

1 XAVIER BECERRA
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8 JAMES F. ZAHRADKA II
HEATHER C. LESLIE (SBN 305095)
9 Deputy Attorney General
State Bar No. 305095
10 1300 I Street, Suite 125
P.O. Box 944255
11 Sacramento, CA 94244-2550
Telephone: (916) 210-7832
12 Fax: (916) 327-2319
E-mail: Heather.Leslie@doj.ca.gov
13 Attorneys for Plaintiff State of California

14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17
18 **STATE OF CALIFORNIA et al.;**

19 Plaintiffs,

20 v.

21
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23
24 **DONALD J. TRUMP, in his official capacity**
as President of the United States of America
25 **et al.;**

26 Defendants.
27
28

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

**PLAINTIFFS' REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
MOTION FOR PARTIAL SUMMARY
JUDGMENT REGARDING SECTION
2808 AND NEPA**

Date: November 20, 2019
Time: 10:00 am
Judge: Honorable Haywood S. Gilliam,
Jr.
Trial Date: None Set
Action Filed: February 18, 2019

1 Plaintiffs hereby respectfully request, pursuant to Federal Rule of Evidence 201, that this
2 Court take judicial notice of the following documents.

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7 Management's website, at [https://www.blm.gov/press-release/interior-secretary-](https://www.blm.gov/press-release/interior-secretary-transfers-five-parcels-land-department-army)
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5 Service's Report entitled "The Trump Administration's 'Zero Tolerance' Immigration
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Dated: October 11, 2019

Respectfully submitted,

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Attorneys for Plaintiff State of California

EXHIBIT 1

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U.S. DEPARTMENT OF THE INTERIOR
**BUREAU OF LAND
MANAGEMENT (/)**

(/).

SECRETARY OF THE INTERIOR TRANSFERS JURISDICTION OF FIVE PARCELS OF LAND TO THE DEPARTMENT OF THE ARMY TO SECURE THE SOUTHWEST BORDER

Transferred acreage will facilitate construction of border barriers



WASHINGTON – Secretary of the Interior David Bernhardt announced today the transfer of administrative jurisdiction of approximately 560 acres of Federal lands to the U.S. Department of the Army (Army) to build roughly 70 miles of border barriers. This action comes in response to a series of applications for Emergency Withdrawal as submitted by the Army for construction or augmentation of barriers along the southern border. No national parks nor segments from Indian country are included in the land transfer.

The Army submitted its requests following **Presidential Proclamation 9844** (<https://www.whitehouse.gov/presidential-actions/presidential-proclamation-declaring-national-emergency-concerning-southern-border-united-states/>), issued by President Trump on February 15, 2019, declaring a national emergency regarding the border security and humanitarian crisis at our southern border. The requests follow the Defense Department **announcement** (<https://www.defense.gov/explore/story/Article/1952013/dod-to-divert-36-billion-to-fund-11-barrier-projects-at-southern-border/>) on September 4, 2019 to defer \$3.6 billion to fund 11 barrier projects at our southern border. In accordance with this proclamation, and as requested by the Army, the land will be transferred to the Army for military construction projects under 10 U.S.C. 2808.

“I’ve personally visited the sites that we are transferring to the Army, and there is no question that we have a crisis at our southern border. Absent this action, national security and natural resource values will be lost. The impacts of this crisis are vast and must be aggressively addressed with extraordinary measures,” said **Secretary of the Interior David Bernhardt**. “The damages to natural resource values are a byproduct of the serious national security, drug enforcement, and other immigration challenges facing our dedicated staff along the border. Construction of border barriers will help us maintain the character of the lands and resources under our care and fulfill our mission to protect them.”

“We made it a priority to work closely with the Departments of Homeland Security and Defense, to protect the wildlife, natural, and cultural resources that occur on these federal lands along the border. This work will provide the necessary tools to enhance the safety of those that live, work and recreate in this region,” said **Casey Hammond, Acting Assistant Secretary for Land and Minerals Management**. “Through this collaboration we will maximize safety and stewardship, benefitting all Americans in response to this crisis.”



The lands requested for these projects include:

- El Paso 2 (170 acres in Luna and Hidalgo counties, NM): Replacement of existing vehicle barrier with pedestrian barrier.
- El Paso 8 (43 acres in Hidalgo County, NM): Construction of new primary and secondary pedestrian barriers.
- San Diego 4 (43.77 acres in San Diego County, CA): Construction of new primary bollard fence and secondary pedestrian barrier.
- Yuma 3 (228 acres in Yuma County, AZ): Replacement of the existing vehicle barrier adjacent to the Cabeza Prieta National Wildlife Refuge (CPNWR) with pedestrian barrier.
- Yuma 6 (73.3 acres in Yuma County, AZ): Construction of both new primary and secondary pedestrian barriers.

The Public Land Orders temporarily transferring jurisdiction of the land to the Army will be for a period of three years for border security purposes.

In addition to national security concerns, this act also responds to environmental issues caused by unlawful border crossings. Wilderness areas, wildlife refuges, as well as species and vegetation are adversely impacted by land degradation and destruction caused by the creation of trails, the deposition of trash, and unlawful fires, among other things. Construction of border barriers will reduce or eliminate these impacts and preserve values that will otherwise be lost.

The BLM manages more than 245 million acres of public land located primarily in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. Diverse activities authorized on these lands generated \$96 billion in sales of goods and services throughout the American economy in fiscal year 2017. These activities supported more than 468,000 jobs.

MORE PRESS RELEASES

RELEASE DATE

Wednesday, September 18, 2019

ORGANIZATION

Bureau of Land Management

CONTACTS

Email:

interior_press@ios.doi.gov (mailto:interior_press@ios.doi.gov)

RELATED CONTENT

Maps

[PLO_APPLICATION FOR WITHDRAWAL EL PASO 2 MAP.PDF](#) »

[PLO_APPLICATION FOR WITHDRAWAL EL PASO PROJECT PRIORITY 8 MAP.PDF](#) »

[PLO_APPLICATION FOR WITHDRAWAL SAN DIEGO 4 MAP.PDF](#) »

[PLO_APPLICATION FOR WITHDRAWAL YUMA 3 MAP.PDF](#) »

PLO_APPLICATION FOR WITHDRAWAL YUMA PROJECT PRIORITY6.PDF »

Public Land Orders

PLO_EL PASO PROJECT 2.PDF »

PLO EL PASO PROJECT 8.PDF »

PLO SAN DIEGO PROJECT 4.PDF »

PLO YUMA PROJECT 3.PDF »

PLO YUMA PROJECT 6.PDF »

EXHIBIT 2

1

1. COMPONENT ANG		FY 2019 MILITARY CONSTRUCTION PROJECT DATA (computer generated)		2. DATE Feb 2018	
3. INSTALLATION AND LOCATION CHANNEL ISLANDS ANG STATION, CALIFORNIA			4. PROJECT TITLE CONSTRUCT C-130J FLIGHT SIMULATOR FACILITY		
5. PROGRAM ELEMENT 54332F	6. CATEGORY CODE 171-212	7. PROJECT NUMBER DJCF149001	8. PROJECT COST(\$000) \$8,000		
9. COST ESTIMATES					
ITEM		U/M	QUANTITY	UNIT COST	COST (\$000)
C-130J FLIGHT SIMULATOR TRAINING FACILITY		SM	985		4,082
CONSTRUCT FLIGHT SIMULATOR (171212)		SM	985	4,144	(4,082)
SUPPORTING FACILITIES					3,122
UTILITIES		LS			(494)
PAVEMENTS		LS			(336)
SITE IMPROVEMENTS		LS			(346)
COMMUNICATIONS SUPPORT		LS			(99)
FIRE PROTECTION SUPPORT		LS			(1,481)
SEISMIC CONDITIONS		LS			(247)
SUSTAINABILITY AND ENERGY MEASURES		LS			(119)
SUBTOTAL					7,204
CONTINGENCY (5%)					360
TOTAL CONTRACT COST					7,564
SUPERVISION, INSPECTION AND OVERHEAD (6%)					453
TOTAL REQUEST					8,017
TOTAL REQUEST (ROUNDED)					8,000
10. Description of Proposed Construction: Construct a C-130-J Simulator Facility utilizing conventional design and construction methods to accommodate the mission of the facility. Facility shall be designed as permanent construction in accordance with the DoD Unified Facilities Criteria. The facility should be compatible with applicable DoD, Air Force, and base design standards. In addition, local materials and construction techniques shall be used where cost effective. This project will comply with DoD antiterrorism/force protection requirements per unified facilities criteria. Special construction requirements: Simulator will require high bay construction with specialized flooring. To the greatest extent possible interior spaces shall be open office configuration with demountable partitions and systems furniture/prewired workstations. Exterior work includes: all necessary exterior utilities, sidewalks, paved areas, fire protection, site work, communications support and parking area. Air Conditioning: 350 KW.					
11. REQUIREMENT: 985 SM ADEQUATE: 0 SM SUBSTANDARD: 0 SM PROJECT: C-130J Flight Simulator Training Facility (New Mission) REQUIREMENT: The installation requires a properly sited, adequately sized and appropriately configured flight simulator facility house a six-axis flight simulator to train aircrews to fly the 8 PAA C-130J aircraft assigned to the 146th Airlift Wing. Functional areas include a two-story high bay in which to house flight simulator, briefing rooms, administrative areas for training and support staff, equipment and maintenance rooms, storage spaces, communications room supporting simulator operations, mechanical and electrical utility rooms and latrine facilities. CURRENT SITUATION: Air Mobility Command is establishing C-130J Aircraft Flight Simulator Training Program and selected Channel Islands Air National Guard Station to receive the equipment for this function. The installation does not have a facility that can be modified to accommodate a flight simulator. Crews currently perform training and meet qualification requirements by either flying existing based aircraft or performing temporary duty at an installation that has an appropriate simulator device.					

1. COMPONENT ANG	FY 2019 MILITARY CONSTRUCTION PROJECT DATA (computer generated)	2. DATE Feb 2018	
3. INSTALLATION AND LOCATION CHANNEL ISLANDS ANG STATION, CALIFORNIA			
5. PROJECT TITLE CONSTRUCT C-130J FLIGHT SIMULATOR FACILITY		7. PROJECT NUMBER DJCF149001	
12. SUPPLEMENTAL DATA:			
a. Estimated Design Data:			
(1) Status:			
(a) Date Design Started		DEC 2017	
(b) Parametric Cost Estimates used to develop costs		NO	
(c) Percent Complete as of Jan 2018		6%	
* (d) Date 35% Designed		MAR 2018	
(e) Date Design Complete		JUL 2018	
(f) Type of Design Contract		IDIQ	
(g) Energy Study/Life-Cycle analysis was/will be performed		YES	
(2) Basis:			
(a) Standard or Definitive Design -		NO	
(b) Where Design Was Most Recently Used -		N/A	
(3) Total Cost (c) = (a) + (b) or (d) + (e): (\$000)			
(a) Production of Plans and Specifications		370	
(b) All Other Design Costs		180	
(c) Total		550	
(d) Contract		550	
(e) In-House			
(4) Contract Award (Month/Year)		DEC 2018	
(5) Construction Start		FEB 2019	
(6) Construction Completion		JAN 2020	
* Indicates completion of Project Definition with Parametric Cost Estimate which is comparable to traditional 35% design to ensure valid scope and cost and executability.			
b. Equipment associated with this project will be provided from other appropriations:		YES	
EQUIPMENT NOMENCLATURE C-130J Flight Simulator	PROCURING APPROPRIATION 3010	FY APPROPRIATED OR REQUESTED 2018	COST (\$000) 30,000
POINT OF CONTACT: NGB / A4AD (240) 612-8070			

EXHIBIT 3

1. COMPONENT ANG		FY 2018 MILITARY CONSTRUCTION PROJECT DATA (computer generated)			2. DATE May 2017			
3. INSTALLATION AND LOCATION PETERSON AFB, COLORADO				4. PROJECT TITLE SPACE CONTROL FACILITY				
5. PROGRAM ELEMENT C5116F		6. CATEGORY CODE 141-454	7. PROJECT NUMBER TDKA169004		8. PROJECT COST(\$000) \$8,000			
9. COST ESTIMATES								
ITEM					U/M	QUANTITY	UNIT COST	COST (\$000)
SPACE CONTROL FACILITY					SM	1,124		5,354
OPERATIONAL AREA (141454)					SM	1,096	4,822	(5,285)
HAZARDOUS STORAGE (442257)					SM	28	2,465	(69)
SUPPORTING FACILITIES					LS			1,672
UTILITIES					LS			(394)
EQUIPMENT PAD					SM	2,090	172	(359)
PAVEMENTS					SM	2,090	110	(230)
SITE IMPROVEMENTS					LS			(525)
COMM SUPPORT					LS			(164)
SUSTAINABILITY AND ENERGY MEASURES					LS			196
SUBTOTAL								7,222
CONTINGENCY (5%)								361
TOTAL CONTRACT COST								7,583
SUPERVISION, INSPECTION AND OVERHEAD (6%)								454
TOTAL REQUEST								8,037
TOTAL REQUEST (ROUNDED)								8,000
<p>10. Description of Proposed Construction: Construct a Space Control Facility utilizing conventional design and construction methods. Facilities will be designed as permanent construction in accordance with the DoD Unified Facilities Criteria (UFC) 1-200-01, General Building Requirements and UFC 1-200-02, High Performance and Sustainable Building Requirements. This facility will be compatible with applicable DoD, Air Force, and base design standards. In addition, local materials and construction techniques shall be used where cost effective. This project will comply with DoD antiterrorism/force protection requirements per unified facilities criteria. Special Construction Requirements: Provide for open floor plan with Secure Compartmentalized Information Facility (SCIF) space capable of accommodating 88 personnel. Exterior site improvements, equipment pad, utility services, roadways, sidewalks, parking lots, access pavements, drainage, fencing, and gates. HAZMAT Storage to include space for fuel storage, used oil depositary and flammable storage locker. Facility and equipment require Protection Level 3. Air Conditioning: 175 KW.</p>								
<p>11. REQUIREMENT: 1,124 SM ADEQUATE: 0 SM SUBSTANDARD: 0 SM <u>PROJECT:</u> Space Control Facility (New Mission) <u>REQUIREMENT:</u> The Colorado Air National Guard requires adequately sized and properly configured space to support a Space Control Squadron functions in accordance with force structure changes identified by the FY18 Program Action Memorandum. The facility must provide adequate space to support the squadron's operations, maintenance, security, command and administration, and storage areas. Facility must have an unobstructed view of the southern horizon. <u>CURRENT SITUATION:</u> A new Space Control Squadron will be created in Colorado, most likely at Peterson AFB. The squadron does not currently existing and there are no adequate facilities located at either Peterson or Buckley AFBs for this space control squadron. The only solution that meets all mission requirements is to construct a new facility on Peterson AFB. <u>IMPACT IF NOT PROVIDED:</u> Unable to beddown the space control mission and equipment, with operational and strategic mission impacts due to inadequate facilities.</p>								

1. COMPONENT ANG	FY 2018 MILITARY CONSTRUCTION PROJECT DATA (computer generated)	2. DATE May 2017																							
3. INSTALLATION AND LOCATION PETERSON AFB, COLORADO																									
5. PROJECT TITLE SPACE CONTROL FACILITY	7. PROJECT NUMBER TDKA169004																								
<p><u>ADDITIONAL:</u> Sustainable principles, to include Life Cycle cost effective practices, will be integrated into the design, development, and construction of the project in accordance with Executive Order 13423, 10 USC 2802 (c) and other applicable laws and Executive Orders. An economic analysis is being prepared comparing the alternatives of new construction, and status quo operation. Based on the net present values and benefits of the respective alternatives, new construction will be the most cost efficient alternative over the life of the project.</p>																									
<table border="0"> <tr> <td>CatCode</td> <td>Requirement</td> <td>Adequate</td> <td>Substandard</td> </tr> <tr> <td>141-454 SPECIAL OPERATIONS</td> <td>1,096 SM</td> <td>0 SM</td> <td>0 SM</td> </tr> <tr> <td>132-133 EQUIPMENT PAD</td> <td>6,271 SM</td> <td>0 SM</td> <td>0 SM</td> </tr> <tr> <td>852-262 NON-ORGANIZATIONAL VEHICLE PKN</td> <td>1,923 SM</td> <td>0 SM</td> <td>0 SM</td> </tr> <tr> <td>852-261 OPERATIONAL VEHICLE PARKING</td> <td>167 SM</td> <td>0 SM</td> <td>0 SM</td> </tr> <tr> <td>442-257 BASE HAZARDOUS STORAGE</td> <td>28 SM</td> <td>0 SM</td> <td>0 SM</td> </tr> </table>	CatCode	Requirement	Adequate	Substandard	141-454 SPECIAL OPERATIONS	1,096 SM	0 SM	0 SM	132-133 EQUIPMENT PAD	6,271 SM	0 SM	0 SM	852-262 NON-ORGANIZATIONAL VEHICLE PKN	1,923 SM	0 SM	0 SM	852-261 OPERATIONAL VEHICLE PARKING	167 SM	0 SM	0 SM	442-257 BASE HAZARDOUS STORAGE	28 SM	0 SM	0 SM	
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<p>OPERATIONAL AREA (141454) HAZARDOUS STORAGE (442257) EQUIPMENT PAD PAVEMENTS</p>	<p>1,096 SM = 11,800 SF 28 SM = 300 SF 2,090 SM = 2,500 SY 2,090 SM = 2,500 SY</p>																								

1. COMPONENT ANG	FY 2018 MILITARY CONSTRUCTION PROJECT DATA (computer generated)	2. DATE May 2017																												
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<p>12. SUPPLEMENTAL DATA:</p> <p>a. Estimated Design Data:</p> <p>(1) Status:</p> <table border="0"> <tr> <td>(a) Date Design Started</td> <td>NOV 2016</td> </tr> <tr> <td>(b) Parametric Cost Estimates used to develop costs</td> <td>No</td> </tr> <tr> <td>(c) Percent Complete as of Jan 2017</td> <td>10%</td> </tr> <tr> <td>* (d) Date 35% Designed</td> <td>APR 2017</td> </tr> <tr> <td>(e) Date Design Complete</td> <td>NOV 2017</td> </tr> <tr> <td>(f) Type of Design Contract</td> <td>IDIQ</td> </tr> <tr> <td>(g) Energy Study/Life-Cycle analysis was/will be performed</td> <td>No</td> </tr> </table> <p>(2) Basis:</p> <table border="0"> <tr> <td>(a) Standard or Definitive Design -</td> <td>No</td> </tr> <tr> <td>(b) Where Design Was Most Recently Used -</td> <td></td> </tr> </table> <p>(3) Total Cost (c) = (a) + (b) or (d) + (e): (\$000)</p> <table border="0"> <tr> <td>(a) Production of Plans and Specifications</td> <td>240</td> </tr> <tr> <td>(b) All Other Design Costs</td> <td>480</td> </tr> <tr> <td>(c) Total</td> <td>720</td> </tr> <tr> <td>(d) Contract</td> <td>720</td> </tr> <tr> <td>(e) In-House</td> <td></td> </tr> </table> <p>(4) Contract Award (Month/Year) MAR 2018</p> <p>(5) Construction Start JUN 2018</p> <p>(6) Construction Completion AUG 2019</p> <p>* Indicates completion of Project Definition with Parametric Cost Estimate which is comparable to traditional 35% design to ensure valid scope and cost and executability.</p> <p>b. Equipment associated with this project will be provided from other appropriations: N/A</p> <p>POINT OF CONTACT: NGB/A4AD (240) 612-8083</p>			(a) Date Design Started	NOV 2016	(b) Parametric Cost Estimates used to develop costs	No	(c) Percent Complete as of Jan 2017	10%	* (d) Date 35% Designed	APR 2017	(e) Date Design Complete	NOV 2017	(f) Type of Design Contract	IDIQ	(g) Energy Study/Life-Cycle analysis was/will be performed	No	(a) Standard or Definitive Design -	No	(b) Where Design Was Most Recently Used -		(a) Production of Plans and Specifications	240	(b) All Other Design Costs	480	(c) Total	720	(d) Contract	720	(e) In-House	
(a) Date Design Started	NOV 2016																													
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(e) In-House																														

EXHIBIT 4

1. COMPONENT AIR FORCE RESERVE	FY 2018 MILITARY CONSTRUCTION PROJECT DATA	2. DATE MAY 2017
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3. INSTALLATION AND LOCATION
JOINT BASE PEARL HARBOR-HICKAM, HI

4. PROJECT TITLE <u>CONSOLIDATED TRAINING FACILITY</u>	5. PROJECT NUMBER KNMD624007
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12. SUPPLEMENTAL DATA:

A. DESIGN DATA (Estimated)

1. STATUS

- a. Date Design Started: Sep 2017
- b. Parametric estimates have been used to develop project cost.
- c. Percentage Complete as of January 1, 2016 35%
- d. Date Design 35% Complete Dec 2017
- e. Date Design Complete - (If design-build, construction complete) Sep 2019

2. BASIS

- a. Standard or Definitive Design - Yes No .
- b. Where Design Was Most Recently Used N/A .

