

ACTION MEMO

Prepared by: Tom LaCrosse, OASD(HD&GS)
Phone Number: (571) 256-8353

FOR: ACTING SECRETARY OF DEFENSE

KR MAY 08 2019

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

SUBJECT: Request for Assistance Pursuant to 10 U.S.C. § 284 – Approval of Additional Support to the Department of Homeland Security

PURPOSE: To obtain your approval of a second tranche of assistance to the Department of Homeland Security (DHS) 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), the Secretary of the Army, and the Commander, U.S. Army Corps of Engineers.

COORDINATION: This action was coordinated with SecArmy, USD(C)/CFO, OGC, 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 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:

- 10 U.S.C. § 284 gives you 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 counterdrug activities of Federal law enforcement agencies.
- Funding for assistance provided pursuant to 10 U.S.C. § 284 comes from the counter-narcotics support line in DoD's "Drug Interdiction and Counter-Drug Activities, Defense" appropriation.
- On February 25, 2019, DHS 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."
- On March 25, 2019, you approved a portion of the DHS request for assistance in blocking drug-smuggling corridors on the southern border pursuant to 10 U.S.C. § 284. Specifically,



SD CA		DSD SA	
SD SMA		DSD SMA	02A-519
SD MA		DSD MA	
CoS		DSD CA	
SD Action Grp			
ES		ESB RAW	98159
ESR	RG 3/4	ESD	



you approved the construction of roads and fences and installation of lighting for 3 DHS priority projects totaling 57 miles of fencing across DHS's top three priority projects (Yuma Sector Project 1, Yuma Sector Project 2, and El Paso Sector Project 1). To fund this support, you directed the transfer of \$1B into the "Drug Interdiction and Counter-Drug Activities, Defense" appropriation (TAB E).

- On April 9, 2019, you approved a design modification to this support requested by DHS. Specifically, you approved construction of 30-foot steel bollard with anti-climb plate for Yuma Sector Project 1 and El Paso Sector Project 1 and 18-foot steel bollard with anti-climb plate for Yuma Sector Project 2 (TAB F).
- The U.S. Army Corps of Engineers (USACE) is prepared to proceed with the following DHS priority projects as undefinitized contractual actions, including initial project scoping and contracting, pursuant to 10 U.S.C. § 284.

DHS Priority	Project Name	Cost/Miles \$20.7 per mile 30-foot bollard
4	El Centro Sector Project 1	15.25 miles
5	Tucson Sector Project 1	38 miles
6	Tucson Sector Project 2	5 miles
7	Tucson Sector Project 3	20 miles
TOTAL		\$1.5B / 78.25 miles

- 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 involves construction of fences (including linear ground detection systems), construction of roads, and installation of lighting (supported by grid power and including imbedded cameras).
- To provide this support under Section 284, 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, and DoD's special transfer authority (STA), which is provided in Section 9002 of the Department of Defense Appropriations Act, 2019, and Section 1512 of the John S. McCain NDAA for Fiscal Year 2019. This action will utilize \$700 million in funds designated for Overseas Contingency Operations (OCO) for a base budget requirement. Together, these GTA and STA provisions allow total transfers of up to \$6B. Congressional notification is required under both sections, but there is no statutory requirement to obtain prior congressional approval.
 - The Department may use GTA and STA 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 \$1.5B in DoD funding that can transferred into the Drug Interdiction and Counter-Drug Activities, Defense, account. The funds identified by the USD(C)/CFO are not currently needed for those purposes by DoD (Enclosure to Tab B) (i.e., DD 1415 and DD 1415-3).
- You may determine that:
 - o Use of GTA and STA is necessary in the national interest (see April 4 memo);
 - o Blocking drug-smuggling corridors is a higher-priority item than fully executing all available funding for items in the budget lines identified by the USD(C)/CFO in the Enclosure to TAB B;
 - o The requirement for this increased support to DHS is a military requirement unforeseen at the time of development of the fiscal year 2019 budget request; and
 - o Congress has not denied funding or authorization for support to DHS under Section 284(b)(7). Congress has not enacted legislation that denies funding for the item referenced in the transfer—namely counter-drug activities funding, including fence construction, under Section 284(b)(7).
- 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. By approving the above projects, you are determining that providing such support does not adversely affect the military preparedness of the United States.
- The military preparedness of the United States relates to the ability of DoD, at a strategic level, to defend the United States and to carry out the other major DoD missions. The term “adversely affect” is not any adverse effect, but any effect that would “seriously compromise” the nation's military capability.¹

