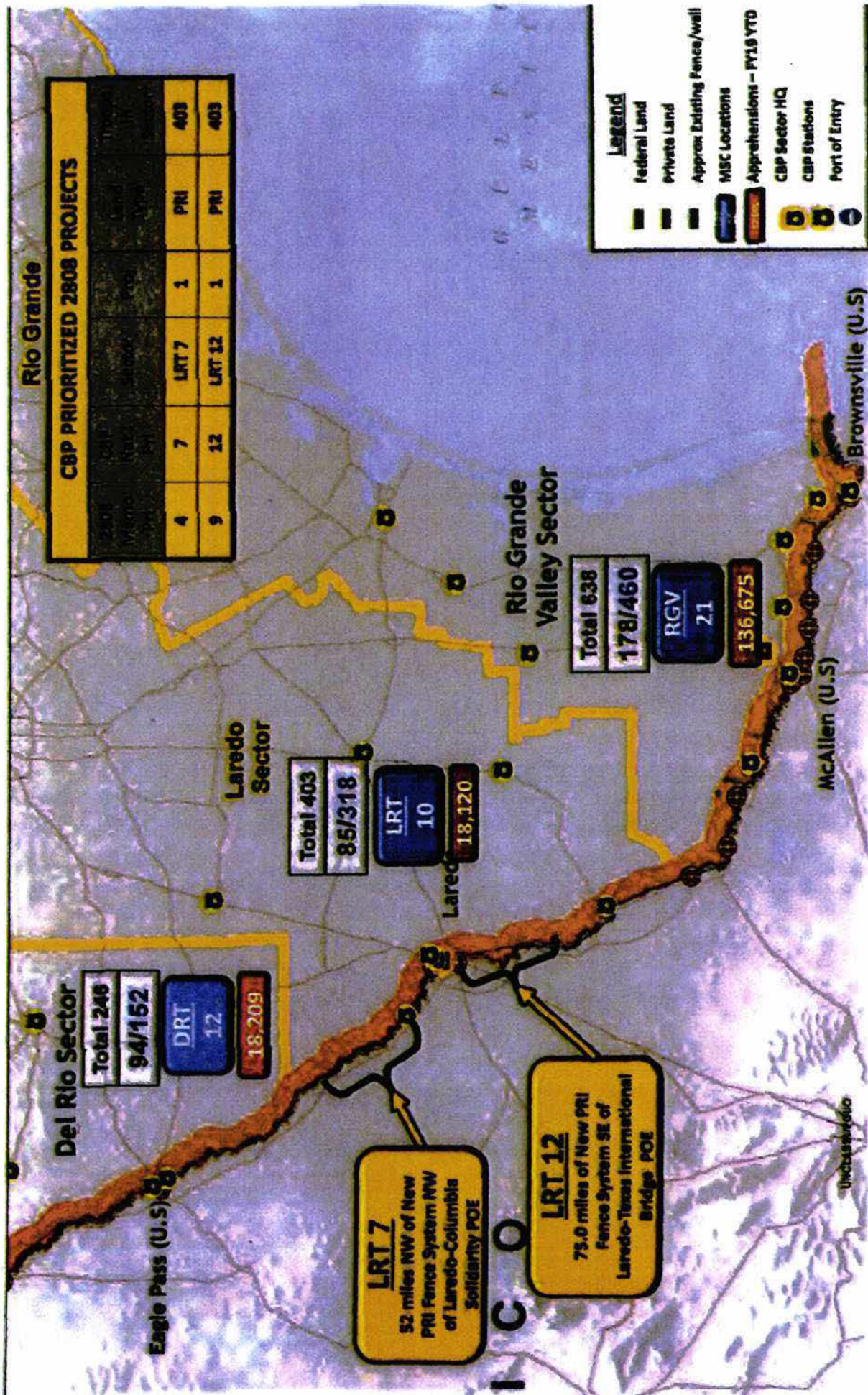


UNCLASSIFIED//FOUO



Del Rio/Laredo/Rio Grande Sector Analysis



TAB

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 9, 2019
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 2500 – National Defense Authorization Act for Fiscal Year 2020

(Rep. Smith, D-WA)

The National Defense Authorization Act (NDAA) plays an essential role in securing our national security interests, and the Administration supports enactment of an NDAA for the 59th consecutive year. While the Administration appreciates the House Armed Services Committee's (Committee) investments in key national security priorities and its support for the men and women of the Armed Forces and their families, H.R. 2500 includes a number of provisions that raise deep concerns.

The level of funding that would be authorized by the bill—a total of \$733 billion for national defense—is \$17 billion below the Fiscal Year (FY) 2020 Budget request and would not fully support critical national security priorities. The Administration is also concerned about the bill's allocation of funds between base national defense and Overseas Contingency Operations (OCO) accounts—an allocation that exceeds the discretionary cap in place under current law. As outlined in the Budget request, the Administration prefers to limit base national defense funding to the current law's discretionary cap, while using both OCO and emergency funding to provide the additional necessary resources to support the National Defense Strategy (NDS). This approach is vital to ensuring that the Nation has the funding necessary to defend itself without another budget agreement or legislation increasing the discretionary cap.

The Administration also has significant concerns about several provisions of H.R. 2500. These provisions would pose serious challenges to continued execution of the NDS and the 2018 Nuclear Posture Review (NPR); impair the President's authorities, prerogatives, and responsibilities as Commander in Chief; impede efforts to ensure border security; undermine the Nation's defense posture; and harm the warfighter.

If H.R. 2500 were presented to the President in its current form, his advisors would recommend that he veto it.

Modification and Clarification of Construction Authority in the Event of a Declaration of War or National Emergency (Section 2802). The Administration strongly objects to section 2802 because it would significantly curtail the authority of the Department of Defense (DOD) under 10 U.S.C. 2808 by imposing spending caps, limiting the source of funds, constraining the Secretary of Defense's ability to waive laws that impede expeditious response to an emergency, and imposing burdensome congressional reporting requirements. Section 2808 was originally enacted to allow for the adjustment of military construction priorities in the event of a declaration of war or national emergency and this section would greatly restrict that ability.

Modification and Technical Correction of Authority for Deployment of Members of the Armed Forces to the Southern Land Border of the United States (Section 1044). The Administration strongly objects to this provision's 30-day advanced certification and notification requirements. The requirement would limit the Secretary of Defense's ability to use this authority to respond in a timely manner to emerging U.S. Customs and Border Protection requests for assistance. Furthermore, a requirement to give Congress advance notice of military deployments would contravene the President's constitutional authority as Commander in Chief.

Prohibition on Use of Department of Defense Funds for Construction of a Wall, Fence, or Other Physical Barrier Along the Southern Border of the United States (Sections 1046 and 2801). The Administration strongly objects to these provisions because they would prohibit the use of all DOD funds to design or carry out a project to construct, replace, or modify a wall, fence, or other physical barrier along the international border between the United States and Mexico, increasing risk to our homeland security. Additionally, these provisions would leave the Secretary of Defense unable to effectively support use of the Armed Forces in connection with the ongoing national emergency.

Modification of Authority to Provide Support to Other Agencies for Counterdrug Activities and Activities to Counter Transnational Organized Crime (Section 1011). The Administration strongly objects to this provision, which would remove DOD's authority to support United States law enforcement agencies by constructing fences to block drug smuggling corridors across international borders of the United States. The provision would also require detailed congressional notification prior to providing any support to other United States departments and agencies. Specifically, it would significantly impede DOD's ability to provide ongoing, real-time, and mission-critical linguist and intelligence analysis services; transportation of personnel, supplies, and equipment involved in active Federal investigations; the detection and monitoring of United States inbound suspect aerial and surface traffic; as well as aerial and ground reconnaissance support to law enforcement partners.

Limitation on General and Special Transfer Authority (Sections 1001 and 1512). The Administration strongly objects to the bill's significant recommended reductions to the DOD's general and special transfer authorities. Specifically, section 1001 of the bill would limit DOD's base budget general transfer authority to \$1 billion in FY 2020, \$4 billion below the Budget request. The Administration also objects to section 1001(c) because removing DOD's authority to reprogram resources in support of the Drug Interdiction and Counter-Drug Activities would unduly restrict the Secretary of Defense's ability to support United States interagency efforts to combat transnational criminal organizations and the influx of opioids and other dangerous narcotics that kill tens of thousands of Americans each year. Section 1512 of the bill would limit OCO special transfer authority to \$0.5 billion in FY 2020, \$4 billion below the FY 2020 Budget request. Limiting DOD's transfer authorities would severely constrain DOD's ability to shift funds between accounts to meet unforeseen or emerging military requirements.

Reprioritization of Military Construction Funding to Unrequested Projects (Section 4601). The Administration objects to the bill's proposed realignment of military construction funding from priority projects to other projects not included in the FY 2020 Budget request. Contrary to the Administration's fiscally responsible policy to fully fund projects, the bill proposes to incrementally fund 20 military construction projects, effectively creating an unfunded obligation of \$1.4 billion needed to fully fund these projects over time. In addition, the bill would divert \$1 billion requested in the FY 2020 Budget to fully fund priority projects, or from rescissions of prior year funds, to other unrequested projects.

TAB

L

Policy Coordination Sheet

Subject: Military Construction Pursuant to 10 U.S.C. § 2808

Control Number: *USP000120-19*

Title/Organization	Name	Coordination Requested	Coordination Received
Acting, Secretary of the Army	Ryan McCarthy	12 Aug 2019	16 Aug 2019
Secretary of the Navy	HON Richard Spencer	12 Aug 2019	19 Aug 2019
Performing the Duties of the Under Secretary of the Air Force	John P. Roth	12 Aug 2019	16 Aug 2019
Under Secretary of Defense Comptroller/Chief Financial Officer	Elaine McCusker	12 Aug 2019	16 Aug 2019
Under Secretary of Defense for Acquisition and Sustainment	HON Ellen Lord	12 Aug 2019	17 Aug 2019
General Counsel	Paul Ney	12 Aug 2019	16 Aug 2019
Chairman, Joint Chiefs of Staff	Gen Joseph Dunford, Jr.	12 Aug 2019	19 Aug 2019
Principal Deputy Assistant Secretary of Defense for Legislative Affairs	Jamie J. Miller	12 Aug 2019	15 Aug 2019

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

9/3/19

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

SUBJECT: Military Construction Necessary to Support the Use of the Armed Forces in
Addressing the National Emergency at the Southern Border

On February 15, 2019, in accordance with the National Emergencies Act, the President declared that a national emergency exists at the southern border requiring the use of the armed forces. This declaration made available, among other statutes, 10 U.S.C. § 2808, which authorizes the Secretary of Defense, without regard to any other provision of law, to undertake military construction projects not otherwise authorized by law that are necessary to support the use of the armed forces in connection with the national emergency.