3. COST (Total) = c = a + b or d + e (\$495)

- a. Production of Plans and Specifications (35% design) (294)
- b. All Other Design Costs (Design-build) (201)
- c. Total (495)
- d. Contract (A-E) ()
- e. In-house (management) ()

4. CONSTRUCTION AWARD /START / COMPLETION Aug 2018 / Sep 2018 / Sep 2019

B. EQUIPMENT ASSOCIATED WITH THIS PROJECT WHICH WILL BE PROVIDED FROM OTHER APPROPRIATIONS:

Equipment Nomenclature	Procuring Appropriation	Fiscal Year Appropriated Or Requested	Cost (\$000)
Furniture / Storage Equipment	3740	FY 2018	350
Interior Design Services	3740	FY 2018	200
Communications Equipment	3740	FY 2018	65

1. COMPONENT AIR FORCE RESERVE	FY 2018 MILITARY CONSTRUCTION PROJECT DATA				2. DATE MAY 2017		
3. INSTALLATION AND LOCATION JOINT BASE PEARL HARBOR-HICKAM, HI							
11. PERSONNEL STRENGTH AS OF JAN 2017							
	PERMANENT (ARTs, AGRs, Non-ART Civilians)				GUARD/RESERVE		
	<u>TOTAL</u>	<u>OFFICER</u>	<u>ENLISTED</u>	<u>CIVILIAN</u>	<u>TOTAL</u>	<u>OFFICER</u>	<u>ENLISTED</u>
AUTHORIZE	44	5	32	7	393	62	331
D ACTUAL	38	9	27	2	490	89	401
12. RESERVE UNIT DATA							
	<u>UNIT DESIGNATION</u>				<u>STRENGTH</u>		
					<u>AUTHORIZED</u>		<u>ACTUAL</u>
	624 Aeromed STG Squadron				81		97
	624 Civil Engineer Squadron				139		129
	647 Security Forces Squadron				0		6
	624 Regional Support Group				43		51
	647 Force Support Squadron				0		4
	701 Combat Operations Squadron				20		15
	713 Combat Operations Squadron				21		19
	15 Wing WG				0		27
	AFR West Recruit Squadron				3		3
	HQ AF Reserve / PACAF				1		53
	IR Read and Integ Organization				4		4
	48 Aerial Port Squadron				125		120
	Total				442		528
13. MAJOR EQUIPMENT AND AIRCRAFT							
	<u>TYPE</u>				<u>AUTHORIZED</u>		<u>ASSIGNED</u>
	Non -Flying Unit -Civil Engineering, Aerial Port, and Medical Support Unit						

1. COMPONENT AIR FORCE RESERVE	FY 2018 MILITARY CONSTRUCTION PROJECT DATA	2. DATE MAY 2017
3. INSTALLATION AND LOCATION: JOINT BASE PEARL HARBOR-HICKAM, HI		
4. PROJECT TITLE: CONSOLIDATED TRAINING FACILITY	5. PROJECT NUMBER KNMD624007	
<p><u>JOINT USE CERTIFICATION:</u> This facility can be used by other components on an "as available" basis; however, the scope of the project is based on Air Force Reserve requirements.</p>		

EXHIBIT 5

4

1. Component NAVY		FY 2018 MILITARY CONSTRUCTION PROGRAM			2. Date 23 MAR 2018	
3. Installation(SA) & Location/UIC: M00318 MARINE CORPS BASE HAWAII KANEHOE BAY, HAWAII				4. Project Title Mokapu Gate Entry Control AT/FP Compliance		
5. Program Element 0216496M		6. Category Code 87210	7. Project Number P877	8. Project Cost (\$000) 26,492		
9. COST ESTIMATES						
Item		UM	Quantity	Unit Cost	Cost (\$000)	
MOKAPU GATE ENTRY CONTROL AT/FP COMPLIANCE		LS			9,560	
ECP OVER WATCH TOWER CC73025		EA	1	1,353,295.69	(1,350)	
ECP GENERATOR/TOILET/COMM BUILDING CC73025 (431SF)		m2	40	30,846.43	(1,230)	
PERIMETER GATE GENERATOR/TOILET/COMM BLDG (430SF) CC73025 (431SF)		m2	40	28,529.6	(1,140)	
ECP GATE HOUSE & GUARD BOOTH CANOPY CC73025		EA	1	971,860.08	(970)	
ECP GATE/CONTROLS HOUSE CC73025 (118SF)		m2	11	58,406.09	(640)	
PERIMETER GATE/CONTROLS HOUSE CC73025 (118SF)		m2	11	58,406.09	(640)	
ECP POV SEARCH CANOPY CC73025		EA	1	625,411.07	(630)	
ECP OVER WATCH STATION CC73025		EA	1	410,277.41	(410)	
ECP GUARD BOOTH CC73025		EA	1	83,808.87	(80)	
BUILT-IN EQUIPMENT		LS			(700)	
SPECIAL COSTS		LS			(1,660)	
OPERATION & MAINTENANCE SUPP INFO (OMSI)		LS			(110)	
SUPPORTING FACILITIES					14,190	
SITE PREPARATIONS		LS			(1,860)	
PAVING AND SITE IMPROVEMENTS		LS			(3,190)	
ANTI-TERRORISM/FORCE PROTECTION		LS			(1,840)	
ELECTRICAL UTILITIES		LS			(6,860)	
MECHANICAL UTILITIES		LS			(430)	
DEMOLITION		LS			(10)	
SUBTOTAL					23,750	
CONTINGENCY (5%)					1,190	
TOTAL CONTRACT COST					24,940	
SIOH (6.2%)					1,550	
SUBTOTAL					26,490	
TOTAL REQUEST ROUNDED					26,490	

1. Component NAVY	FY 2018 MILITARY CONSTRUCTION PROGRAM			2. Date 23 MAR 2018																									
3. Installation(SA) & Location/UIC: M00318 MARINE CORPS BASE HAWAII KANEHOE BAY, HAWAII			4. Project Title Mokapu Gate Entry Control AT/FP Compliance																										
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(B) Date 35% Design or Parametric Cost Estimate complete 03/2017 (C) Date design completed 09/2017 (D) Percent completed as of September 2016 15% (E) Percent completed as of January 2017 15% (F) Type of design contract Design Bid Build (G) Parametric Estimate used to develop cost Yes (H) Energy Study/Life Cycle Analysis performed Yes 2. Basis: (A) Standard or Definitive Design No (B) Where design was previously used No 3. Total Cost (C) = (A) + (B) = (D) + (E): (A) Production of plans and specifications \$1,320 (B) All other design costs \$944 (C) Total \$2,264 (D) Contract \$1,848 (E) In-house \$416 4. Contract award: 08/2018 5. Construction start: 09/2018 6. Construction complete: 03/2020 B. Equipment associated with this project which will be provided from other appropriations:																													
<table border="0"> <thead> <tr> <th><u>Equipment</u></th> <th colspan="2"><u>Procuring</u></th> <th><u>FY Approp</u></th> <th></th> </tr> <tr> <th><u>Nomenclature</u></th> <th><u>Approp</u></th> <th><u>or Requested</u></th> <th><u>Cost (\$000)</u></th> <th></th> </tr> </thead> <tbody> <tr> <td>C4I, IT</td> <td>O&MMC</td> <td>2020</td> <td>172</td> <td></td> </tr> <tr> <td>PSE</td> <td>O&MMC</td> <td>2020</td> <td>212</td> <td></td> </tr> <tr> <td>Smart Grid Equipment</td> <td>PMC</td> <td>2020</td> <td>30</td> <td></td> </tr> </tbody> </table>					<u>Equipment</u>	<u>Procuring</u>		<u>FY Approp</u>		<u>Nomenclature</u>	<u>Approp</u>	<u>or Requested</u>	<u>Cost (\$000)</u>		C4I, IT	O&MMC	2020	172		PSE	O&MMC	2020	212		Smart Grid Equipment	PMC	2020	30	
<u>Equipment</u>	<u>Procuring</u>		<u>FY Approp</u>																										
<u>Nomenclature</u>	<u>Approp</u>	<u>or Requested</u>	<u>Cost (\$000)</u>																										
C4I, IT	O&MMC	2020	172																										
PSE	O&MMC	2020	212																										
Smart Grid Equipment	PMC	2020	30																										
JOINT USE CERTIFICATION: The Director Land Use and Military Construction Branch, Installations and Logistics Department, Headquarters Marine Corps certifies that this project has been considered for joint use potential. Unilateral Construction is recommended. This is an installation utility/infrastructure project and does not qualify for joint use at this location, however, all tenants on this installation will benefit from this project.																													
Activity POC: Project Development Lead Phone No: (808) 257-3687																													

EXHIBIT 6

1. COMPONENT Army		FY 2021 MILITARY CONSTRUCTION PROJECT DATA			2. DATE 13 APR 2018 02 SEP 2014			
3. INSTALLATION AND LOCATION Fort George G Meade Maryland				4. PROJECT TITLE Cantonment Area Roads				
5. PROGRAM ELEMENT		6. CATEGORY CODE 851 10	7. PROJECT NUMBER 86767		8. PROJECT COST (\$000) 16,500			
9. COST ESTIMATES								
ITEM					UM	QUANTITY	UNIT COST	COST(\$000)
PRIMARY FACILITY								9,994
Roads, Surfaced					SY	80,643	118.28	(9,539)
Sustainability/Energy Measures					LS	--	--	(260)
Antiterrorism Measures					LS	--	--	(195)
SUPPORTING FACILITIES								4,986
Electric Service					LS	--	--	(680)
Paving, Walks, Curbs And Gutters					LS	--	--	(974)
Storm Drainage					LS	--	--	(2,226)
Site Imp(816) Demo(290)					LS	--	--	(1,106)
ESTIMATED CONTRACT COST								14,980
CONTINGENCY (5.00%)								749
SUBTOTAL								15,729
SUPERVISION, INSPECTION & OVERHEAD (5.70%)								897
TOTAL REQUEST								16,626
TOTAL REQUEST (ROUNDED)								16,500
INSTALLED EQT-OTHER APPROPRIATIONS								(0)
10. Description of Proposed Construction Construct additional road surface by widening the travel lanes of Cooper Avenue from Rockenbach Road to Mapes Road. Increase transit lanes from two to four lanes. Similarly widen Reece Road from Cooper Avenue to the point east of Rose Street to adjoin the new four lane road from the Access Control Point at the Reece gate. Increase the travel lanes of Rose Street from two to four lanes. Facilities will be designed to a minimum life of 40 years in accordance with DoD's Unified Facilities Criteria (UFC 1-200-02) including energy efficiencies, building envelope and integrated building systems performance.								
11. REQ: 1,504,240 SY ADQT: 827,410 SY SUBSTD: 551,608 SY								
PROJECT: Widen existing two lane roadways to four lanes and modify existing intersections to establish continuity of travel.								
REQUIREMENT: Improve the timely, efficient and safe transit within the cantonment area. Connect the three primary east-west roads on the installation with a primary route, of similar capacity, to maintain traffic flow.								
CURRENT SITUATION: Daily traffic counts measured at the ACPs can exceed 53,000 vehicles. Traffic								

EXHIBIT 7

6

1. COMPONENT AIR FORCE	FY 2019 MILITARY CONSTRUCTION PROJECT DATA (computer generated)			2. DATE
3. INSTALLATION, SITE AND LOCATION JOINT BASE ANDREWS-NAVAL AIR FACILITY WASHINGTON ANDREWS SITE # 1 MARYLAND			4. PROJECT TITLE PAR RELOCATE HAZ CARGO PAD AND EOD RANGE	
5. PROGRAM ELEMENT 41319	6. CATEGORY CODE 112-211	7. RPSUID/PROJECT NUMBER 1377/AJXF163002	8. PROJECT COST (\$000) 37,000	
9. COST ESTIMATES				
ITEM	U/M	QUANTITY	UNIT	COST (\$000)
PRIMARY FACILITIES				12,704
ACCESS TAXIWAY (112-211)	SM	28,533	232	(6,620)
HAZARDOUS CARGO PAD (116-662)	SM	7,791	232	(1,808)
HCP/TAXIWAY PAVED SHOULDERS (116-642)	SM	24,682	156	(3,850)
EOD PROFICIENCY RANGE (831-173)	SM	37	5,310	(196)
SUSTAINABILITY/ENERGY MEASURES	LS			(230)
SUPPORTING FACILITIES				20,476
ACTIVE/PASSIVE BARRIERS	EA	2	90,630	(181)
PERIMETER FENCING	LS			(759)
LIGHTING	LS			(1,314)
ACCESS ROAD	LS			(766)
UTILITIES	LS			(2,117)
SITE PREPARATION	LS			(15,339)
SUBTOTAL				33,180
CONTINGENCY (5.0%)				1,659
TOTAL CONTRACT COST				34,839
SUPERVISION, INSPECTION AND OVERHEAD (5.7%)				1,986
TOTAL REQUEST				36,825
TOTAL REQUEST (ROUNDED)				37,000
10. Description of Proposed Construction: Construct a Hazardous Cargo Pad (HCP) and Access Taxiway that complies with Airfield and Explosive Safety criteria. Construct Explosive Ordnance Disposal (EOD) proficiency range and supporting infrastructure in compliance with AF standards for safe training of EOD technicians and maintaining EOD qualifications. Add to and alter base perimeter fencing and install security/traffic control barriers. HCP consists of a concrete aircraft parking apron, asphalt shoulders, aircraft grounding system, and aircraft tie down points. HCP also requires a concrete access taxiway with asphalt shoulders. Project also includes site preparation, airfield taxiway and HCP lighting and markings, HCP and EOD range access roads, site improvements, necessary utilities rerouting and installation, airfield storm drainage features, required demolition, and all other necessary work. All work will utilize economical design and construction methods to accommodate the mission of the facilities and will be compatible with applicable DoD, Air Force, and base design standards. Facilities will be designed as permanent construction in accordance with DoD Unified Facilities Criteria (UFC) 1-200-01, General Building Requirements and UFC 1-200-02, High Performance and Sustainable Building Requirements. This project will comply with DoD antiterrorism/force protection requirements per UFC 4-010-01.				

1. COMPONENT AIR FORCE	FY 2019 MILITARY CONSTRUCTION PROJECT DATA (computer generated)			2. DATE
3. INSTALLATION, SITE AND LOCATION JOINT BASE ANDREWS-NAVAL AIR FACILITY WASHINGTON ANDREWS SITE # 1 MARYLAND			4. PROJECT TITLE PAR RELOCATE HAZ CARGO PAD AND EOD RANGE	
5. PROGRAM ELEMENT 41319	6. CATEGORY CODE 112-211	7. RPSUID/PROJECT NUMBER 1377/AJXF163002	8. PROJECT COST (\$000) 37,000	
<p>11. Requirement: 7791 SM Adequate: 0 SM Substandard: 0 SM</p> <p>PROJECT: Relocate Hazardous Cargo Pad and Explosive Ordnance Disposal Proficiency Range</p> <p>REQUIREMENT A hazardous cargo pad is required to load/unload explosives or other dangerous materials on cargo aircraft. This mission requires a location that meets both Airfield and Explosive Safety requirements. The pad will be sited to accommodate 30,000 pounds of net explosive weight (NEW). The taxiway provides aircraft access to the cargo pad. Pavement will be medium load with tie down anchors and grounding points. Maintaining qualified EOD technicians necessitates construction of an appropriately sited proficiency range.</p> <p>CURRENT SITUATION: The Secretary of the Air Force approved basing the PAR program at Joint Base Andrews (JBA), MD pending National Environmental Policy Act analysis. As a direct result of this bed down, the existing HCP and JADOC Satellite sites at JBA were displaced to allow construction of the new PAR Complex. The JADOC Satellite site construction caused relocation of the EOD Proficiency Range site. Siting the EOD range next to the HCP and the new Munitions Storage Area (MSA) makes the most functional sense as it allows for overlap of the explosive quantity-distance arcs associated with those facilities.</p> <p>IMPACT IF NOT PROVIDED: A temporary HCP will provided on taxiway Charlie for use during the construction of the new HCP (limited to 450 pound NEW, far below the required 30,000 pound NEW). Failing to replace the HCP will cause JBA to have enduring systemic weaknesses in its ability to support required military activities. Lack of an EOD proficiency range will adversely impact EOD training and force training to be accomplished at an off-base location at an increased cost.</p> <p>ADDITIONAL: This project meets the criteria/scope specified in Air Force Handbook 32-1084, Facility Requirements, UFC 3-260-01, Airfield and Heliport Planning and Design. An analysis of reasonable options for accomplishing this project indicates construction of the HCP on the selected southeast corner of the airfield will economically meet mission needs. The economic analysis of reasonable options for this project (status quo, and various new construction options) indicated new construction is required to meet mission needs. The analysis concluded that construction on the south east side of the airfield provided the greatest cost benefit without adversely impacting airfield safety. This option requires land acquisition and restrictive easements included in an FY18 MILCON, AJXF163002A - PAR Land Acquisition/Easement. Significant supporting facility costs are associated with development of off base land.</p> <p>Base Civil Engineer (11 CES/CC): 301-981-7281.</p> <p>Access Taxiway 28,533 SM equals 307,015 SF Pa ed Shoulders 24,682 SM equals 265,578 SF EOD Range 37 SM equals 398 SF</p>				

1. COMPONENT AIR FORCE	FY 2019 MILITARY CONSTRUCTION PROJECT DATA (computer generated)			2. DATE
3. INSTALLATION, SITE AND LOCATION JOINT BASE ANDREWS-NAVAL AIR FACILITY WASHINGTON ANDREWS SITE # 1 MARYLAND			4. PROJECT TITLE PAR RELOCATE HAZ CARGO PAD AND EOD RANGE	
5. PROGRAM ELEMENT 41319	6. CATEGORY CODE 112-211	7. RPSUID/PROJECT NUMBER 1377/AJXF163002	8. PROJECT COST (\$000) 37,000	
<p>This design shall conform to criteria established in the Air Force Corporate Facilities Standards (AFCFS), the Installation Facilities Standards (IFS) [if available], but will not employ a standard facility design because there is no applicable standard facility design for this project and there is no applicable standard design from AFCEC.</p> <p>Sustainable principles, to include Life Cycle cost-effective practices, will be integrated into the design, development, and construction of the project and will follow the guidance detailed in the AF Sustainable Design and Development Implementing Guidance Memorandum (dated June 2, 2011) in accordance with applicable laws and Executive Orders. 11th Wing Base Civil Engineer: Comm.: 301-981-7281.</p> <p>JOINT USE CERTIFICATION: This facility can be used by other components on an as available basis; however, the scope of the project is based on Air Force requirements.</p>				

1. COMPONENT AIR FORCE	FY 2019 MILITARY CONSTRUCTION PROJECT DATA (computer generated)		2. DATE																										
3. INSTALLATION AND LOCATION JOINT BASE ANDREWS-NAVAL AIR FACILITY WASHINGTON ANDREWS SITE # 1 MARYLAND		4. PROJECT TITLE PAR RELOCATE HAZ CARGO PAD AND EOD RANGE																											
5. PROGRAM ELEMENT 41319	6. CATEGORY CODE 112-211	7. PROJECT NUMBER 1377/AJXF163002	8. PROJECT COST (\$000) 37,000																										
<p>12. SUPPLEMENTAL DATA: This design shall conform to criteria established in the Air Force Corporate Facilities Standards (AFCFS), the Installation Facilities Standards (IFS) [if available], but will not employ a standard facility design because there is no AF standard facility design for this project and there is no applicable standard design from AFCEC.</p> <p>a. Estimated Design Data:</p> <p>(1) Status:</p> <table> <tr> <td>(a) Date Design Started</td> <td>01-NOV-17</td> </tr> <tr> <td>(b) Parametric Cost Estimates used to develop costs</td> <td>YES</td> </tr> <tr> <td>* (c) Percent Complete as of 01 JAN 2018</td> <td>15%</td> </tr> <tr> <td>* (d) Date 35% Designed</td> <td>30-MAR-18</td> </tr> <tr> <td>(e) Date Design Complete</td> <td>03-SEP-18</td> </tr> <tr> <td>(f) Energy Study/Life-Cycle analysis was/will be performed</td> <td>NO</td> </tr> </table> <p>(2) Basis:</p> <table> <tr> <td>(a) Standard or Definitive Design -</td> <td>NO</td> </tr> <tr> <td>(b) Where Design Was Most Recently Used -</td> <td></td> </tr> </table> <p>(3) Total Cost (c) = (a) + (b) or (d) + (e): (\$000)</p> <table> <tr> <td>(a) Production of Plans and Specifications</td> <td>2,220</td> </tr> <tr> <td>(b) All Other Design Costs</td> <td>1,110</td> </tr> <tr> <td>(c) Total</td> <td>3,330</td> </tr> <tr> <td>(d) Contract</td> <td>2,775</td> </tr> <tr> <td>(e) In-house</td> <td>555</td> </tr> </table> <p>(4) Construction Contract Award 19 SEP</p> <p>(5) Construction Start 19 OCT</p> <p>(6) Construction Completion 21 OCT</p> <p>* Indicates completion of Project Definition with Parametric Cost Estimate which is comparable to traditional 35% design to ensure valid scope, cost and executability.</p> <p>b. Equipment associated with this project provided from other appropriations: N/A</p>				(a) Date Design Started	01-NOV-17	(b) Parametric Cost Estimates used to develop costs	YES	* (c) Percent Complete as of 01 JAN 2018	15%	* (d) Date 35% Designed	30-MAR-18	(e) Date Design Complete	03-SEP-18	(f) Energy Study/Life-Cycle analysis was/will be performed	NO	(a) Standard or Definitive Design -	NO	(b) Where Design Was Most Recently Used -		(a) Production of Plans and Specifications	2,220	(b) All Other Design Costs	1,110	(c) Total	3,330	(d) Contract	2,775	(e) In-house	555
(a) Date Design Started	01-NOV-17																												
(b) Parametric Cost Estimates used to develop costs	YES																												
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(e) Date Design Complete	03-SEP-18																												
(f) Energy Study/Life-Cycle analysis was/will be performed	NO																												
(a) Standard or Definitive Design -	NO																												
(b) Where Design Was Most Recently Used -																													
(a) Production of Plans and Specifications	2,220																												
(b) All Other Design Costs	1,110																												
(c) Total	3,330																												
(d) Contract	2,775																												
(e) In-house	555																												

EXHIBIT 8

1. COMPONENT AIR FORCE	FY 2019 MILITARY CONSTRUCTION PROJECT DATA (computer generated)			2. DATE
3. INSTALLATION, SITE AND LOCATION JOINT BASE ANDREWS-NAVAL AIR FACILITY WASHINGTON ANDREWS SITE # 1 MARYLAND			4. PROJECT TITLE CHILD DEVELOPMENT CENTER	
5. PROGRAM ELEMENT 41976	6. CATEGORY CODE 740-884	7. RPSUID/PROJECT NUMBER 1377/AJXF093005	8. PROJECT COST (\$000) 13,000	

9. COST ESTIMATES

ITEM	U/M	QUANTITY	UNIT	COST (\$000)
PRIMARY FACILITIES				7,466
CHILD DEVELOPMENT CENTER	SM	2,711	2,700	(7,320)
SUSTAINABILITY AND ENERGY MEASURES	LS			(146)
SUPPORTING FACILITIES				4,328
UTILITIES	LS			(500)
PAVEMENTS	LS			(700)
SITE IMPROVEMENTS	LS			(800)
COMMUNICATION SUPPORT	LS			(275)
PLAYGROUND AREA	LS			(650)
DEMOLITION	SM	2,065	350	(723)
STORM WATER MANAGEMENT	LS			(230)
UTILITIES CONNECTION FEE	LS			(250)
CAMERA/SECURITY SYSTEM	LS			(200)
SUBTOTAL				11,794
CONTINGENCY (5.0%)				590
TOTAL CONTRACT COST				12,384
SUPERVISION, INSPECTION AND OVERHEAD (5.7%)				706
TOTAL REQUEST				13,089
TOTAL REQUEST (ROUNDED)				13,000
EQUIPMENT FROM OTHER APPROPRIATIONS (NON-ADD)				(1,550.0)

10. Description of Proposed Construction: Construct a Child Development Center (CDC) utilizing economical design and construction methods in accordance with Joint Base Andrews' (JBA) Architectural Compatibility Plan to accommodate the mission of the facility. The facility should be compatible with applicable DoD, Air Force, and base design standards to include UFC 4-740-14, Design: Child Development Centers and Section 01 10 10, Design Requirements For A Child Development Center. In addition, local materials and construction techniques shall be used where cost effective. Includes pick-up/drop-off area, reception area, lobby area, multi-purpose rooms, administrative space, access road, parking, outdoor fenced playground areas, restrooms, storage rooms, kitchen and equipment, space for walk-in freezer and refrigeration units, camera/security system, utility spaces, utilities, site preparation, landscaping, storm water management, electrical, communications, gas, water and sewer utilities and connection fees, fire detection & suppression systems and all other associated support necessary to provide a complete and useful facility. Integrates facility space to accommodate the Family Childcare Center. Demolishes existing CDC facility (building 4575) totaling 2065 SM. Facilities will be designed as permanent construction in accordance with the DoD Unified Facilities Criteria (UFC) 1-200-01, General Building Requirements and UFC 1-200-02, High Performance and Sustainable Building Requirements. This project

1. COMPONENT AIR FORCE	FY 2019 MILITARY CONSTRUCTION PROJECT DATA (computer generated)		2. DATE
3. INSTALLATION, SITE AND LOCATION JOINT BASE ANDREWS-NAVAL AIR FACILITY WASHINGTON ANDREWS SITE # 1 MARYLAND		4. PROJECT TITLE CHILD DEVELOPMENT CENTER	
5. PROGRAM ELEMENT 41976	6. CATEGORY CODE 740-884	7. RPSUID/PROJECT NUMBER 1377/AJXF093005	8. PROJECT COST (\$000) 13,000

Base Civil Engineer: Comm 301- 981-7281.
Child Development Center: 2,711 SM = 29,181 SF
Demo 2,065 SM Child Development Center = 22,227 SF
JOINT USE CERTIFICATION: This facility can be used for other components on an "as available" basis; however, the scope of the project is based on Air Force requirements.