¹ See House Conference Report No. 100-989, Sept. 28, 1988, Accompanying P.L. 100-456, National Defense Authorization Act, Fiscal Year 1989.

- The sources of funds to be utilized to provide this support are documented in the Enclosure to Tab B.
- On May 8, 2019, the Chairman of the Joint Chiefs of Staff found that the proposed funding adjustments do not immediately impact the preparedness of the joint force and that some of the sources identified for reprogramming could be used to address currently unfunded DoD requirements (TAB G).
- It is reasonable, therefore, for you to find that utilizing these funds for support to DHS does not adversely affect the military preparedness of the United States because, after an assessment of the relevant accounts and based on the Chairman's advice, these funds are excess or early to need.

RECOMMENDATIONS:

1) Determine that providing the approved support, including the use of up to \$1.5B transferred from the funds identified in the Enclosure to Tab B, does not adversely affect the military preparedness of the United States because the funds are excess or early to need.

Approve: FAUS 5/9/19 Disapprove: _____ Other: _____

2) Determine that transferring \$1.5B in funds for this support is in the national interest and that the other requirements of Sections 8005 and 9002 of the Department of Defense Appropriations Act, 2019, and Sections 1001 and 1512 of the John S. McCain NDAA for FY 2019 are met (i.e., that the item to be funded is higher priority than the items from 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: FAUS 5/9/19 Disapprove: _____ Other: _____

3) Approve immediate DoD support to DHS's Priority Projects 4, 5, 6, and 7 (78.25 miles of 30-foot bollard fence with an anti-climb feature), and sign the letter to the Acting Secretary of Homeland Security at Tab A. This supports the next four DHS priority projects.

Approve: FAUS 5/9/19 Disapprove: _____ Other: _____



4) Sign the memorandum to USD(C)/CFO at TAB B – authorizing the transfer of \$1.5B from the accounts identified in the Enclosure to Tab B 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: PMS 5/9/19 Disapprove: _____ Other: _____

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 projects 4, 5, 6, and 7.

Approve: PMS 5/9/19 Disapprove: _____ Other: _____

COORDINATION: TAB H

Attachments:
As stated



TAB

A



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

5/9/19

MEMORANDUM FOR ACTING SECRETARY OF HOMELAND SECURITY

SUBJECT: Additional Support to the Department of Homeland Security

The Department of Defense appreciates that the Department of Homeland Security (DHS) confronts a continuing and worsening crisis at the southern border. As I indicated in my March 25, 2019 letter, in which I approved the undertaking of three projects to support to your Department's effort to secure the southern border by blocking drug-smuggling corridors along the border through the construction of roads and fences and the installation of lighting, the Department of Defense has continued to assess the availability of resources and other factors in order to determine how additional similar support can be provided to DHS.

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 counterdrug activities of Federal law enforcement agencies. For the following reasons, I have concluded that the support requested on February 25, 2019 satisfies the statutory requirements:

- 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 linear ground detection systems), construction of roads, and installation of lighting (supported by grid power and including imbedded cameras).

Accordingly, at this time I have decided to undertake 4 additional projects, namely El Centro Sector Project 1, Tucson Sector Project 1, Tucson Sector Project 2, and Tucson Sector Project 3, by constructing 78.25 miles of 30-foot pedestrian fencing, constructing and improving roads, and installing lighting as described in the 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 \$1.5B in support to DHS/CBP by undertaking the projects identified above.

