations have successfully utilized this advantage in furtherance of their illicit activity and for this reason the area is in need of an improved capability to impede and deny illegal crossings or people and narcotics. In addition, the area hosts a number of tourist attractions that allow illegal activity to blend into legitimate activity; avoiding detection and evading interdiction.

The specific Project Areas are as follows:

- *Tucson Project 1:*
  - The project includes replacement of two segments of vehicle barriers. The first segment begins approximately 2 miles west of the Lukeville Port of Entry continuing west approximately 30 miles.
  - Start coordinate: 32.038278, -113.331716; End coordinate: 31.890032, -112.850162
  - The second segment project begins approximately 3 miles east of the Lukeville Port of Entry and continues east approximately 8 miles in Pima County, Arizona.
  - Start coordinate: 31.8648, -112.76757; End coordinate: 31.823911, -112.634298
  
- *Tucson Project 2:*
  - The project includes approximately 5 miles of primary pedestrian fence replacement around the Lukeville Port of Entry extending from approximately 2 miles west of the port to approximately 3 miles east of the port.
  - Start coordinate: 31.8899921, -112.850162; End coordinate: 31.8648, -112.76757

- *Tucson Project 3:*

- The project includes three segments of vehicle barrier replacement beginning approximately 18 miles west of the Naco Port of Entry and continuing to approximately 25 miles east of the Douglas Port of Entry (or approximately 5 miles west of the Arizona/New Mexico state line) for approximately 20 miles of non-contiguous vehicle barrier replacement in Cochise County, Arizona.
- Start coordinate: 31.333754, -110.253863; End coordinate: 31.333767, -110.250286;
- Start coordinate: 31.334154, -110.152548; End coordinate: 31.334137, -110.147464;
- Start coordinate: 31.333995, -109.453305; End coordinate: 31.332759, -109.129344

- *Tucson Project 4:*

- The project begins approximately 9 miles east of the Nogales Port of Entry and continues eastward for approximately 30 miles with approximately 26 miles of non-contiguous vehicle barrier replacement in Santa Cruz and Cochise Counties, Arizona.
- Start coordinate: 31.333578, -110.79579; End coordinate: 31.333511, -110.775333;
- start coordinate: 31.33328, -110.70545; End coordinate: 31.333602, -110.288665)
- Note: An additional approximately 0.3 miles of new pedestrian fence could be built between the existing segmented vehicle barrier locations to fill existing gaps if appropriate real estate interest can be verified

- *Tucson Project 5:*

- The project includes approximately 2 miles of vehicle barrier replacement beginning approximately 4.5 miles east of the Sasabe Port of Entry continuing east in six non-continuous segments for approximately 15 miles in Pima and Santa Cruz Counties, Arizona.
- Start Coordinate: 31.460175, -111.473171; End Coordinate: 31.459673, -111.471584;
- Start Coordinate: 31.453091, -111.450959; End Coordinate: 31.449633, -111.440132;
- Start Coordinate: 31.440683, -111.412054; End Coordinate: 31.437351, -111.40168;
- Start Coordinate: 31.423471, -111.358336; End Coordinate: 31.422541, -111.355444;
- Start Coordinate: 31.42221, -111.354379; End Coordinate: 31.421321, -111.351608;



Subject: Request for Assistance Pursuant to 10 U.S.C. § 284  
Page 8

- o Start Coordinate: 31.386813, -111.243966; End Coordinate: 31.385462, -111.239759)

#### **II.D. El Paso Sector**

Within the United States Border Patrol El Paso (El Paso Sector) DHS is requesting that DoD assist by undertaking road construction, by replacing approximately 70 miles of existing vehicle barrier with new pedestrian fencing, and by installing lighting in the specific locations identified below. The specific areas identified below are located in Luna, Hidalgo and Doña Ana Counties, New Mexico. Luna, Hidalgo and Doña Ana Counties have been identified by the ONDCP as a HIDTA.

There are three specific transnational criminal organizations of interest operating in the El Paso Sector - the *Sinaloa* Cartel as well as remnants of the *Juarez* Cartel and the *Beltrán Leyva* Organization. In the El Paso Sector the *Sinaloa* Cartel employs a variety of tactics, techniques and procedures depending upon the terrain and environment to move drugs across the border. While the *Sinaloa* Cartel has a strong presence and control of territories at the flanks of the Sector, it does not have full control of the territory throughout the El Paso Sector. The *Juarez* Cartel, traditionally a major trafficker of marijuana and cocaine, has become an active member in opium cultivation and heroin production.