EXHIBIT 9

FEBRUARY 2018

1. COMPONENT AIR FORCE	FY 2019 MILITARY CONSTRUCTION PROJECT DATA	2. DATE
3. INSTALLATION AND LOCATION HOLLOMAN AIR FORCE BASE, HOLLOMAN SITE #1 NEW MEXICO		
4. PROJECT TITLE MQ-9 FTU OPS FACILITY	5. PROJECT NUMBER 2352/KWRD163000	
<p>Squadrons (6th, 9th and 29th) to each have five FGCS, six simulators, four classified training classrooms, twenty classified brief/debrief rooms, a secure server room, classified student study/mission planning rooms and adequate space for squadron administrative functions for 120 personnel and 32 contractors. Additionally, 16th Training Squadron, 429th Air Combat Training Squadron and support contractors must be collocated with the Attack Squadrons to maximize efficiencies throughout the full duration of the syllabus.</p> <p><u>CURRENT SITUATION:</u> The 2008 RPA beddown hinged on use of vacant facilities at the time in order meet CSAF-directed aircrew production. B302, a 1943-vintage Sqd Ops, was used to house the MQ-1 Predator FTU (6 RS) with only minor modifications. The 6th ATKS is now transitioning to the MQ-9 without facility modifications. B302 is in a severe state of disrepair, including bat infestation, sink holes and is only partially covered by functional fire alarms. The 50-person ACMU currently operates out of B303 (2,727 sf) maintaining all mobile (current) and fixed (future) GCS equipment. The space in B318 renovated during the beddown to house the 9th and 29th Attack Squadrons, while in good physical condition, has become extremely limited in mission capability by the stand-up of an informal "International Schoolhouse", focused on training aircrews from partner nations, such as: Italy, UK and France. Expansion capability adjacent to B318 is not possible in the near future due to environmental contamination present on the site. MQ-9 formal training sorties are currently flown from Mobile Ground Control Stations (MGCS) located within a fenced compound, but will transition to FGCS equipment in 2020/2021. This conversion will free up the existing MGCS equipment to be transferred to forward locations as the equipment was designed to operate. The Block 50 FGCS is 30% larger than previous versions, rendering the space renovated during initial beddown to house the 9th/29th ATKS useless. Additionally, the MQ-9 FTU is the only combat airframe FTU operating 100% in an Unclassified environment, while the airframe's mission is conducted nearly exclusively in a Top Secret environment. Not only does this fact limit the ability to train aircrews to realistically train for their future mission, it also prevents the MQ-9 FTU from participating in electronically-linked training scenarios with other airframes/resources from other training units around the globe (via Distributed Mission Operations). Most importantly, a classified environment enables the use of Link-16 and Blue Force Tracker to provide significantly enhanced safety in the airspace and on the ranges. Link-16 allows aircraft to see each other even with radar outages – enhancing flight safety by providing adequate de-confliction. Blue Force Tracker allows MQ-9 aircrew to see JTAC position on the ground – enhancing life-safety by verifying JTAC position prior to employing live/inert weapons. Academic portions of the formal training syllabus are routinely held in a relocatable trailer. The trailer was originally purchased to provide swing space during the execution of initial beddown renovations in B318, but recurring explosive growth and the lack of fixed space alternatives has driven the continued use of the trailer with no end to the requirement in sight. Additionally, there are insufficient classrooms to execute the syllabus optimally. Likewise, the FTU squadrons currently operate in a severe shortage of brief/debrief spaces dispersed throughout the existing facilities. While this shortfall could be addressed through scheduling in a traditional FTU, the MQ-9 training flow requires students to rotate through "sorties" flying an aircraft already airborne during and after their mission. While one aircrew is flying the aircraft for a training sortie, the last aircrew to fly the aircraft is debriefing their mission and the next aircrew is briefing for their mission to follow. This cyclical flow requires reliable availability of brief/debrief rooms to enable smooth transition between flights. Lastly, students currently have no access to classified mission planning/study space. This limits their ability to focus on the classified aspects of the training requirements of the syllabus. These critical facility condition, capacity and classification shortfalls severely limit the overall effectiveness and efficiency of the FTU in performing its core task of generating properly trained aircrews to feed CAF demands.</p> <p><u>IMPACT IF NOT PROVIDED:</u> If properly configured MQ-9 FTU facilities are not provided, the quantity and/or timeliness of aircrew produced will be less than HHQ expects while artificially increasing PERSTEMPO to make up for lack of appropriate equipment and facilities. Low quantity and late graduations negatively impact US power projection for multiple CCDRs. Additionally, due to the lack of secure operational spaces, the newly trained aircrews will continue to be thrust into Top Secret environments with little to no experience operating in these types of situations. Additionally, failure to enable use of Link-16 and BFT will inhibit improvements to safety margins in airspace and ranges.</p> <p><u>ADDITIONAL:</u> This project meets the criteria/scope in Air Force Manual 32-1084, Facility Requirements. A preliminary analysis of alternatives indicates that constructing a new facility to house MQ-9 FTU Operations is the only feasible option. This is a new mission beddown (MQ-9) specific to the mission and no other suitable facilities exist on Holloman AFB. A certification of exception is being prepared. Sustainable principles, to include life cycle cost effective practices, will be integrated into the design, development, and construction of the project. Base Civil Engineer: Comm. (575) 572-3071; (MQ-9 Ops Facility: 19702 SM = 212,000 SF)</p> <p><u>JOINT USE CERTIFICATION:</u> This facility can be used by other components on an "as available" basis; however, the scope of this project is based on Air Force requirements.</p>		

EXHIBIT 10

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1. COMPONENT Army		FY 2019 MILITARY CONSTRUCTION PROJECT DATA			2. DATE 01 FEB 2018	
3. INSTALLATION AND LOCATION White Sands Missile Range New Mexico				4. PROJECT TITLE Information Systems Facility		
5. PROGRAM ELEMENT 72896A		6. CATEGORY CODE 13115	7. PROJECT NUMBER 33584		8. PROJECT COST (\$000) Approp 40,000	
9. COST ESTIMATES						
ITEM		UM (M/E)	QUANTITY		UNIT COST	COST(\$000)
PRIMARY FACILITY						30,124
13115 Information Systems Facility		m2 (SF)	5,227 (56,268)		3,707	(19,376)
81160 Redundant Power		LS	--		--	(1,598)
13120 Communications Center		m2 (SF)	185.81 (2,000)		5,294	(984)
88020 IDS Installation		LS	--		--	(104)
89220 EMCS Connection		LS	--		--	(52)
Total from Continuation page(s)						(8,010)
SUPPORTING FACILITIES						6,141
Electric Service		LS	--		--	(522)
Water, Sewer, Gas		LS	--		--	(77)
Paving, Walks, Curbs And Gutters		LS	--		--	(161)
Storm Drainage		LS	--		--	(240)
Site Imp(3,658) Demo(462)		LS	--		--	(4,120)
Information Systems		LS	--		--	(1,021)
ESTIMATED CONTRACT COST						36,265
CONTINGENCY (5.00%)						1,813
SUBTOTAL						38,078
SUPV, INSP & OVERHEAD (5.70%)						2,170
TOTAL REQUEST						40,248
TOTAL REQUEST (ROUNDED)						40,000
INSTALLED EQT-OTHER APPROP						(13,360)
10. Description of Proposed Construction Construct an Information Systems Facility (ISF) and a Communications Center with redundant power, an Intrusion Detection System (IDS) and connection to the Energy Monitoring and Control System (EMCS). The facilities will have state of the art network systems, telephonic, voice, and enterprise storage equipment to support installation wide communication network services. The project includes administrative offices, laboratory space, a server farm area, enterprise storage systems, telephone switch room, information assurance secure operations center, customer support branch, data center Non-classified Internet Protocol Router (NIPR) Network space, Network Operations Center (NOC), secure room with vault for Outside Plant (OSP), Red NOC, Communications Security (COMSEC), Technical Support Network(TSN) data center, computer help desk, Secure Video Teleconferencing Center (VTC), telecommunications center, building information systems, Secret Internet Protocol Router (SIPR) Network data center, reception area, conference room, battery storage area, break room and, rest rooms. Heating and air conditioning will be provided by self-contained system. Measures in accordance with the Department of Defense (DoD) Minimum Antiterrorism for Buildings standards will be provided. Comprehensive building and furnishings related interior design services are required. Access for individuals with disabilities will be provided. Cyber Security Measures will be incorporated into this project. Sustainability/Energy measures will be provided. Facilities will be designed to a minimum life of 40 years in accordance with DoD's Unified Facilities Criteria (UFC 1-200-02) including energy efficiencies, building envelope and integrated building systems performance. Demolish 2						

1. COMPONENT Army	FY 2019 MILITARY CONSTRUCTION PROJECT DATA	2. DATE 01 FEB 2018
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3. INSTALLATION AND LOCATION White Sands Missile Range New Mexico	4. PROJECT TITLE Information Systems Facility
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5. PROGRAM ELEMENT 72896A	6. CATEGORY CODE 13115	7. PROJECT NUMBER 33584	8. PROJECT COST (\$000) Approp 40,000
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9. COST ESTIMATES (CONTINUED)

ITEM	UM (M/E)	QUANTITY	UNIT COST	COST (\$000)
<u>PRIMARY FACILITY (CONTINUED)</u>				
00000 Cybersecurity Measures	LS	--	--	(750)
Sustainability/Energy Measures	LS	--	--	(416)
Antiterrorism Measures	LS	--	--	(416)
Building Information Systems	LS	--	--	(6,428)
			Total	8,010

DESCRIPTION OF PROPOSED CONSTRUCTION: (CONTINUED)
buildings at White Sands Missile Range, NM (Total 2,061 m2/22,180 SF). Air Conditioning (Estimated 2,198 kW/625 Tons).

11. REQ: 5,312 m2 ADQT: 85 m2 SUBSTD: NONE

PROJECT: Construct an Information Systems Facility at White Sands Missile Range (WSMR), New Mexico. (Current Mission)

REQUIREMENT: This project is required to provide WSMR with an adequate ISF necessary to provide a mission essential operational interaction affecting a 24-hour Information Technology and Information Management (IT/IM) between Command, tenants, and Other Government Agency (OGA) partners. The facility includes space for a command center for operations support, system and network administrators, operations floor, technical laboratory, Multi-service Technical Control Facility (MTCF), Defense Switched Network (DSN), operations center, administrative offices, customer service center, technical assistance for IT and land mobile radios. The facility also serves the Installation as a Docking Station (IAADS) in its baseline services. The ISF will contain a Network Operations Center (NOC), technical laboratory, Video Teleconferencing (VTC), classroom(s), training room(s), conference room(s) and offices.

CURRENT SITUATION: Currently the ISF occupies both limited and fragmented space in ten separate buildings located at WSMR. Each assigned building has undergone varying levels of retrofit to accommodate the current ISF mission. None of which have been successful for long-term planning. The cooling systems are highly inefficient and inadequate, partly due to the necessary alterations of past floor plans to accommodate equipment expansions throughout the years. The heating system is limited in that the temperature control in the personnel areas cannot be maintained at comfortable limits without overheating equipment areas. Hazardous materials like asbestos and lead are dealt with on a case-by-case basis. Existing building design lacks appropriate workstation space and circulation, is encumbered with safety concerns including poor air quality and limited reliable electrical redundancy, no grounding/bonding/shielding, and noncompliance with the Americans with Disabilities Act (ADA). Assigned geographically separated space cannot provide the operational synergy required for 24-hour information management and the necessary workforce fusion required for network defense.

IMPACT IF NOT PROVIDED: If this project is not provided, the WSMR ISF operations, situational awareness, and security of information and information systems may be compromised due to the inability to provide complete and continuous surveillance and response measures. The inability to expand and support existing and future network systems will negatively effect DoD efforts relating to IT/IM and information security. As

1. COMPONENT Army		FY 2019 MILITARY CONSTRUCTION PROJECT DATA			2. DATE 01 FEB 2018	
3. INSTALLATION AND LOCATION White Sands Missile Range New Mexico				4. PROJECT TITLE Information Systems Facility		
5. PROGRAM ELEMENT 72896A		6. CATEGORY CODE 13115	7. PROJECT NUMBER 33584		8. PROJECT COST (\$000) Approp 40,000	
IMPACT IF NOT PROVIDED: (CONTINUED)						
<p>new military technologies and operational concepts grow and mature WSMR will need to position itself to process and transport vast amounts of electronic test data more reliably, efficiently, faster, and securely. The risk to the segment of the Global Information Grid (GIG) will affect the integrity and reliability of the global networks, adversely affecting field commanders' capability to reach-back which is a vital mission requirement for the warfighter. Secure and reliable information may not be readily available to installation and field commanders and will compromise the integrity and confidentiality of information systems available to the warfighter.</p> <p><u>ADDITIONAL:</u> Required assessments have been made for supporting facilities and the project is not in a 100-year floodplain in accordance with Executive Order 11988. This project has been coordinated with the installation physical security plan, and all physical security measures are included. All required antiterrorism protection measures are included. Alternative methods of meeting this requirement have been explored during project development. This project is the only feasible option to meet the requirement. The Deputy Assistant Secretary of the Army (Installations, Housing and Partnerships) certifies that this project has been considered for joint use potential. The facility will be available for use by other components. A parametric cost estimate based upon project engineering design was used to develop this budget estimate. Sustainable principles, to include life cycle cost effective practices, will be integrated into the design, development and construction of the project and will follow the guidance detailed in the Army Sustainable Design and Development Policy - complying with applicable laws and executive orders.</p>						
12. SUPPLEMENTAL DATA:						
A. Estimated Design Data:						
(1) Status:						
(a) Date Design Started.....						JUN 2017
(b) Percent Complete as of January 2018.....						35.00
(c) Date 35% Designed.....						JAN 2018
(d) Date Design Complete.....						OCT 2018
(e) Parametric Cost Estimating Used to Develop Costs..						YES
(f) Type of Design Contract: Design-bid-build						
(g) An energy study and life cycle cost analysis will be documented during the final design.						
(2) Basis:						
(a) Standard or Definitive Design: YES						
(b) Where Design Was Most Recently Used:						
(c) Percentage of Design utilizing Standard Design ...						50
(3) Total Design Cost (c) = (a)+(b) OR (d)+(e): (\$000)						
(a) Production of Plans and Specifications.....						2,160
(b) All Other Design Costs.....						1,440

1. COMPONENT Army	FY 2019 MILITARY CONSTRUCTION PROJECT DATA	2. DATE 01 FEB 2018
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3. INSTALLATION AND LOCATION White Sands Missile Range New Mexico	4. PROJECT TITLE Information Systems Facility
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5. PROGRAM ELEMENT 72896A	6. CATEGORY CODE 13115	7. PROJECT NUMBER 33584	8. PROJECT COST (\$000) Approp 40,000
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12. SUPPLEMENTAL DATA (CONTINUED..)

A. Estimated Design Data: (CONTINUED..)

(c) Total Design Cost.....	3,600
(d) Contract.....	2,880
(e) In-house.....	720
(4) Construction Contract Award.....	APR 2019
(5) Construction Start.....	JUN 2019
(6) Construction Completion.....	JUN 2021

B. Equipment associated with this project which will be provided from other appropriations:

<u>Equipment Nomenclature</u>	<u>Procuring Appropriation</u>	<u>Fiscal Year Appropriated Or Requested</u>	<u>Cost (\$000)</u>
Equipment	OPA	2020	130
IDS Equipment	OPA	2020	100
Electronic Access Control	OPA	2020	100
Clean Agent Supp System w/ VES	OPA	2020	100
UPS Equipment	OPA	2020	40
Info Sys - ISC	OPA	2020	2,532
Info Sys - PROP	RDT&E	2020	10,358
		Total	13,360

Installation Engineer: Phone Number: 575-678-2252

EXHIBIT 11

1. COMPONENT Army		FY 2019 MILITARY CONSTRUCTION PROJECT DATA		2. DATE 11 APR 2019 29 AUG 2017	
3. INSTALLATION AND LOCATION West Point Military Reservation New York			4. PROJECT TITLE Engineering Center and Parking Structure		
5. PROGRAM ELEMENT	6. CATEGORY CODE 171 38	7. PROJECT NUMBER 78804	8. PROJECT COST (\$000) 197,000		
9. COST ESTIMATES					
ITEM		UM	QUANTITY	UNIT COST	COST(\$000)
PRIMARY FACILITY					161,225
Instructional Building		SF	136,000	667.63	(90,797)
Parking Structure		EA	450	43,736	(19,681)
Rock Removal		LS	--	--	(45,221)
Guard Booth		SF	100	2,770	(277)
Cyber Security		LS	--	--	(1,065)
Total from Continuation page					(4,184)
SUPPORTING FACILITIES					16,616
Electric Service		LS	--	--	(2,680)
Water, Sewer, Gas		LS	--	--	(744)
Steam And/Or Chilled Water Distribution		LS	--	--	(1,939)
Paving, Walks, Curbs And Gutters		LS	--	--	(1,771)
Storm Drainage		LS	--	--	(1,548)
Site Imp(7,333) Demo(369)		LS	--	--	(7,702)
Information Systems		LS	--	--	(232)
ESTIMATED CONTRACT COST					177,841
CONTINGENCY (5.00%)					8,892
SUBTOTAL					186,733
SUPERVISION, INSPECTION & OVERHEAD (5.70%)					10,644
TOTAL REQUEST					197,377
TOTAL REQUEST (ROUNDED)					197,000
INSTALLED EQT-OTHER APPROPRIATIONS					(53,214)
10. Description of Proposed Construction This is an incrementally funded project. Congress initially authorized the project in FY2019 as two separate projects, PN 78804, Engineering Center (authorized at \$95M) and PN 78805, Parking Structure (authorized at \$65M). A second funding increment of \$37M will be requested in FY2022. Construct an Engineering Center to provide a state-of-the-art collaborative educational space in support of multi-disciplinary project based engineering education for science, technology, engineering and mathematics (STEM). Construct a Parking Structure for faculty and staff to support the academic program within the central Cadet Zone. Primary facility includes an instructional building with space for mission-critical laboratories and laboratory support; project fabrication areas; and space for project display, collaborative effort, and capstone work. The instructional building will also contain conference rooms, spray booths, double height space (high bay) with overhead lift capability, and a loading dock. A guard booth supports the building and multi-story parking structure equipped with electronic security system. Significant rock removal is required. Project includes cyber security measures, a mass notification system, information systems, fire detection system (smoke detection) and sprinklers, building information systems, intrusion detection system (IDS) installation, and energy monitoring control systems (EMCS) connection to the installation central system. Sustainability/energy measures will be provided. Measures in accordance with the Department of Defense (DoD) Minimum					

1. COMPONENT Army		FY 2019 MILITARY CONSTRUCTION PROJECT DATA		2. DATE 11 APR 2019 29 AUG 2017																																
3. INSTALLATION AND LOCATION West Point Military Reservation New York			4. PROJECT TITLE Engineering Center and Parking Structure																																	
5. PROGRAM ELEMENT	6. CATEGORY CODE 171 38	7. PROJECT NUMBER 78804	8. PROJECT COST (\$000) 197,000																																	
9. COST ESTIMATES (CONTINUED)																																				
<table border="0"> <thead> <tr> <th>ITEM</th> <th>UM</th> <th>QUANTITY</th> <th>UNIT COST</th> <th>COST (\$000)</th> </tr> </thead> <tbody> <tr> <td colspan="6">PRIMARY FACILITY (CONTINUED)</td> </tr> <tr> <td>Sustainability/Energy Measures</td> <td>LS</td> <td>--</td> <td>--</td> <td>(1,107)</td> </tr> <tr> <td>Antiterrorism Measures</td> <td>LS</td> <td>--</td> <td>--</td> <td>(1,110)</td> </tr> <tr> <td>Building Information Systems</td> <td>LS</td> <td>--</td> <td>--</td> <td>(1,967)</td> </tr> <tr> <td></td> <td></td> <td></td> <td>Total</td> <td>4,184</td> </tr> </tbody> </table>						ITEM	UM	QUANTITY	UNIT COST	COST (\$000)	PRIMARY FACILITY (CONTINUED)						Sustainability/Energy Measures	LS	--	--	(1,107)	Antiterrorism Measures	LS	--	--	(1,110)	Building Information Systems	LS	--	--	(1,967)				Total	4,184
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			Total	4,184																																
<p>Antiterrorism for Buildings standards to include a fence will be provided. Supporting facilities include utilities (electric, water, sewer, gas); paving, parking, walks, curbs and gutters; storm drainage; vehicular drives; site improvements to include extension of existing historic pedestrian walk and stone retaining walls; relocation of existing passive and active barriers; landscaping; signage; and information systems. Heating and air conditioning will be provided by self-contained systems. The project will include a solar array on the roof, electric service, outdoor security lighting, electric car charging stations, Common Access Card (CAC) readers enabled control access gates, fire protection (to include additional fire hydrants), an elevator and stairs. Access for individuals with disabilities will be provided. Comprehensive building and furnishings related interior design services are required. Facility shall be constructed to standards for historically significant facilities. Operations and maintenance manuals will be provided. Facilities will be designed to a minimum life of 40 years in accordance with DoD's Unified Facilities Criteria (UFC 1-200-02) including energy efficiencies, building envelope and integrated building systems performance. Demolish 5 buildings at West Point Military Reservation, NY (14,700 Total SF). Air Conditioning (Estimated 600 Tons).</p>																																				
11. REQ: 136,000 SF		ADQT: NONE	SUBSTD: 33,201 SF																																	
PROJECT: Construct an Engineering Center and multi-level parking structure at West Point Military Reservation, New York. (Current Mission)																																				
REQUIREMENT: This project is required to provide flexible multi-disciplinary project based educational space for science, engineering, technology and mathematics (STEM) that achieves compliance with academic standards. The facility is required to compete with peer institutions for recruitment of STEM students and, in particular, highly recruited minority candidates. This project will provide open, unstructured project areas, high-bay space, collaborative workspaces and laboratories essential for project-based learning. By bringing the engineering and cyber programs from several different academic buildings into one, cross-disciplinary collaboration and project-based education will be brought up to 21st Century practices. High-bay space and overhead lift capability will allow Cadets to work on projects exceeding 8ft and to work thru the winter months. Open and unstructured project areas will																																				

1. COMPONENT Army		FY 2019 MILITARY CONSTRUCTION PROJECT DATA		2. DATE 11 APR 2019 29 AUG 2017	
3. INSTALLATION AND LOCATION West Point Military Reservation New York			4. PROJECT TITLE Engineering Center and Parking Structure		
5. PROGRAM ELEMENT		6. CATEGORY CODE 171 38	7. PROJECT NUMBER 78804		8. PROJECT COST (\$000) 197,000

REQUIREMENT: (CONTINUED)

allow proper materials handling capabilities. A proper loading dock, adjacencies for rapid fabrication, and visibility into fabrication and project spaces will cut down life, health, safety challenges. This project will provide air handling and fume ventilation for application of coatings, glues, paints and chemical treatments. There are no alternate permanent facilities, either adequate or available, which could be used to support this mission. Parking and circulation studies conducted by the Garrison indicate the need to eliminate existing parking due to antiterrorism force protection violations; the need to restrict vehicle access within the academic campus for safety and security purposes; and the need to provide additional parking for staff and faculty. The location along Thayer Road will support the parking demands of faculty and staff, and accommodate displaced parking to be removed in accordance with minimum antiterrorism force protection standards.

