

EXHIBIT 1

FOURTH DECLARATION OF KENNETH P. RAPUANO

I, KENNETH P. RAPUANO, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the Assistant Secretary of Defense for Homeland Defense and Global Security (ASD(HD&GS)). Among other duties, which are generally reflected in Department of Defense (DoD) Directive 5111.13, I am responsible for developing, coordinating, and overseeing implementation of DoD policy for plans and activities related to defense support of civil authorities. On April 5, 2018, the Secretary of Defense designated the ASD(HD&GS) to manage the then-newly established DoD Border Security Support Cell. The DoD Border Security Support Cell is the focal point and integrator for all requests for assistance, taskings, and information related to DoD support pursuant to the President's April 4, 2018, memorandum, "Securing the Southern Border of the United States."
2. This declaration is based on my own personal knowledge and on information made available to me in the course of my official duties.
3. To date, as described in my previous declarations, DoD has authorized the transfer of \$2.5 billion to fund border-barrier-construction support to the Department of Homeland Security (DHS) under 10 U.S.C. § 284(b)(7) for seven projects: Yuma Sector Project 1, Yuma Sector Project 2, El Paso Sector Project 1, El Centro Sector Project 1, and Tucson Sector Projects 1, 2, and 3.
4. In my third declaration, dated May 15, 2019, I stated that then-Acting Secretary of Defense Patrick Shanahan did not intend, and was not planning, to provide additional border-barrier-construction support to DHS under Section 284 for the ensuing six months (through November 15, 2019). In the course of executing the contracts for the seven approved Section 284 projects, the U.S. Army Corps of Engineers (USACE) determined that lower-than-expected contract costs may yield sufficient savings to build up to an additional 20 miles of border barrier. Specifically, USACE anticipates that the final total contract price for the seven projects will be less than USACE's original rough-order-of-magnitude budget estimates. USACE will not know the precise amount available until later in the fiscal year when USACE finalizes all contract pricing.
5. On August 16, 2019, DHS sent to DoD an amendment to its February 25, 2019, request for assistance under Section 284. The amendment added mileage as well as new projects to the list of DHS-requested border-barrier-construction projects. *See Exhibit A.*
6. On August 26, 2019, Secretary of Defense Mark Esper authorized USACE to use any excess funds resulting from contract savings on the previously approved \$2.5 billion in Section 284 projects to undertake three additional border barrier construction projects. To that end, Secretary Esper approved three additional Section 284 projects: Yuma Sector Projects 4 and 5 and Tucson Sector Project 4. *See Exhibit A.*

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 26, 2019


KENNETH P. RAPUANO

EXHIBIT A

ACTION MEMO

USD(P) *JR*

Prepared by: Tom Hanniff, ODASD HDI&DSCA
Phone Number: 571-256-8315

FOR: SECRETARY OF DEFENSE

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

Kenneth P. Rapuano

AUG 22 2019

SUBJECT: Department of Homeland Security Request for Assistance Pursuant to 10 U.S.C. § 284

PURPOSE: To obtain your approval of a Department of Homeland Security (DHS) request to block drug-smuggling corridors along the southern border under 10 U.S.C. § 284 by constructing fences and roads, and installing lighting along approximately 20 miles in the Yuma and Tucson Sectors using excess fiscal year (FY) 2019 funds already provided to the U.S. Army Corps of Engineers (USACE).

COORDINATION: This memo was coordinated with OGC and the Department of the Army.

BLUF: With your approval, USACE may build up to 20 additional miles of fencing in the Yuma and Tucson Sectors using excess FY19 funds already provided to USACE for construction under Section 284.

DISCUSSION:

- On August 16, 2019, DHS submitted a request for assistance (RFA) (TAB C) for 11.6 additional miles of border barrier construction under Yuma Sector Projects #3 (8 miles), #4 (1.1 miles), and #5 (2.5 miles). This modifies the Secretary of Homeland Security's February 25, 2019, RFA that requested DoD assistance in blocking up to 11 specific drug-smuggling corridors along the southern border of the United States.
 - The additional 8 miles of construction under Yuma Sector Project 3 are not recommended for your approval given their geographic location (i.e., the additional mileage is interspersed within the 31 miles of border barrier being considered for construction under 10 U.S.C. § 2808).
- 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 counter-narcotic activities of Federal law enforcement agencies.
- Then-Acting Secretary of Defense Shanahan approved construction under Section 284 on March 25, 2019, and May 9, 2019.