Based on analysis and advice from the Chairman of the Joint Chiefs of Staff and input from the Commander, U.S. Army Corps of Engineers, the Department of Homeland Security (DHS), and the Department of the Interior and pursuant to the authority granted to me in Section 2808, I have determined that 11 military construction projects (as listed in Attachment A) along the international border with Mexico, with an estimated total cost of \$3.6 billion, are necessary to support the use of the armed forces in connection with the national emergency. These projects will deter illegal entry, increase the vanishing time of those illegally crossing the border, and channel migrants to ports of entry. They will reduce the demand for DoD personnel and assets at the locations where the barriers are constructed and allow the redeployment of DoD personnel and assets to other high-traffic areas on the border without barriers. In short, these barriers will allow DoD to provide support to DHS more efficiently and effectively. In this respect, the contemplated construction projects are force multipliers.

To undertake these Section 2808 border barrier military construction projects, I approve the use of unobligated military construction funds within the total \$3.6 billion amount appropriated for military construction projects listed in the attachments to the memorandum, and direct you to make these funds available in the manner outlined below to the Acting Secretary of the Army. Funding from projects that are outside of the United States (\$1.8 billion detailed in Attachment B) should be immediately provided to the Acting Secretary of the Army for Section 2808 execution. Funding associated with military construction projects located in the United States (including U.S. territories) (\$1.8 billion detailed in Attachment C) should be provided to the Acting Secretary of the Army once it is needed for obligation.

Matt. Egan

Attachments:
As stated



cc:

Chief Management Officer of the Department of Defense
Secretaries of the Military Departments
Chairman of the Joint Chiefs of Staff
Under Secretaries of Defense
Chief of the National Guard Bureau
Commanders of the Combatant Commands
General Counsel of the Department of Defense
Director of Cost Assessment and Program Evaluation
Inspector General of the Department of Defense
Director of Operational Test and Evaluation
Chief Information Officer of the Department of Defense
Assistant Secretary of Defense for Legislative Affairs
Assistant to the Secretary of Defense for Public Affairs
Director of Net Assessment
Directors of Defense Agencies
Directors of DoD Field Activities
Office of the Director of National Intelligence

TAB A

List of Military Construction Projects

Yuma Project 2 (\$40M): Replacement of one segment of primary pedestrian fencing on the Barry M. Goldwater Range starting 2.5 miles east of Border Monument 198 and extending east to Border Monument 297, for a total of approximately 1.5-2 miles.

Yuma Project 10/27 (\$527M): Construction of approximately 31 miles of a new secondary pedestrian fence system on the Barry M. Goldwater Range.

Yuma Project 3 (\$630M): Replacement of 31 miles of vehicle barriers with new pedestrian fencing, beginning approximately 0.4 miles east of the Barry M. Goldwater Range and continuing for approximately 31 miles east through the Cabeza Prieta National Wildlife Refuge in Yuma County.

San Diego Project 4 (\$67M): Construction of 1.5 miles of a new primary pedestrian fence system starting 3.6 miles east of the Otay Mesa Port of Entry (POE), extending east, and construction of 2 miles of a new secondary pedestrian fence system starting 3.6 miles east of the Otay Mesa POE, extending east.

Yuma Project 6 (\$65M): Construction of approximately 1 mile of a new primary pedestrian fence system starting at Andrade POE and extending a half mile west of monument marker 206, then resuming east of the Colorado River and extending south one mile; and construction of 2 miles of a new secondary pedestrian fence system starting a half mile east of monument marker 208 and extending east to the Colorado River, and then resuming on the east side of the Colorado river and extending south for approximately one mile.

El Paso Project 2 (\$476M): Replacement of 23.51 miles of vehicle barriers with new pedestrian fencing in noncontiguous segments within Hidalgo and Luna Counties, New Mexico.

- The first segment begins approximately 5.1 miles east of the New Mexico/Arizona Border, continuing east for 4.55 miles.
- The second segment begins approximately 3 miles west of the Antelope Wells POE to 3 miles east of the POE for 6.12 miles.
- The third segment begins approximately 20 miles west of the Columbus POE, extending west for 12.84 miles.

El Paso Project 8 (\$164M): Construction of approximately 6 miles of a new primary pedestrian fence system in place of existing vehicle barriers starting 1.5 miles west of monument marker 64 and extending 2 miles east of monument marker 63; and construction of approximately 6 miles of a new secondary pedestrian fence system starting 1.5 miles west of monument marker 64 and extending 2 miles east of monument marker 63.

San Diego Project 11 (\$57M): Construction of approximately 3 miles of a new secondary pedestrian fence system starting 2 miles west of the Tecate POE and extending to 1.5 miles east of the Tecate POE.

El Centro Project 5 (\$20M): Construction of approximately 1 mile of a new secondary pedestrian fence system starting 0.5 mile west of the Calexico West POE, extending 1 mile east of the Calexico West POE.

Laredo Project 7 (\$1,268M): Construction of approximately 52 miles of a new primary pedestrian fence system starting from the Laredo-Columbia Solidarity POE North West for approximately 52 miles along the Rio-Grande River.

El Centro Project 9 (\$286M): Construction of approximately 12 miles of a new secondary pedestrian fence system, starting 1.5 miles west of monument marker 223 and ending at monument marker 221, and resuming 1 mile east of the Calexico West POE and extending east for 3 miles.

TAB B

Attachment B - 2808 Deferrals Outside of the United States (\$ in thousands)

State/Country Title	Location Title	Award Date	Line Item Title	Fiscal Year	Enactment	Amount
BAHRAIN ISLAND	SW Asia	February 2020	Fleet Maintenance Facility & TOC	2019		26,340
BELGIUM	Chievres AB	September 2020	Europe West District Superintendent's Office	2019		14,305
BULGARIA	Nevo Selo Fos	October 2020	EDI: Ammunition Holding Area	2019		5,200
CUBA	Guantanamo Bay	February 2020	Working Dog Treatment Facility Replacement	2019		9,080
ESTONIA	Unspecified Estonia	December 2020	EDI: SOF Operations Facility	2019		6,100
		December 2020	EDI: SOF Training Facility	2019		9,600
GERMANY	Baumholder	April 2021	SOF Joint Parachute Rigging Facility	2019		11,504
	East Camp Grafenwoehr	January 2020	Mission Training Complex	2019		31,000
	Panzer Kaserne	June 2021	MARFOREUR HQ Modernization and Expansion	2019		43,950
	Ramstein AB	September 2020	37 AS Squadron Operations/AMU	2017		13,437
		September 2020	EDI - KMC DABS-FEV/RH Storage Warehouses	2019		119,000
	Spangdahlem AB	July 2020	F/A-22 Low Observable/Composite Repair Fac	2017		18,000
		August 2021	EIC - Site Development and Infrastructure	2017		43,465
		March 2020	Spangdahlem Elementary School Replacement	2018		79,141
		March 2020	Upgrade Hardened Aircraft Shelters for F/A-22	2017		2,700
	Stuttgart	June 2022	Robinson Barracks Elem. School Replacement	2018		46,609
	Weisbaden	December 2022	Clay Kaserne Elementary School	2019		56,048
	Wiesbaden Army Airfield	November 2019	Hazardous Material Storage Building	2017		2,700
GREECE	Souda Bay	November 2019	EDI: Marathi Logistics Support Center	2019		6,200
		October 2019	EDI: Joint Mobility Processing Center	2019		41,650
HUNGARY	Kecskemet AB	October 2020	ERI: Airfield Upgrades	2018		12,900
		October 2020	ERI: Construct Parallel Taxiway	2018		30,000
		April 2020	ERI: Increase POL Storage Capacity	2018		12,500
ITALY	Sigonella	August 2020	EDI: P-8A Taxiway and Apron Upgrades	2019		66,050
JAPAN	Camp Mctureous	April 2020	Bechtel Elementary School	2019		94,851
	Iwakuni	March 2020	Fuel Pier	2019		33,200
		January 2020	Construct Bulk Storage Tanks PH 1	2018		30,800
	Kadena AB	June 2020	Truck Unload Facilities	2019		21,400
		May 2020	SOF Maintenance Hangar	2018		3,972
		May 2020	SOF Maintenance Hangar	2017		42,823
		January 2020	APR - Replace Munitions Structures	2017		19,815
	Yokota AB	February 2020	C-130J Corrosion Control Hangar	2017		23,777
		January 2020	Construct CATM Facility	2017		8,243
		December 2019	Hangar/Aircraft Maintenance Unit	2018		12,034
		December 2019	Hangar/AMU	2017		39,466
		December 2019	Operations and Warehouse Facilities	2018		8,590
		December 2019	Operations and Warehouse Facilities	2017		26,710
	Yokosuka	March 2020	Kinnick High School Inc 1	2019		40,000
KOREA	Camp Tango	December 2020	Command and Control Facility	2019		17,500
	Kunsan AB	December 2019	Unmanned Aerial Vehicle Hangar	2018		53,000
LUXEMBOURG	Sanem	April 2021	ERI: ECAOS Deployable Airbase System Storage	2018		67,400
NORWAY	Rygge	November 2020	ERI: Replace/Expand Quick Reaction Alert Pad	2018		10,300
POLAND	Poland	September 2020	EDI: Staging Areas	2019		34,000
		September 2020	EDI: Staging Areas	2019		17,000
		June 2020	EDI: Ammunition Storage Facility	2019		52,000
		April 2020	EDI: Rail Extension and Railhead	2019		6,400
	Powidz Air Base	November 2020	EDI: Bulk Fuel Storage	2019		21,000
ROMANIA	Mihail Kogalniceanu	November 2019	EDI: Explosives & Ammo Load/Unload Apron	2019		21,651
SLOVAKIA	Malacky	December 2020	EDI - Regional Munitions Storage Area	2019		59,000
		February 2020	ERI: Increase POL Storage Capacity	2018		20,000
		November 2019	ERI: Airfield Upgrades	2018		4,000
	Sliac Airport	November 2019	ERI: Airfield Upgrades	2018		22,000
SPAIN	Rota	January 2020	EDI: Port Operations Facilities	2019		21,590
TURKEY	Incirlik AB	August 2020	OCO: Relocate Base Main Access Control Point	2018		14,600
UNITED KINGDOM	Croughton RAF	January 2020	Croughton Elem/Middle/High School Replacement	2017		71,424
		October 2019	Main Gate Complex	2017		16,500
	Menwith Hill Station	February 2020	RAFMH Main Gate Rehabilitation	2018		11,000
	Royal Air Force Fairford	November 2019	EIC RC-135 Infrastructure	2018		2,150
		November 2019	EIC RC-135 Intel and Squad Ops Facility	2018		38,000
		November 2019	EIC RC-135 Runway Overrun Reconfiguration	2018		5,500
	Raf Fairford	September 2020	EDI - Munitions Holding Area	2019		19,000
		September 2020	EDI - Construct DABS-FEV Storage	2019		87,000
WORLDWIDE CLASSIFIED	Classified Location	January 2020	TACMOR - Utilities and Infrastructure Support	2019		18,000
WW unspecified	WW unspecified	February 2021	Planning and Design	2018		13,580
Grand Total						1,836,755