CURRENT SITUATION:

Currently, neither adequate existing permanent facilities nor buildings of opportunity are available at West Point to support compliance with engineering academic standards and the requirements to turn out high caliber, Army ready Soldiers. As functions and requirements have changed, existing facilities have become inadequate for the success of the program mission. Functions are scattered throughout the buildings, so preferred adjacencies, utilities, climate control, ceiling height and material handling capacity are not available. Adequate facilities for the support of project-based learning and Cyber Security Studies do not exist, and there are on-going issues with water infiltration, insufficient provision of air and circulation, inflexibility of layout spaces, and difficulty in providing new utilities. Existing laboratories have insufficient headroom and separation of functions, and classrooms need additional audio visual infrastructure and blackboard/chalkboard surfaces. Parking within the academic campus area is critically short, and does not meet the requirement of numerous faculty and staff that work within this area. Additionally, much of the parking is in violation of Antiterrorism force protection standards, and needs to be relocated. The structure will enable the required 450 parking spaces to fit within the dense urban campus, minimize the amount of land needed, and account for the steep slopes. The steep terrain and rock conditions will require extensive rock blasting and removal/disposal.

IMPACT IF NOT PROVIDED:

If this project is not provided, West Point's engineering education facilities will fail to meet the standards set by peer Universities (Mission failure), Cadet injury, potential loss of Engineering Accreditation (Mission failure), and loss of prime Collegiate recruits (Mission failure). The quality of the engineering education at West Point would be deteriorated, particularly as compared to peer and near-peer institutions. The nationally-ranked engineering programs absolutely require this modernization to maintain the edge, and a failure to act will have a significant negative impact on the accession of trained engineers and cyber-security personnel into the Army as cadets and potential Cadets choose other academic majors and other universities. Further, recruiting of new cadets,

1. COMPONENT Army		FY 2019 MILITARY CONSTRUCTION PROJECT DATA		2. DATE 11 APR 2019 29 AUG 2017	
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5. PROGRAM ELEMENT	6. CATEGORY CODE 171 38	7. PROJECT NUMBER 78804	8. PROJECT COST (\$000) 197,000		
<p>IMPACT IF NOT PROVIDED: (CONTINUED)</p> <p>particularly those not familiar with West Point, such as under-represented groups, would be negatively impacted as the deteriorated existing facility looks progressively less competitive with peer institutions. If the project does not include parking, a gross deficit in parking throughout the academic campus will continue to be a critical issue at the installation. The need for faculty and staff parking within the campus will necessitate the continued use of parking on and adjacent to Thayer and Mahan Halls. This will prolong violations of minimum antiterrorism force protection standards. Distant parking lots are beyond the acceptable distance to principal buildings per international building codes.</p> <p>ADDITIONAL:</p> <p>Required assessments have been made for supporting facilities and the project is not in a 100-year floodplain in accordance with Executive Order 11988. This project has been coordinated with the installation physical security plan, and all physical security measures are included. All required antiterrorism protection measures are included. Alternative methods of meeting this requirement have been explored during project development. This project is the only feasible option to meet the requirement. A parametric cost estimate based upon project engineering design was used to develop this budget estimate. Sustainable principles, to include life cycle cost effective practices, will be integrated into the design, development and construction of the project and will follow the guidance detailed in the Army Sustainable Design and Development Policy - complying with applicable laws and executive orders.</p>					
<p>Installation Engineer: Mr. Matthew Talaber Phone Number: 845-938-3415</p>					

EXHIBIT 12

1. COMPONENT ANG		FY 2018 MILITARY CONSTRUCTION PROJECT DATA (computer generated)		2. DATE May 2017	
3. INSTALLATION AND LOCATION KLAMATH FALLS INTERNATIONAL AIRPORT, OREGON			4. PROJECT TITLE CONSTRUCT INDOOR RANGE		
5. PROGRAM ELEMENT 52276F		6. CATEGORY CODE 179-475	7. PROJECT NUMBER KJAQ159096		8. PROJECT COST(\$000) \$8,000
9. COST ESTIMATES					
ITEM		U/M	QUANTITY	UNIT COST	COST (\$000)
CONSTRUCT INDOOR RANGE		SM	1,142		6,018
SMALL ARMS RANGE (179-475)		SM	975	5,490	(5,353)
COMBAT ARMS TRNG & MAINT (171-476)		SM	167	3,983	(665)
SUPPORTING FACILITIES					1,000
UTILITIES AND COMMUNICATIONS SUPPORT		LS			(500)
SITE IMPROVEMENTS		LS			(250)
PAVEMENTS		LS			(250)
SUSTAINABILITY AND ENERGY MEASURES		LS			150
SUBTOTAL					7,168
CONTINGENCY (5%)					358
TOTAL CONTRACT COST					7,526
SUPERVISION, INSPECTION AND OVERHEAD (6%)					451
TOTAL REQUEST					7,977
TOTAL REQUEST (ROUNDED)					8,000
10. Description of Proposed Construction: Construct a small arms indoor range and CATM training & maintenance facility utilizing conventional design and construction methods to accommodate the mission of the facility. Facility shall be designed as permanent construction in accordance with the DOD Unified Facilities Criteria. The facility should be compatible with applicable DoD, Air Force, and base design standards. In addition, local materials and construction techniques shall be used where cost effective. This project will comply with DoD antiterrorism/force protection requirements per unified facilities criteria. Special construction requirements: Use modular small arms range construction to the maximum extent possible. all necessary exterior utilities, access pavements, fire protection, site work, and support. Provide utility connections for modular small arms range equipment components. Provide doors to ensure ease of access to modular small arms range equipment to facilitate maintenance. Air Conditioning: 105 KW.					
11. REQUIREMENT: 1,143 SM ADEQUATE: 0 SM SUBSTANDARD: 0 SM PROJECT: Small Arms Range/CATM Training (Current Mission) REQUIREMENT: The installation requires an adequately sized, properly configured, and correctly sited small arms range to train and certify security forces, battlefield airmen, and mobility personnel in accordance with AFI 36-2226. The facility will house a MCSATS (Modular Containerized Small Arms Training Set) for a total of 12 to 14 firing lanes. A combat arms training and maintenance (CATM) facility, to provide classroom training space, administrative space, and arms cleaning and inspection areas for members using the small arms range. The ANG has both members that are required to perform armed duties in-garrison and others only in contingency operations on both pistol and rifle in accordance with AFI 36-2226, Table 2-1. CURRENT SITUATION: The installation does not have an organic small arms range capability. Drill status members cannot be qualified on base during their 2-days-per-month drill attendance. Work-arounds include traveling off-site at considerable expense per qualification. Given the new course of fire includes a full 8-hour firing day, plus pre-firing classroom familiarization training, combat arms training can occupy the majority of a drill weekend, leaving no time for other functional or ancillary training. On base training is considered the preferred course of action because it minimizes impacts to					

1. COMPONENT ANG	FY 2018 MILITARY CONSTRUCTION PROJECT DATA (computer generated)	2. DATE May 2017																												
3. INSTALLATION AND LOCATION KLAMATH FALLS INTERNATIONAL AIRPORT, OREGON																														
5. PROJECT TITLE CONSTRUCT INDOOR RANGE		7. PROJECT NUMBER KJAQ159096																												
<p>12. SUPPLEMENTAL DATA:</p> <p>a. Estimated Design Data:</p> <p>(1) Status:</p> <table border="0"> <tr> <td>(a) Date Design Started</td> <td>JAN 2017</td> </tr> <tr> <td>(b) Parametric Cost Estimates used to develop costs</td> <td>No</td> </tr> <tr> <td>(c) Percent Complete as of Jan 17</td> <td>6%</td> </tr> <tr> <td>* (d) Date 35% Designed</td> <td>SEP 2017</td> </tr> <tr> <td>(e) Date Design Complete</td> <td>DEC 2017</td> </tr> <tr> <td>(f) Type of Design Contract</td> <td>IDIQ</td> </tr> <tr> <td>(g) Energy Study/Life-Cycle analysis was/will be performed</td> <td>No</td> </tr> </table> <p>(2) Basis:</p> <table border="0"> <tr> <td>(a) Standard or Definitive Design -</td> <td>No</td> </tr> <tr> <td>(b) Where Design Was Most Recently Used -</td> <td></td> </tr> </table> <p>(3) Total Cost (c) = (a) + (b) or (d) + (e): (\$000)</p> <table border="0"> <tr> <td>(a) Production of Plans and Specifications</td> <td>400</td> </tr> <tr> <td>(b) All Other Design Costs</td> <td>300</td> </tr> <tr> <td>(c) Total</td> <td>700</td> </tr> <tr> <td>(d) Contract</td> <td>700</td> </tr> <tr> <td>(e) In-House</td> <td></td> </tr> </table> <p>(4) Contract Award (Month/Year) APR 2018</p> <p>(5) Construction Start MAY 2018</p> <p>(6) Construction Completion JUL 2019</p> <p>* Indicates completion of Project Definition with Parametric Cost Estimate which is comparable to traditional 35% design to ensure valid scope and cost and executability.</p> <p>b. Equipment associated with this project will be provided from other appropriations: N/A</p> <p>POINT OF CONTACT: NGB/A4AD (240) 612-4498</p>			(a) Date Design Started	JAN 2017	(b) Parametric Cost Estimates used to develop costs	No	(c) Percent Complete as of Jan 17	6%	* (d) Date 35% Designed	SEP 2017	(e) Date Design Complete	DEC 2017	(f) Type of Design Contract	IDIQ	(g) Energy Study/Life-Cycle analysis was/will be performed	No	(a) Standard or Definitive Design -	No	(b) Where Design Was Most Recently Used -		(a) Production of Plans and Specifications	400	(b) All Other Design Costs	300	(c) Total	700	(d) Contract	700	(e) In-House	
(a) Date Design Started	JAN 2017																													
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(d) Contract	700																													
(e) In-House																														

EXHIBIT 13

1. Component DEFENSE (DLA)		FY 2016 MILITARY CONSTRUCTION PROGRAM						2. Date FEBRUARY 2015		
3. Installation And Location AIR NATIONAL GUARD KLAMATH FALLS INTERNATIONAL AIR PORT, OREGON				4. Command DEFENSE LOGISTICS AGENCY			5. Area Construction Cost Index 1.11			
6. PERSONNEL ANG FACILITY		(1) PERMANENT		(2) STUDENTS		(3) GUARD/RESERVE			(4) TOTAL	
		OFF	ENL	CIV	OFF	ENL	CIV	OFF	ENL	CIV
a. ACTUAL AS OF										
b. AUTHORIZED										
7. INVENTORY DATA (\$000)										
A. TOTAL ACREAGE										
B. INVENTORY TOTAL AS OF										
C. AUTHORIZED NOT YET IN INVENTORY										
D. AUTHORIZATION REQUESTED IN THIS PROGRAM										
2,500										
E. AUTHORIZATION INCLUDED IN FOLLOWING PROGRAM										
F. PLANNED IN NEXT THREE YEARS										
0										
G. REMAINING DEFICIENCY										
H. GRAND TOTAL										
2,500										
8. PROJECTS REQUESTED IN THIS PROGRAM:										
a. CATEGORY				b. COST		c. DESIGN STATUS				
(1) CODE	(2) PROJECT TITLE			(3) SCOPE		(\$000)	(1) START mm/yy	(2) COMPLETE mm/yy		
126	Replace Fuel Facilities			2 OL		2,500	10/10	12/14		
9. FUTURE PROJECTS										
a. INCLUDED IN FOLLOWING PROGRAM										
CATEGORY CODE	PROJECT NUMBER	PROJECT TITLE				COST (\$000)				
		None								
b. PLANNED IN NEXT FOUR YEARS										
CATEGORY CODE	PROJECT NUMBER	PROJECT TITLE				COST (\$000)				
		None								
10. MISSION OR MAJOR FUNCTION										
<p>These fuel facilities provide essential storage and distribution systems to support the mission of assigned Air National Guard units and transient aircraft at Klamath Falls International Airport (IAP), Oregon.</p> <p>Deferred sustainment, restoration, and modernization for fuel facilities at this location is \$0.4 million.</p>										
11. OUTSTANDING POLLUTION AND SAFETY DEFICIENCIES:										
(\$000)										
A. AIR POLLUTION										
0										
B. WATER POLLUTION										
0										
C. OCCUPATIONAL SAFETY AND HEALTH										
0										

1. Component DEFENSE (DLA)	FY 2016 MILITARY CONSTRUCTION PROJECT DATA	2. Date FEBRUARY 2015
3. Installation and Location AIR NATIONAL GUARD KLAMATH FALLS, KINGSLEY FIELD, OREGON	4. Project Title REPLACE FUEL FACILITIES	
5. Program Element 0702976S	6. Category Code 126	7. Project Number DESC14U2
8. Project Cost (\$000) 2,500		
<p>IMPACT IF NOT PROVIDED: Loading and unloading of refueler tank trucks will continue to be a lengthy, inefficient operation. The environment and operators will be at risk due to lack of adequate containment surfaces and operating from a facility that does not have all the current DoD safety features.</p> <p>ADDITIONAL: This project meets all applicable DoD criteria. The Defense Logistics Agency certifies that this facility has been considered for joint use, as applicable, by other components. Mission requirements, operational considerations, and location are incompatible with use by the other components.</p>		
12. Supplemental Data:		
A. Estimated Design Data:		
1. Status		
(a) Date Design Started:		10/10
(b) Parametric Cost Estimate Used to Develop Costs (Yes/No):		No
(c) Percent Complete as of February 2015:		95
(d) Date 35 Percent Complete:		03/11
(e) Date Design Complete:		12/14
(f) Type of Design Contract:		D/B/B
2. Basis		
(a) Standard or Definitive Design:		No
(b) Date Design was Most Recently Used:		N/A
3. Total Cost (c) = (a) + (b) or (d) + (e) (\$000)		
(a) Production of Plans and Specifications:		100
(b) All Other Design Costs:		100
(c) Total:		200
(d) Contract:		150
(e) In-House:		50
4. Contract Award:		03/16
5. Construction Start:		04/16
6. Construction Complete:		06/17
B. Equipment associated with this project that will be provided from other appropriations:		
<u>PURPOSE</u>	<u>APPROPRIATION</u>	<u>FISCAL YEAR REQUIRED</u>
Environmental Remediation	DWCF	2016
		<u>AMOUNT (\$000)</u>
		50
Point of Contact is DLA Civil Engineer at 703-767-2326		

EXHIBIT 14

14

1. COMPONENT ANG	FY 2019 GUARD AND RESERVE MILITARY CONSTRUCTION	2. DATE Feb 2018			
3. INSTALLATION AND LOCATION JOINT BASE LANGLEY-EUSTIS, HAMPTON		4. AREA CONSTR COST INDEX .91			
5. FREQUENCY AND TYPE OF UTILIZATION 192nd Fighter Wing					
6. OTHER ACTIVE/GUARD/RESERVE INSTALLATIONS WITHIN 15 MILES RADIUS					
7. PROJECTS REQUESTED IN THIS PROGRAM					
CATEGORY <u>CODE</u>	<u>PROJECT TITLE</u>	<u>SCOPE</u>	COST <u>\$(000)</u>	<u>DESIGN STATUS</u> <u>START</u> <u>COMPLETE</u>	
171-447	Construct Cyber Ops Facility	966 SM (10,400 SF)	10,000	Sep 17	Oct 18
8. STATE RESERVE FORCES FACILITIES BOARD RECOMMENDATION The Board recommendations are:			04 Feb 16 (Date)		
9. LAND ACQUISITION REQUIRED			None (Number of Acres)		
10. PROJECTS PLANNED IN NEXT FOUR YEARS					
CATEGORY <u>CODE</u>	<u>PROJECT TITLE</u>	<u>SCOPE</u>	COST <u>\$(000)</u>		
R&M Unfunded Requirement: \$0					

1. COMPONENT ANG	FY 2019 MILITARY CONSTRUCTION PROJECT DATA (computer generated)	2. DATE Feb 2018		
3. INSTALLATION AND LOCATION JOINT BASE LANGLEY-EUSTIS, VIRGINIA				
5. PROJECT TITLE CONSTRUCT CYBER OPS FACILITY	7. PROJECT NUMBER MUHJ179000			
<p>As a tenant unit on an Active Duty base with a TFI agreement, the 192d FW does not have the ability to allocate buildings on Joint Base Langley-Eustis. The host 633d ABW does not currently have the availability in any building that would meet the COS mission requirements. In order for the unit to attain operating capability, temporary leased space has been obtained off base. Continued use of that space is costly, and it involves an increased security risk, which is not appropriate to continue.</p> <p><u>IMPACT IF NOT PROVIDED:</u> The 185th COS will be unable to reach Full Operating Capability (FOC) without a facility that includes the required SCIF space from which to operate. Having the required SCIF space is necessary for the team to receive the intel and perform the training required to perform in the cyber mission space. The squadron is required for the ANG to meet their USCC mobilization requirements. Not having a facility that enables the unit to reach FOC risks the ANG being unable to fulfill their obligation to USCC. Continued use of leased space is costly and represents an enhanced security risk.</p> <p><u>ADDITIONAL:</u> Sustainable principles, to include Life Cycle cost effective practices, will be integrated into the design, development and construction of the project in accordance with Executive Order 13423, 10 USC 2802(c) and other applicable laws and Executive Orders. An economic analysis is being prepared comparing the alternatives of new construction, revitalization, leasing and status quo operation. This project is considered capitalization based on the following rule from ANGETL 17-06: New Construction.</p>				
CatCode		Requirement	Adequate	Substandard
171-447	RES FORCES COMM/ELECTRONIC TRN	455 SM	0 SM	0 SM
171-447	RES FORCES COMM/ELECTRONIC TRN	511 SM	0 SM	0 SM
CONSTRUCT CYBER ADMINISTRATION (171447)		455 SM = 4,900 SF		
CONSTRUCT CYBER SCIF (171447)		511 SM = 5,500 SF		

1. COMPONENT ANG	FY 2019 MILITARY CONSTRUCTION PROJECT DATA (computer generated)	2. DATE Feb 2018																																									
3. INSTALLATION AND LOCATION JOINT BASE LANGLEY-EUSTIS, VIRGINIA																																											
5. PROJECT TITLE CONSTRUCT CYBER OPS FACILITY		7. PROJECT NUMBER MUHJ179000																																									
<p>12. SUPPLEMENTAL DATA:</p> <p>a. Estimated Design Data:</p> <p>(1) Status:</p> <table border="0"> <tr> <td>(a) Date Design Started</td> <td>SEP 2017</td> </tr> <tr> <td>(b) Parametric Cost Estimates used to develop costs</td> <td>No</td> </tr> <tr> <td>(c) Percent Complete as of Jan 2018</td> <td>6%</td> </tr> <tr> <td>* (d) Date 35% Designed</td> <td>APR 2018</td> </tr> <tr> <td>(e) Date Design Complete</td> <td>OCT 2018</td> </tr> <tr> <td>(f) Type of Design Contract</td> <td>Standard</td> </tr> <tr> <td>(g) Energy Study/Life-Cycle analysis was/will be performed</td> <td>YES</td> </tr> </table> <p>(2) Basis:</p> <table border="0"> <tr> <td>(a) Standard or Definitive Design -</td> <td>No</td> </tr> <tr> <td>(b) Where Design Was Most Recently Used -</td> <td></td> </tr> </table> <p>(3) Total Cost (c) = (a) + (b) or (d) + (e):</p> <table border="0"> <tr> <td>(a) Production of Plans and Specifications</td> <td>(\$000)</td> <td>\$470</td> </tr> <tr> <td>(b) All Other Design Costs</td> <td></td> <td>\$270</td> </tr> <tr> <td>(c) Total</td> <td></td> <td>\$740</td> </tr> <tr> <td>(d) Contract</td> <td></td> <td>\$740</td> </tr> <tr> <td>(e) In-House</td> <td></td> <td></td> </tr> </table> <p>(4) Contract Award (Month/Year)</p> <table border="0"> <tr> <td></td> <td>FEB 2019</td> </tr> </table> <p>(5) Construction Start</p> <table border="0"> <tr> <td></td> <td>APR 2019</td> </tr> </table> <p>(6) Construction Completion</p> <table border="0"> <tr> <td></td> <td>JAN 2020</td> </tr> </table> <p>* Indicates completion of Project Definition with Parametric Cost Estimate which is comparable to traditional 35% design to ensure valid scope and cost and executability.</p> <p>b. Equipment associated with this project will be provided from other appropriations:</p> <table border="0"> <tr> <td></td> <td>N/A</td> </tr> </table> <p>POINT OF CONTACT: NGB / A4AD (240) 612-8070</p>			(a) Date Design Started	SEP 2017	(b) Parametric Cost Estimates used to develop costs	No	(c) Percent Complete as of Jan 2018	6%	* (d) Date 35% Designed	APR 2018	(e) Date Design Complete	OCT 2018	(f) Type of Design Contract	Standard	(g) Energy Study/Life-Cycle analysis was/will be performed	YES	(a) Standard or Definitive Design -	No	(b) Where Design Was Most Recently Used -		(a) Production of Plans and Specifications	(\$000)	\$470	(b) All Other Design Costs		\$270	(c) Total		\$740	(d) Contract		\$740	(e) In-House				FEB 2019		APR 2019		JAN 2020		N/A
(a) Date Design Started	SEP 2017																																										
(b) Parametric Cost Estimates used to develop costs	No																																										
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(a) Standard or Definitive Design -	No																																										
(b) Where Design Was Most Recently Used -																																											
(a) Production of Plans and Specifications	(\$000)	\$470																																									
(b) All Other Design Costs		\$270																																									
(c) Total		\$740																																									
(d) Contract		\$740																																									
(e) In-House																																											
	FEB 2019																																										
	APR 2019																																										
	JAN 2020																																										
	N/A																																										