Border Patrol's own experience with apprehensions between border crossings bears this out. In fiscal year 2018, there were over 31,000 apprehensions of illegal entrants attempting to enter the United States between border crossings in the El Paso Sector. Also in fiscal year 2018, Border Patrol had over 700 separate drug-related events between border crossings in the El Paso Sector, through which it seized over 15,000 pounds of marijuana, over 342 pounds of cocaine, over 40 pounds of heroin, and over 200 pounds of methamphetamine.

Although the deployment of vehicle barrier in the El Paso Sector initially curtailed the volume of illegal cross-border vehicular traffic, transnational criminal organizations quickly adapted their tactics switching to foot traffic, cutting the barrier, or simply driving over it to smuggle their illicit cargo into the United States.

Thus, in order to respond to these changes in tactics, CBP now requires pedestrian fencing. Successfully impeding and denying illegal activities or transnational criminal organizations in this area is further complicated by the close proximity of New Mexico Highway 9 to the border. In some cases the highway is less than a half a mile, allowing illegal cross-border traffic to evade detection and apprehension and quickly vanish from the border area.

The specific Project Areas are as follows:

- *El Paso Project 1:*
  - The project includes 46 miles of vehicle barrier replacement beginning approximately 17.5 miles west of the Columbus Port of Entry continuing east in non-contiguous segments to approximately 35 miles east of the Columbus Port of Entry within the Luna and Doña Ana Counties, New Mexico.
  - Start Coordinate: 31.7837, -107.923151; End Coordinate: 31.783689, -107.679049;
  - Start Coordinate: 31.783672, -107.573919; End Coordinate: 31.783741, -107.038154
  
- *El Paso Project 2:*
  - The project includes 23.51 miles of Vehicle Barrier replacement in non-contiguous segments within Hidalgo and Luna Counties, New Mexico. The first segment begin approximately 5.1 miles east of the New Mexico/Arizona Border continuing east 4.55 miles.
  - Start Coordinate: 31.332323, -108.962631; End Coordinate: 31.332292, -108.885946;
  - The second segment begins approximately 3 miles west of the Antelope Wells Port of Entry to 3 miles east of the port of entry for 6.12 miles of Vehicle Barrier replacement.
  - Start Coordinate: 31.333368, -108.582412; End Coordinate: 31.333407, -108.47926;
  - The third segment begins approximately 20 miles west of the Columbus Port of Entry extending west 12.84 miles.
  - Start Coordinate: 31.783722, -108.182442; End Coordinate: 31.783708, -107.963193;

### III. Technical Specifications

As set forth above, DHS requires road construction, installation of lighting, and the replacement of existing vehicle barrier or dilapidated pedestrian fencing with new pedestrian fencing within the Project Areas. DHS will provide DoD with more precise technical specifications as contract and project planning moves forward.

Given DHS's experience and technical expertise, DHS plans to coordinate closely with DoD throughout project planning and execution, to include review and approval of design specifications, barrier alignment and location, and other aspects of project planning and execution.

#### **IV. Sequencing**

The DHS request for assistance includes approximately 218 miles in which DHS requires road construction, the installation of lighting, and the replacement of existing vehicle fencing or dilapidated pedestrian fencing with new pedestrian fencing within the Project Areas. DHS requests that DoD's support under 10 U.S.C. § 284 address the requirements in order of priority as DoD resources allow. The DHS order of priority is as follows:

1. Yuma Sector Project 1
2. Yuma Sector Project 2
3. El Paso Sector Project 1
4. El Centro Sector Project 1
5. Tucson Sector Project 1
6. Tucson Sector Project 2
7. Tucson Sector Project 3
8. Tucson Sector Project 4
9. Yuma Sector Project 3
10. El Paso Sector Project 2
11. Tucson Sector Project 5

#### **V. Funding**

DHS requests that DoD provide the above-referenced border fences, roads, and lighting on a non-reimbursable basis as support to block drug smuggling corridors.

DHS will accept custody of the completed infrastructure and account for that infrastructure in its real property records.

DHS will operate and maintain the completed infrastructure.

#### **VI. Conclusion**

DHS requests DoD assistance under 10 U.S.C. § 284 to construct fences, roads, and to install lighting in order to block drug smuggling corridors in the Project Areas set forth above. The Projects Areas set forth above are also areas of high illegal entry under IIRIRA § 102(a), and the requested fences, roads, and lighting will assist in deterring illegal crossings in the Project Areas.