TAB C

Attachment C - 2808 Deferrals in United States Territories

State Country Title	Location Title	Award Date	Line Item Title	Fiscal Year Enactment	Amount
GUAM	Joint Region Marianas	December 2020	Earth Covered Magazines	2019	52,270
		September 2020	PRTC Roads	2016	2,500
		July 2020	Water Well Field	2018	56,088
		June 2020	Navy-Commercial Tie-In Hardening	2018	37,180
		March 2020	Machine Gun Range	2019	50,000
		February 2020	APR - Munitions Storage Igloos, Ph 2	2017	35,300
		February 2020	Hayman Munitions Storage Igloos MSA 2	2019	9,800
		January 2020	APR - SATCOM C4I Facility	2017	14,200
		January 2021	Readiness Center	2018	30,000
		PUERTO RICO	Arroyo	March 2021	Company Headquarters Bldg -Transient Training
March 2021	Dining Facility, Transient Training			2018	13,000
Camp Santiago	September 2020		Engineering/Housing Maintenance Shops (DPW)	2018	11,000
	September 2020		Maneuver Area Training Equipment Site	2018	80,000
	September 2020		National Guard Readiness Center	2018	50,000
	September 2020		Power Substation/Switching Station Building	2018	18,500
	January 2021		Vehicle Maintenance Shop	2018	28,000
	December 2019		Ramey Unit School Replacement	2018	61,071
San Juan	January 2021		Aircraft Maintenance Hangar (AASF)	2018	64,000
VIRGIN ISLANDS	St. Croix		January 2021	Vehicle Maintenance Shop	2018
		September 2020	Power Substation/Switching Station Building	2018	3,500
	St. Thomas	September 2020	National Guard Vehicle Maintenance Shop Add/A	2018	3,875
Grand Total					687,284

Attachment C - 2808 Deferrals in the 50 United States (\$ in thousands)

State Country Title	Location Title	Award Date	Line Item Title	Fiscal Year Enactment	Amount
ALABAMA	Anniston Army Depot	March 2020	Weapon Maintenance Shop	2019	5,200
ALASKA	Eielson AFB	February 2021	Repair Central Heat/Power Plant Boiler PH 4	2018	41,000
		January 2020	Repair Central Heat & Power Plant Boiler Ph3	2016	34,400
		January 2020	Eielson AFB Improved CATM Range	2019	19,000
		January 2021	Missile Field #1 Expansion	2019	8,000
ARIZONA	Fort Huachuca	May 2020	Ground Transport Equipment Building	2018	30,000
CALIFORNIA	Channel Islands ANGS	July 2020	Construct C-130J Flight Simulator Facility	2019	8,000
COLORADO	Peterson AFB	September 2020	Space Control Facility	2018	8,000
FLORIDA	Tyndall AFB	January 2020	Fire/Crash Rescue Station	2018	17,000
HAWAII	Joint Base Pearl Harbor-Hickam	September 2020	Consolidated Training Facility	2018	5,500
	Kaneohe Bay	May 2020	Security Improvements Mokapu Gate	2018	26,492
INDIANA	Crane Army Ammunition Plant	March 2020	Railcar Holding Area	2019	16,000
	Hulman Regional Airport	February 2020	Construct Small Arms Range	2018	8,000
KENTUCKY	Fort Campbell, Kentucky	February 2020	Ft Campbell Middle School	2019	62,634
LOUISIANA	Joint Reserve Base New Orleans	January 2020	NORTHCOM - Construct Alert Apron	2019	15,000
		January 2020	NORTHCOM - Construct Alert Facilities	2019	24,000
MARYLAND	Fort Meade	June 2020	Cantonment Area Roads	2019	16,500
	Joint Base Andrews	June 2020	PAR Relocate Haz Cargo Pad and EOD Range	2019	37,000
MISSISSIPPI	Jackson IAP	January 2020	Child Development Center	2019	13,000
NEW MISSISSIPPI	Holloman AFB	August 2020	Construct Small Arms Range	2018	8,000
		March 2020	MQ-9 FTU Ops Facility	2019	85,000
NEW YORK	White Sands	February 2020	Information Systems Facility	2019	40,000
	U.S. Military Academy	June 2020	Engineering Center	2019	95,000
NORTH CAROLINA	Camp Lejeune, North Carolina	June 2020	Parking Structure	2019	65,000
		April 2020	2nd Radio BN Complex, Phase 2	2019	25,650
		January 2020	Ambulatory Care Center Addition/Alteration	2018	15,300
		Previously cancelled	Butner Elementary School Replacement	2016	32,944
OKLAHOMA	Seymour Johnson AFB	April 2020	KC-46A ADAL for Alt Mission Storage	2018	6,400
OREGON	Tulsa Iap	May 2020	Construct Small Arms Range	2018	8,000
		February 2020	Construct Indoor Range	2018	8,000
SOUTH CAROLINA	Klamath Falls IAP	January 2020	Replace Fuel Facilities	2016	2,500
		April 2020	Laurel Bay Fire Station Replacement	2019	10,750
TEXAS	Fort Bliss	January 2020	Defense Access Roads	2018	20,000
	Joint Base San Antonio	February 2020	Camp Bullis Dining Facility	2018	18,500
UTAH	Hill AFB	August 2020	Composite Aircraft Antenna Calibration Fac	2019	26,000
		January 2020	UTTR Consolidated Mission Control Center	2018	28,000
VIRGINIA	Joint Base Langley-Eustis	January 2020	Construct Cyber Ops Facility	2019	10,000
		January 2020	Replace Hazardous Materials Warehouse	2018	18,500
		Previously cancelled	Pentagon Metro Entrance Facility	2017	12,111
		January 2020	Replace Hazardous Materials Warehouse	2018	22,500
WASHINGTON	Portsmouth	January 2020	Ships Maintenance Facility	2019	26,120
		February 2021	Pier and Maintenance Facility	2019	88,960
WISCONSIN	Bangor	February 2021	Pier and Maintenance Facility	2019	88,960
	Truax Field	March 2020	Construct Small Arms Range	2018	8,000
Grand Total					1,075,961

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

February 18, 2019

The Honorable Kirstjen M. Nielsen
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Nielsen:

On February 15, 2019, the President declared that a national emergency exists at the southern border of the United States that requires the use of the armed forces, making available certain emergency authorities, including title 10, U.S. Code, Section 2808.

Section 2808 provides that, in the event of a declaration by the President of a national emergency requiring the use of the armed forces, "the Secretary of Defense, without regard to any other provision of law, may undertake military construction projects, and may authorize the Secretaries of the military departments to undertake military construction projects, not otherwise authorized by law that are necessary to support such use of the armed forces." I have not yet decided whether use of Section 2808 is necessary.

To inform my determination whether to exercise the authority provided by Section 2808 (i.e., whether military construction projects are necessary to support such use of the armed forces), and in light of the Department of Homeland Security's (DHS) expertise in border security, I request that you provide the following:

- A list of proposed border construction projects that DHS considers to be most effective in improving the effectiveness and efficiency of DoD personnel supporting CBP and securing the southern border. DoD requests that the list be prioritized in order of effectiveness;
- Any supporting data, statistics, and analysis used to create such a construction prioritized list; and
- Any other analysis that reflects how the proposed construction projects and border barriers in general will improve the effectiveness and efficiency of DoD personnel supporting CBP and of CBP personnel in securing the southern border.

I intend to use this information, and independent advice from the Chairman of the Joint Chiefs of Staff, to inform my final decision as to whether military construction projects are necessary to support such use of the armed forces in connection with this national emergency.

A handwritten signature in black ink, reading "Patrick M. Shanahan".

Patrick M. Shanahan
Acting

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

MAR 25 2019

MEMORANDUM FOR SECRETARY OF THE ARMY

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

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

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

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

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

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

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

Patrick M. Shanahan
Acting

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



OSD001680-19/CMD003531-19



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

APR 11 2019

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

SUBJECT: Preparing to Fund Military Construction Necessary to Support the Use of the Armed Forces in Addressing the National Emergency at the Southern Border


On April 4, 2018, the President directed the Secretary of Defense to support the Department of Homeland Security (DHS) in securing the southern border, including assistance to stop the flow of deadly drugs and other contraband, gang members and other criminals, and other persons illegally entering the United States across the southern border of the United States. On February 15, 2019, the President declared that a national emergency exists at the southern border of the United States that requires the use of the armed forces, making available certain emergency authorities, including title 10, U.S.C., section 2808.

Section 2808 provides that in the event that the President declares a national emergency requiring the use of the armed forces, "the Secretary of Defense, without regard to any other provision of law, may undertake military construction projects, and may authorize the Secretaries of the military departments to undertake military construction projects, not otherwise authorized by law that are necessary to support such use of the armed forces." I have not yet decided to undertake or authorize any barrier construction projects under section 2808.

I request that you identify, by May 10, 2019, existing military construction projects of sufficient value to provide up to \$3.6 billion of funding for my consideration. You are not to consider family housing, barracks, or dormitory projects; projects that have already been awarded; or projects that have fiscal year 2019 award dates.

I request that you consult with the Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Policy, and the heads of other DoD Components as necessary to review the pool of unawarded military construction projects. Your evaluation of this pool of unawarded projects will rely heavily on prioritization from DoD Components. Your review should confirm that projects under consideration have award dates in fiscal year 2020 or later to minimize effects on readiness and to be consistent with the strategic approach in the National Defense Strategy.

Please be prepared to make the funds you have identified available if I determine that military construction is necessary to support the use of the armed forces in addressing this national emergency.



Patrick M. Shanahan
Acting

cc:

Secretary of the Army

Secretary of the Navy

Secretary of the Air Force

Chairman, Joint Chiefs of Staff

Under Secretary of Defense (Acquisition and Sustainment)

Under Secretary of Defense (Policy)

Commander, U.S. Northern Command

General Counsel of the Department of Defense

Assistant Secretary of Defense (Legislative Affairs)

Assistant Secretary of Defense (Homeland Defense and Global Security)

Assistant to the Secretary of Defense for Public Affairs

Commander, U.S. Army Corps of Engineers

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

APR 11 2019

MEMORANDUM FOR CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SUBJECT: Assessment of Whether Military Construction at the Southern Border Is Necessary to Support the Use of the Armed Forces in Addressing the National Emergency at the Southern Border

On April 4, 2018, the President directed the Secretary of Defense to support the Department of Homeland Security (DHS) in securing the southern border, including assistance to reduce the flow of deadly drugs and other contraband, gang members and other criminals, and other persons illegally entering the United States across the southern border of the United States. On February 15, 2019, the President declared that a national emergency exists at the southern border of the United States that requires the use of the armed forces, making available certain emergency authorities, including title 10, U.S.C., section 2808.