EXHIBIT 15

1. Component DEFENSE (DLA)	FY 2018 MILITARY CONSTRUCTION PROJECT DATA	2. Date May 2017
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3. Installation and Location NORFOLK NAVAL STATION, NORFOLK, VA	4. Project Title REPLACE HAZARDOUS MATERIALS WAREHOUSE
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5. Program Element 0702976S	6. Category Code 44130	7. Project Number DDNV1801	8. Project Cost (\$000) 18,500
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9. COST ESTIMATES				
Item	U/M	Quantity	Unit Cost	Cost (\$000)
PRIMARY FACILITIES.....	-	-	-	8,894
HAZMAT WAREHOUSE & ADMIN NAVSTA (CC 44130).....	SF	35,904	207	(7,432)
GAS CYLINDER STORAGE SHED NAVSTA (CC 44135).....	SF	13,000	95	(1,235)
FORKLIFT STORAGE SHED (CC 44135).....	SF	682	268	(183)
GATE HOUSE NAVSTA (CC 73025).....	SF	100	440	(44)
SUPPORTING FACILITIES.....	-	-	-	7,774
SITE PREP, PAVING & IMPROVEMENTS.....	LS	-	-	(2,797)
SPECIAL FOUNDATIONS.....	LS	-	-	(2,038)
SITE UTILITIES.....	LS	-	-	(1,891)
DEMOLITION.....	LS	-	-	(1,048)
SUBTOTAL.....	-	-	-	16,668
CONTINGENCY (5%)	-	-	-	<u>833</u>
ESTIMATED CONTRACT COST	-	-	-	17,501
SUPERVISION, INSPECTION & OVERHEAD (SIOH) (5.7%)..	-	-	-	<u>998</u>
TOTAL.....	-	-	-	18,499
TOTAL (ROUNDED)	-	-	-	18,500
EQUIPMENT FROM OTHER APPROPRIATIONS	-	-	-	(1,670)

10. Description of Proposed Construction:
 Construct a non-combustible Hazardous Materials (HAZMAT) Warehouse. It will include sufficient clear stacking height storage, concrete floors at dock height, weather-sealed truck doors, loading docks with dock levelers, shipping and receiving areas, admin office space, restrooms with lockers, employee lunch/break/training room, and utility spaces. The project will also include a gas cylinder storage shed with forklift storage and charging capability. Supporting facilities include site improvements, dumpster enclosures, utilities, fire protection, storm drainage, site information systems, site lighting, paving (access roadways, hardstand aprons, parking), fencing, walks, landscaping, and related improvements. Provide aboveground fire protection water storage tank(s) and associated fire pumps, piping, etc. Site work includes improvements to parking areas to replace displaced parking.

Demolition at NAVSTA Norfolk includes a portion of existing warehouse CEP-156 (approx. 110,668 SF, FCI=67), the adjacent gatehouse CEP-180 (approx. 108 SF, FCI=76) and the existing gas cylinder storage shed (Shed X380, approx. 67,300 SF, FCI=64). The existing warehouse will return to the host installation for reuse.

11. REQUIREMENT: 105,600 Square Feet (SF) ADEQUATE: 0 SF SUBSTANDARD: 201,792 SF
PROJECT: Construct modern hazmat warehouse with appropriate administrative areas, gas cylinder storage and forklift storage and charging facilities. (C)

1. Component DEFENSE (DLA)		FY 2018 MILITARY CONSTRUCTION PROJECT DATA		2. Date May 2017	
3. Installation and Location NORFOLK NAVAL STATION, NORFOLK, VA			4. Project Title REPLACE HAZARDOUS MATERIALS WAREHOUSE		
5. Program Element 0702976S		6. Category Code 44130	7. Project Number DDNV1801	8. Project Cost (\$000) 18,500	
2. Basis (a) Standard or Definitive Design: (b) Date Design was Most Recently Used:					No N/A
3. Total Cost (c) = (a)+(b) or (d)+(e) (\$000)					
(a) Production of Plans and Specifications					1,150
(b) All Other Design Costs					650
(c) Total					1,755
(d) Contract					1,432
(e) In-House					323
4. Contract Award					06/18
5. Construction Start					07/18
6. Construction Complete					05/20
B. Equipment associated with this project that will be provided from other appropriations:					
<u>PURPOSE</u>		<u>APPROPRIATION</u>	<u>FISCAL YEAR REQUIRED</u>	<u>AMOUNT (\$000)</u>	
Furniture		DWCF	2018	65	
Security/Access Control System		DWCF	2018	100	
Rack System & MHE		DWCF	2018	1,500	
Info Sys		DWCF	2018	5	
Point of Contact is DLA Civil Engineer at 703-767-2326					

EXHIBIT 16

1. COMPONENT WHS	FY 2017 MILITARY CONSTRUCTION PROJECT DATA			2. DATE Feb 2016
3. INSTALLATION AND LOCATION Pentagon Reservation		4. PROJECT TITLE Pentagon Metro Entrance Facility		
5. PROGRAM ELEMENT	6. CATEGORY CODE 144 13	7. PROJECT NUMBER 80916	8. PROJECT COST (\$000) 12,111	
9. COST ESTIMATES				
ITEM	UM	QUANTITY	UNIT COST	COST(\$000)
PRIMARY FACILITY				
Entrance Screening Facility	SF	10,400	431.9	9,358 (4,493)
Existing Canopy Removal/Modifications	SF	9,125	155	(1,414)
Fixed Equipment	LS	--	--	(538)
Security Equipment Infrastructure	LS	--	--	(1,584)
Intrusion Detection Infrastructure	LS	--	--	(28)
Total from Continuation page(s)				(1,301)
SUPPORTING FACILITIES				
Electric Service	LS	--	--	679 (74)
Steam And/Or Chilled Water Distribution	LS	--	--	(271)
Paving, Walks, Curbs And Gutters	LS	--	--	(39)
Site Imp(244) Demo()	LS	--	--	(244)
Antiterrorism Measures	LS	--	--	(32)
Info Systems	LS	--	--	(19)
ESTIMATED CONTRACT COST				10,037
CONTINGENCY (10.00%)				<u>1,004</u>
SUBTOTAL				<u>11,041</u>
SUPERVISION, INSPECTION & OVERHEAD (5.70%)				629
DESIGN/BUILD - DESIGN COST (4.0000%)				<u>442</u>
TOTAL REQUEST				12,111
TOTAL REQUEST (ROUNDED)				12,200
INSTALLED EQT - OTHER APPROPRIATIONS				2,324
10. Description of Proposed Construction				
<p>Construct a new Pedestrian Access Control Point (PACP) for employee screening at the Pentagon Metro Entrance. This addition to the existing building will include all required security equipment and systems; anti-terrorism/force protection (AT/FP); intrusion detection system, information system (IT/communications); safety and surveillance measures; screening and unauthorized personnel and hazardous materials detection capabilities; systems commissioning; utility services; lighting, heating, ventilation and air conditioning; interior renovations; demolition; and site work for conformance with Homeland Security Presidential Directive (HSPD) -12, Pentagon Integrated Security Master Plan (ISMP), Pentagon Exterior Standards, Architectural Barriers Act (ABA), Historical Preservation, Green Build/Leadership in Energy and Environmental Design (LEED) Silver, Sustainability and Energy Policy Act features, Unified Facilities Criteria (UFC) and all applicable Federal, State and local codes and requirements. The new employee screening facility will provide increased throughput capacity to safely and efficiently handle the large daily volume of Pentagon employees and badged personnel traffic using the Pentagon Metro Entrance and to decrease threats and risks to the attending police officers.</p> <p>Interior renovations to the existing Metro Entrance screening area will be required for integration and efficient functioning of the new employee screening</p>				

1. COMPONENT WHS	FY 2017 MILITARY CONSTRUCTION PROJECT DATA		2. DATE Feb 2016
3. INSTALLATION AND LOCATION Pentagon Reservation		4. PROJECT TITLE Pentagon Metro Entrance Facility	
5. PROGRAM ELEMENT	6. CATEGORY CODE 144 13	7. PROJECT NUMBER 80916	8. PROJECT COST (\$000) 12,111

IMPACT IF NOT PROVIDED: (CONTINUED)

Pentagon access control points. This project is also needed to complete integration with the new Metro Entrance Visitor Screening Facility for maximum operational efficiency.

ADDITIONAL:

All applicable Federal, State, local codes, regulations and criteria will be integrated into this project including all applicable Pentagon standards. The Director WHS certifies that this project has been considered for joint use potential. The facility will be available for use by other components.

1. COMPONENT Washington Headquarters Services		FY 2017 MILITARY CONSTRUCTION PROGRAM					2. DATE Feb 2016							
3. INSTALLATION AND LOCATION Pentagon Reservation (Raven Rock Mountain Complex)				4. COMMAND OSD/DAM			5. AREA CONSTRUCTION COST INDEX 1.14							
6. PERSONNEL		(1) PERMANENT			(2) STUDENTS			(3) SUPPORTED			(4) TOTAL			
		OFFICER	ENLISTED	CIVILIAN	OFFICER	ENLISTED	CIVILIAN	OFFICER	ENLISTED	CIVILIAN				
a. AS OF 30 Sep 2015											23,000			
b. END FY 2020											23,000			
7. INVENTORY DATA (\$000)														
a. TOTAL ACREAGE														
b. INVENTORY TOTAL AS OF 30 Sep 2014														
c. AUTHORIZATION NOT YET IN INVENTORY														
d. AUTHORIZATION REQUESTED IN THIS PROGRAM)														
8,105														
e. AUTHORIZATION INCLUDED IN FOLLOWING PROGRAM														
0														
f. PLANNED IN NEXT THREE PROGRAM YEARS														
0														
g. REMAINING DEFICIENCY														
0														
h. GRAND TOTAL														
8,105														
8. PROJECTS REQUESTED IN THIS PROGRAM														
a. CATEGORY														
(1) CODE			(2) PROJECT TITLE			(3) SCOPE			b. COST (\$000)		DESIGN START		STATUS COMPLETE	
13290			Upgrade IT Facilities Infrastructure			4,000 SF			8,105		03/2015		04/2019	
9. FUTURE PROJECTS														
N/A														
10. MISSION OR MAJOR FUNCTIONS														
Raven Rock Mountain Complex provides an enduring platform from where DOD can execute its mission essential functions in support of continuity of operations.														
11. OUTSTANDING POLLUTION AND SAFETY DEFICIENCIES														
(\$000)														
A. Air Pollution														
0														
B. Water Pollution														
0														
C. Occupational Safety and Health														
0														

1. COMPONENT WHS	FY 2017 MILITARY CONSTRUCTION PROJECT DATA		2. DATE Feb 2016
3. INSTALLATION AND LOCATION Pentagon Reservation (Raven Rock Mountain Complex		4. PROJECT TITLE Upgrade IT Facilities Infrastructure-RRMC	
5. PROGRAM ELEMENT	6. CATEGORY CODE 132 90	7. PROJECT NUMBER 87744	8. PROJECT COST (\$000) 8,105
PROJECT: (CONTINUED)			
REQUIREMENT:			
Provide adequate information systems infrastructure both classified and unclassified and to meet the site's mission. Centrally located Telecommunication Rooms paired with upgraded cabling plant will require less maintenance, provide more accessibility to IT personnel, and provide for additional information throughput to serve a greater user population with increasing bandwidth needs.			
CURRENT SITUATION:			
The facility currently has an IT infrastructure with inadequate capacity to serve current data needs and a layout that is inefficient and requires multiple hops which causes signal degradation and slow network speed. Additionally the lack of dedicated IT rooms on each floor of the main facility causes maintenance personnel to take an average of eight (8) hours per service ticket to track down and resolve problems with cabling not being properly routed, and equipment spread throughout the facility often in tenant spaces that should be centrally located for ease of access. The unnecessary complexity and inadequate capacity of the current infrastructure and equipment access constraints require work-arounds and delay both the information systems operators and end users. This could be eliminated by a more modern, higher capacity, information systems infrastructure.			
IMPACT IF NOT PROVIDED:			
If this project is not constructed site information systems users will not have the bandwidth available to efficiently perform their missions nor will information systems personnel have the ability to effectively upgrade proponent sponsored equipment as data needs continue to increase to meet user needs. Trouble-shooting delays will continue to result from the unnecessary complexity of the existing system.			
ADDITIONAL:			
All applicable codes will be integrated into this project. This project has been coordinated with the installation physical security plan, and all physical security measures are included. All required antiterrorism protection measures are included. Alternative methods of meeting this requirement have been explored during project development. This project is the only feasible option to meet the requirement. The Director WHS certifies that this project has been considered for joint use potential. Mission requirements, operational considerations, and location are incompatible with user by other components. Sustainable principles, to include life cycle cost effective practices, will be integrated into the design, development and construction of the project.			

EXHIBIT 17

1. Component DEFENSE (DLA)	FY 2018 MILITARY CONSTRUCTION PROJECT DATA			2. Date May 2017
3. Installation and Location NORFOLK NAVAL SHIPYARD, PORTSMOUTH, VA		4. Project Title REPLACE HAZARDOUS MATERIALS WAREHOUSE		
5. Program Element 0702976S	6. Category Code 44130	7. Project Number DDNV1802	8. Project Cost (\$000) 22,500	
9. COST ESTIMATES				
Item	U/M	Quantity	Unit Cost	Cost (\$000)
PRIMARY FACILITIES	-	-	-	11,916
HAZMAT WAREHOUSE & ADMIN NNSY (CC 44130)	SF	52,500	207	(10,878)
GAS CYLINDER STORAGE SHED NNSY (CC 44135).....	SF	9,000	95	(855)
FORKLIFT STORAGE SHED (CC 44135).....	SF	682	268	(183)
SUPPORTING FACILITIES	-	-	-	8,287
SITE PREP, PAVING & IMPROVEMENTS	LS	-	-	(2,797)
SPECIAL FOUNDATIONS.....	LS	-	-	(2,551)
SITE UTILITIES	LS	-	-	(1,891)
DEMOLITION	LS	-	-	(1,048)
SUBTOTAL	-	-	-	20,203
CONTINGENCY (5%)	-	-	-	<u>1,010</u>
ESTIMATED CONTRACT COST	-	-	-	21,213
SUPERVISION, INSPECTION & OVERHEAD (SIOH) (5.7%)..	-	-	-	<u>1,209</u>
TOTAL	-	-	-	22,422
TOTAL (ROUNDED)	-	-	-	22,500
EQUIPMENT FROM OTHER APPROPRIATIONS	-	-	-	(1,670)
10. Description of Proposed Construction:				
<p>Construct a non-combustible Hazardous Materials (HAZMAT) Warehouse. It will include sufficient clear stacking height storage, concrete floors at dock height, weather-sealed truck doors, loading docks with dock levelers, shipping and receiving areas, admin office space, restrooms with lockers, employee lunch/break/training room, and utility spaces. The project will also include a gas cylinder storage shed with forklift storage and charging capability. Supporting facilities include site improvements, dumpster enclosures, utilities, fire protection, storm drainage, site information systems, site lighting, paving (access roadways, hardstand aprons, parking), fencing, walks, landscaping, and related improvements. Provide aboveground fire protection water storage tank(s) and associated fire pumps, piping, etc. Site work includes improvements to parking areas to replace displaced parking.</p> <p>Relocate ready service lockers (RSL's) and demolish gas cylinder storage shed (Shed 1567, approx. 15,400 SF, FCI=76) and a shed area office (approx. 96 SF).</p>				
11. REQUIREMENT: 105,600 Square Feet (SF) ADEQUATE: 0 SF SUBSTANDARD: 201,792 SF				
PROJECT: Construct a modern hazmat warehouse with appropriate administration areas, gas cylinder storage and forklift storage & charging facilities. (C)				

1. Component DEFENSE (DLA)		FY 2018 MILITARY CONSTRUCTION PROJECT DATA		2. Date May 2017	
3. Installation and Location NORFOLK NAVAL SHIPYARD, PORTSMOUTH, VA			4. Project Title REPLACE HAZARDOUS MATERIALS WAREHOUSE		
5. Program Element 0702976S		6. Category Code 44130	7. Project Number DDNV1802	8. Project Cost (\$000) 22,500	
2. Basis (a) Standard or Definitive Design: (b) Date Design was Most Recently Used:					No N/A
3. Total Cost (c) = (a)+(b) or (d)+(e) (\$000) (a) Production of Plans and Specifications (b) All Other Design Costs (c) Total (d) Contract (e) In-House					1,391 735 2,126 1,803 323
4. Contract Award					06/18
5. Construction Start					07/18
6. Construction Complete					05/20
B. Equipment associated with this project that will be provided from other appropriations:					
<u>PURPOSE</u>		<u>APPROPRIATION</u>	<u>FISCAL YEAR REQUIRED</u>	<u>AMOUNT (\$000)</u>	
Furniture		DWCF	2018	65	
Security/Access Control System		DWCF	2018	100	
Rack System & MHE		DWCF	2018	1,500	
Info Sys		DWCF	2018	5	
Point of Contact is DLA Civil Engineer at 703-767-2326					

EXHIBIT 18

1. Component NAVY		FY 2019 MILITARY CONSTRUCTION PROGRAM		2. Date 05 FEB 2018	
3. Installation (SA) & Location/UIC: N32443 NAVAL SUPPORT STATION NREFK NSY PORTSMOUTH, VIRGINIA			4. Project Title Ships Maintenance Facility		
5. Program Element 0703676N	6. Category Code 21357	7. Project Number P256	8. Project Cost (\$000) 26,120		
9. COST ESTIMATES					
Item		UM	Quantity	Unit Cost	Cost (\$000)
SHIPS MAINTENANCE FACILITY (370,989SF)		m2	34,466		23,080
ELECTRIC/ELECTRONICS SHOP CC21357 (370,989SF) (RENOVATE)		m2	34,466	543.52	(18,730)
ANTI-TERRORISM/FORCE PROTECTION		LS			(3,020)
BUILT-IN EQUIPMENT		LS			(150)
SPECIAL COSTS		LS			(950)
OPERATION & MAINTENANCE SUPP INFO (OMSI)		LS			(230)
SUPPORTING FACILITIES					450
PAVING AND SITE IMPROVEMENTS		LS			(30)
ELECTRICAL UTILITIES		LS			(220)
MECHANICAL UTILITIES		LS			(40)
ENVIRONMENTAL MITIGATION		LS			(160)
SUBTOTAL					23,530
CONTINGENCY (5%)					1,180
TOTAL CONTRACT COST					24,710
SIOH (5.7%)					1,410
SUBTOTAL					26,120
TOTAL REQUEST ROUNDED					26,120
TOTAL REQUEST					26,120
EQUIPMENT FROM OTHER APPROPRIATIONS (NON ADD)					(1,384)
10. Description of Proposed Construction:					
<p>Converts the fifth and sixth floor in Building #510 to accommodate the relocation of the nuclear containment and life raft shops. The altered floor plan will include shop equipment areas, maintenance space, pallet racks, fire rated walls around storage areas, administrative office, break room, personnel support areas, bathrooms, and a conference room. Existing stairwells, from ground floor to sixth floor will be repaired to meet code requirements. All non-code compliant combustible construction throughout the building will be removed and the egress deficiency on the third floor will be corrected. Code compliant fire alarm/mass notification, standpipe and sprinkler systems will be installed throughout the facility. Progressive collapse retrofits are included.</p>					

1. Component NAVY	FY 2019 MILITARY CONSTRUCTION PROGRAM			2. Date 05 FEB 2018
3. Installation (SA) & Location/UIC: N32443 NAVAL SUPPORT STATION NRFK NSY PORTSMOUTH, VIRGINIA			4. Project Title Ships Maintenance Facility	
5. Program Element 0703676N	6. Category Code 21357	7. Project Number P256	8. Project Cost (\$000) 26,120	
CURRENT SITUATION:				
<p>Building #510 was constructed in 1957. The building has been cited for a number of life safety violations. These violations include having no sprinkler protection, inadequate fire alarm placement, lack of a mass notification system and inadequate egress. Most of the occupants on fifth and sixth floors have been relocated into trailers. Current mitigation includes roving fire watches on each floor, 24 hours per day, seven days a week, by existing shop personnel, thus reducing available manpower for ship maintenance and repair activities.</p> <p>The most efficient use of the vacant space in building #510 would be the relocation of the nuclear containment and life raft shops from an existing facility. This existing facility has severe life safety and environmental concerns that would require significantly more funding to repair than Building #510.</p> <p>The shipyard has the only life raft inspection, repairs and certification facility for the east coast, servicing life rafts from Navy and Coast Guard ships. This represents an annual work load of 750 raft inspections, repairs and certifications per year, with 50-100 rafts in active maintenance at any time.</p>				
IMPACT IF NOT PROVIDED:				
<p>The nuclear containment and life raft shops will stay in their existing facility, resulting in increased risk to critical ship maintenance activities. Approximately 330 personnel, working more than 256,000 man-hours annually, will remain in a high risk environment, with continuing significant rework, higher stress, and additional operating costs due to inadequate working environment. Shop operations will continue to require the rental of a portable sixty ton HVAC system to provide the minimum required climate control for the shops required to operate under specified temperature and/or humidity levels. Even with the temporary climate control, this facility still routinely operates at high summertime temperatures and/or high humidity. The result is negative impacts on availability schedules due to rework, and time delays caused by equipment overheating and failed seams on the contaminated materials containment bags and enclosures.</p>				
12. Supplemental Data:				
A. Estimated Design Data:				
1. Status:				
(A) Date design or Parametric Cost Estimate started				09/2016
(B) Date 35% Design or Parametric Cost Estimate complete				02/2017
(C) Date design completed				11/2018

EXHIBIT 19

1. COMPONENT ANG	FY 2018 MILITARY CONSTRUCTION PROJECT DATA (computer generated)		2. DATE AUG 14, 2018
3. INSTALLATION AND LOCATION DANE COUNTY REGIONAL-TRUAX FIELD, WISCONSIN		4. PROJECT TITLE CONSTRUCT SMALL ARMS RANGE	
5. PROGRAM ELEMENT 52276F	6. CATEGORY CODE 179-475	7. PROJECT NUMBER XGFG179036	8. PROJECT COST(\$000) \$8,000

9. COST ESTIMATES				
ITEM	U/M	QUANTITY	UNIT COST	COST (\$000)
CONSTRUCT SMALL ARMS RANGE	SF	12,300		6,021
SMALL ARMS RANGE (179475)	SF	10,500	510	(5,355)
COMBAT ARMS TRNG & MAINT (171476)	SF	1,800	370	(666)
SUPPORTING FACILITIES				1,000
UTILITIES AND COMMUNICATIONS SUPPORT	LS			(500)
SITE IMPROVEMENTS	LS			(250)
PAVEMENTS	LS			(250)
SUSTAINABILITY AND ENERGY MEASURES	LS			150
SUBTOTAL				7,171
CONTINGENCY (5%)				359
TOTAL CONTRACT COST				7,530
SUPERVISION, INSPECTION AND OVERHEAD (6%)				451
TOTAL REQUEST				7,981
TOTAL REQUEST (ROUNDED)				8,000

10. Description of Proposed Construction: Construct a small arms range and CATM training & maintenance facility utilizing conventional design and construction methods to accommodate the mission of the facility. Facility shall be designed as permanent construction in accordance with the DOD Unified Facilities Criteria. The facility should be compatible with applicable DoD, Air Force, and base design standards. In addition, local materials and construction techniques shall be used where cost effective. This project will comply with DoD antiterrorism/force protection requirements per unified facilities criteria. Special construction requirements: all necessary exterior utilities, access pavements, fire protection, site work, and support. Provide utility connections for modular small arms range equipment components.
Air Conditioning: 30 Tons.