Patrick M. Shanahan
Acting

cc:

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

General Counsel of the Department of Defense

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

Commander, U.S. Army Corps of Engineers

TAB

B



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

5/9/19

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

SUBJECT: Additional 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 DoD provide support to the efforts of the Department of Homeland Security (DHS) 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. Code, section 284, have been satisfied. Accordingly, I have approved DoD support for El Centro Sector Project 1, Tucson Sector Project 1, Tucson Sector Project 2, and Tucson Sector Project 3 (DHS Priority Projects 4, 5, 6, and 7) and have authorized up to \$1.5B in funding for the construction of 30-foot 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 transfer both base funds and funds designated for Overseas Contingency Operations to provide the support described above. This support will be funded through a transfer of \$1.5B from the accounts identified in the Enclosure into the "Drug Interdiction and Counter-Drug Activities, Defense" appropriation. I am advised that the amounts are excess or early to current programmatic needs. 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 authorization 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 and 9002 of the DoD Appropriations Act, 2019, and section 1001 and 1512 of the John S. McCain National Defense Authorization Act for FY 2019 are met as set forth below:

- The items to be funded (El Centro Sector Project 1, Tucson Sector Project 1, Tucson Sector Project 2, and Tucson Sector Project 3) are a higher priority than the items from which funds and authorizations are transferred because these projects are necessary in the national interest to prevent the flow of drugs into the United States, and the items from which funds and authorizations are transferred are excess or early to need.
- 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 the above projects 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 the projects listed above, has not been denied by Congress. Congress has not enacted legislation that denies funding for the item referenced in the transfer – namely counter-drug activities funding, including fence construction, under § 284(b)(7).

I have determined that providing the requested support for the projects listed above will not adversely affect the military preparedness of the United States. The sources of funds to be utilized to provide this support are identified in the Enclosure. Utilizing these funds for support to DHS does not affect the military preparedness of the United States because they are excess or early to current programmatic needs.

This \$1.5B 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, including initial project scoping and contracting, for the approved projects.

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 policies that require 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

Enclosure:
As stated

cc:
Secretaries of the Military Departments
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 Secretary of Defense for Homeland Defense and Global Security
Assistant to the Secretary of Defense for Public Affairs
Commander, U.S. Army Corps of Engineers

Subject: Drug Interdiction and Counter-Drug Activities, Defense		DoD Serial Number: FY 19-16 IR
Appropriation Title: Various Appropriations		Includes Transfer? Yes

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

This reprogramming action transfers \$1,500.000 million from the Drug Interdiction and Counter-Drug Activities, Defense, 19/19, appropriation to Operation and Maintenance, Army, 19/19, appropriation for drug interdiction and counter-drug activities consistent with the provisions in division A of Title VI of Public Law 115-245, the Department of Defense (DoD) Appropriations Act, 2019.

Realignment of funds between Drug Interdiction projects may be accomplished only with the concurrence of the Office of the Deputy Assistant Secretary of Defense, Counternarcotics and Global Threats. No funds made available in this reprogramming action may be obligated for projects pursuant to sections 321, 322, or 333 of Title 10, United States Code. This prohibition will be noted on all Funding Authorization Documents.

<u>FY 2019 REPROGRAMMING INCREASE:</u>	<u>+1,500,000</u>
<u>Operation and Maintenance, Army, 19/19</u>	<u>+1,500,000</u>
<u>Budget Activity 01: Operating Forces</u>	
Counter-Narcotics Support	- 1,216,874 +1,500,000 2,716,874

<u>FY 2019 REPROGRAMMING DECREASE:</u>	<u>-1,500,000</u>
<u>Drug Interdiction and Counter-Drug Activities, Defense, 19/19</u>	<u>-1,500,000</u>
<u>Budget Activity 01: Counter-Narcotics Support</u>	
	1,738,306 1,738,306 -1,500,000 238,306

Explanation: Transfers funds from the Drug Interdiction and Counter-Drug Activities, Defense, 19/19, appropriation to Operation and Maintenance, Army, 19/19, appropriation to support the Department of Homeland Security (DHS) request for DoD to support drug interdiction and counter-drug activities through the construction of roads and fences, and the installation of lighting, to block drug smuggling corridors across international boundaries of the United States.