REPLY TO  
ATTENTION OF

DACS-ZD

DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF STAFF  
200 ARMY PENTAGON  
WASHINGTON DC 20310-0200

*Renewed/ok*  
*Milley*  
*CSA*  
*6 Mar 19*

6 March 2019

MEMORANDUM FOR RECORD

SUBJECT: FY19 Unfunded Readiness Requirements

1. Based upon a number of developments in the US Army's military personnel end strength, there exists an FY19 funding asset currently estimated at \$1,170M. Though this funding is excess to need in the MILPERs account, the Army has pressing unfunded readiness requirements—identified in November 2018—for which it plans to use this asset. Subject to Congress approving a reprogramming request, the Army would use this asset to fund:

- a. Basic Allowance for Housing (BAH) 5% Adjustment to comply with the NDAA directing that privatized housing receive 100% BAH compensation (\$83.1M)
- b. Aviation Flight Training (\$176M)
- c. Southwest Border (SWB) Mission - ARNG (Operation Guardian Support) (\$199.7M)
- d. DOD Border Support to DHS (\$51.9M)
- e. Forces Command (FORSCOM) OPTEMPO (\$396.5M)
- f. One Station Unit Training (\$17.9M)
- g. Army Combat Fitness Test Equipment (\$78.5M)
- h. Recruiting Stations Facility Improvements (\$30M)

2. The impact of reduced funding or not funding the requirements listed above include:

- a. Reduced sustainment and maintenance for Army facilities.
- b. Increased backlog of flight training limiting the Army's ability to provide pilots for Combat Aviation Brigades and a reduced number of trained instructor and test pilots.
- c. Forces Command (FORSCOM) missioned units would not obtain required readiness, be unable to maintain equipment left behind by deployed units, would not achieve sustainable readiness or meet the increased maintenance demand of decisive action training, and would remain challenged to meet battalion-level collective proficiency.
- d. Training and Doctrine Command (TRADOC) would not fully implement the expanded One Station Unit Training for Infantry—14 to 22 weeks—which will increase attrition and reduce TRADOC's ability to provide the required trained and ready Infantry Soldiers to the operational force.

DACS-ZD  
SUBJECT: FY19 Unfunded Readiness Requirements

3. Should the Presidential Declaration of Emergency exhaust the DoD's ability to reprogram funding between appropriations, the Army would need to find internal bill payers (i.e.-within the same appropriation as the listed readiness requirements above). Taking money from these same accounts to pay the higher priority readiness requirements will only exacerbate the readiness impact to the Army.



JOSEPH M. MARTIN  
Lieutenant General, U.S. Army  
Director of the Army Staff

**TAB**

**J**

**Policy Coordination Sheet**

Subject: Department of Homeland Security Request for Department of Defense Support to Block Drug-Smuggling Corridors  
Control Number: \*OSD001680-19\*

<b>Title/Organization</b>	<b>Name</b>	<b>Coordination Requested</b>	<b>Coordination Received</b>
USD(P)			
SecArmy	Mr. Mark T. Esper	March 11, 2019	March 15, 2019
USD(C)/CFO	Ms. Elaine McCusker	March 11, 2019	March 14, 2019
OGC	Mr. Paul Ney, Jr.	March 11, 2019	March 20, 2019
Joint Staff	Gen Joseph Dunford, Jr.	March 11, 2019	March 18, 2019
ASD(SO/LIC)	Mr. Mark Mitchell	March 11, 2019	March 14, 2019

**TAB**

**D**





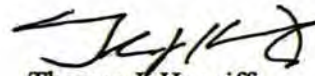
REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS**  
**441 G STREET, NW**  
**WASHINGTON, DC 20314-1000**

**MEMORANDUM FOR RECORD**

**SUBJECT: DHS 284 Project Specifications**

1. On the morning of 5 April 2019, I contacted Ms. Ntina Cooper, Deputy Executive Director, Strategic Planning & Analysis U.S. Border Patrol, to confirm DHS's requested changes to 284 border projects in the Yuma and El Paso Sectors.
2. Ms. Cooper provided verbal confirmation that DHS is requesting 30-foot steel bollard fencing for Yuma Sector Project 1 in accordance with their current analysis.
3. Requirements for the El Paso Sector Project 1 (30-foot steel bollard) and Yuma Sector Project 2 (18-foot steel bollard) remain unchanged from the DHS request dated 29 March 2019. Ms. Cooper also confirmed that all projects must include 5-foot anti-climb steel plate in accordance with that same request.
4. Ms. Cooper stated that written confirmation is to follow; the specifications packet is currently with the DHS Assistant Secretary.