11. REQUIREMENT: 12,300 SF ADEQUATE: 0 SF SUBSTANDARD: 0 SF
PROJECT: Small Arms Range/CATM Training (Current Mission)
REQUIREMENT: The installation requires an adequately sized, properly configured, and correctly sited small arms range to train and certify security forces, battlefield airmen, and mobility personnel in accordance with AFI 36-2226. The facility will house a MCSATS (Modular Containerized Small Arms Training Set) for a total of 12 to 14 firing lanes. A combat arms training and maintenance (CATM) facility, to provide classroom training space, administrative space, and arms cleaning and inspection areas for members using the small arms range. The ANG has both members that are required to perform armed duties in-garrison and others only in contingency operations on both pistol and rifle in accordance with AFI 36-2226, Table 2-1.
CURRENT SITUATION: The installation does not have an organic small arms range capability. Drill status members cannot be qualified on base during their 2-days-per-month drill attendance. Work-arounds include traveling off-site at considerable expense per qualification. Given the new course of fire includes a full 8-hour firing day, plus pre-firing classroom familiarization training, combat arms training can occupy the majority of a drill weekend, leaving no time for other functional or ancillary training. On base training is considered the preferred course of action because it minimizes impacts to drill time. The ANG's 89 wings each have Airmen who need to qualify on rifle or pistol. However, most ANG bases have too little real estate to support enclosed outdoor firing ranges due to the sizable

1. COMPONENT ANG	FY 2018 MILITARY CONSTRUCTION PROJECT DATA (computer generated)	2. DATE AUG 14, 2018
3. INSTALLATION AND LOCATION DANE COUNTY REGIONAL-TRUAX FIELD, WISCONSIN		
5. PROJECT TITLE CONSTRUCT SMALL ARMS RANGE		7. PROJECT NUMBER XGFG179036

surface danger zone behind the target line; units seek indoor ranges to minimize the range footprint, maximize training efficiency for drill status Airmen and CATM instructors, and allow required Security Forces "night" firing by using low light levels inside the indoor range. In an NGB/A4S study which considered the cost of travel and lost time, this site had the third highest cost-per-qualification in the ANG, at more than \$1,116 per student qualified.

IMPACT IF NOT PROVIDED: Installation personnel will continue to travel considerable distances to qualify on weapons, negatively affecting all wing readiness and severely degrading their wartime mission. The installation will have to continue to travel over 5 hours round trip, plus 4 hours of training forces the unit to stay over night near the range, costing \$15K annually. Safety, security, and physical protection of Wing personnel is hampered, endangering both life and property. Additionally, installation security forces will not have adequate training and qualifications which reduces overall base security and also endangers both life and property. Accept risk to the deployment mission and the protection of valuable mobility aircraft on site due to inadequate training.

ADDITIONAL: The ANG currently has 28 installations with a small-arms range. An additional 24 ANG installations are units hosted on an installation with an operational small arms range, leaving 46 installations which lack organic range capability. This project will construct a facility to provide a modular small arms range plus provide classroom and weapons maintenance/administrative space. This project is considered capitalization based on the following rule from ANGETL 17-06: New Construction.

CatCode	Requirement	Adequate	Substandard
179-475 SMALL ARMS RANGE SYSTEM	10,500 SF	0 SF	0 SF
171-476 COMBAT ARMS TRNG & MAINT	1,800 SF	0 SF	0 SF

SMALL ARMS RANGE (179475) 10,500 SF = 975 SM
 COMBAT ARMS TRNG & MAINT (171476) 1,800 SF = 167 SM

EXHIBIT 20

RULE 55 FUGITIVE DUST CONTROL

(Adopted June 24, 2009; Effective December 24, 2009)

(a) APPLICABILITY

Except as provided in Section (b), the provisions of this rule shall apply to any commercial construction or demolition activity capable of generating fugitive dust emissions, including active operations, open storage piles, and inactive disturbed areas. Activities subject to this regulation are also subject to the applicable requirements of Rule 50 (Visible Emissions) and Rule 51 (Nuisance).

(b) EXEMPTIONS

The provisions of this rule shall not apply to the following:

(1) Noncommercial construction or demolition activities in support of any structure designed for and used exclusively as a dwelling for not more than four families;

(2) Emergency operations conducted during and in response to life-threatening situations, or in conjunction with any officially declared disaster or state of emergency;

(3) Active operations conducted by essential service utilities to provide electricity, natural gas, telephone, water and/or sewer during periods of unplanned service outages and emergency disruptions;

(4) Any active operation, open storage pile, or inactive disturbed area for which the owner/operator can demonstrate that necessary fugitive dust preventive or mitigating actions are in conflict with the California or federal Endangered Species Acts, or a local, state, or federal water quality requirement;

(5) Explosive blasting operations. However, any other activities capable of generating fugitive dust emissions and performed in conjunction with explosive blasting, such as vehicle transport of materials produced by blasting operations, are not exempt from complying with the provisions of this rule or other applicable rules;

(6) Abrasive blasting operations regulated by Rule 71 (Abrasive Blasting);

(7) Activities subject to an Air Pollution Control District permit to operate;

(8) Permanent unpaved roads.

(c) DEFINITIONS

For the purpose of this rule, the following definitions shall apply:

(1) **“Active Operation”** means any construction or demolition activity capable of generating fugitive dust. This includes but is not limited to, earth-moving activities, and heavy- and light-duty vehicular movement on disturbed surface areas or on unpaved roads.

(2) **“Bulk Materials”** means any material which can emit fugitive dust when stored, disturbed, or handled, and is un-packaged. Bulk material includes, but is not limited to, sand, gravel, soil, aggregate material, and other organic or inorganic particulate matter.

(3) **“Commercial”** means work conducted for financial compensation by other than a tenant or property owner.

(4) **“Construction or Demolition Activity”** means any on-site activity preparatory to or for the purpose of building, altering, rehabilitating, raising, tearing down, breaking into pieces, or improving property, including, but not limited to, the following activities: grading, excavation, loading, transporting, crushing, cutting, planing, shaping or ground breaking.

(5) **“Dust”** means minute solid particles released into the air by natural forces or by mechanical processes including, but not limited to: crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, and sweeping.

(6) **“Earth-moving Activities”** means activities that include, but are not limited to, grading, earth cutting and filling operations, loading or unloading of dirt or bulk materials, adding to or removing bulk materials from open storage piles, or soil mulching.

(7) **“Emergency”** means an immediate threat to human health or property.

(8) **“Erosion”** means the movement and deposition of land surface materials by water or wind primarily as a result of human activities.

(9) **“Inactive Disturbed Area”** means a portion of the earth's surface that has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural soil condition, thereby increasing the potential for emissions of fugitive dust. This definition excludes those areas that have:

(i) Been restored to a natural state, such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby natural conditions;

(ii) Been paved or otherwise covered by a permanent structure; or

(iii) Established a vegetative ground cover equivalent to at least 70% percent of the background coverage for nearby undisturbed areas.

(10) **“Open Storage Pile”** means any accumulation of bulk material with five percent or greater silt content which is not fully enclosed, covered or chemically stabilized, and which attains a height of three feet or more and a total surface area of 150 or more

square feet. Silt content level is assumed to be five percent or greater unless a person can show, by sampling and analysis in accordance with ASTM Method C-136 or other equivalent method approved in writing by the California Air Resources Board, that the silt content is less than five percent.

(11) “**Owner/operator**” means any person who owns, leases, operates, controls, or supervises any activity subject to this rule or any person who owns, leases, operates, controls, or supervises the site at which any activity subject to this rule occurs, or both.

(12) “**Particulate Matter**” means any finely divided material which exists as a solid or liquid at standard conditions, excluding uncombined water.

(13) “**Paved Road**” means an improved street, highway, alley, public way, or easement that is covered by concrete, asphaltic concrete, fresh or recycled asphalt, or rubberized asphalt, excluding access roadways that connect a facility with a public paved roadway and are not open to through traffic.

(14) “**Permanent Unpaved Road**” means any unsealed or dirt roadway that is not covered by concrete, asphaltic concrete, fresh or recycled asphalt, or rubberized asphalt, and which is designed and intended to remain unsealed and uncovered indefinitely. This definition excludes public or private roads undergoing construction or resurfacing.

(15) “**Person**” means any individual, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local government agency or public district and any officer or employee thereof, or the federal government and any officers or employees thereof to the extent authorized by federal law, or any other entity whatsoever which is recognized by law as the subject of rights and duties.

(16) “**Property Line**” means the boundaries of an area in which either a person causing the fugitive dust emissions or a person allowing such emissions has the legal control or possession. This may include all or portions of a legal parcel or parcels as defined by the San Diego County Assessor.

(17) “**Track-Out/Carry-Out**” means any bulk materials that adhere to and agglomerate on the exterior surfaces of motor vehicles and/or equipment (including tires), or are inadvertently carried out, and that fall onto a paved road, creating visible roadway dust.

(18) “**Visible Dust Emissions**” means any solid particulate matter that is visually detectable in the air without the aid of instruments other than corrective lenses.

(19) “**Visible Roadway Dust**” means any sand, soil, dirt, or other solid particulate matter which is visible upon paved public road surfaces and which can be removed by a vacuum sweeper, or a wet sweeper under normal operating conditions.

(d) **STANDARDS**

(1) **Airborne Dust Beyond the Property Line:** No person shall engage in construction or demolition activity subject to this rule in a manner that discharges visible dust emissions into the atmosphere beyond the property line for a period or periods aggregating more than 3 minutes in any 60 minute period.

(2) **Track-Out/Carry-Out:** Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall:

(i) be minimized by the use of any of the following or equally effective track-out/carry-out and erosion control measures that apply to the project or operation: track-out grates or gravel beds at each egress point, wheel-washing at each egress during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; and for outbound transport trucks: using secured tarps or cargo covering, watering, or treating of transported material; and

(ii) be removed at the conclusion of each work day when active operations cease, or every 24 hours for continuous operations. If a street sweeper is used to remove any track-out/carry-out, only PM10-efficient street sweepers certified to meet the most current South Coast Air Quality Management District Rule 1186 requirements shall be used. The use of blowers for removal of track-out/carry-out is prohibited under any circumstances.

EXHIBIT 21



**Congressional
Research Service**

Informing the legislative debate since 1914

The Trump Administration's "Zero Tolerance" Immigration Enforcement Policy

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Analyst in Immigration Policy

July 20, 2018

Congressional Research Service

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Summary

For the last several years, Central American migrant families have arrived at the U.S.-Mexico border in relatively large numbers, many seeking asylum. While some request asylum at U.S. ports of entry, others do so after entering the United States “without inspection” (i.e., illegally) between U.S. ports of entry. On May 7, 2018, the Department of Justice (DOJ) implemented a zero tolerance policy toward illegal border crossing both to discourage illegal migration into the United States and to reduce the burden of processing asylum claims that Administration officials contend are often fraudulent.

Under the zero tolerance policy, DOJ prosecutes all adult aliens apprehended crossing the border illegally, with no exception for asylum seekers or those with minor children. DOJ’s policy represents a change in the level of enforcement for an existing statute rather than a change in statute or regulation. Prior Administrations prosecuted illegal border crossings relatively infrequently.

Criminally prosecuting adults for illegal border crossing requires detaining them in federal criminal facilities where children are not permitted. While DOJ and the Department of Homeland Security (DHS) have broad statutory authority to detain adult aliens, children must be detained according to guidelines established in the Flores Settlement Agreement (FSA), the Homeland Security Act of 2002, and the Trafficking Victims Protection Reauthorization Act of 2008. A 2015 judicial ruling held that children remain in family immigration detention for no more than 20 days. If parents cannot be released with them, children are treated as unaccompanied alien children and transferred to the Department of Health and Human Services’ (HHS’s) Office of Refugee Resettlement (ORR) for care and custody.

The widely publicized family separations are a consequence of the Trump Administration’s 100% prosecution policy, not the result of any family separation policy. Since that policy was implemented, up to 3,000 children may have been separated from their parents.

Following mostly critical public reaction, President Trump ordered DHS to maintain custody of alien families during the pendency of any criminal trial or immigration proceedings. DHS Customs and Border Protection (CBP) subsequently stopped referring most illegal border crossers to DOJ for criminal prosecution. A federal judge then mandated that all separated children be promptly reunited with their families. Another rejected DOJ’s request to modify the FSA to extend the 20-day child detention guideline. DHS has since reverted to some prior immigration enforcement policies.

Family unit apprehensions, which increased from just over 11,000 in FY2012 to 68,560 in the first nine months of FY2018, are occurring within relatively low historical levels of total alien apprehensions. The national origin of recently apprehended aliens and families has shifted from mostly Mexican to mostly Central American.

Administration officials and immigration enforcement advocates argue that measures like the zero tolerance policy are necessary to discourage migrants from coming to the United States and submitting fraudulent asylum requests. They maintain that alien family separation resulting from the prosecution of illegal border crossers mirrors that occurring under the U.S. criminal justice system policy where adults with custody of minor children are charged with a crime and held in jail, effectively separating them from their children.

Immigrant advocates contend that migrant families are fleeing legitimate threats from countries with exceptionally high rates of gang violence, and that family separations resulting from the zero tolerance policy are cruel and violate fundamental human rights—such as the ability to request

asylum. They maintain that the zero tolerance policy was hastily implemented and lacked planning for family reunification following criminal prosecutions. Some observers question the Trump Administration's capacity to marshal sufficient resources to prosecute all illegal border crossers without additional resources. Others criticize the family separation policy in light of less expensive alternatives to detention.

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Introduction

In recent years, Central American migrant families have been arriving at the U.S.-Mexico border in relatively large numbers, many seeking asylum.¹ While some request asylum at U.S. ports of entry, others do so after attempting to enter the United States illegally between U.S. ports of entry.² On May 7, 2018, Attorney General Jeff Sessions announced that the Department of Justice (DOJ) implemented a “zero tolerance” policy toward illegal border crossing, both to discourage illegal migration into the United States and to reduce the burden of processing asylum claims that Administration officials contend are often fraudulent.³

Under the zero tolerance policy, DOJ is prosecuting 100% of adult aliens⁴ apprehended crossing the border illegally, making no exceptions for whether they are asylum seekers or accompanied by minor children.⁵ Illegal border crossing is a *misdemeanor*⁶ for a first time offender and a *felony*⁷ for anyone who has previously been “denied admission, excluded, deported, or removed, or has departed the United States while an order of exclusion, deportation or removal is outstanding and thereafter enters, attempts to enter or is found in the U.S.”⁸ Both such criminal offenses can be prosecuted by DOJ in federal criminal courts.

DOJ’s “100% prosecution” policy represents a change in the level of enforcement of an existing statute rather than a change in statute or regulation.⁹ The recent Bush and Obama Administrations prosecuted illegal border crossings relatively infrequently, in part to avoid having DOJ resources committed to prosecuting sizeable numbers of misdemeanors. At different times during those

¹ Asylum is a protection granted to a foreign national physically present within the United States or at the U.S. border who meets the definition of a refugee. A refugee is a person who is outside his or her home country (a second country that is not the United States) and is unable or unwilling to return because of persecution, or a well-founded fear of persecution, on account of five possible criteria: (1) race, (2) religion, (3) nationality, (4) membership in a particular social group, or (5) political opinion; INA 1101(a)(42)(A). In recent years, particularly following the surge of unaccompanied children at the southwest border in 2014, courts have grappled with whether the statutory definition of asylum can encompass threats like gang violence. In some cases, asylum has been granted on such grounds.

² A port of entry is a harbor, border town, or airport through which people and goods may enter a country. The United States currently has 328 ports of entry. For background information related to ports of entry and border security, see CRS Report R43356, *Border Security: Immigration Inspections at Ports of Entry*; and CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*.

³ U.S. Department of Justice, Office of Public Affairs, “Attorney General Sessions Delivers Remarks Discussing the Immigration Enforcement Actions of the Trump Administration,” May 7, 2018.

⁴ *Alien* refers to anyone who is not a citizen or a national of the United States; INA §101(a)(3), 8 U.S.C. §1101(a)(3). In this report, alien is synonymous with *foreign national*. *Unauthorized alien* refers to a foreign national who is unlawfully present in the United States and who either entered the United States illegally (“without inspection”) or entered lawfully and temporarily (“with inspection”) but subsequently violated the terms of his/her admission, typically by “overstaying” a visa duration.

⁵ DHS’s Immigration and Customs Enforcement (ICE) refers to the “zero tolerance” policy as the “100% prosecution” policy. CRS consultation with ICE Legislative Affairs, June 8, 2018.

⁶ A misdemeanor, under federal law, is a criminal offense that is generally regarded as less serious than a felony and punishable by a fine and/or imprisonment for a period of one year or less. See 18 U.S.C. § 3559; see also Black’s Law Dictionary, 10th ed., 2014.

⁷ A felony is a criminal offense punishable by a term of imprisonment for more than one year or by death. See 18 U.S.C. § 3559; see also Black’s Law Dictionary, 10th ed., 2014.

⁸ 8 U.S.C. §1326

⁹ See Tim O’Shea, Theresa Cardinal Brown, “Why Are families Being Separated at the Border? An Explainer,” Bipartisan Policy Center, June 13, 2018; and Weekend Edition Saturday, “Jeh Johnson On Immigration And Trump,” *National Public Radio*, June 9, 2018.

Administrations, illegal entrants would be criminally prosecuted in an attempt to reduce illegal migration, but exceptions were generally made for families and asylum seekers.

Illegal border crossers who are prosecuted by DOJ are detained in federal criminal facilities. Because children are not permitted in criminal detention facilities with adults, detaining adults who crossed illegally requires that any minor children under age 18 accompanying them be treated as unaccompanied alien children (UAC)¹⁰ and transferred to the care and custody of the Department of Health and Human Services' (HHS's) Office of Refugee Resettlement (ORR).

The widely publicized family separations are therefore a *consequence* of the Administration's new policy of 100% prosecution of illegal border crossing, and not the result of a direct policy or law mandating family separation. Since the policy was implemented, "under 3,000" children may have been separated from their parents, including at least 100 under age 5.¹¹

The family separations have garnered extensive public attention. The Trump Administration and immigration enforcement advocates maintain that the zero tolerance policy is necessary to disincentivize migrants from coming to the United States and clogging immigration courts with fraudulent requests for asylum.¹² Immigrant advocates contend that migrant families are fleeing legitimate threats of violence and that family separations resulting from the zero tolerance policy are cruel and violate fundamental human rights.¹³

This report briefly reviews the statutory authority for prosecuting persons who enter the United States illegally between U.S. ports of entry, and the policies and procedures for processing apprehended illegal border entrants and any accompanying children. It explains enforcement policies under past Administrations and then discusses the Trump Administration's zero tolerance policy on illegal border crossers and the attendant family separations. The report concludes by presenting varied policy perspectives on the zero tolerance policy and briefly reviews recent related congressional activity. An appendix examines recent trends in the apprehension of family units at the U.S. southern border.

This report describes policies and circumstances that are changing rapidly. Information presented in it is current as of the publication date but may become outdated quickly.

¹⁰ Unaccompanied alien children (UAC) are defined in statute as children who lack lawful immigration status in the United States, who are under the age of 18, and who either are without a parent or legal guardian in the United States or without a parent or legal guardian in the United States who is available to provide care and physical custody; 6 U.S.C. §279(g)(2). In this report, children refers to minors under age 18 unless otherwise indicated. For more information, see CRS Report R43599, *Unaccompanied Alien Children: An Overview*.

¹¹ U.S. Department of Health and Human Services, "HHS Issues Statement on Ms. L, et al., Status Report Regarding Plan for Compliance for Remaining Class Members," press release, July 13, 2018. This figure was also reported in several news reports, including Dan Diamond, "HHS says hundreds more migrant kids may have been separated than earlier count," *Politico*, July 5, 2018; and Caitlin Dickerson, "Trump Administration in Chaotic Scramble to Reunify Migrant Families," *New York Times*, July 5, 2018.

¹² U.S. Department of Justice, Office of Public Affairs, "Attorney General Sessions Delivers Remarks Discussing the Immigration Enforcement Actions of the Trump Administration," May 7, 2018.