Approved (Signature and Date)

Subject: Support for DHS Counter-Drug Activity Reprogramming Action		DoD Serial Number: FY 19-02 RA
Appropriation Title: Various Appropriations		
		Includes Transfer? Yes

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

This reprogramming action is submitted because these actions use general and special 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.

Part I of this reprogramming action transfers \$818.465 million between Fiscal Year (FY) 2019 Defense appropriations. This reprogramming action uses \$818.465 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 FY 2019.

Part II of this reprogramming action transfers \$681.535 million between FY 2019 Title IX, Overseas Contingency Operations (OCO) Defense appropriations. This reprogramming action uses \$681.535 million of special transfer authority pursuant to section 9002 of Title IX, OCO, of division A of Public Law 115-245, the Department of Defense (DoD) Appropriations Act, 2019 and section 1512 of Public Law 115-232, the John S. McCain National Defense Authorization Act for FY 2019.

PART I

<u>FY 2019 REPROGRAMMING INCREASE:</u>	<u>+818,465</u>
<u>Drug Interdiction and Counter-Drug Activities, Defense, 19/19</u>	<u>+818,465</u>
<u>Budget Activity 01: Counter-Narcotics Support</u>	
238,306	238,306
	+818,465
	1,056,771

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.

Approved (Signature and Date)

Subject: Support for DHS Counter-Drug Activity Reprogramming Action		DoD Serial Number: FY 19-02 RA
Appropriation Title: Various Appropriations		Includes Transfer? Yes

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

FY 2019 REPROGRAMMING DECREASES: **-818,465**

ARMY DECREASES **-35,959**

Reserve Personnel, Army, 19/19 **-10,599**

Budget Activity 01: Reserve Component Training and Support
4,873,661 4,873,661 **-10,599** 4,863,062

Explanation: Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-5.018 million) and Continuation Pay (CP) (\$-5.581 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.

National Guard Personnel, Army, 19/19 **-25,360**

Budget Activity 01: Reserve Component Training and Support
8,980,394 8,980,394 **-25,360** 8,955,034

Explanation: Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-14.503 million) and Continuation Pay (CP) (\$-10.857 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.

NAVY DECREASES **-129,251**

Military Personnel, Navy, 19/19 **-88,503**

Budget Activity 01: Pay and Allowances of Officers
8,840,745 8,840,745 **-33,002** 8,407,743

Explanation: Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-25.496 million) and Continuation Pay (CP) (\$-7.506 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.

Budget Activity 02: Pay and Allowances of Enlisted
19,702,868 19,702,868 **-55,501** 19,647,367

Explanation: Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-37.733 million) and Continuation Pay (CP) (\$-17.768 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.

Subject: Support for DHS Counter-Drug Activity Reprogramming Action		DoD Serial Number: FY 19-02 RA
Appropriation Title: Various Appropriations		Includes Transfer? Yes

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

<u>Military Personnel, Marine Corps, 19/19</u>							<u>-36,653</u>		
<u>Budget Activity 01: Pay and Allowances of Officers</u>		3,065,655		3,065,655			<u>-12,030</u>		3,053,625

Explanation: Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-12.030 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.

<u>Budget Activity 02: Pay and Allowances of Enlisted</u>		9,517,117		9,517,117			<u>-24,623</u>		9,492,494
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Explanation: Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-23.287 million) and Continuation Pay (CP) (\$-1.336 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.

<u>Reserve Personnel, Navy, 19/19</u>							<u>-4,095</u>		
<u>Budget Activity 01: Reserve Component Training and Support</u>		2,064,037		2,064,037			<u>-4,095</u>		2,059,942

Explanation: Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-2.923 million) and Continuation Pay (CP) (\$-1.172 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.