SD CA		DSD SA	
SD SMA		DSD SMA	
SD MA		DSD MA	
CoS		DSD CA	
SD Action Grp			
ES		ESB Rvw	<i>MS 8/23</i>
ESR	<i>see 8/23</i>	ESD	



OSD008925-19/CMD011043-19

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- 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 a linear ground detection system), construction of roads, and installation of lighting (support 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.
- USACE has realized contract savings for existing Section 284 projects such that sufficient funds may be available for construction of up to 20 additional miles of border barrier.
- In addition to the 3.6 additional miles from the Yuma #4 and #5 projects in the DHS request, USACE has identified 16.4 miles of projects in the Tucson Sector (Tucson #4, 14.4 miles; and Tucson #5, 2 miles) that were previously requested by DHS on February 25, 2019, and could be completed using the generated savings (TAB D).
 - The mileage in Tucson Sector Projects #4 and #5 was not previously approved because of other, higher priority projects and availability of funds based upon initial cost estimates.
- USACE has indicated that it will be able to fully obligate these funds before the end of FY 2019, after which point the funds will expire.
- Undertaking these projects would add 20 miles of border barrier that USACE has indicated it will be able to complete before the end of calendar year 2020.

RECOMMENDATION #1: Determine that approving additional border barrier support in Yuma Sector Projects #4 and #5 and Tucson Sector Projects #4 and #5 do not adversely affect the military preparedness of the United States because the funds have already been provided to USACE for border barrier construction under Section 284.

Approve: WLC 8/20/19 Disapprove: _____ Other: _____

RECOMMENDATION #2: Approve the construction of up to 20 miles of border barrier in Yuma Sector Projects #4 and #5 and Tucson Sector Projects #4 and #5 as funds allow.

Approve: WLC 8/26/19 Disapprove: _____ Other: _____

RECOMMENDATION #3: Sign the memorandum (TAB A) to the Secretary of the Army authorizing the Commander, U.S. Army Corps of Engineers, to undertake up to 20 miles of border barrier construction in Yuma Sector Projects #4 and #5 and Tucson Sector Projects #4 and #5.

RECOMMENDATION #4: Direct the Executive Secretary to sign the memorandum (TAB B) to the DHS Executive Secretary informing them of your decision.

COORDINATION: TAB E

Attachments:

As stated

TAB A



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

8/26/19

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

SUBJECT: Construction of Roads and Fences and Installation of Lighting 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 August 16, 2019, the Secretary of Homeland Security amended this February 25, 2019 letter by requesting additional DoD assistance by undertaking Yuma Sector Projects #3, 4, 5.

I have determined that the requirements of title 10, U.S. Code, section 284, have been satisfied, and I have decided to authorize the U.S. Army Corps of Engineers to use excess funds already provided for the construction of border barrier projects under section 284 for constructing up to 20 miles of 30-foot pedestrian fencing, constructing and improving roads, and installing lighting within Yuma Sector Projects #4 and 5 and Tucson Sector Project #4.

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 continuing 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.

Matt. Egan

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
Assistance Secretary of Defense for Homeland Defense and Global Security
Assistance to the Secretary of Defense for Public Affairs.

TAB B



OFFICE OF THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1000

8/26/19

MEMORANDUM FOR EXECUTIVE SECRETARY, DEPARTMENT OF HOMELAND
SECURITY

SUBJECT: Additional Support to the Department of Homeland Security

Thank you for your August 16, 2019 memorandum modifying your February 25, 2019 request that the Department of Defense (DoD) provide the Department of Homeland Security (DHS) assistance pursuant to section 284 of title 10, United States Code. The Department of Defense (DoD) appreciates that DHS confronts a continuing and worsening crisis at the southern border. As indicated in previous memoranda regarding DoD support to DHS under 10 U.S.C. § 284, DoD 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 DoD 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, the Secretary of Defense has concluded that the modified support requested on August 16, 2019 satisfies the statutory requirements:

- The 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).