¹³ See, for example, American Immigration Council, "Asylum in the United States, Fact Sheet," May 14, 2018; and International Justice Resource Center, *Asylum and the Rights of Refugees*, accessed by CRS on July 12, 2018, at <https://ijrcenter.org/refugee-law/>.

Enforcement and Asylum Policy for Illegal Border Crossers

Aliens who wish to enter the United States may request admission legally¹⁴ at a U.S. port of entry or may attempt to enter illegally by crossing the border surreptitiously between U.S. ports of entry. Aliens who wish to request asylum may do so at a U.S. port of entry before an officer with the Department of Homeland Security (DHS) Customs and Border Protection (CBP) Office of Field Operations or upon apprehension between U.S. ports of entry before an agent with CBP's U.S. Border Patrol. DHS has broad statutory authority both to detain aliens not legally admitted, including asylum seekers, and to remove aliens who are found to be either inadmissible at ports of entry or removable once in the United States. Aliens requesting asylum at the border are entitled to an interview assessing the credibility of their asylum claims.¹⁵

Illegal U.S. Entry

Aliens who enter the United States illegally between ports of entry face two types of penalties. They face civil penalties for illegal presence in the United States, and they face criminal penalties for having entered the country illegally. Both types of penalties are explained below.

The Immigration and Nationality Act (INA) establishes *civil* penalties for persons who are in the United States unlawfully (i.e., without legal status). These penalties apply to foreign nationals who entered the United States illegally as well as those who entered legally but subsequently violated the terms of their admission, typically by "overstaying" their visa duration. Foreign nationals who are apprehended for such civil immigration violations are generally subject to removal (deportation) and are placed in formal or streamlined removal proceedings (described below in "Removal").

The INA also establishes *criminal* penalties for (1) persons who enter or attempt to enter the United States illegally between ports of entry, (2) persons who elude examination or inspection by immigration officers, or (3) persons who attempt to enter or obtain entry to the United States through fraud or willful misrepresentation.¹⁶ In addition, the INA provides criminal penalties for persons who unlawfully reenter the United States after they were previously removed from the country.¹⁷ Foreign nationals apprehended for criminal immigration violations are subject to prosecution by DOJ in federal criminal courts. This report only addresses criminal penalties for illegal entry and reentry between ports of entry.

Foreign nationals who attempt to enter the United States without authorization often do so between U.S. ports of entry on the U.S. border. If apprehended, they are processed by CBP. They are typically housed briefly in CBP detention facilities before being transferred to the custody of another federal agency or returned to their home country through streamlined removal procedures (discussed below). All apprehended aliens, including children, are placed into removal proceedings that occur procedurally after any criminal prosecution for illegal entry. Removal

¹⁴ For more information on legal admissions, see CRS Legal Sidebar LSB10150, *An Overview of U.S. Immigration Laws Regulating the Admission and Exclusion of Aliens at the Border*; and CRS Report R45020, *A Primer on U.S. Immigration Policy*.

¹⁵ INA §235(b)(1), 8 U.S.C. §1225(b)(1).

¹⁶ INA §275, 8 U.S.C. §1325 treats "improper" entry by aliens (first-time illegal entry) as a federal misdemeanor, punishable by fines and/or up to six months in prison.

¹⁷ INA §276, 8 U.S.C. §1326 treats illegal reentry as a felony, punishable by fines and/or up to two years in prison. Higher penalties apply for migrants with criminal records.

proceedings generally involve formal hearings in an immigration court before an immigration judge, or expedited removal without such hearings (see “Removal” below).

In general, CBP refers apprehended aliens for criminal prosecution if they meet criminal enforcement priorities (e.g., child trafficking, prior felony convictions, multiple illegal entries). Such individuals are placed in the custody of the U.S. Marshals Service (DOJ’s enforcement arm) and transported to DOJ criminal detention facilities for pretrial detention. After individuals have been tried—and if convicted, have served any applicable criminal sentence—they are transferred to DHS Immigration and Customs Enforcement (ICE) custody and placed in immigration detention.¹⁸ ICE, which represents the government in removal hearings, commences removal proceedings.

If CBP does not refer apprehended aliens to DOJ for criminal prosecution, CBP may either return them to their home countries using streamlined removal processes or transfer them to ICE custody for immigration detention while they are in formal removal proceedings.¹⁹

Asylum

Many aliens at the U.S.-Mexico border seek asylum in the United States. Asylum is not numerically limited and is granted on a case-by-case basis. Asylum can be requested by foreign nationals who have already entered the United States and are not in removal proceedings (“affirmative” asylum) or those who are in removal proceedings and claim asylum as a defense to being removed (“defensive” asylum). The process in each case is different.²⁰

Arriving aliens who are inadmissible, either because they lack proper entry documents or because they attempt U.S. entry through misrepresentation or false claims to U.S. citizenship, are put into a streamlined removal process known as expedited removal (described below in “Removal”).²¹ Aliens in expedited removal who express a fear of persecution are detained by ICE and given a “credible fear” interview with an asylum officer from DHS’s U.S. Citizenship and Immigration Services (USCIS).²² The purpose of the interview is to determine if the asylum claim has sufficient validity to merit an asylum hearing before an immigration judge. Those who receive a favorable credible fear determination are taken out of expedited removal, placed into formal removal proceedings, and given a hearing before an immigration judge, thereby placing the

¹⁸ Sentences for first-time illegal entry under INA §275 are typically a matter of days or weeks, with pretrial detention usually counted as part of the sentence; Tim O’Shea, Theresa Cardinal Brown, “Why Are families Being Separated at the Border? An Explainer,” Bipartisan Policy Center, June 13, 2018.

¹⁹ For more information on formal and streamlined removal processes, see CRS Report R43892, *Alien Removals and Returns: Overview and Trends*.

²⁰ For more information on the two ways of obtaining asylum, see U.S. Citizenship and Immigration Services, “Obtaining Asylum in the United States,” updated October 19, 2015, accessed by CRS on July 15, 2018 at <https://www.uscis.gov/humanitarian/refugees-asylum/asylum/obtaining-asylum-united-states>.

²¹ INA §212(a)(7) and §212(a)(6)(C) are inadmissibility sections that apply to expedited removal. Expedited removal was introduced as part of the Illegal Immigration and Immigrant Responsibility Act of 1996. According to the statute (INA §235(b)(1)(A)(iii)), expedited removal can be applied to an alien who meets the expedited removal inadmissibility criteria described above, has not been admitted or paroled, and cannot affirmatively show continuous physical presence for the prior two years. As a matter of policy, however, expedited removal to date has been limited to persons apprehended within 100 miles of the U.S. border and who have been present in the United States for less than 14 days. Executive Order 13767 issued on January 25, 2017, instructs the DHS Secretary to implement the expansion of expedited removal to the full extent of the statute. That implementation has not yet occurred.

²² Credible fear means that there is “a significant possibility,” taking into account the credibility of the statements made by the alien in support of the alien’s claim and such other facts as are known to the officer, that the alien could establish eligibility for asylum; INA §235(b)(1)(B)(v); 8 U.S.C. §1225(b)(1)(B)(v).

asylum seeker on the defensive path to asylum. Those who receive an unfavorable determination may request that an immigration judge review the case. Aliens in expedited removal who cannot demonstrate a credible fear are promptly deported.

Detention

The INA provides DHS with broad authority to detain adult aliens who are in removal proceedings.²³ However, child detention operates under different policies than that of adults. All children are detained according to broad guidelines established through a court settlement agreement (applicable to all alien children) and two statutes (applicable only to unaccompanied alien children).

The 1997 Flores Settlement Agreement (FSA) established a nationwide policy for the detention, treatment, and release of all alien children, both accompanied and unaccompanied. The Homeland Security Act of 2002 charged ORR with providing temporary care and ensuring custodial placement of UAC with suitable and vetted sponsors.²⁴ Finally, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) directed DHS to ensure that all UAC be screened by DHS for possible human trafficking.²⁵ The TVPRA mandated that UAC from countries other than Mexico or Canada—along with all UAC apprehended in the U.S. interior—be transferred to the care and custody of ORR, and then be “promptly placed in the least restrictive setting that is in the best interest of the child.”²⁶ In the course of being referred to ORR, UAC are also put into formal removal proceedings, ensuring they can request asylum or other types of immigration relief before an immigration judge.

As a result of a 2015 judicial interpretation of the Flores Settlement Agreement, children accompanying apprehended adults cannot be held in family immigration detention with their parents for more than 20 days, on average. If the parents cannot be released with them, such children are typically treated as UAC and referred to ORR.

Removal

Under the formal removal process, an immigration judge from DOJ’s Executive Office for Immigration Review (EOIR) determines whether an alien is removable. The immigration judge may grant certain forms of relief (e.g., asylum, cancellation of removal), and removal decisions are subject to administrative and judicial review.

Under streamlined removal procedures, which include *expedited removal* and *reinstatement of removal* (i.e., when DHS reinstates a removal order for a previously removed alien), opportunities for relief and review are generally limited. Under expedited removal (INA §235(b)), an alien who lacks proper documentation or has committed fraud or willful misrepresentation to gain

²³ For background information, see archived CRS Report RL32369, *Immigration-Related Detention*.

²⁴ P.L. 107-296, §462, codified, as amended, at 6 U.S.C. §279(g)(2).

²⁵ P.L. 110-457, §235.

²⁶ For unaccompanied alien children from Mexico or Canada, CBP personnel must screen each child within 48 hours of apprehension to determine if he or she (1) is at risk of becoming a trafficking victim, (2) has a possible asylum claim, and (3) is unable to make an independent decision to voluntarily return to his/her country of nationality or last habitual residence. If any response is affirmative, CBP must refer the child to ORR within 72 hours of this determination. If CBP personnel determine the minor to be inadmissible under the INA (i.e., if responses are not affirmative), they can permit the minor to voluntarily return to his/her country of nationality or last habitual residence. For more information, see CRS Report R43599, *Unaccompanied Alien Children: An Overview*.

admission into the United States may be removed without any further hearings or review, unless he or she indicates a fear of persecution in their home country or an intention to apply for asylum.²⁷

If apprehended foreign nationals are found to be removable, ICE and CBP share the responsibility for repatriating them.²⁸ CBP handles removals at the border for unauthorized aliens from the contiguous countries of Mexico and Canada, and ICE handles all removals from the U.S. interior and removals for all unauthorized aliens from noncontiguous countries.²⁹

Prosecution of Aliens Charged with Illegal Border Crossing in Prior Administrations

Prior to the Trump Administration, aliens apprehended between ports of entry who were not considered enforcement priorities (e.g., a public safety threat, repeat illegal border crosser, convicted felon, suspected child trafficker) were typically not criminally prosecuted for illegal entry but would be placed directly into civil removal proceedings for unauthorized U.S. presence.³⁰

In addition, aliens apprehended at and between ports of entry who sought asylum and were found to have credible fear generally were not held in immigration detention if DHS did not assess them as public safety risks. Rather, they were administratively placed into removal proceedings, instructed by DHS to appear at their immigration hearings, and then released into the U.S. interior. This policy became more prevalent after 2015 when a federal judge ruled that children could not be kept in immigration detention for more than 20 days.³¹

DHS officials justified the “catch and release” approach in the past because of the lack of detention bed space and the considerable cost of detaining large numbers of unauthorized aliens and family units for the lengthy periods, often stretching to years, between apprehension by CBP and removal hearings before an EOIR judge.³² Immigration enforcement advocates criticized the catch and release policy because of the failure of many apprehended individuals to appear subsequently for their immigration hearings.³³

²⁷ Two other removal options, often referred to as “returns”—*voluntary departure* and *withdrawal of petition for admission*—require aliens to leave the United States promptly but exempt them from certain penalties associated with other types of removal. For background information, see CRS Report R43892, *Alien Removals and Returns: Overview and Trends*.

²⁸ *Ibid.*

²⁹ For more detail on laws governing border enforcement, see CRS Legal Sidebar LSB10150, *An Overview of U.S. Immigration Laws Regulating the Admission and Exclusion of Aliens at the Border*.

³⁰ CRS consultation with ICE Legislative Affairs, June 8, 2018.

³¹ The federal judge ruled that under the Flores Settlement Agreement, minors detained as part of a family unit cannot be detained in unlicensed facilities for longer than “a presumptively reasonable period of 20 days,” at which point, such minors must be released or transferred to a licensed facility. Since most jurisdictions do not offer licensure for family residential centers, and because none of ICE’s family detention centers is licensed, DHS rarely detains families for more than 20 days. See *Flores v. Lynch*, 212 F. Supp. 3d 907 (C.D. Cal. 2015).

³² Lori Robertson, “Did the Obama Administration Separate Families,” *FactCheck.org*, June 20, 2018.

³³ For more information, see Mark Metcalf, “Absent attendance and absent enforcement in America’s immigration courts,” Center for Immigration Studies, March 19, 2017.

According to some observers, prior Administrations made more use of alternatives to detention that permitted DHS to monitor families who were released into the U.S. interior.³⁴ Such practices are needed to monitor the roughly 2 million aliens in removal proceedings given that ICE's current budget funds less than 50,000 beds, which are prioritized for aliens who pose public safety or absconder risks.³⁵

Data are not available on the rate and/or absolute number of family separations resulting from illegal border crossing prosecutions under prior Administrations, limiting the degree to which comparisons can be made with the Trump Administration's zero tolerance policy.³⁶

DHS states that the agency referred an average of 21% of all illegal border crossing "amenable adults" for prosecution from FY2010 through FY2016.³⁷ DHS maintains that it has an established policy of separating children from adults when it

- cannot determine the family relationship or otherwise verify identity,
- determines that the child is being smuggled or trafficked or is otherwise at risk with the parent or legal guardian, or
- determines that the parent or legal guardian may have engaged in criminal conduct and refers them for criminal prosecution.³⁸

Prosecution of Aliens Charged with Illegal Border Crossing in the Trump Administration

On April 6, 2018, Attorney General Jeff Sessions announced a "zero tolerance" policy under which *all* illegal border crossers apprehended *between U.S. ports of entry* would be criminally prosecuted for illegal entry or illegal reentry.³⁹ This "100% prosecution" policy makes no

³⁴ See, for example, Ana Campoy, "The \$36-a-day alternative to jailing immigrant families favored by Obama," Quartz, June 23, 2018; Alex Nowrasteh, "Alternatives to Detention Are Cheaper than Universal Detention," Cato Institute, June 20, 2018; and Alexia Fernández Campbell, "Trump doesn't need to put families in detention centers to enforce his immigration policy. There are better options," Vox, June 22, 2018. For more information on alternatives to detention, see United Nations High Commission for Refugees, "Guiding Questions for the assessment of Alternatives to Detention," *UNHCR Beyond Detention Toolkit*, May 2018; and American Immigration Lawyers Association, "The Real Alternatives to Detention," Document 17071103, July 11, 2017. For a critical perspective on alternatives to detention, see Dan Cadman, "Are 'Alternative to Detention' Programs the Answer to Family Detention?," Center for Immigration Studies, June 28, 2018.

³⁵ U.S. Department of Homeland Security, Office of the Inspector General, "U.S. Immigration and Customs Enforcement's Alternatives to Detention (Revised)," OIG-15-22, February 4, 2015. For FY2019, ICE is requesting funding for 47,000 detention beds (44,500 for adults, 2,500 for families); see U.S. Immigration and Customs Enforcement, FY2109 Congressional Budget Justification, Operations and Support, pp. 13-14.

³⁶ As of this writing, CRS has open requests with DHS for data on family separations under the Obama Administration. Other observers have similar pending requests. See, for example, Lori Robertson, "Did the Obama Administration Separate Families," *FactCheck.org*, June 20, 2018.

³⁷ U.S. Department of Homeland Security, "Myth vs. Fact: DHS Zero-Tolerance Policy," press release, June 18, 2018. However, as some observers note, this percentage does not reveal how many children were separated from the adults who were referred for prosecution. See Lori Robertson, "Did the Obama Administration Separate Families?," *FactCheck.org*, June 20, 2018.

³⁸ *Ibid.*

³⁹ Office of the Attorney General, *Memorandum for Federal Prosecutors Along the Southwest Border*, "Zero-Tolerance for Offenses Under 8 U.S.C. §1325(a)," April 6, 2018. The policy was implemented on May 7, 2018; U.S. Department of Justice, Office of Public Affairs, "Attorney General Sessions Delivers Remarks Discussing the Immigration Enforcement Actions of the Trump Administration," May 7, 2018.

exceptions for asylum seekers and/or family units.⁴⁰ To facilitate this policy, the Attorney General announced that he would send 35 additional prosecutors to U.S. Attorney's Offices along the southwest border and 18 additional immigration judges to adjudicate cases in immigration courts near the southwest border.⁴¹

Consequently, if a family unit is apprehended crossing illegally between ports of entry, the zero tolerance policy mandates that CBP refer all illegal adult entrants to DOJ for criminal prosecution. Accompanying children, who are not permitted to be housed in adult criminal detention settings with their parents, are to be processed as unaccompanied alien children in accordance with the TVPRA. They are transferred to the custody of ORR, which houses them in agency-supervised, state-licensed shelters. If feasible given the circumstances, ORR attempts to place them with relatives or legal guardian sponsors or place them in temporary foster care.⁴²

ORR has over 100 shelters in 17 states,⁴³ and they are reportedly at close to full capacity.⁴⁴ Consequently, the agency is currently evaluating options for housing children on Department of Defense (DOD) installations to handle the surge of separated children resulting from increased prosecution of parents crossing between ports of entry.⁴⁵

As noted earlier, after adults have been tried in federal courts for illegal entry—and if convicted, have served their criminal sentences—they are transferred to ICE custody and placed in immigration detention. It is expected that parents can then be reunited in ICE family detention facilities with their children who have either remained in ORR custody or have been placed with a sponsor. Requests for asylum can also be pursued at this point.

Statistics on Family Separation

In FY2017, CBP apprehended 75,622 alien family units and separated 1,065 (1.4%) of them. Of those separations, 46 were due to fraud and 1,019 were due to medical and/or security concerns. In the first five months of FY2018, prior to enactment of the zero tolerance policy, CBP

⁴⁰ Immigration and human rights advocates caution that prosecuting persons who cross into the United States in order to present themselves before a CBP officer and request asylum raises concerns about whether the United States is abiding by a number of human rights and refugee-related international protocols. See, for example, Jonathan Blitzer, "The Trump Administration Is Completely Unravelling the U.S. Asylum System," *The New Yorker*, June 11, 2018.

⁴¹ U.S. Department of Justice, Office of Public Affairs, "Justice Department Announces Additional Prosecutors and Immigration Judges For Southwest Border Crisis," May 2, 2018.

⁴² Most unaccompanied alien children who arrive at the southwest border alone are placed with sponsors or in ORR-arranged foster care; for more information, see CRS Report R43599, *Unaccompanied Alien Children: An Overview*. It is not clear whether such placements are as likely for UAC who arrive with parents. During the peak of the UAC apprehension surge in 2014, UAC spent an average of 35 days in ORR shelters. Most recently, ORR reported that the average length of stay in its shelters was 57 days. U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, *Fact Sheet*, "Unaccompanied Alien Children Program," June 15, 2018.

⁴³ U.S. Department of Health and Human Services, Office of Refugee Resettlement, "Unaccompanied Alien Children Frequently Asked Questions," website, July 9, 2018, accessed by CRS on July 11, 2018.

⁴⁴ One article at the end of May 2018 reported ORR shelter capacity at 95%; see Nick Miroff, "Trump's 'zero tolerance' at the border is causing child shelters to fill up fast," *Washington Post*, May 29, 2018. CRS was unable to obtain a figure for current ORR shelter capacity as of this writing.

⁴⁵ Letter from Alex M. Azar II, Secretary, U.S. Department of Health and Human Services, to The Honorable Jim Mattis, Secretary of Defense, March 8, 2018. Similar arrangements were made in June 2014, when apprehensions of UAC reached an all-time high. ORR coordinated with DOD to temporarily allow UAC to be housed at Lackland Air Force Base in San Antonio, TX, and at Naval Base Ventura County in Oxnard, CA. Arrangements at both sites ended August 2014.

apprehended 31,102 alien family units and separated 703 (2.2%), of which 191 resulted from fraud and 512 from medical and/or security concerns.⁴⁶

Under the Administration's zero tolerance policy, 658 children were separated from 638 adults who were referred for prosecution between May 7 and May 21, 2018, according to CBP testimony.⁴⁷ DHS subsequently reported that 1,995 children had been separated from their parents between April 19 and May 31.⁴⁸ DHS updated these figures in June 2018, reporting that 2,342 children were separated from their parents between May 5 and June 9.⁴⁹ DHS subsequently reported that CBP had since reunited with their parents 538 children who were never sent to ORR shelters.⁵⁰ HHS Secretary Alex Azar then reported that "under 3,000" minor children (under age 18) had been separated from their families in total, including roughly 100 under age 5.⁵¹ As of July 13, 2018, HHS reported that 2,551 children ages 5 to 17 remained separated (see "Recent Developments" below).⁵²

Recent Developments

On June 20, 2018, following considerable and largely negative public attention to family separations stemming from the zero tolerance policy, President Trump issued an executive order (EO) mandating that DHS maintain custody of alien families "during the pendency of any criminal improper entry or immigration proceedings involving their member," to the extent permitted by law and appropriations.⁵³ The EO instructs DOD to provide and/or construct additional shelter facilities, upon request by ORR, and it instructs other executive branch agencies to assist with housing as appropriate to implement the EO.⁵⁴ The EO mandates that the Attorney General prioritize the adjudication of detained family cases, and it requires the Attorney General to ask the U.S. District Court for the Central District of California, which oversees the Flores Settlement Agreement, to modify the agreement to permit detained families to remain together.

On June 25, 2018, CBP announced that, because of ICE's lack of family detention bed space, it had temporarily halted the policy of referring adults who cross the border illegally with children

⁴⁶ Email correspondence from CBP Legislative Affairs to CRS, June 8, 2018. Figures represent separated family units, not the number of separated children; the latter is likely higher given that some family units consist of more than one child.

⁴⁷ Testimony of Richard Hudson, Deputy Chief of the Operations Program, Law Enforcement Operations Directorate, U.S. Customs and Border Protection, in U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Border Security and Immigration, *TVRA and Exploited Loopholes Affecting Unaccompanied Alien Children*, 115th Cong., 2nd sess., May 23, 2018.

⁴⁸ These figures were obtained from DHS by the Associated Press on June 15, 2018. See Colleen Long, "DHS reports about 2,000 minors separated from families," Associated Press, June 16, 2018.

⁴⁹ On June 18, Senator Dianne Feinstein reportedly released DHS statistics showing that 2,342 children were separated from their parents between May 5 and June 9. See Arit John and Jennifer Epstein, "All About the U.S. Separating Families at Its Border," Bloomberg, June 18, 2018.