<u>AIR FORCE DECREASES</u>							<u>-402,255</u>		
<u>Military Personnel, Air Force, 19/19</u>							<u>-45,249</u>		
<u>Budget Activity 01: Pay and Allowances of Officers</u>		9,773,411		9,771,327			<u>-45,249</u>		9,726,078

Explanation: Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-30.785 million) and Continuation Pay (CP) (\$-14.464 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.

Subject: Support for DHS Counter-Drug Activity Reprogramming Action		DoD Serial Number: FY 19-02 RA
Appropriation Title: Various Appropriations		Includes Transfer? Yes

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

<u>Reserve Personnel, Air Force, 19/19</u>						<u>-4,835</u>		
Budget Activity 01: Reserve Component Training and Support								
	1,885,498		1,885,498			-4,835		1,880,663

Explanation: Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-4.274 million) and Continuation Pay (CP) (\$-0.561 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.

<u>National Guard Personnel, Air Force, 19/19</u>						<u>-8,571</u>		
Budget Activity 01: Reserve Component Training and Support								
	3,761,744		3,761,744			-8,571		3,753,173

Explanation: Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-5.220 million) and Continuation Pay (CP) (\$-3.351 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.

<u>Aircraft Procurement, Air Force 19/21</u>						<u>-57,000</u>		
Budget Activity 05: Modification of In-service Aircraft								
E-3	116,865		116,865			-57,000		59,865

Explanation: Funds are available due to schedule delays in the Diminishing Manufacturing Sources Replacement of Avionics for Global Operations and Navigation (DRAGON) integration. DRAGON integration is delayed for two primary reasons. First, aircraft have been available for Programmed Depot Maintenance (PDM) at a slower than planned rate. Second, block 40/45 upgrades, which are still ongoing, must be completed before DRAGON integration. Therefore, funds for DRAGON integration are early to need.

<u>Missile Procurement, Air Force 19/21</u>						<u>-76,900</u>		
Budget Activity 02: Other Missiles								
Predator Hellfire Missile	3,437	288,765	3,437	288,765	-	-23,000	3,437	265,765

Explanation: Funds are available due to contract savings from all variants that provide precision kill capabilities. Savings are attributed to negotiated lower unit costs per missile system.

Subject: Support for DHS Counter-Drug Activity Reprogramming Action						DoD Serial Number: FY 19-02 RA		
Appropriation Title: Various Appropriations						Includes Transfer? Yes		

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

Budget Activity 03: Modification of In-service Missiles

Minuteman III Modifications	124,592	124,592	-24,300	100,292
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Explanation: Funds are available due to a slip in the production schedule to FY 2020 for the Launch Control Block Upgrade program due to late design changes to the Journal Memory Loader and Printer.

Air Launch Cruise Missile (ALCM)	47,632	47,632	-29,600	18,032
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Explanation: Funds are available due to contract savings from reduced guided missile flight controller modification requirements; and due to lack of executable requirements for Support Equipment and Low Cost Mods in FY 2019.

Space Procurement, Air Force, 19/21 **-209,700**

Budget Activity 01: Space Procurement, AF

Evolved Expendable Launch Capability	659,981	659,981	-44,900	615,081
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Explanation: Funds are available due to the Space Test Program (STP)-4 satellite provider termination of the Robotic Servicing of Geosynchronous Satellites (RSGS) spacecraft. There is no longer a need for the National Security Space Launch (NSSL) launch capability mission integration required to launch this mission for this satellite, meaning the mission has been removed from the official launch mission manifest. The next possible launch Space Vehicle host is outside the 24-month planning cycle, therefore these funds are early to need.

Evolved Expendable Launch Vehicle (Space)	5	954,555	5	954,555	-1	-164,800	4	789,755
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Explanation: Funds are available due to the Space Test Program (STP)-4 satellite provider termination of the Robotic Servicing of Geosynchronous Satellites (RSGS) spacecraft. There is no longer a need for the National Security Space Launch (NSSL) service for this satellite, meaning the mission has been removed from the official launch mission manifest. The next possible launch Space Vehicle host is outside the 24-month planning cycle, therefore these funds are early to need.