At this time, DoD will undertake up to an additional 20 miles of 30-foot pedestrian fencing, will construct and improve roads, and will install lighting, as described in the August 16, 2019 and February 25, 2019, requests. Specifically, DoD agrees to undertake Yuma Sector projects 4 and 5 and Tucson Sector project 4, subject to the availability of funds.

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. DoD requests 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 using funds already provided to the U.S. Army Corps of Engineers to undertake the approved Section 284 projects.

Oliver T. Lewis
CAPT, USN
Executive Secretary

TAB C

Military Advisor


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



**Homeland
Security**

August 16, 2019

MEMORANDUM FOR: Robert G. Salesses
Deputy Assistant Secretary, HDI & DSCA
Department of Defense

FROM: RDML Brendan C. McPherson 
Military Advisor
Department of Homeland Security

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

REFERENCE: (a) Request for Assistance Pursuant to 10 U.S.C. § 284,
dated February 25, 2019
(b) Department of Defense (DoD) Response to
Department of Homeland Security (DHS) Request for
Assistance Pursuant to 10 U.S.C. § 284, dated March 25,
2019
(c) Modification Request: Section 284 Funding for
Border Barrier Construction, dated April 4, 2019
(d) Modification of DoD Support to Block Drug-
Smuggling Corridors, dated April 10, 2019
(e) Modification of DoD Support to Block Drug-
Smuggling Corridors, dated April 12, 2019

Overview

DHS thanks DoD for both the response and approval of the use of Section 284 funding, as indicated in reference (b), for the construction of border fencing and roads and installation of lighting as requested in reference (a). The original RFA noted the significant number of apprehensions and drug seizures between border crossings in the Yuma Sector during FY18. That continues to be the case to date in FY19. Year to date in FY19, the U.S. Border Patrol has apprehended 65,000 illegal entrants and seized over 3,000 pounds of marijuana, over 30 pounds of heroin, over 900 pounds of methamphetamine and almost 40 pounds of fentanyl between border crossings in the Yuma Sector.

Modification

Based on contracting efficiencies, DHS requests the following update to Yuma Project 3 and the addition of Yuma Project 4 and Yuma Project 5 to reference (a). All other aspects of references (a) through (e) remain unchanged.

Add 8 miles to Yuma Project 3

- Construct approximately 8 additional miles of new pedestrian fencing. When added to the vehicle barrier replacement requirement identified in reference (a), this project now comprises approximately 39 continuous miles of barrier beginning at the east end of the BMGR and moving east to the border of the Yuma and Tucson sectors.
- Start coordinate: 32.23482799, -113.96138144
- End coordinate: 32.0390333, -113.3341097

Add Yuma Project 4

- This project includes approximately 1.1 miles of new primary pedestrian fencing, starting east of the Andrade point of entry, moving north to south along the Colorado River.
- Start coordinate: 32.71869511, -114.71949202
- End coordinate: 32.70419718, -114.72601301

Add Yuma Project 5

- This project includes approximately 5 miles of fencing in the Yuma Sector.
- The first segment is 0.5 miles of replacement primary pedestrian fencing beginning west of the Andrade port of entry, terminating at the port of entry. The replacement of ineffective pedestrian fencing in this area is necessary because the older bollard and landing mat design is easily breached and has been damaged to the extent that it is ineffective.
- Start coordinate: 32.71760179, -114.73656871
- End coordinate: 32.71813154, -114.72859107

- The second segment is 0.4 miles of replacement primary pedestrian fencing beginning at the Andrade port of entry, moving east. The replacement of ineffective pedestrian fencing in this area is necessary because the older landing mat design is easily breached and has been damaged to the extent that it is ineffective.
- Start coordinate: 32.71828514, -114.72627594
- End coordinate: 32.71871991, -114.72028232

- The third segment includes approximately 1.6 miles of replacement primary pedestrian fencing. The project is located west of the San Luis port of entry and runs north to south along the Colorado River. The replacement of ineffective pedestrian fencing in this area is necessary because the older mesh design is easily breached and has been damaged to the extent that it is ineffective.
- Start coordinate: 32.51419938, -114.80111753
- End coordinate: 32.49350559, -114.81166187

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.



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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: 31.88999921, -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.