  
Thomas J. Hanniff  
USACE LNO to OSD-P

Executive Secretary

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

April 5, 2019

MEMORANDUM FOR: CAPT Hallock N. Mohler Jr.  
Executive Secretary  
Department of Defense

FROM: Christina Bobb *Christina Bobb*  
Executive Secretary  
Department of Homeland Security

SUBJECT: Modification Request: Section 284 funding for Border Barrier  
Construction

REFERENCES: (a) February 25, 2019, DHS Request for Assistance Pursuant to 10  
U.S.C. §284  
(b) March 25, 2019, DoD Response to DHS Request for  
Assistance Pursuant to 10 U.S.C. §284  
(c) March 29, 2019, Modification Request: Section 284 funding  
for Border Barrier Construction

### **Overview**

The Department of Homeland Security (DHS) thanks the Department of Defense (DoD) for both the response and approval of the use of Section 284 funding for the construction of border fencing and roads and the installation of lighting as characterized in the Request for Assistance. The completion of these projects will assist U.S. Customs and Border Protection (CBP) significantly in controlling the flow of migrants in between the Ports of Entry (POE) on the Southwest Border. As promised in reference (c), the memo provides additional construction requirements for the Sector Yuma Project 1 border barrier.

### **Clarifications**

Conducted in the same manner as described in reference (c), Customs and Border Protection (CBP) has completed the Alternatives Analysis for the proposed Section 284-funded Sector Yuma 1 Project. This analysis supports the following:

- Sector Yuma Project 1: Requirement for 30-foot steel bollard fencing with 5-foot anticlimb steel plate



OSD003269-19/CMD003969-19

[www.dhs.gov](http://www.dhs.gov)

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Administrative Record - Section 284 Projects: 120

**Subject: Modification Request: Section 284 funding for Border Barrier Construction  
Page 2**

In light of the above analysis, DHS requests that specifications for the Sector Yuma Project 1 be amended to 30-foot bollard with anticlimb features. DHS also requests DoD directly follow the prioritization set forth in Reference (a) as closely as possible even if that means completing partial projects.

Please direct any questions to Ntina K. Cooper, Deputy Executive Director, Strategic Planning & Analysis, USBP, CBP (202) 344-1417.

**TAB**

**E**

Executive Secretary

U.S. Department of Homeland Security  
Washington, DC 20528



Homeland  
Security

February 25, 2019

MEMORANDUM FOR: CAPT Hallock N. Mohler Jr.  
Executive Secretary  
Department of Defense (DoD)

FROM: Christina Bobb  
Executive Secretary  
Department of Homeland Security (DHS)

SUBJECT: Request for Assistance Pursuant to 10 U.S.C. § 284

### I. Overview

As the government department tasked with border security, the Department of Homeland Security (DHS), through U.S. Customs and Border Protection (CBP), is requesting that the Department of Defense assist DHS in its efforts to secure the southern border. The Secretary has directed me to transmit this request for assistance to your attention. **This memorandum supersedes the February 22, 2019 version.**

In Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended (IIRIRA), 8 U.S.C. § 1103 note, Congress has directed DHS to construct border infrastructure in areas of high illegal entry to deter illegal crossing of both drugs and people into the United States. Pursuant to Section 102, DHS has identified the areas set forth in Section II below as areas of high illegal entry where CBP must take action (the Project Areas).

Within the Project Areas, DHS is experiencing large numbers of individuals and narcotics being smuggled into the country illegally. The Project Areas are also used by individuals, groups, and transnational criminal organizations as drug smuggling corridors. Mexican Cartels continue to remain dominant in these areas, influencing and controlling narcotics and human smuggling operations, within their respective strongholds.

DHS must use its authority under Section 102 of IIRIRA to install additional physical barriers and roads in the vicinity of the United States border in order to deter and prevent illegal crossings within the Project Areas. The construction of border infrastructure within the Project Areas will support DHS's ability to impede and deny illegal entry and drug smuggling activities within the Project Areas.



OSD001680-19/CMDD002193-19

Subject: Request for Assistance Pursuant to 10 U.S.C. § 284

Page 2

The Project Areas identified are adjacent to some of the most densely populated metropolitan areas of Mexico and are also home to some of the strongest and most violent drug cartels in the world. Deterring and preventing illegal cross-border activity will help stem the flow of illegal narcotics and entries in these areas. Similarly, the improved ability to impede, deny, and be mobile within the Project Areas creates a safer operational environment for law enforcement.

To support DHS's action under Section 102 of IIRIRA, DHS is requesting that DoD, pursuant to its authority under 10 U.S.C. § 284(b)(7), assist with the construction of fences roads, and lighting within the Project Areas to block drug-smuggling corridors across the international boundary between the United States and Mexico.