Subject: Support for DHS Counter-Drug Activity Reprogramming Action		DoD Serial Number: FY 19-02 RA
Appropriation Title: Various Appropriations		Includes Transfer? Yes

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

<u>DEFENSE-WIDE DECREASES</u>							<u>-251,000</u>	
<u>Chemical Agent and Munitions Destruction, Defense, 19/20</u>							<u>-251,000</u>	
<u>Budget Activity 02: Chem Agents -RDT&E</u>								
		886,728		886,728		-251,000		635,728

Explanation: Funds are available due to unexecuted prior year funding plus current year appropriation that was found to be more than sufficient to cover the program's funding needs in FY 2019. This is a fact-of-life asset in Chemical Materials Activity (CMA) and Assembled Chemical Weapons Alternatives (ACWA). Funds are available based on projected costs in FY 2019 (to include additional technologies at Blue Grass Chemical Agent-Destruction Pilot Plant (PCAPP) and at the Pueblo Chemical Agent-Destruction Pilot Plant (PCAPP). Due to cost avoidance that will be gained by shortening schedules at both sites, the program has an asset. This does not inhibit the ability to pursue efforts/technologies to accelerate the destruction of the remaining declared stockpile.

Subject: Support for DHS Counter-Drug Activity Reprogramming Action						DoD Serial Number: FY 19-02 RA		
Appropriation Title: Various Appropriations						Includes Transfer? Yes		

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

PART II

<u>FY 2019 REPROGRAMMING INCREASE:</u>	<u>+681,535</u>
<u>Drug Interdiction and Counter-Drug Activities, Defense, 19/19</u>	<u>+681,535</u>
<u>Budget Activity 01: Counter-Narcotics Support</u>	
238,306	1,056,771
	+681,535
	1,738,306

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.

<u>FY 2019 REPROGRAMMING DECREASES:</u>	<u>-681,535</u>
<u>Afghanistan Security Forces Fund, 19/20</u>	<u>-604,000</u>
<u>Budget Activity 06: Afghan National Army</u>	
1,639,993	1,639,993
	-279,000
	1,360,993
<u>Budget Activity 07: Afghan National Police</u>	
726,264	726,264
	-117,200
	609,064
<u>Budget Activity 08: Afghan Air Force</u>	
1,728,263	1,728,263
	-71,900
	1,656,363
<u>Budget Activity 09: Afghan Special Security Forces</u>	
825,480	825,480
	-135,900
	689,580

Explanation: Funds are available from the Afghanistan Security Forces Fund (ASFF) due to forward funding of Afghan National Defense and Security Forces (ANDSF) requirements in the FY 2018/2019 ASFF appropriation and from cost savings identified during a comprehensive contract management review conducted by the Commander, Combined Security Transition Command – Afghanistan (CSTC-

Subject: Support for DHS Counter-Drug Activity Reprogramming Action		DoD Serial Number: FY 19-02 RA
Appropriation Title: Various Appropriations		Includes Transfer? Yes

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

A) from September 2018 through March 2019. The revised funding levels allow the CSTC-A to provide full support to the ANDSF sustainment, infrastructure, equipment, and training and operations requirements.

<u>Operation and Maintenance, Defense-Wide, 19/20</u>									
<u>Defense Security Cooperation Agency</u>									
<u>Budget Activity 04: Administration and Servicewide Activities</u>									
		1,262,434		1,262,434		-77,535			1,184,899

Explanation: Funds are available from the Coalition Support Fund (CSF) due to no projected claims for reimbursements from key cooperating nations. The Department has preserved some CSF for projected Coalition Readiness Support Program requirements and Jordan border security reimbursements.

TAB

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

5/9/19

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

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 DoD provide support to the efforts of the Department of Homeland Security (DHS) to secure the southern border by blocking up to 11 drug-smuggling corridors along the border through the construction of fences and roads and the installation of lighting.