Section 2808 provides that, in the event of a declaration by the President of a national emergency requiring the use of the armed forces, "the Secretary of Defense, without regard to any other provision of law, may undertake military construction projects, and may authorize the Secretaries of the military departments to undertake military construction projects, not otherwise authorized by law that are necessary to support such use of the armed forces." I have not yet decided to undertake or authorize any barrier construction projects under section 2808.

No military construction funds may be obligated under section 2808 unless I determine that military construction projects are necessary to support the use of the armed forces in addressing the national emergency for which the armed forces are required. It is important that I have sufficient information upon which to make this determination. As such, by May 10, 2019, please prepare a detailed assessment, as a follow-up to your preliminary assessment of February 10, 2019, of whether and how military construction projects could support the use of the armed forces in addressing the national emergency at the southern border. In this assessment, please evaluate the following proposed construction projects:

- Projects identified by DHS in its March 20, 2019 response to my February 18, 2019 request (Attachment 1);
- DHS priority projects 4 through 11 identified in the February 25, 2019 DHS Request for Assistance Pursuant to 10 U.S.C. § 284 (Attachment 2); and
- Any other construction projects that you, or the Commander, U.S. Northern Command, believe could support the use of the armed forces in addressing the national emergency.

In making this assessment, you are requested to take into account the following:

- Any relevant DHS analysis on how such projects are expected to affect the employment of personnel along the southern border in support of the DHS border security mission, including data provided in the March 20, 2019 DHS response;
- Projects that DHS plans to complete with its 2019 appropriations and Treasury asset forfeiture funds;
- Projects that I have approved for support pursuant to 10 U.S.C. § 284 (Attachment 3);
- The nature and extent of past and current DoD support along the border (including DoD-authorized and DoD-funded National Guard support); and
- Any other relevant facts or information pertaining to how the proposed projects could support the use of the armed forces.

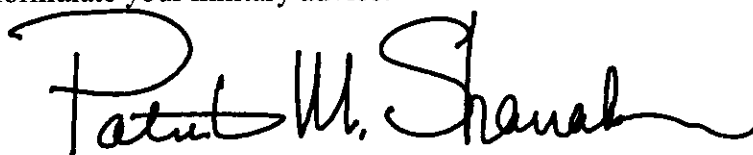
If possible, I also request that you assess the extent to which the proposed barrier construction projects may be expected to:

- Reduce the flow of contraband, criminals, and other persons illegally entering the United States across the southern border; and
- Divert flows of migrants to Ports of Entry or divert persons crossing the border illegally to other areas where Border Patrol agents could more successfully interdict them.

Also identify any factors that, in your military judgment, may be relevant to (1) my determination whether construction projects are necessary to support the use of the armed forces, and (2) which specific projects, if any, to undertake. Such factors may include, but are not limited to, location, land ownership, site characteristics, environmental considerations, and anticipated construction timelines.

In light of the President's April 4, 2019 proclamation and February 15, 2019 national emergency declaration, and given that defense support of civil authorities is a primary DoD mission in the 2018 National Defense Strategy, you should assume that DoD support to DHS at the southern border will continue past the end of fiscal year 2019.

You may consult with the other members of the Joint Chiefs of Staff and other DoD or DHS officials as necessary to formulate your military advice.



Patrick M. Shanahan
Acting

Attachments:
As stated

cc:

Secretary of the Army

Secretary of the Navy

Secretary of the Air Force

Under Secretary of Defense (Acquisition and Sustainment)

Under Secretary of Defense (Policy)

Under Secretary of Defense (Comptroller) / Chief Financial Officer

Commander, U.S. Northern Command

General Counsel of the Department of Defense

Assistant Secretary of Defense (Legislative Affairs)

Assistant Secretary of Defense (Homeland Defense and Global Security)

Assistant to the Secretary of Defense for Public Affairs

Commander, U.S. Army Corps of Engineers

Secretary

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



**Homeland
Security**

March 20, 2019

The Honorable Patrick M. Shanahan
Secretary of Defense (acting)
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Acting Secretary Shanahan:

Thank you for the ongoing support provided by the dedicated men and women of the Department of Defense (DoD) in helping to secure the Nation's borders during this time of National Emergency. Border Security is National Security. DoD's contributions to the national effort to address the historic surge in illegal migration along the southwest border are of the utmost importance now and will continue to be going forward. I cannot overstate my appreciation for your support.

This letter provides the following information regarding your request of February 18, 2019, to support your evaluation of the use of authorities under 10 U.S.C § 2808:

- A prioritized list of proposed border construction projects that will improve the effectiveness and efficiency of DoD personnel supporting Customs and Border Protection (CBP) in securing the southern border;
- A description of the prioritization methodology and supporting statistics; and
- Our analysis of the impact of construction on the effectiveness and efficiency of the border security mission.

On February 15, 2019, the President issued a *Proclamation on Declaring a National Emergency Concerning the Southern Border of the United States*. The proclamation states that "the current situation at the southern border presents a border security and humanitarian crisis that threatens core national security interests and constitutes a national emergency." In order to provide "additional authority to the Department of Defense to support the Federal Government's response to the emergency at the southern border," the President declared "that this emergency requires use of the Armed Forces and, in accordance with section 301 of the National Emergencies Act (50 U.S.C. 1631), that the construction authority provided in section 2808 of title 10, United States Code, is invoked and made available, according to its terms, to the Secretary of Defense and, at the discretion of the Secretary of Defense, to the Secretaries of the military departments."



OSD002762-19/CMD003393-19

The Department of Homeland Security (DHS) continues to face a surge of migrant activity at the border as well as drug and human trafficking. This surge, including the recent phenomenon of large groups of migrants organized into caravans, has placed a tremendous strain on CBP's limited resources. Apprehending and addressing the humanitarian issues presented by these large groups pulls frontline personnel away from regular border enforcement activity, thereby placing border security at risk. Further, this surge is diverting critical homeland security resources away from high priority threats and hampering our efforts to stop transnational criminal organizations (TCO) from compromising our Nation's security. In response to recent requests for assistance from my Department, DoD has provided services and resources to improve national security by aiding the border security mission.

DoD has provided critical support to the border security mission which has been instrumental in making both agents and troops on the ground more efficient by providing the crucial situational awareness. This situational awareness makes agents and troops more effective by allowing DHS and DoD to focus resources in areas with greater threats. The engineering support DoD provides is essential to designing and constructing roads for improved access both to, and laterally along the border. DoD has provided support with other projects such as construction of infrastructure that impedes and denies the illegal entrants the ability to enter the United States easily. DoD protection support assists as a force multiplier by providing a visual deterrent to contemplated hostile actions by bad actors against CBP personnel and deters attempted breaches of the international boundary.

DHS continues to need support from the armed forces to accomplish our Homeland Security mission. To enhance the effectiveness and efficiency of the armed forces support, I recommend construction to extend the border barrier system.

Prioritized List of Proposed Construction Projects that DHS Believes Will Improve the Effectiveness and Efficiency of DoD Personnel Supporting CBP in Securing the Southern Border:

Project Areas

Priority projects in order of effectiveness:

- San Diego Sector Priority 4:
 - Approximately 1.5 miles of new primary pedestrian fence system starting 3.6 miles east of the Otay Mesa Port of Entry (POE) extending east.
 - Approximately 2 miles of new secondary pedestrian fence system starting 3.6 miles east of the Otay Mesa POE extending east.
- El Centro Sector Priority 5:
 - Approximately 1 mile of new secondary pedestrian fence system starting 0.5 mile west of Calexico West POE extending 1 mile east of the Calexico West POE.

- **Yuma Sector Priority 6:**
 - Approximately 1 mile new primary pedestrian fence system starting at Andrade POE and extending half mile west of monument marker 206, then resuming east of the Colorado River and extending south one mile.
 - Approximately 2 miles new secondary pedestrian fence system starting half mile east of monument marker 208 and extending east to the Colorado River then resuming on the east side of the Colorado river and extending south for approximately one mile.
- **Laredo Sector Priority 7:**
 - Approximately 52 miles new primary pedestrian fence system starting extending form Laredo-Columbia Solidarity POE North West for approximately 52 miles along the Rio-Grande River.
- **El Paso Sector Priority 8:**
 - Approximately 6 miles new primary pedestrian fence system in place of existing vehicle barriers starting 1.5 miles west of monument marker 64 and extends 2 miles east of monument marker 63.
 - Approximately 6 miles new secondary pedestrian fence system starting 1.5 miles west of monument marker 64 and extends 2 miles east of monument marker 63.
- **El Centro Sector Priority 9:**
 - Approximately 12 miles new secondary pedestrian fence system starting 1.5 miles west of monument marker 223 and ending at monument marker 221 and resumes 1 mile east of Calexico West POE and extends for 3 miles.
- **Yuma Sector Priority 10 & 27:**
 - Approximately 31 miles new secondary pedestrian fence system on the Barry M. Goldwater Range.
- **Yuma Sector Priority 10:**
 - Approximately 0.5 miles new primary pedestrian fence system starting 6 miles north of the San Luis POE and extends south approximately a half mile.
 - Approximately 7 miles new primary pedestrian fence system in place of existing vehicle barriers starting 6 miles south of monument marker 206 and extending 8 mile south along the Colorado River.
 - Approximately 20 miles new and replacement secondary pedestrian fence system starting at monument marker 209 extending to half mile east of monument marker 208 and resuming 1 mile south of monument marker 206.
- **San Diego Sector Priority 11:**
 - Approximately 3 miles new secondary pedestrian fence system starting 2 miles west of Tecate POE and extends to 1.5 miles east of Tecate POE.
- **Laredo Sector Priority 12:**
 - Approximately 75 miles new primary pedestrian fence system starting 1 mile North East of Laredo – Texas Mexican Railway International Bridge POE and extends 75 miles south.

DHS has determined that border barriers are most effective when constructed as part of a system, anchored by the barrier, such as pedestrian fencing, which includes a linear ground detection system, and complemented with lighting with imbedded cameras and roads. In areas protected by both primary and secondary barriers, the road sits between the physical barriers. These interdependent investments are engineered to alter the border environment in support of achieving operational control of the border and defending national security by achieving two objectives.

- Prevent and deter people from attempting illegal entry by convincing would-be entrants through visual indices that they cannot successfully cross through the system without being immediately detected and apprehended; and
- Contain and deny those who remain undeterred and prevent them from passing through the system or enforcement zone, thereby enabling U.S. Border Patrol (USBP) agents to bring the cross-border incursion to a successful law enforcement resolution.

This comprehensive system has proven extremely effective in deterring and impeding illegal crossings into the United States. For the first quarter of Fiscal Year 2019, San Diego, the only area with a robust system described above, interdicted known cross-border illicit activity 95 percent of the time. To that end, DHS recommends that DoD construct border barrier systems to include, and within the Project Areas set forth above: (1) new primary and/or secondary pedestrian fencing that includes a linear ground detection system; (2) replacement of existing vehicle barriers or dilapidated pedestrian fencing with new pedestrian fencing; (3) roads; and (4) lighting with imbedded cameras.