## **II. Capabilities Requested**

Within the Project Areas there is existing vehicle fence and dilapidated pedestrian fencing. Vehicle fencing is intended to stop vehicles from illegally entering the United States, but can be climbed over or under by individuals. Pedestrian fencing is intended to prevent and deter individuals and vehicles from illegally crossing into the United States.

DHS requests that DoD assist in the execution of projects, within the Project Areas set forth below, to: (1) replace existing vehicle barriers or dilapidated pedestrian fencing with new pedestrian fencing; (2) construct roads; and (3) install lighting.

The new pedestrian fencing includes a Linear Ground Detection System, which is intended to, among other functions, alert Border Patrol agents when individuals attempt to damage, destroy or otherwise harm the barrier. The road construction includes the construction of new roads and the improvement of existing roads. The lighting that is requested has an imbedded camera that works in conjunction with the pedestrian fence. The lighting must be supported by grid power.

The segments of fence within the Project Areas identified below are situated on federal property. DHS will be responsible for securing, to the extent required, any other real estate interest or instrument that is required for project execution. In the event a real estate interest or instrument that is needed for project execution cannot be obtained for a segment of fence within a Project Area in a time frame that is within the requirements of this request for assistance, the segment may be withdrawn from this request. In addition, DHS will be responsible for any applicable environmental planning and compliance to include stakeholder outreach and consultation associated with the projects.

**Project Areas:**

**II.A. El Centro Sector**

Within the United States Border Patrol El Centro Sector (El Centro Sector) DHS is requesting that DoD assist by undertaking road construction, by replacing approximately 15 miles of existing vehicle barrier with new pedestrian fencing, and by installing lighting in the specific locations identified below.

The specific Project Area identified below is located in Imperial County, California and has been identified by the Office of National Drug Control Policy (ONDCP) as a High Intensity Drug Trafficking Area (HIDTA). Multiple local transnational criminal organizations known for smuggling drugs into Calexico from Mexico using a variety of tactics, techniques, procedures, and varying concealment methods operate in this area, including *Cartel De Jalisco Nueva Generacion* (CJNG) as well as remnants of the *Beltran Leyva Organization* and *La Familia Michoacana* organizations. CJNG, based in Jalisco, was previously a faction of the *Sinaloa Cartel*. CJNG broke away from the *Sinaloa Cartel* and has become an established Mexican Cartel. The Mexican government has declared CJNG as one of the most dangerous cartels in the country.

Due to the close proximity of urban areas on both sides of the border, the El Centro Sector suffers from some of the quickest vanishing times – that is, the time it takes to illegally cross into the United States and assimilate into local, legitimate traffic. These quick vanishing times enable the illegal activities of transnational criminal organizations, whether they are smuggling people or narcotics.

Border Patrol's own experience with apprehensions between border crossings bears this out. In fiscal year 2018, there were over 29,000 apprehensions of illegal entrants attempting to enter the United States between border crossings in the El Centro Sector. Also in fiscal year 2018, Border Patrol had approximately 200 separate drug-related events between border crossings in the El Centro Sector, through which it seized over 620 pounds of marijuana, over 165 pounds of cocaine, over 56 pounds of heroin, and over 1,600 pounds of methamphetamine.

The specific Project Area is as follows:

- *El Centro Project 1:*
  - The project begins approximately 10 miles west of the Calexico Port of Entry continuing west 15.25 miles in Imperial County.
  - Start coordinate: 32.63273, -115.922787; End coordinate: 32.652563, -115.662399

## **II.B. Yuma Sector**

Within the United States Border Patrol Yuma Sector (Yuma Sector) DHS is requesting that DoD assist by undertaking road construction, by replacing approximately 36 miles of existing vehicle barrier and approximately 6 miles of dilapidated pedestrian fencing with new pedestrian fencing, and by installing lighting in the specific locations identified below. The specific areas identified below are located in Yuma County, Arizona.

Yuma County has been identified by the ONDCP as a HIDTA. Of particular note is the operation of the *Sinaloa* Cartel in this area. The *Sinaloa* Cartel continues to be the most powerful cartel in the country and controls illicit networks and operations in the United States. Despite the arrest of Joaquin "El Chapo" Guzman-Loera, its narcotics business has continued uninterrupted. As a result, there have been no significant changes within the *Sinaloa* Cartel's hierarchy, or any changes in the illicit operations conducted by the *Sinaloa* Cartel.

Border Patrol's own experience with apprehensions between border crossings bears this out. In fiscal year 2018, there were over 26,000 apprehensions of illegal entrants attempting to enter the United States between border crossings in the Yuma Sector. Also during fiscal year 2018, Border Patrol had over 1,400 separate drug-related events between border crossings in the Yuma Sector, through which it seized over 8,000 pounds of marijuana, over 78 pounds of cocaine, over 102 pounds of heroin, over 1,700 pounds of methamphetamine, and over 6 pounds of fentanyl.

