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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

SIERRA CLUB, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

No. 4:19-cv-00872-HSG
No. 4:19-cv-00892-HSG

**SUPPLEMENT TO NOTICE OF
DECISION BY THE
DEPARTMENT OF DEFENSE TO
AUTHORIZE BORDER BARRIER
PROJECTS PURSUANT TO 10
U.S.C. § 2808**

1 On September 3, 2019, Defendants notified the Court and parties that the Secretary of
2 Defense had authorized eleven border barrier projects in California, Arizona, New Mexico, and
3 Texas pursuant to 10 U.S.C. § 2808. *See* ECF No. 206 in 4:19-CV-00872; ECF No. 201 in 4:19-
4 CV-00892. To fund the projects, the Secretary of Defense authorized the Department of the
5 Army to expend up to \$3.6 billion in unobligated military construction funds. *See id.* The
6 Secretary of Defense directed that, initially, only funds associated with deferred military
7 construction projects located outside of the United States will be provided to the Department of
8 the Army. *See id.* Deferred military construction projects outside of the United States account
9 for \$1.8 billion of the required funds. *See id.* The remaining \$1.8 billion associated with
10 deferred military construction projects located in the United States (including U.S. territories)
11 will be made available to the Secretary of the Army when it is needed for obligation. *See id.* As
12 a supplement to Defendants' notice, the list of unobligated military construction projects
13 currently identified for deferral is attached as Exhibit 1.

14
15 DATE: September 5, 2019

Respectfully submitted,

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17 Deputy Assistant Attorney General

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22 /s/ Andrew I. Warden
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