The new pedestrian fencing includes a linear ground detection system, which is intended to, among other functions, alert USBP 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 recommended lighting has an imbedded camera that works in conjunction with the pedestrian fence, and it must be supported by grid power.

Given DHS's experience and technical expertise, DHS plans to coordinate closely with DoD throughout project planning and execution on such matters as design specifications, barrier alignment and location, and other aspects of project planning and execution to support barrier construction. DHS requests the opportunity to provide concurrence on final barrier alignments and designs. As much of the proposed construction is new rather than replacement, this coordination will be especially critical to ensure USBP and DoD requirements can be met to the extent possible without adversely impacting local communities.

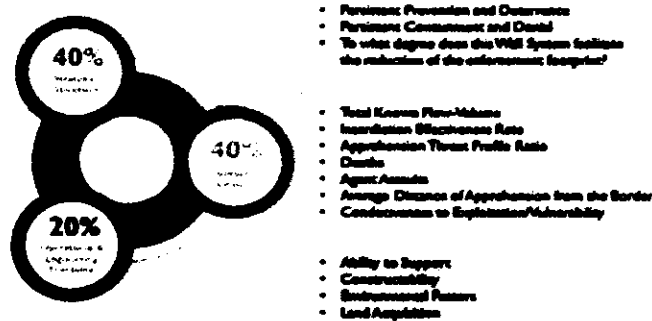
Prioritization and Sequencing Methodology

As a component of CBP, the USBP conducts its mission between POEs in varied and diverse operational environments. In so doing, the USBP has identified 12 master capabilities, executed through a combination of personnel, infrastructure, and technology, as a requirement to achieving operational control of the border. It is important to note that gaining operational control of the border will reduce DHS's requirement for DoD support.

The most important of these critical capabilities is impeding and denying (I&D) unlawful entry, provided primarily through the use of man-made barriers like pedestrian fencing for the purpose of deterring, containing, and/or interdicting illicit activity. The USBP has utilized barriers to successfully support its mission for many years. In order to deploy I&D capability where it would have the greatest positive impact to border security, and by extension, national security, and to ensure the deployments addressed current threats, USBP developed a prioritization methodology to inform barrier investments.

The methodology prioritizes barrier requirements by assessing variables in three pillars — *Strategic Objectives, Border Census, Construction and Engineering Feasibility* — and relies on the subject matter expertise of seasoned agents and field commanders. The process does not base priorities on any single variable, such as apprehensions or vanishing point, which is the amount of time someone crossing the border unlawfully generally has before they have access to shelter and/or transport. Instead, it considers the cumulative scoring across all three pillars as well as information provided through operational review. The result is a comprehensive decision support methodology that is both iterative and evolving; considering the latest available data and incorporating past lessons learned.

Figure 1: Three pillars for prioritizing barrier requirements



Information for each pillar was gathered by each of USBP's Sectors — which delineate a geographical area of responsibility — using: field surveys, strategic assessment of the operational need, and impact of investments; quantitative data on border activity derived from Sector field operations; and feasibility assessments developed by subject matter experts. Each border segment was scored across these three pillars, using quantitative and qualitative input and pillar weightings as defined by CBP subject matter experts.

The tool output results in a complete list of I&D priorities across the southwest border. The list is reviewed and validated by a panel of experts who make the final recommendation to the Chief of the U.S. Border Patrol. The projects identified in this letter are highest priority projects, as developed from the prioritization methodology, for which another funding source has not already been identified.

Impacts of Construction on the Effectiveness and Efficiency of the Border Security Mission

As DHS works to reduce the flow of illegal immigration and the corresponding strain on the immigration system, evidence over the last few decades demonstrates that physical barriers deter illegal immigration, channel migrants to POEs or areas where they can be apprehended more easily, and allow USBP to cover greater stretches of land with fewer agents. This, in turn, allows USBP agents to engage in other critical activities, including drug interdiction activities at POEs.

Following the construction of border barriers in San Diego, Yuma, and Tucson, the number of illegal crossings and apprehensions in each area dropped appreciably. By contrast, areas without physical barriers saw an increase in apprehensions during the same timeframe. For example, following the construction of barriers in San Diego, apprehensions in San Diego decreased by 95 percent. Tucson Sector, by contrast, did not receive a barrier and saw a significant increase in apprehensions. In 1992, Tucson Sector apprehended approximately 71,000 individuals. By 2000, apprehensions in that sector had increased by 768 percent to over 616,000. Such a dramatic shift in apprehensions clearly show the impact barriers have on the flows of illegal crossings.

Relatedly, physical barriers assist CBP with channeling migrants to POEs, where they can be processed based on available resources or to areas of the border where they can be apprehended more easily. This is especially true for family units and Unaccompanied Alien Children, who often do not have the ability to attempt to breach the border barrier. This channeling function helps ease the strain on CBP and Immigration and Customs Enforcement detention capacity and allows USBP to more effectively and strategically deploy its resources to maximize apprehensions.

The physical barrier, along with the corresponding infrastructure and technology, increases USBP's interdiction effectiveness rate — that is, the rate at which USBP apprehends aliens that have illegally crossed the border. Barriers along the southern border, such as a steel bollard wall, are most effective when constructed with complementary investments in technology and lighting to alert agents of approaches or attempts to breach the wall, in conjunction with a road or other form of infrastructure that allows USBP to respond more quickly when the sensor is triggered.

DoD's Support to DHS and Reasons Why Barrier Construction Will Help The Armed Forces

USBP has relied on DoD to accept and execute critical missions that work towards achieving improved national security. Currently, DoD provides a wide range of support functions in support of CBP. One of its critical support functions is aviation support, which provides increased detections of illegal entries and increased situational awareness, resulting in improved operational control of the border, all of which assists troops and USBP agents on the ground. It also increases the effectiveness of agents and troops on the ground, thereby allowing DHS and DoD to better focus resources. DoD air support has also been used to move CBP personnel to rapidly respond to migrant movements.

In addition to air support, DoD monitors remote video surveillance system cameras and conducts radio communications with agents in the field. This, along with the vegetation removal provided by DoD, maintains clear fields of vision, increasing the safety of troops and USBP agents, which reduces transnational criminal illicit activity. Similarly, DoD assists with infrastructure maintenance and was critical in quickly deploying concertina wire when needed — this engineering work impedes and denies the ability to enter the United States illegally. DoD likewise assists with motor transport operations and maintenance to increase vehicle readiness rates. DoD provides numerous types of administrative support which increases the operational effectiveness of USBP and improves national security. DoD assists with observation and monitoring at checkpoints and setting up, maintaining, and monitoring ground imaging sensors with USBP agents. Finally, DoD provides medical support and protection to CBP.

In general, the missions that DoD has accepted at our request can be classified in two broad categories. First, some of the DoD's support provides critical assistance at a time when it's most needed, but does nothing to fundamentally change the dynamic that creates the need for military assistance (i.e. surveillance).

The second category of support received by DoD facilitates a fundamental and enduring change to the USBP's operational capability as well as to the border environment. This type of support, once completed, allows USBP agents to achieve their mission in specific geographic areas with either no military support or with significantly reduced support in those areas. For example, large sections of the San Diego Sector's barrier system (to include the physical barriers, roads, lights, earth work, etc.) were constructed by military units. These enduring border enhancements fundamentally changed the border dynamic so profoundly that the USBP has since been able to manage border security in that targeted area without comparable military personnel support.

The border barrier projects that DHS recommends that DoD undertake pursuant to 10 U.S.C. § 2808 will fundamentally change the border dynamic, give a distinct and enduring advantage to USBP as a force multiplier, and provide agents capabilities to respond more quickly to illicit activities. The construction of the above listed projects will improve the effectiveness and efficiency of DoD personnel by allowing DoD and CBP to shift away from responding to frequent, low risk border incursions and instead concentrate a smaller, more focused set of supporting resources on monitoring, tracking, and responding to high risk activities being undertaken by TCO.

Because the requested projects will serve as force multiplier, it will also likely reduce DHS's reliance on DoD for force protection, surveillance support, engineering support, air support, logistical support, and strategic communications assistance. In other words, providing border barriers and the accompanying roads and technology will allow DoD to focus its efforts on a smaller, more focused area.

The Honorable Patrick M. Shanahan
Page 8

Conclusion

The 10 U.S.C. § 2808 support actions being recommended by DHS today will fundamentally change the border dynamic and, as required by 10 U.S.C. § 2808, and will improve the effectiveness and efficiency of DoD personnel supporting CBP. The recommended projects facilitate the accomplishment of the border security mission by reducing the amount of support that the military would otherwise need to provide and by allowing the military to reduce the geographical and materiel scope of its support and concentrate its capabilities in ever-decreasing geographical areas.

Best Regards,



Kirstjen M. Nielsen
Secretary

Executive Secretary

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



**Homeland
Security**

February 25, 2019

MEMORANDUM FOR: CAPT [REDACTED]
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.

www.dhs.gov



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 begins 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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CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, DC 20318-9999

CM-0039-19

11 Feb 2019

INFO MEMO

FOR: ACTING SECRETARY OF DEFENSE

DepSec Info _____

FROM: General Joseph F. Dunford, Jr., CJCS *4/10
2/10*

SUBJECT: (U//FOUO) Preliminary Assessment as to Whether Military Construction Projects on the Southern Border Could Support Use of the Armed Forces

- (U//FOUO) In response to our conversations and your follow-up written direction, this memorandum provides the Joint Staff's views on whether and how military construction projects on the southern border—in particular, physical barriers or improvements to existing barriers along parts of the border—could support the use of the armed forces in southern-border-related support of the Department of Homeland Security (DHS).
- (U//FOUO) Background. On April 4, 2018, the President directed the Department of Defense (DoD) to support DHS in securing the southern border of the United States, and to take other necessary actions to stop the flow of deadly drugs and other contraband, gang members and other criminals, and illegal aliens into the United States. Since that date, DHS has submitted 16 separate requests for DoD support in securing the southern border. At its peak in mid-November 2018, DoD support included approximately 5,900 active duty (i.e., Title 10) military personnel and approximately 2,275 National Guard personnel serving in a Title 32 duty status who have been deployed across four southern border states. The National Guard forces are paid by DoD funds. In addition, the National Guard has executed 6,132 flight hours in support of U.S. Customs and Border Protection (CBP) in Texas, New Mexico, and Arizona.
- (U//FOUO) Current Situation. Of the 1,954 total border miles, 654 miles are currently fenced (354 miles are fenced with pedestrian fence only and an additional 300 miles are fenced with both vehicle and pedestrian fence), 127 miles are unsuitable for fencing, and 1,300 miles are unfenced. There are currently approximately 2,275 National Guard personnel serving in a Title 32 duty status deployed across nine CBP sectors along the southern border supporting CBP under CBP's Operation Guardian Support, performing various support roles such as logistics, planning, and intelligence analysis. There are currently 2,234 active duty military personnel deployed to the southern border. In addition, upon full implementation of the recently approved "detection and monitoring" Request for Assistance, an additional 1,167 active duty military personnel will be deployed across the same nine CBP sectors to operate mobile surveillance capability vehicles through September 30, 2019 and an additional 2,583 active-duty personnel will be deployed to emplace 167.5 miles of concertina wire on top of existing border barrier structures at various locations between ports of entry. While the actual number of active duty personnel will fluctuate based on operational needs and planned unit rotations, it is anticipated that approximately 5,400 active duty personnel will be deployed through March 31, 2019. According to DHS,

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each DoD person deployed “frees up” a CBP agent to be employed in a direct law enforcement capacity in areas of heavy cross-border illicit activity.