The replacement of ineffective pedestrian fencing in this area is necessary because the older, wire mesh design is easily breached and has been damaged to the extent that it is ineffective. Additionally, this area is notorious for border violence and narcotics smuggling. Furthermore, while the deployment of vehicle barrier in the Yuma Sector initially curtailed the volume of illegal cross-border vehicular traffic, transnational criminal organizations quickly adapted their tactics switching to foot traffic, cutting the barrier, or simply driving over it to smuggle their illicit cargo into the United States. Thus, in order to respond to these changes in tactics, DHS now requires pedestrian fencing.

The specific Project Areas are as follows:

- *Yuma Project 1:*
  - The project begins approximately 1 mile southeast of the Andrade Port of Entry continuing along the Colorado River for approximately 5 miles in Yuma County.
  - Start coordinate: 32.704197, -114.726013; End coordinate: 32.642102, -114.764632)



- *Yuma Project 2:*
  - The project involves the replacement of two segments of primary pedestrian fencing in Yuma Sector for a total of approximately 6 miles. This includes approximately 2 miles of fencing along the Colorado River.
  - Start coordinate: 32.37755528, -114.4268201; End coordinate: 32.3579244, -114.3623999;
  - The project also includes replacement of primary pedestrian fencing approximately 17 miles east of the San Luis Port of Entry, on the Barry M Goldwater Range, continuing east for approximately 4 miles.
  - Start coordinate: 32.51419938, -114.8011175; End coordinate: 32.49350559, -114.8116619
  
- *Yuma Project 3:*
  - The project begins approximately 0.4 miles east of the Barry M. Goldwater Range continuing approximately 31 miles east through the Cabeza Prieta National Wildlife Refuge in Yuma County.
  - Start coordinate: 32.232935, -113.955211; End coordinate: 32.039033, -113.33411

### **III.C. Tucson Sector**

Within the United States Border Patrol Tucson Sector (Tucson Sector) DHS is requesting that DoD assist by undertaking road construction, by replacing approximately 86 miles of existing vehicle barrier with new pedestrian fencing, and by installing lighting in the specific locations identified below. The specific areas identified below are located in Pima, Cochise, and Santa Cruz Counties, Arizona.

Pima, Cochise and Santa Cruz Counties have been identified by the ONDCP as a HIDTA. The *Sinaloa* Cartel relies on their local associates to coordinate, direct, and support the smuggling of illegal drugs and aliens from Mexico to the United States. Since Arizona is contiguous with the U.S.-Mexico International Boundary, the Tucson and Phoenix metropolitan areas are major trans-shipment and distribution points for contraband smuggling. Plaza bosses operate as a *Sinaloa* Cartel leader within their specific area of operation along the Sonora-Arizona corridor of the U.S.-Mexico International Boundary.

Border Patrol's own experience with apprehensions between border crossings bears this out. In fiscal year 2018, there were over 52,000 apprehensions of illegal entrants attempting enter the United States between the border crossings in the Tucson Sector. Also in fiscal year 2018 Border Patrol had over 1,900 separate drug-related events between border crossings in the Tucson Sector, through which it seized over 1,600 pounds of marijuana, over 52 pounds of cocaine, over 48 pounds of heroin, over 902 pounds of methamphetamine, and over 11 pounds of fentanyl.

In addition, the absence of adequate pedestrian fencing, either due to the presence of vehicle barrier only or ineffective pedestrian designs, in the Tucson sector continues to be particularly problematic as it pertains to the trafficking of illegal narcotics. Rival transnational criminal organizations frequently employ "rip crews" who leverage the remote desert environment and lack of infrastructure to steal one another's illicit cargo resulting in increased border violence.

The terrain also provides high ground to scouts seeking to protect and warn smuggling loads being passed through the area. Transnational criminal organizations have successfully utilized this advantage in furtherance of their illicit activity and for this reason the area is in need of an improved capability to impede and deny illegal crossings of people and narcotics. In addition, the area hosts a number of tourist attractions that allow illegal activity to blend into legitimate activity; avoiding detection and evading interdiction.