On March 25, 2019 I determined that the requirements of title 10, U.S. Code, section 284, had been satisfied, and I approved support pursuant to title 10, U.S. Code, section 284(b)(7), and directed the transfer of \$1B into the Drug Interdiction and Counter-Drug Activities, Defense account.

Having determined again that the requirements of title 10, U.S. Code, section 284, have been satisfied, I have decided to provide up to \$1.5B of support for El Centro Sector Project 1, Tucson Sector Project 1, Tucson Sector Project 2, and Tucson Sector Project 3 specifically by constructing 78.25 miles of 30-foot pedestrian fencing, constructing and improving roads, and installing lighting.

I have directed the Under Secretary of Defense (Comptroller)/Chief Financial Officer (USD(C)/CFO) to transfer \$1.5B from the accounts identified in the Enclosure to my memorandum to the USD(C)/CFO into the Drug Interdiction and Counter-Drug Activities, Defense account. That \$1.5B 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 below, including initial project scoping and contracting:

- El Centro Sector Project 1 - 15.25 miles
- Tucson Sector Project 1 - 38 miles
- Tucson Sector Project 2 - 5 miles
- Portions of Tucson Sector Project 3 - 20 miles

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, the Acting 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 for Policy
Under Secretary of Defense (Comptroller)/Chief Financial Officer
General Counsel of the Department of Defense
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

TAB

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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 *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

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 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;

- 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.

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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

SD CA		DSD 5A	
SD SMA		DSD SMA	
SD MA		DSD MA	
CoS		DSD CA	
SD Action Grp			
ES		ESB Rvw	873-15
ESR	JLJ/25	ESD	



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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: HMS 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: HMS 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: HMS 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: HMS 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: HMS Disapprove: _____ Other: _____
MAR 25 2019

COORDINATION: TAB J

Attachments: As stated



TAB

F

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APR 06 2019

ACTION MEMO

DUSDP *[Signature]*

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

FOR: ACTING SECRETARY OF DEFENSE

[Signature: Kenneth P. Rapuano]

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

APR 05 2019

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

PURPOSE: To obtain your approval of a Department of a 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).

SD CA		DSD SA	
SD SMA	<i>4/19</i>	DSD SMA	
SD MA		DSD MA	
CoS		DSD CA	
SD Action Grp			
ES	<i>4/18</i>	ESB Rvw	<i>4/18</i>
ESR		ESD	



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- 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)
Total Cost / Mileage		\$969M / 57 miles	\$982.2M / 48 miles	

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

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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

G

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CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-9999



CM-0117-19
8 May 2019

INFO MEMO

FOR: ACTING SECRETARY OF DEFENSE

DepSec Info *AM*

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

SUBJECT: (U) Request for Assistance Pursuant to 10 U.S.C. 284 – Approval of Second Tranche

- (U) I have reviewed the list of proposed funding sources for the reprogramming of an additional \$1.5B into the Drug Interdiction and Counter-Drug Activities – Defense account to construct fences, roads, and lighting in support of the Department of Homeland Security's border security mission to block drug smuggling corridors.
- (U) The proposed program adjustments do not immediately impact the preparedness of the joint force. However, some of the sources identified for reprogramming could be used to address currently unfunded DoD requirements.
- (U) 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

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

TAB

H

Policy Coordination Sheet

Subject: Request for Assistance Pursuant to 10 U.S.C. § 284 – Approval of Support to the Department of Homeland Security
Control Number: *USP001372-19*

<u>Title/Organization</u>	<u>Name</u>	<u>Coordination Requested</u>	<u>Coordination Received</u>
Army	Dr. Mark Esper	May 6, 2019	May 8, 2019
Joint Staff	GEN Joseph Dunford	May 6, 2019	May 8, 2019
USD(C)/CFO	Ms. Elaine McCusker	May 6, 2019	May 8, 2019
OGC	Mr. William Castle	May 6, 2019	May 8, 2019