- (U//FOUO) Consultations. In making this preliminary assessment, the Joint Staff consulted with DHS, CBP, U.S. Northern Command, the National Guard Bureau, and the U.S. Army Corps of Engineers.
- (U//FOUO) DHS Approach to Border Security. The mission of CBP is to safeguard America’s borders, thereby protecting the public from dangerous people and materials while enhancing the Nation’s global economic competitiveness by enabling legitimate trade and travel. The U.S. Border Patrol’s (USBP’s) role in CBP’s border security mission is to gain, maintain, and expand operational control of the U.S. border between the ports of entry.¹ According to DHS, operational control is achieved by establishing situational awareness of the border area, developing the capability to impede and deny illegal entry, and effectively delivering an appropriate Law Enforcement Response and Resolution to illicit activity.² The ability to impede and deny illicit activity at the immediate border is the central element of operational control, and, over time, the USBP has learned that the most effective way to impede and deny illegal entry is through the use of border barriers.³ USBP has also determined effectiveness of border barriers improves by including technological enhancements such as motion detection systems, lighting, and camera surveillance systems.
- (U//FOUO) Effectiveness of Border Barriers. Empirically, the effectiveness of border barriers, particularly those along the southern border of the United States, is challenging to quantify because reliable data is scarce and opinions are divergent. This is in no small part due to the fact that, according to the Institute for Defense Analyses, estimating the successful entry of illegal migrants into the United States between ports of entry is “...challenging because these actions are not directly observed or captured in any government administrative records.”⁴ Moreover, “Historical measures such as the apprehension of illegal migrants and seizures of drugs do not answer the key question of whether more or less illegal entry is occurring nor do they inform the subsequent assessment of the effectiveness of law enforcement efforts designed to prevent this illegal entry.”⁵ While many organizations have pointed out the need for better border security metrics, actual illegal migrant flow is estimated.⁶ Despite these limitations, there remains substantial evidence, albeit largely anecdotal, that demonstrates the effectiveness of border barriers along the southern border, particularly when employed as part of a larger border security system.

¹ DHS Information Paper entitled, “Barriers and Border Security v2.”

² Ibid.

³ Ibid.

⁴ Bailey, John W. et. al., Assessing Southern Border Security, Institute for Defense Analyses, May 2016.

⁵ Ibid.

⁶ See Carla N. Argueta, Border Security Metrics between Ports of Entry, CRS Report No. R44386 (Washington, DC: Congressional Research Service, 2016), GAO Report 113-330T, and Bryan Roberts, Measuring the Metrics: Grading the Government on Immigration Enforcement, Bipartisan Policy Center, 2015.

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- (U) In a 2007 report, the Congressional Research Service (CRS) determined fencing or a wall to be critical to the detection and identification of illegal entry, particularly in urban areas.⁷
- (U) In 2008, retired Chief Ronald S. Colburn of the USBP's Yuma sector testified that fencing played a significant role in reducing arrests in the Yuma, Arizona area of responsibility from 138,000 in 2005 to about 8,300 in 2008.⁸
- (U) In 2017, Retired CBP Deputy Commissioner David V. Aguilar testified that, "Border Patrol agents and the Border Patrol as an organization agree that properly constructed, placed, and supported physical infrastructure is essential to border security."⁹
- (U//FOUO) According to DHS, USBP has utilized physical barriers to impede and deny illegal entry for many years, and barriers are the capability most frequently identified by field commanders as a requirement to establishing operational control.¹⁰ Absent deterring or denying illegal entry entirely, a physical barrier forces the individuals seeking to enter illegally to operate in areas where interdiction favors law enforcement—meaning that it provides more time to execute a response.¹¹ Consequently, DHS cites a number of positive operational impacts of physical barriers. In general, physical barriers:¹²
 - (U//FOUO) Contain incursions to the immediate border protecting communities, businesses, and other sensitive environments.
 - (U//FOUO) Effectively reduce the enforcement footprint and compress USBP operations to the immediate border area.
 - (U//FOUO) Improve the ability to detect, identify, classify, and respond to illicit activity.
 - (U//FOUO) Physically deny terrain and increase vanishing times.
 - (U//FOUO) Reduce vulnerability in key border areas by eliminating "quick" vanishing times.
 - (U//FOUO) Provide a force multiplication effect by allowing an agent to cover a greater area of patrol more effectively.

⁷ Blas Nuñez-Neto and Michael J. Garcia, *Border Security: The San Diego Fence*, CRS Report No. RS22026 (Washington, DC: Congressional Research Service, 2007).

⁸ Ron Colburn, Written Testimony on Fencing along the Southwest Border (Washington, DC: U.S. Senate Committee on Homeland Security & Governmental Affairs, 2017).

⁹ David V. Aguilar, Written Testimony on Fencing along the Southwest Border (Washington, DC: U.S. Senate Committee on Homeland Security & Governmental Affairs, 2017).

¹⁰ DHS Impedance and Denial Operational Impacts Information Memo, dated 18 January 2019.

¹¹ Ibid.

¹² Ibid.

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- (U//FOUO) Examples of specific areas where barriers along the southern border have been effective include:¹³
 - (U//FOUO) San Diego, California: In 1992, San Diego was the epicenter of illegal immigration and the flow of narcotics into the United States; apprehensions for that year exceeded 560,000. Operation Gatekeeper infused personnel, technology, and tactical infrastructure (roads/barriers) and by 2010 had reduced apprehensions by 88 percent or 68,000. By 2015, apprehensions had further declined to 26,290—a 95 percent decrease over 1992 apprehension levels.
 - (U//FOUO) El Paso, Texas: In 1993, El Paso had experienced an increase in illegal immigration and apprehensions for the year that accounted for more than a quarter million persons (285,000). Operation Hold the Line initiated a similar strategy to that of Operation Gatekeeper in San Diego and, by 1994, had reduced apprehensions by 72 percent (79,000 persons). By 2015, USBP El Paso apprehended 14,495 persons, representing a 95 percent decrease over 1993 apprehension levels.
 - (U//FOUO) Tucson, Arizona: In 2000, Tucson had become the new epicenter for illegal immigration and narcotics flow as smugglers attempted to avoid operations in other areas of the country. In 2000, USBP Tucson apprehended 616,000 persons. As personnel, technology, and infrastructure were applied, apprehensions decreased as they did for San Diego and El Paso. In 2015, USBP Tucson apprehended 63,000 persons, representing a 90 percent decrease over year 2000 apprehension levels
- (U//FOUO) How Military Construction Projects Could Support the Use of the Armed Forces at the Southern Border. Based on the positive operational impacts of physical barriers, as noted above, there are several ways military construction projects at the southern border could support the use of the armed forces on the southern border in support of DHS.
 - (U//FOUO) Constructing physical barriers in areas where military personnel are deployed could allow those forces to be re-prioritized to other missions in support of DHS. Specifically, according to DHS, the following efficiencies could potentially be gained:
 - (U//FOUO) El Paso Sector: The rural areas of New Mexico in the El Paso Sector currently have limited detection capability and lack efficient law enforcement response times due to the lack of a physical barrier. The currently installed vehicle barrier prevents vehicles from driving through the remote desert, which was a regular occurrence prior to its construction. However, the vehicle barrier does not prevent pedestrian traffic from entering the United States illegally, and the El Paso Sector as a whole has recently seen a surge in illegal alien traffic. Currently, there are 115 military personnel deployed in New Mexico, and, in the near future, additional military personnel will be deployed to operate 12 mobile surveillance platforms. The deployment of 51 miles of barrier in this area would allow DoD resources to be employed more efficiently due to the physical barrier

¹³ Each of the examples in this section are taken from the DHS Information Paper entitled, "Barriers and Border Security v2."

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preventing or redirecting those who would otherwise seek to enter the United States illegally in this area.

- (U//FOUO) Rio Grande Valley Sector: The Rio Grande Valley Sector (RGV) has the highest flow of illegal alien traffic on the southwest border. While portions of a physical barrier system have been constructed in this area, they are insufficient to impede and deny flow. Additional physical barriers in the RGV sector will address vulnerabilities—particularly in those areas where the adversary has short “vanishing times” and can quickly blend into legitimate traffic and avoid apprehension. There are currently 281 military personnel deployed in RGV, and, in the near future, additional military personnel will be deployed to operate 21 mobile surveillance platforms. The deployment of 85 miles of physical barrier in RGV sector would be a substantial contribution to the total 128-mile barrier requirement and would enable DoD resources to be used more efficiently in other remaining areas of concern.
- (U//FOUO) Yuma Sector: In the past, the Yuma Sector has been the location of increased traffic as a result of improved operational control in the San Diego and El Centro areas. Additionally, the recent threat created by the arrival of the Central American Caravan in early November has increased traffic in Yuma. Furthermore, an augmented deployment posture in the San Diego and El Centro Sectors will likely further push illicit cross-border traffic toward the Yuma Sector. While Yuma is more prepared to manage this eventuality than it was in the past, the lack of much needed infrastructure could put a strain on already limited resources. Currently, Border Patrol operations in the Yuma Sector are augmented with 84 military personnel, and the Yuma Sector has requested additional military personnel to operate 14 mobile surveillance platforms. The deployment of 13 miles of physical barrier would enable DoD resources to be deployed more efficiently. It could also allow fewer DoD resources to cover a given area, allowing the remainder to either be released or be re-deployed to other vulnerable areas in the Yuma Sector.
- (U//FOUO) In addition, according to DHS, over time, military construction projects along the southern border may allow for a reduction of the Title 10 force footprint and a reallocation of National Guard personnel as CBP adjusts its force allocations across the southern border to account for changes created in the flow of illegal immigration.
- (U//FOUO) Even border barrier projects undertaken in areas where DoD personnel are not currently deployed could also support the use of the armed forces along the southern border.
 - (U//FOUO) Physical barriers aid in directing migrant flow, assist in making illegal migration flows more predictable, and serve to channel illegal immigrants toward locations that are operationally advantageous to DHS. This could allow DHS to better manage the detection and apprehension of illegal aliens in priority regions with support mechanisms where DoD forces can be efficiently positioned to support CBP.