The specific Project Areas are as follows:

- *Tucson Project 1:*
  - The project includes replacement of two segments of vehicle barriers. The first segment begins approximately 2 miles west of the Lukeville Port of Entry continuing west approximately 30 miles.
  - Start coordinate: 32.038278, -113.331716; End coordinate: 31.890032, -112.850162
  - The second segment project begins approximately 3 miles east of the Lukeville Port of Entry and continues east approximately 8 miles in Pima County, Arizona.
  - Start coordinate: 31.8648, -112.76757; End coordinate: 31.823911, -112.634298
  
- *Tucson Project 2:*
  - The project includes approximately 5 miles of primary pedestrian fence replacement around the Lukeville Port of Entry extending from approximately 2 miles west of the port to approximately 3 miles east of the port.
  - Start coordinate: 31.8899921, -112.850162; End coordinate: 31.8648, -112.76757

- *Tucson Project 3:*

- The project includes three segments of vehicle barrier replacement beginning approximately 18 miles west of the Naco Port of Entry and continuing to approximately 25 miles east of the Douglas Port of Entry (or approximately 5 miles west of the Arizona/New Mexico state line) for approximately 20 miles of non-contiguous vehicle barrier replacement in Cochise County, Arizona.
- Start coordinate: 31.333754, -110.253863; End coordinate: 31.333767, -110.250286;
- Start coordinate: 31.334154, -110.152548; End coordinate: 31.334137, -110.147464;
- Start coordinate: 31.333995, -109.453305; End coordinate: 31.332759, -109.129344

- *Tucson Project 4:*

- The project begins approximately 9 miles east of the Nogales Port of Entry and continues eastward for approximately 30 miles with approximately 26 miles of non-contiguous vehicle barrier replacement in Santa Cruz and Cochise Counties, Arizona.
- Start coordinate: 31.333578, -110.79579; End coordinate: 31.333511, -110.775333;
- start coordinate: 31.33328, -110.70545; End coordinate: 31.333602, -110.288665)
- Note: An additional approximately 0.3 miles of new pedestrian fence could be built between the existing segmented vehicle barrier locations to fill existing gaps if appropriate real estate interest can be verified

- *Tucson Project 5:*

- The project includes approximately 2 miles of vehicle barrier replacement beginning approximately 4.5 miles east of the Sasabe Port of Entry continuing east in six non-continuous segments for approximately 15 miles in Pima and Santa Cruz Counties, Arizona.
- Start Coordinate: 31.460175, -111.473171; End Coordinate: 31.459673, -111.471584;
- Start Coordinate: 31.453091, -111.450959; End Coordinate: 31.449633, -111.440132;
- Start Coordinate: 31.440683, -111.412054; End Coordinate: 31.437351, -111.40168;
- Start Coordinate: 31.423471, -111.358336; End Coordinate: 31.422541, -111.355444;
- Start Coordinate: 31.42221, -111.354379; End Coordinate: 31.421321, -111.351608;

- o Start Coordinate: 31.386813, -111.243966; End Coordinate: 31.385462, -111.239759)

#### **II.D. El Paso Sector**

Within the United States Border Patrol El Paso (El Paso Sector) DHS is requesting that DoD assist by undertaking road construction, by replacing approximately 70 miles of existing vehicle barrier with new pedestrian fencing, and by installing lighting in the specific locations identified below. The specific areas identified below are located in Luna, Hidalgo and Doña Ana Counties, New Mexico. Luna, Hidalgo and Doña Ana Counties have been identified by the ONDCP as a HIDTA.

There are three specific transnational criminal organizations of interest operating in the El Paso Sector - the *Sinaloa* Cartel as well as remnants of the *Juarez* Cartel and the *Beltran Leyva* Organization. In the El Paso Sector the *Sinaloa* Cartel employs a variety of tactics, techniques and procedures depending upon the terrain and environment to move drugs across the border. While the *Sinaloa* Cartel has a strong presence and control of territories at the flanks of the Sector, it does not have full control of the territory throughout the El Paso Sector. The *Juarez* Cartel, traditionally a major trafficker of marijuana and cocaine, has become an active member in opium cultivation and heroin production.

Border Patrol's own experience with apprehensions between border crossings bears this out. In fiscal year 2018, there were over 31,000 apprehensions of illegal entrants attempting to enter the United States between border crossings in the El Paso Sector. Also in fiscal year 2018, Border Patrol had over 700 separate drug-related events between border crossings in the El Paso Sector, through which it seized over 15,000 pounds of marijuana, over 342 pounds of cocaine, over 40 pounds of heroin, and over 200 pounds of methamphetamine.

Although the deployment of vehicle barrier in the El Paso Sector initially curtailed the volume of illegal cross-border vehicular traffic, transnational criminal organizations quickly adapted their tactics switching to foot traffic, cutting the barrier, or simply driving over it to smuggle their illicit cargo into the United States.

Thus, in order to respond to these changes in tactics, CBP now requires pedestrian fencing. Successfully impeding and denying illegal activities or transnational criminal organizations in this area is further complicated by the close proximity of New Mexico Highway 9 to the border. In some cases the highway is less than a half a mile, allowing illegal cross-border traffic to evade detection and apprehension and quickly vanish from the border area.

The specific Project Areas are as follows:

- *El Paso Project 1:*
  - The project includes 46 miles of vehicle barrier replacement beginning approximately 17.5 miles west of the Columbus Port of Entry continuing east in non-contiguous segments to approximately 35 miles east of the Columbus Port of Entry within the Luna and Doña Ana Counties, New Mexico.
  - Start Coordinate: 31.7837, -107.923151; End Coordinate: 31.783689, -107.679049;
  - Start Coordinate: 31.783672, -107.573919; End Coordinate: 31.783741, -107.038154
  
- *El Paso Project 2:*
  - The project includes 23.51 miles of Vehicle Barrier replacement in non-contiguous segments within Hidalgo and Luna Counties, New Mexico. The first segment begin approximately 5.1 miles east of the New Mexico/Arizona Border continuing east 4.55 miles.
  - Start Coordinate: 31.332323, -108.962631; End Coordinate: 31.332292, -108.885946;
  - The second segment begins approximately 3 miles west of the Antelope Wells Port of Entry to 3 miles east of the port of entry for 6.12 miles of Vehicle Barrier replacement.
  - Start Coordinate: 31.333368, -108.582412; End Coordinate: 31.333407, -108.47926;
  - The third segment begins approximately 20 miles west of the Columbus Port of Entry extending west 12.84 miles.
  - Start Coordinate: 31.783722, -108.182442; End Coordinate: 31.783708, -107.963193;

### **III. Technical Specifications**

As set forth above, DHS requires road construction, installation of lighting, and the replacement of existing vehicle barrier or dilapidated pedestrian fencing with new pedestrian fencing within the Project Areas. DHS will provide DoD with more precise technical specifications as contract and project planning moves forward.

Given DHS's experience and technical expertise, DHS plans to coordinate closely with DoD throughout project planning and execution, to include review and approval of design specifications, barrier alignment and location, and other aspects of project planning and execution.

#### **IV. Sequencing**

The DHS request for assistance includes approximately 218 miles in which DHS requires road construction, the installation of lighting, and the replacement of existing vehicle fencing or dilapidated pedestrian fencing with new pedestrian fencing within the Project Areas. DHS requests that DoD's support under 10 U.S.C. § 284 address the requirements in order of priority as DoD resources allow. The DHS order of priority is as follows:

1. Yuma Sector Project 1
2. Yuma Sector Project 2
3. El Paso Sector Project 1
4. El Centro Sector Project 1
5. Tucson Sector Project 1
6. Tucson Sector Project 2
7. Tucson Sector Project 3
8. Tucson Sector Project 4
9. Yuma Sector Project 3
10. El Paso Sector Project 2
11. Tucson Sector Project 5

#### **V. Funding**

DHS requests that DoD provide the above-referenced border fences, roads, and lighting on a non-reimbursable basis as support to block drug smuggling corridors.

DHS will accept custody of the completed infrastructure and account for that infrastructure in its real property records.

DHS will operate and maintain the completed infrastructure.

#### **VI. Conclusion**

DHS requests DoD assistance under 10 U.S.C. § 284 to construct fences, roads, and to install lighting in order to block drug smuggling corridors in the Project Areas set forth above. The Projects Areas set forth above are also areas of high illegal entry under IIRIRA § 102(a), and the requested fences, roads, and lighting will assist in deterring illegal crossings in the Project Areas.

**TAB**

**F**

**TASKER**

29 MARCH 2019

SUBJECT: DHS DOCUMENTATION (HASC)

OPR: USP

TYPE OF TASKER: ASN

TASK: WHAT DOCUMENTATION DID DHS PROVIDE TO ENSURE THE \$1B FOR THE EL PASO BORDER WALL PROJECTS MEETS THE REQUIREMENT OF 10 USC 284?

REQUIRED COORDS: GC

SUSPENSE: 5 APRIL 2019



OSD003222-19/CMD003924-19



**TAB**

**G**

**Policy Coordination Sheet**

Subject: Modification of DoD Support to Block Drug-Smuggling Corridors

Control Number: \*OSD003269-19\*

\*OSD003222-19\*

<b>Title/Organization</b>	<b>Name</b>	<b>Coordination Requested</b>	<b>Coordination Received</b>
USD(P)			4-6-2019
SEC Army	HON Dr. Mark T. Esper	April 3, 2019	April 3, 2019
General Counsel	Mr. William Castle	April 3, 2019	April 4, 2019