- (U//FOUO) Filtering migrants to areas where CBP is best positioned to cope with the flow of illegal migrants, or ultimately forcing them to a port of entry, could allow for a more focused application of DoD medical support, if required at all.
- (U//FOUO) Improved predictability and stability of illegal migrant flows could also reduce the need for low-density/high-demand airlift assets currently deployed to the southern border as it could reduce or eliminate the need for CBP's quick reaction surge force.
- (U//FOUO) Finally, it is important to note that recent military efforts to improve existing barriers have already had a positive impact on the use of the armed forces along the southern border. In October 2018, DoD was directed to provide force protection to CBP personnel in the performance of their Federal functions at ports of entry. Hardened ports of entry established through military projects reduced challenges and threats to CBP personnel and have significantly reduced the need for DoD force protection.
- (U//FOUO) Conclusion. Military construction projects can reasonably be expected to support the use of the armed forces by enabling the more efficient use of DoD personnel, and may ultimately reduce the demand for military support over time. Although military construction projects along the southern border may not alleviate all DHS requirements for DoD support, the construction of physical barriers should reduce the challenges to CBP and, therefore, can be reasonably expected to reduce DHS requirements for DoD support.
- (U) This is a preliminary assessment. The Joint Staff is prepared to provide any additional input required for your final assessment.

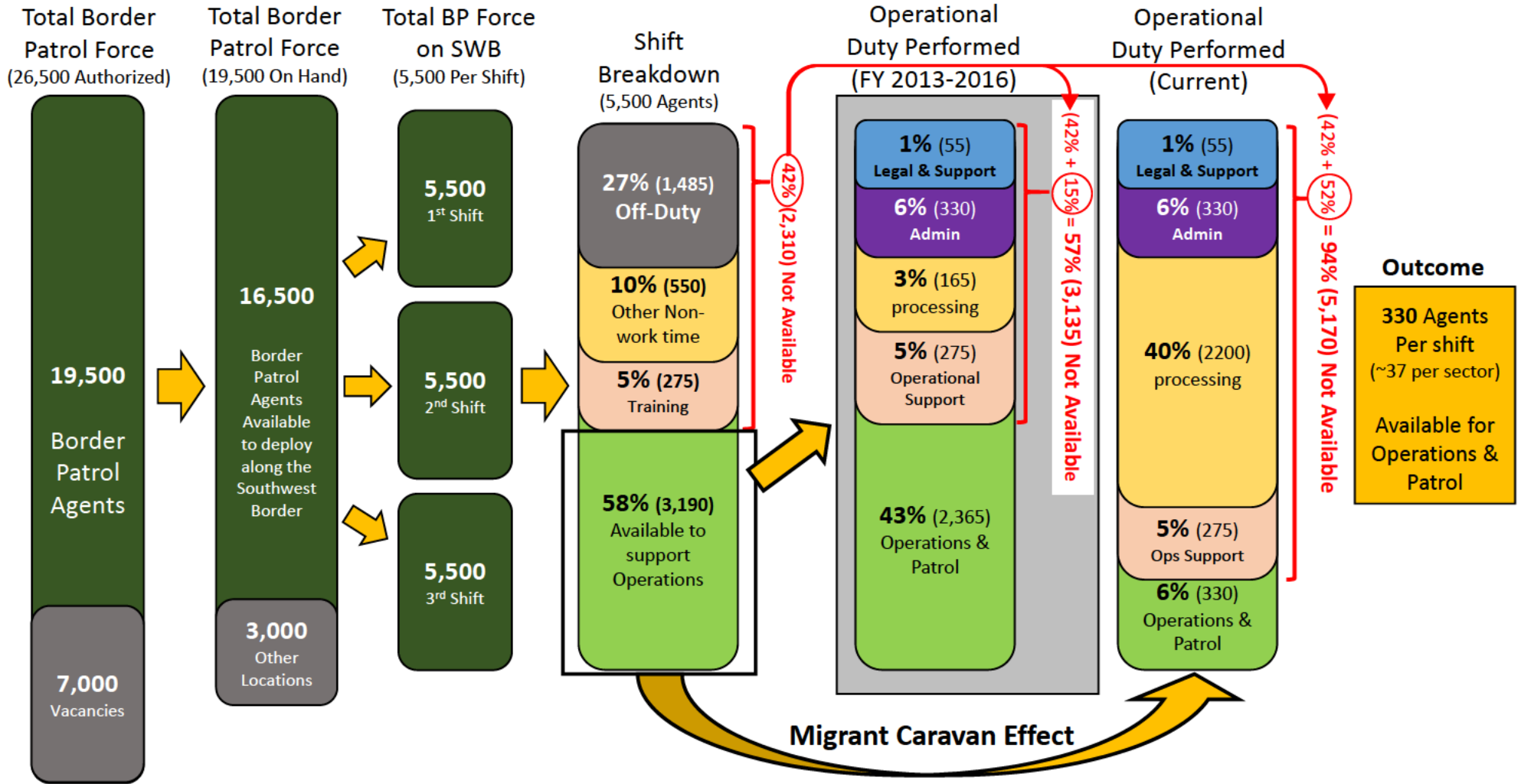
COORDINATION: (U) NONE

Prepared by: Vice Admiral Michael M. Gilday, USN; Director, J-3; [REDACTED]

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Border Patrol Manning Model Review

GAO Report: Border Patrol – Issues Related to Agent Deployment Strategy and Immigration Checkpoints Date: November 2017, GAO-18-50



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Statement by
Robert G. Salesses
Deputy Assistant Secretary of Defense
for Homeland Defense Integration and Defense Support of Civil Authorities
Department of Defense

Before the 116th Congress
Committee on Homeland Security
Subcommittee on Border Security, Facilitation, and Operations
U.S. House of Representatives
June 20, 2019

Introduction

Chairwoman Rice, Ranking Member Higgins, distinguished Members of the Subcommittee: Thank you for the opportunity to testify today on Department of Defense (DoD) support to Department of Homeland Security (DHS), Department of Health and Human Services (HHS), and Department of Justice (DOJ) missions related to the security of the southern border of the United States.

The Department of Defense Has a Long History of Supporting Border Security

Using the substantial authorities Congress has provided, DoD has a long history of supporting efforts to secure U.S. borders.

Steady State

Active-duty and National Guard personnel have supported Federal and State counterdrug activities (e.g., detection and monitoring of cross-border trafficking, aerial reconnaissance, transportation and communications support, and construction of fences and roads) beginning in the early 1990s. Most recently, U.S. Northern Command's Joint Task Force-North executed 53 counterdrug support missions in fiscal year (FY) 2017 and 23 missions in FY 2018. When the Secretary of Defense approved the four border States' plans for drug interdiction and counterdrug activities, DoD committed \$21 million in funds in FY 2017 and \$53 million in FY 2018.

When needed, DoD has provided planners to help DHS develop its Southern Border and Approaches Campaign (2014) and CBP's Crisis Migration Plan (2018).

DoD has also loaned facilities and special equipment, such as aerostats, ground surveillance radars, and ground sensors, to CBP.

Surge Support

- *Post-9/11 (2002)*: 1,600 National Guard personnel were detailed to the U.S. Customs Service, the Immigration and Naturalization Service, and the Border Patrol at northern and southern borders.

- *2004-2005 – Operation WINTER FREEZE:* 129 Active-duty and National Guard personnel were deployed to northern border to interdict suspected transnational threats.
- *2006-2008 – Operation JUMP START:* 6,000 National Guard personnel were deployed at the southern border from 2006-2007 and 3,000 National Guard personnel from 2007-2008. National Guard personnel improved infrastructure at the southern border by building more than 38 miles of pedestrian fence, 96 miles of vehicle barrier, more than 19 miles of new all-weather road, and repairing more than 700 miles of roads.
- *2010-2017 – Operation PHALANX (2010-2017):* Up to 1,200 National Guard personnel were deployed at the southern border from 2010 to 2012 and 200-300 National Guard personnel at the southern border from 2013-2017, conducting detection and monitoring, aviation support, aerial reconnaissance, and analytical support missions.
- *2012-Present – Housing Support for Unaccompanied Alien Children.* DoD has provided temporary housing support to the Department of Health and Human Services (HHS), on a reimbursable basis, as part of the national response to the surge of unaccompanied alien children (UAC) at the U.S. southern border. Since 2012, DoD has provided DoD property for HHS to shelter nearly 16,000 UAC, who receive care, security, transportation, and medical services from HHS. Consistent with section 2815 of the National Defense Authorization Act for FY 2017 (Public Law 114-328), the Secretary of Defense has certified that providing this sheltering support to HHS will not negatively affect military training, operations, readiness, or other military requirements, including National Guard and Reserve readiness. A summary of this support is provided in the following table:

DoD Installation	Duration	# of UACs
Lackland, AFB, TX	April 4-June 13, 2012	800
Lackland, AFB, TX	May 18-August 8, 2014	4,357
NAVBASE Ventura, CA	May 18-August 8, 2014	1,540
Ft. Sill, OK	May 18-August 8, 2014	1,861
Holloman AFB, NM	January 25-February 27, 2016	129
Ft. Bliss, TX	September 6, 2016-February 8, 2017	7,259
	TOTAL	15,946

DoD’s presence and support at the southern border increases the effectiveness of CBP’s border security operations, helps free up Border Patrol agents to conduct law enforcement duties, and enhances situational awareness to stem the tide of illegal activity along the southern border of the United States.

The numbers and types of migrants arriving at the southern border of the United States has exceeded the capacity of CBP, prompting the need for additional DoD support.

The President Directed DoD to Support DHS

Since April 2018, DoD support to DHS has been provided pursuant to the President’s direction, including his April 4, 2018, Presidential memorandum, “Securing the Southern Border of the United States.” In this memorandum, the President directed DoD to support DHS “in securing the southern border and taking other necessary actions to stop the flow of deadly drugs and other contraband, gang members and other criminals, and illegal aliens into this country.” The President also directed DoD to request use of National Guard personnel to assist in fulfilling this mission, including pursuant to Section 502 of Title 32, U.S. Code. Finally, the President directed the Secretary of Defense and the Secretary of Homeland Security, in coordination with the Attorney General, to determine what other resources and actions are necessary to protect our southern border, including Federal law enforcement and U.S. military resources.

DoD Works Closely With DHS

Across the full-range of support that DoD has provided DHS – border security support, disaster support, special event security support, and support for protection of the President – DoD has worked closely with DHS as DHS develops its requests for DoD assistance as deliberately, expeditiously, and effectively as possible to meet mission needs.

DoD carefully considers all requests for assistance, including in order to determine whether DoD has the requested capabilities and resources and whether providing the requested assistance is consistent with applicable law. When a request is approved, DoD works with the requesting department or agency to select the right forces and resources to meet the requested mission needs. DoD has used the same process for every DHS request for assistance related to DHS's border security mission.

Specific DoD support is driven by DHS requirements. DoD, consistent with the President's order, statutory authority, and operational considerations, helps DHS develop requests that will meet DHS requirements while mitigating potential impacts on military readiness, to the extent practicable. Consistent with the law and the President's order, DoD support is currently being provided on a non-reimbursable basis, to the extent legally available. DoD support is also provided consistent with Section 275 of Title 10, U.S. Code, and the Posse Comitatus Act (Section 1535 of Title 18, U.S. Code), which do not permit direct participation by military personnel in a search, seizure, arrest, or other similar activity.

DoD Support

April 2018 to September 2019 – Augmentation (Badges Back to the Border)

- In support of CBP Operation Guardian Support, DoD has authorized National Guard personnel to support CBP in a duty status under Section 502 of Title 32, U.S. Code, with the consent of, and under the command and control of, their governors.
- Types of support: aviation; communications; fleet maintenance; intelligence analysis; planning; and surveillance.
- At its peak, on November 26, 2018, 2,295 National Guard personnel supported CBP Operation Guardian Support (369 in California; 603 in Arizona; 119 in New Mexico; and

1,204 in Texas). As of June 5, 2019, 1,776 National Guard personnel were supporting CBP Operation Guardian Support (137 in California; 550 in Arizona; 18 in New Mexico; and 1,227 in Texas).

June to December 2018 – Attorney Support for the Department of Justice

- DoD detailed 21 attorneys with criminal trial experience to the Department of Justice (DOJ) to serve as Special Assistant United States Attorneys (SAUSAs).
- This detail of DoD personnel was executed pursuant to the Economy Act and was on a fully reimbursable basis.

October 2018 to January 2019 – Enhanced Security of Ports of Entry

- Active-duty military personnel support to CBP Operation Secure Line. Active-duty military personnel were selected because the Secretary of Defense determined that such personnel were the best-suited and most readily available forces from the Total Force to provide the assistance requested by DHS.
- Types of support:
 - Military planning teams to coordinate operations, engineering, medical, and logistics support.
 - Medium-lift rotary-wing aviation support, on-call 24-hours a day, to supplement the movement of CBP quick-reaction force tactical personnel in and around locations determined by CBP day or night.
 - Strategic lift aviation support, available with 12-hour notification, to move up to 400 CBP personnel and equipment to a location determined by CBP.
 - Engineering capability support that can provide temporary vehicle barriers and pedestrian-style fencing at and around a port of entry (POE), including but not limited to: continuous anti-personnel intrusion fencing; one-way retractable vehicle anti-intrusion barricades; configurable pedestrian fencing; and fixed vehicle barricades. Based on an additional DHS request, concertina wire emplacement continued through March 2019. Ultimately, DoD personnel hardened 33 POEs and emplaced 200 miles of concertina wire.

- Deployable medical units to triage and treat, up to 1,000 personnel every 24 hours. Such units were prepared to stabilize and prepare injured personnel for commercial transport to civilian medical facilities, as necessary.
- Temporary housing for up to 2,345 CBP personnel.
- Loan of personnel protective equipment (e.g., helmets with face shields, hand-held shields, and shin guards) for 500 CBP personnel.
- At its peak, on November 7, 2018, 5,622 active-duty military personnel supported CBP Operation Secure Line.

November 2018 through March 2019 – Force Protection for CBP

- On November 20, 2018, the President authorized DoD to use military personnel to protect CBP personnel performing their Federal functions within property controlled by CBP at or adjacent to one or more designated POEs.
- Although DoD military personnel were prepared to protect CBP personnel, they were not required to do so.

February 2019 – Crisis Support

- The Acting Secretary of Defense approved a DHS request for support at CBP-designated POEs in the Del Rio and Laredo Sectors in Texas.
- Types of support:
 - Military protection of CBP personnel performing their Federal functions on property owned by CBP at or adjacent to one or more designated land POEs where caravan members presented a risk of disrupting or otherwise interfering with CBP's ability to carry out its Federal functions.
 - Immediate lifesaving medical care for CBP personnel and migrants pending expeditious movement to civilian medical facilities.
 - Placement of temporary vehicle barriers and pedestrian-style fencing and emplacement of concertina wire at and around CBP-designated POEs.
 - Medium-lift rotary-wing aircraft and support personnel for tactical movement of CBP personnel (24-hour on-call ability to employ two simultaneous lifts of six-to-eight personnel and associated equipment).

March to September 2019 – Crisis Response Force

- The Acting Secretary of Defense approved a DHS request for crisis response support.
- Types of support:
 - On a contingency basis (i.e., available when needed), a medical response capability to treat up to 100 persons during a violent incident. DoD medical personnel would provide immediate life-saving care at the point-of-injury.
 - On a contingency basis, a minimum of two Military Police platoons, and not to exceed one Military Police company, capable of responding to multiple locations designated by CBP to provide force protection of CBP personnel performing their Federal functions on property owned by CBP at or adjacent to POEs.
 - One Military Police platoon to conduct, at a minimum, monthly exercises and training with CBP personnel.
 - Engineering support to: (a) emplace temporary vehicle barriers, temporary fencing, and concertina wire at and adjacent to CBP-designated POEs; and (b) harden land POEs at the southern border in Texas.
 - Medium-lift, rotary-wing aircraft and support personnel for the tactical movement of six to eight CBP personnel at and around POE locations designated by CBP.
 - Extension of DoD's loan of personnel protection equipment.

January through September 2019 – Detection and Monitoring

- The Acting Secretary of Defense approved a DHS request for DoD detection and monitoring support.
- Type of support: mobile surveillance camera operators in 146 vehicles operating in Arizona, California, New Mexico, and Texas in all nine Border Patrol Sectors. In May 2019, the Acting Secretary of Defense approved a request to increase the number of mobile surveillance camera vehicles to 155.

March through Present 2019 – Blocking Drug-Smuggling Corridors

- In accordance with Section 284(b)(7) of Title 10, U.S. Code, the Secretary of Defense may, in support of the counter-narcotics activities of Federal civilian law enforcement agencies, construct roads and fences, and install lighting, to block drug-smuggling corridors across the international boundaries of the United States.

- In March 2019, the Acting Secretary of Defense approved a DHS request to use this authority to block drug-smuggling corridors in the Yuma Sector in Arizona and the El Paso Sector in New Mexico, specifically by constructing 51 miles of fencing, constructing and improving roads, and installing lighting.
- In May 2019, the United States District Court for the Northern District of California issued a preliminary injunction prohibiting the use of the \$1 billion transferred pursuant to Section 8005 of the Department of Defense Appropriations Act, 2019, into the Defense Drug Interdiction and Counter-Drug Activities, Defense, account for construction under Section 284 of Title 10, U.S. Code (i.e., construction in the Yuma and El Paso CBP Sectors).
- In May 2019, the Acting Secretary of Defense authorized construction of an additional 78 miles of fencing pursuant to Section 284(b)(7) – this time to block drug-smuggling corridors in the El Centro Sector in California and the Tucson Sector in Arizona.
- In total, the Acting Secretary of Defense directed the transfer of \$2.5 billion into the Drug Interdiction and Counter-Drug Activities, Defense account to block drug-smuggling corridors designated by DHS along 129 miles and in four Sectors along the U.S. southern border (i.e., El Centro in California; Yuma and Tucson in Arizona; and El Paso in New Mexico).

June through September 2019 – Migrant Processing Support

- The Acting Secretary of Defense approved a DHS request for support with migrant processing.
- Types of support:
 - 160 licensed DoD military drivers to operate secure CBP vehicles to transport migrants from remote locations, POEs, and Border Patrol stations
 - 100 DoD military personnel to heat and distribute meals and conduct welfare checks.

May through September 2019 – Housing

- *Unaccompanied Alien Children*
 - DoD has agreed to support HHS by being prepared to provide capacity to temporarily house up to 5,000 UAC on DoD installations.
 - Consistent with Section 2815 of the National Defense Authorization Act for FY 2017 (Public Law 114-328), the Secretary of Defense is required to certify that providing this sheltering support to HHS would not negatively affect military training,

operations, readiness, or other military requirements, including National Guard and Reserve readiness.

- DoD is currently providing HHS with capacity to house approximately 1,400 UAC at Fort Sill, Oklahoma, consistent with Section 2815.
- This support is provided on a reimbursable basis.
- *Adult Migrants*
 - The Acting Secretary of Defense approved a DHS request for support to shelter up to a total of 7,500 single migrant adults in CBP custody at six CBP-designated locations.

The President Declared a National Emergency

On February 15, 2019, the President declared that “situation at the southern border presents a border security and humanitarian crisis that threatens core national security interests and constitutes a national emergency.” In support of this national emergency, the President invoked two statutory authorities:

- *Section 12302 of Title 10, U.S. Code*, which authorizes the Secretary of Defense to order to active duty up to 1,000,000 members of the Ready Reserve for up to 24 months.
- *Section 2808 of Title 10, U.S. Code*, which authorizes the Secretary of Defense to use unobligated military construction funds to undertake military construction projects, and to authorize the Secretaries of the Military Departments to undertake military construction projects, not otherwise authorized by law that are necessary to support the use of the armed forces in connection with the national emergency.

Conclusion

Chairwoman Rice, Ranking Member Higgins, distinguished Members of the Committee: This ongoing, temporary DoD support is a continuation of DoD’s long history of supporting DHS and CBP in their mission to secure U.S. borders. Thank you for your continued support to DoD and the men and women of the U.S. Armed Forces.

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THE WHITE HOUSE

WASHINGTON

April 4, 2018

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

SUBJECT: Securing the Southern Border of the
United States

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

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

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

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



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

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

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

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

Section 1. The Secretary of Defense shall support the Department of Homeland Security in securing the southern border and taking other necessary actions to stop the flow of deadly drugs and other contraband, gang members and other criminals, and illegal aliens into this country. The Secretary of Defense shall request use of National Guard personnel to assist in fulfilling this mission, pursuant to section 502 of title 32, United States Code, and may use such other authorities as appropriate and consistent with applicable law.

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

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

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

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

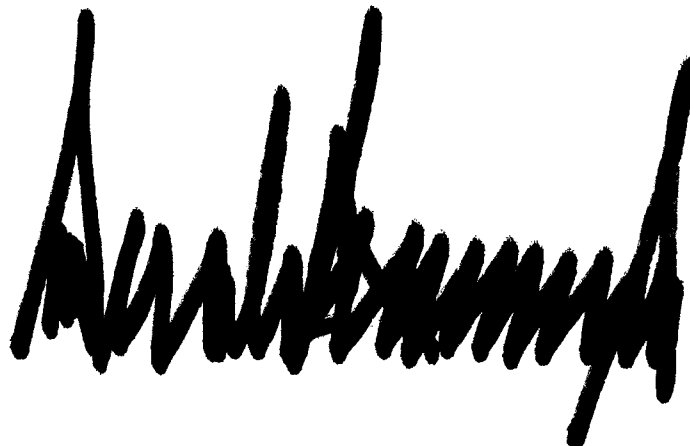
Sec. 5. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

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

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

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

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

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

WASHINGTON, DC 20502



04/11/18

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The Honorable James Mattis
Secretary of Defense
Washington, D.C. 20301



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