⁵⁰ U.S. Department of Homeland Security, "Fact Sheet: Zero-Tolerance Prosecution and Family Reunification," June 23, 2018.

⁵¹ Dan Diamond, "HHS says hundreds more migrant kids may have been separated than earlier count," *Politico*, July 5, 2018; and Caitlin Dickerson, "Trump Administration in Chaotic Scramble to Reunify Migrant Families," *New York Times*, July 5, 2018.

⁵² Dan Diamond, "Trump administration expedites reunifications for 2551 migrant children," *Politico*, July 13, 2018.

⁵³ The White House, *Affording Congress an Opportunity to Address Family Separation*, Executive Order, June 20, 2018.

⁵⁴ Thus far, only DOD has made arrangements with ORR to provide housing for alien families and children.

to DOJ for criminal prosecution.⁵⁵ According to a White House announcement, the zero tolerance policy is expected to be reinstated once additional family detention bed space becomes available.⁵⁶ Also on June 25, 2018, DOD announced plans to permit four of its military bases to be used by other federal agencies to shelter up to 20,000 UAC and family units.⁵⁷ DOD subsequently announced that 12,000 persons would be housed on its facilities,⁵⁸ before another report appeared suggesting the number was 32,000 UAC and family units.⁵⁹

In addition to leasing facilities to DHS or HHS when those agencies' detention or shelter facilities are insufficient to meet surges of border crossers,⁶⁰ DOD is deploying National Guard personnel under "Operation Guardian Support."⁶¹ DOD reportedly is also sending active duty military officers to serve as Special Assistant U.S. Attorneys (also known as judge advocate generals or JAGs) to assist in U.S. Attorney offices along the border for six-month tours of duty.⁶²

On June 26, 2018, as the result of a class action lawsuit filed by the American Civil Liberties Union,⁶³ Judge Dana Sabraw of the U.S. District Court for the Southern District of California issued an injunction against the Administration's practice of separating families and ordered that all separated families be reunited within 30 days.⁶⁴ The judge ruled that children under age 5 must be reunited with their parents within 14 days, all children must have phone contact with their parents within 10 days, children could be separated at the border only if accompanying adults presented an immediate danger to them, and parents were not to be removed unless they had been reunited with their separated children.⁶⁵

In response, the Trump Administration has reportedly instructed DHS to provide all parents who have final orders of removal and whose children have been separated from them with two options.⁶⁶ The first is to return to their countries of origin with their children. This option fulfills

⁵⁵ Ron Nixon, Erica L. Green and Michael D. Shear, "Border Officials Suspend Handing Over Migrant Families to Prosecutors," *New York Times*, June 25, 2018.

⁵⁶ *Ibid.*

⁵⁷ Michael D. Shear, Helene Cooper and Katie Benner, "U.S. Prepares to House Up to 20,000 Migrants on Military Bases," *New York Times*, June 21, 2018. It remains unclear what proportion of the DOD facilities will be used for UAC shelters versus immigration detention for families.

⁵⁸ U.S. Department of Defense, "DHS Requests DoD House Up to 12,000 Migrants," *Defense.gov*, June 28, 2018.

⁵⁹ Lara Seligman, "Pentagon Says It Won't Pay for Housing of Immigrants," *Foreign Policy*, July 9, 2018.

⁶⁰ Secretary of Health and Human Services, letter to the Honorable Jim Mattis, Secretary of Defense, March 8, 2018.

⁶¹ For more information, see U.S. Customs and Border Protection, "Operation Guardian Support Begins for Del Rio Border Patrol Sector," press release, April 13, 2018. According to CBP, support includes "logistical and administrative support, aerial support, surveillance efforts, border-related intelligence analysis efforts, and mechanical support."

⁶² Alex Johnson and Courtney Kube, "Pentagon sending military lawyers to border to help prosecute immigration cases," *nbcnews.com*, June 20, 2018.

⁶³ The ACLU case was filed on behalf of two families separated at the southwest border: a woman from the Democratic Republic of the Congo who, at a port of entry, was separated from her 6-year-old daughter for five months; and a woman from Brazil who, crossing into the United States illegally between ports of entry, was separated from her 14-year-old son for eight months.

⁶⁴ *Ms. L. v. U.S. Immigration and Customs Enforcement*, ___ F. Supp. 3d ___, 2018 WL 3129486 (S.D. Cal. 2018).

⁶⁵ Michael D. Shear, Julie Hirschfeld Davis, Thomas Kaplan, and Robert Pear, "Federal Judge in California Halts Splitting of Migrant Families at Border," *New York Times*, June 26, 2018.

⁶⁶ Immigration advocates contend that the new form being used misleads parents who have outstanding asylum claims into thinking that they must leave the United States without their children, despite the fact that the forms indicate that they apply only to parents with final orders of removal. DHS responds that "it is 'long-standing policy' to offer parents facing deportation the option of leaving their [children] behind, noting it is 'not uncommon' for parents to elect to do so, historically. Any child who remains in the United States in the custody of the government or with a family member is allowed to pursue their own right to stay, and ICE 'does not interfere' in that decision." Nick Valencia and Tal

the mandate from the June 26 court order to reunite families but also forces parents and children to abandon any claims for asylum. The second option is for parents to return alone to their country of origin. This option would leave the children in the United States to apply for asylum on their own. Parental decisions are to be recorded on a new ICE form.⁶⁷

On July 9, 2018, Judge Dolly Gee of the U.S. District Court for the Central District of California, which oversees the Flores Settlement Agreement, ruled against DOJ's request to modify the agreement. Judge Gee held that no basis existed for amending the court's original decision requiring the federal government to release alien minors in immigration detention after 20 days, regardless of any unlawful entry prosecution of the parents.⁶⁸

On July 10, ICE officials reportedly indicated that parents reunited with their children would be enrolled in an alternative detention program, such as the use of ankle bracelets that permit electronic monitoring, and then released into the U.S. interior, essentially reverting to the prior policy that has been labeled by some as "catch and release." DOJ maintains that its zero tolerance policy remains in effect.⁶⁹

DHS and HHS have publicized their efforts to reunify families.⁷⁰ News reports indicate that Judge Sabraw's June 26 order mandating the reunion of all children under age 5 with their parents within two weeks will not be met.⁷¹ On July 12, 2018, the Trump Administration reported that 57 of 103 children under the age of 5 who had been separated from their parents had been reunited, while the other 46 had been deemed ineligible for reunification for reasons including parental deportation and criminal histories of some of the adults.⁷²

On July 16, 2018, in response to concerns expressed by the American Civil Liberties Union about potential abrupt deportations following family reunification, Judge Sabraw stated that he will temporarily halt deportations, for one week, of parents who have been reunited with their children.⁷³ The judge issued the stay of deportations to provide parents slated for removal with a week's time to better understand their legal rights regarding asylum or other forms of immigration relief for themselves and their children.

On July 16, 2018, Jonathan White, Deputy Director for Children's Programs at the Office of Refugee Resettlement, testified before Judge Sabraw that ORR had identified 2,551 separated

Kopan, "The options parents facing deportation have after they've been separated from their kids," *CNN*, July 3, 2018; and Julia Ainsley and Jacob Soboroff, "New Trump admin order for separated parents: Leave U.S. with kids or without them," *nbcnews.com*, July 3, 2018; and Jeremy Raff, "ICE Is Pressuring Separated Parents to Choose Deportation," *The Atlantic*, July 6, 2018.

⁶⁷ U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, Separated Parent's Removal Form, July 2018. CRS could not locate the form or accompanying instructions on the ICE or DHS websites.

⁶⁸ Miriam Jordan and Manny Fernandez, "Federal Judge Rules that Trump Administration Cannot Hold Migrant Families in Long-Term Detention," *New York Times*, July 9, 2018.

⁶⁹ Miriam Jordan, Katie Benner, Ron Nixon, and Caitlin Dickerson, "As Migrant Families Are Reunited, Some Children Don't Recognize Their Mothers," *New York Times*, July 10, 2018.

⁷⁰ U.S. Department of Homeland Security, "Fact Sheet: Zero-Tolerance Prosecution and Family Reunification," press release, June 23, 2018; U.S. Department of Health and Human Services, "HHS Is Executing On Its Mission With Care And Compassion," press release, July 6, 2018; and U.S. Department of Health and Human Services, "Unaccompanied Alien Children Frequently Asked Questions," website, July 9, 2018, accessed by CRS on July 12, 2018.

⁷¹ Tal Kopan, "Trump administration falls short on first family reunification deadline," *CNN*, July 10, 2018.

⁷² Brittny Mejia, "Trump administration reunites just over half of migrant children under 5 with parents, says others are 'ineligible'," *Los Angeles Times*, July 12, 2018.

⁷³ Caitlin Dickerson, "Court Orders Temporary Halt to Migrant Family Deportations," *New York Times*, July 16, 2018; and Ted Hesson, "Judge will temporarily halt deportations of reunited families," *Politico*, July 16, 2018.

children in its custody ages 5 to 17 and had matched 2,480 to their parents, while 71 children's parents remain unidentified.⁷⁴ ORR is undertaking intensive background checks to ensure that separated children are reunited with their actual parents and do not face personal security risks such as child abuse.⁷⁵ According to White, 1,609 parents of separated children remain in ICE custody. White noted that ICE is also conducting its own security checks and thus far had cleared 918 parents, failed 51 parents, and had 348 parents with pending clearances. As of July 16, 2018, ICE had approved about 300 children for release to be reunited with their parents.⁷⁶

As of July 19, 2018, the Administration had reportedly reunified 364 of the 2,551 children ages 5 to 17. Apart from the parents of those children, 1,607 parents were eligible to be reunited with their children, 719 of whom have final orders of deportation. Another 908 parents are reportedly not expected to be eligible for reunification because they possessed criminal backgrounds or required "further evaluation."⁷⁷

Policy Perspectives

Perspectives on the zero tolerance policy generally divide into two groups. Those who support greater immigration enforcement point to recent surges in family unit migration and a substantial backlog of asylum cases that are straining DHS and DOJ resources, potentially compromising the agencies' abilities to meet their outlined missions. Those who advocate on behalf of immigrants decry the Administration's treatment of migrants as unnecessarily harsh and counterproductive.

Enforcement Perspectives

DHS and DOJ contend that the policy enforces existing law and is needed to reduce illegal immigration.⁷⁸ DHS notes that foreign nationals attempting to enter the United States between ports of entry or "without inspection" are committing a crime punishable under the INA as a misdemeanor on the first occasion and a felony for every attempt thereafter.

DHS maintains that it has a long-standing policy of separating children from adults when children are at risk because of threats from human trafficking or because the familial relationship is suspect. DHS also maintains that it does not have a formal policy of separating parents from children for deterrence purposes, and it follows a standard policy of keeping families together "as long as operationally possible."⁷⁹ According to DHS, the agency has "a legal obligation to protect

⁷⁴ Ibid.

⁷⁵ Nick Miroff, Maria Sacchetti and Amy Goldstein, "In D.C. command center, officials work to reunite migrant children by court deadline," *Washington Post*, July 19, 2018.

⁷⁶ Ibid.

⁷⁷ Julia Ainsley and Jacob Soboroff, "Facing deadline, government reunified 364 of 2,500-plus migrant children," *nbcnews.com*, July 19, 2018.

⁷⁸ Sari Horwitz and Maria Sacchetti, "Sessions vows to prosecute all illegal border crossers and separate children from their parents," *Washington Post*, May 7, 2018. Senior immigration and border officials had reportedly issued a confidential memo to DHS Secretary Nielsen supporting the policy as the "most effective" way to reduce illegal entry.

⁷⁹ Testimony of the Honorable Kirstjen Nielsen, Secretary of Homeland Security, in U.S. Congress, House Committee on Appropriations, Subcommittee on Homeland Security, *FY 2019 Budget Hearing - Department of Homeland Security*, 115th Cong., 2nd sess., April 11, 2018 (hereinafter, "Nielsen testimony, April 11, 2018"). Other observers contend that Attorney General Sessions explicitly justified the zero tolerance policy on the basis of deterring migrants from coming to the United States. See, for example, Christopher Ingraham, "Sessions says family separation is 'necessary' to keep the country from being 'overwhelmed.' Federal immigration data says otherwise," *Washington Post*, June 18, 2017; and U.S. Department of Justice, Office of Public Affairs, "Attorney General Sessions Delivers

the best interests of the child whether that is from human smugglings, drug traffickers, or nefarious actors who knowingly break [U.S.] immigration laws and put minor children at risk.”⁸⁰ Accordingly, DHS considers it appropriate to treat children of apprehended parents as UAC.⁸¹

DHS posits that while family separation is an unfortunate outcome of stricter enforcement of immigration laws and criminal prosecution of illegal entry and reentry, it is no different than the family separation that occurs in the U.S. criminal justice system when parents of minor children commit a crime and are taken into criminal custody.⁸² Attorney General Sessions has stated that parents who do not want to be separated from their children should simply not attempt to cross the U.S. border illegally.⁸³

DHS Secretary Nielsen justified the zero tolerance policy with statistics showing a 223% increase in illegal border crossings and inadmissible cases along the southwest border between April 2017 and April 2018.⁸⁴ Similar increases in monthly apprehensions between years were cited for family units and unaccompanied alien children. Secretary Nielsen also stated that while the apprehension figures “are at times higher or lower than in years past, it makes little difference,” characterizing them as unacceptable either way.⁸⁵ DHS officials cite results of policies imposed at the Border Patrol’s El Paso sector (covering West Texas and New Mexico) for part of 2017, where a similar family separation policy reduced the number of illegal family border crossings by 64%.⁸⁶

DHS notes that its policy reflects President Trump’s January 2017 Executive Order 13767⁸⁷ on border security directing executive branch departments and agencies to “deploy all lawful means to secure the Nation’s Southern border, to prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely.”⁸⁸ DHS further contends that parents who attempt to cross illegally into the United States with their children not only put their children at grave risk but also enrich transnational criminal organizations to whom they pay smuggling fees. DHS argues that some parents, aware of the limited amount of family

Remarks Discussing the Immigration Enforcement Actions of the Trump Administration,” May 7, 2018.

⁸⁰ Maria Sacchetti, “Top Homeland Security officials urge criminal prosecution of parents crossing border with children,” *Washington Post*, April 26, 2018.

⁸¹ For more information on ORR processing of UAC, see CRS Report R43599, *Unaccompanied Alien Children: An Overview*.

⁸² Nielsen testimony, April 11, 2018.

⁸³ U.S. Department of Justice, Office of Public Affairs, “Attorney General Sessions Delivers Remarks Discussing the Immigration Enforcement Actions of the Trump Administration,” May 7, 2018.

⁸⁴ Nielsen testimony, April 11, 2018. CBP apprehended 15,766 unauthorized migrants at the Southern border in April 2017 and 50,923 in April 2018. See U.S. Customs and Border Protection, “Southwest Border Migration FY2018,” website, updated July 5, 2018.

⁸⁵ Because monthly apprehensions can fluctuate substantially between years, average monthly apprehensions may provide a more accurate measure of illegal border crossing activity. Average monthly apprehensions of all border crossers in FY2016, FY2017, and the first eight months of FY2018 were 46,934, 34,599, and 42,503, respectively. See U.S. Customs and Border Protection, “Southwest Border Migration FY2018,” website updated July 5, 2018.

⁸⁶ Maria Sacchetti, “Top Homeland Security officials urge criminal prosecution of parents crossing border with children,” *Washington Post*, April 26, 2018. That statistic has been criticized as inaccurate and misleading by at least one news report; see Dara Lind, “Trump’s DHS is using an extremely dubious statistic to justify splitting up families at the border,” *Vox*, May 8, 2018. In addition, other reports suggest that family separation was occurring because of increased prosecution of illegal border crossing since the summer of 2017; see Jonathan Blitzer, “How the Trump Administration Got Comfortable Separating Immigrant Kids from Their Parents,” *The New Yorker*, May 30, 2018.

⁸⁷ Executive Order 13767, “Border Security and Immigration Enforcement Improvements,” 82 *Federal Register* 8793-8797, January 25, 2017.

⁸⁸ Email communication to CRS from CBP Legislative Affairs, June 4, 2018.

detention space, intentionally use their children as shields from detention and anticipate that they will be viewed, as they had been in prior years, as low security risks.⁸⁹ DHS points to unpublished intelligence reports describing cases where unrelated adults have used or trafficked children in order to avoid immigration detention.⁹⁰ DHS and other observers also note that asylum requests have increased considerably, a trend that raises concerns about possible fraudulent asylum claims and the misuse of asylum claims to enter and remain in the United States.⁹¹

DHS notes that ICE and ORR both play a role in family reunification and characterizes the process as “well-coordinated.”⁹² DHS maintains that it has procedures in place to connect separated family members and ensure that parents know the location of minors and can regularly communicate with them. Mechanisms to facilitate such communication include posted information notices in ICE detention facilities, an HHS Adult Hotline and email inquiry address, and an ICE call center and email inquiry address.⁹³ DHS and ORR are using DNA testing to confirm familial ties between parents and children.⁹⁴

Immigrant Advocacy Perspectives

Immigrant advocacy organizations argue that migrant families are fleeing a well-documented epidemic of gang violence from the Northern Triangle countries of El Salvador, Guatemala, and Honduras.⁹⁵ They have criticized the practice of family separation because it seemingly punishes people for fleeing dangerous circumstances and seeking asylum in the United States. They posit that requesting asylum is not an illegal act,⁹⁶ Congress created laws that require DHS to process and evaluate claims for humanitarian protection, DHS must honor congressional intent by humanely processing and evaluating such claims, and many who request asylum have valid claims and compelling circumstances that merit consideration.⁹⁷

⁸⁹ Ibid.

⁹⁰ Ariane de Vogue and Tal Kopa, “ACLU class action lawsuit seeks to block immigrant family separations,” *CNN*, March 9, 2018.

⁹¹ See, for example, U.S. Citizenship and Immigration Services, “USCIS to Take Action to Address Asylum Backlog,” press release, January 31, 2018.

⁹² U.S. Department of Homeland Security, “Fact Sheet: Zero-Tolerance Prosecution and Family Reunification,” press release, June 23, 2018. In some cases, expedited DOJ hearings resulted in family reunification occurring in CBP holding facilities because children had not yet been transported to ORR custody. In such cases, family reunification occurs in CBP custody before the family unit is transported to an ICE immigration detention facility for family units.

⁹³ U.S. Department of Homeland Security, “Myth vs. Fact: DHS Zero-Tolerance Policy,” press release, June 18, 2018.

⁹⁴ Email correspondence from ORR Legislative Affairs, July 11, 2018; and U.S. Department of Health and Human Services, “Unaccompanied Alien Children Frequently Asked Questions,” website, July 9, 2018, accessed by CRS on July 12, 2018.

⁹⁵ See CRS Report RL34112, *Gangs in Central America*.

⁹⁶ See, for example, American Immigration Council, “Asylum in the United States, Fact Sheet,” May 14, 2018; and International Justice Resource Center, *Asylum and the Rights of Refugees*, accessed by CRS on July 12, 2018, at <https://ijrcenter.org/refugee-law/>.

⁹⁷ According to the 1951 Convention on the Status of Refugees, countries should not punish asylum-seekers who violate immigration laws if they present themselves to authorities. Although not a party to this convention, the United States is a party to a 1967 Protocol to the Convention, provisions of which are found in the 1980 Refugee Act. Under current U.S. policy, most aliens arriving in the United States without proper documentation who claim asylum are held until their “credible fear” hearing, but some asylum seekers are held until their asylum claims have been adjudicated. For background information, see archived CRS Report RL32369, *Immigration-Related Detention*.

Immigrant advocates have also criticized the Administration for creating what they consider to be a debacle of its own making, characterized by frequently changing policies and justifications,⁹⁸ what some describe as an uncoordinated implementation process, and the absence of an effective plan to reunify separated families.⁹⁹ In some cases, records linking parents to children reportedly may have disappeared or been destroyed, hampering efforts to establish relationships between family members.¹⁰⁰ Media reports have described obstacles to reuniting families after separation, including a lack of communication between federal agencies, the absence of information about accompanying children collected by CBP at the time of apprehension, the inability of ICE detainees to receive phone calls without special arrangements, and a cumbersome vetting process to ensure children's safe placement with parents.¹⁰¹ In addition, while DOJ typically detains and prosecutes parents for illegal entry at federal detention centers and courthouses near the U.S.-Mexico border, ORR houses their children at shelters geographically dispersed in 17 states, in some cases thousands of miles away from the parents.

Child welfare professionals assert that family separation has the potential to cause lasting psychological harm for adults¹⁰² and especially for children.¹⁰³ Some point to the findings of a DHS advisory panel as well as those of other organizations that discourage family detention as neither appropriate nor necessary for families and as not being in children's best interests.¹⁰⁴

Some immigration observers question the Administration's ability to marshal resources required to prosecute all illegal border crossers given that Congress has not appropriated additional funding to support the zero tolerance policy. One news report, for example, noted that 3,769 foreign nationals were convicted of illegal entry in criminal courts during March 2018, a month in

⁹⁸ Maria Sacchetti, "DHS proposal would change rules for minors in immigration detention," *Washington Post*, May 9, 2018. This proposal was first publicly suggested by then DHS Secretary John Kelly in March, 2017. See Daniella Diaz, "Kelly: DHS is considering separating undocumented children from their parents at the border," *CNN*, March 7, 2017. Following the ensuing controversy over his interview, he subsequently stated that DHS would not implement such policies. See Tal Kopan, "Kelly says DHS won't separate families at the border," *CNN*, March 29, 2017.

⁹⁹ See, for example, Kevin Sieff, "The chaotic effort to reunite immigrant parents with their separated kids," *Washington Post*, June 21, 2018; Erik Hanshaw, "Families will no longer be separated at the border. But where are my clients' kids?," *Washington Post*, June 20, 2018; and Jonathan Blitzer, "The Government has no plan for reuniting the immigrant families it is tearing apart," *The New Yorker*, June 18, 2018.

¹⁰⁰ Caitlin Dickerson, "Trump Administration in Chaotic Scramble to Reunify Migrant Families," *New York Times*, July 5, 2018.

¹⁰¹ See, for example, Ian Lovett and Louise Radnofsky, "Amid Chaos at Border, Some Immigrant Families Reunite," *Wall Street Journal*, June 24, 2018; Jonathan Blitzer, "The Government has no plan for reuniting the immigrant families it is tearing apart," *The New Yorker*, June 18, 2018; Ted Hesson and Dan Diamond, "As deadline looms, Trump officials struggle to reunite migrant families," *Politico*, July 2, 2018; Ritu Prasad, "Undocumented migrant families embark on chaotic reunion process," *BBC*, June 25, 2018; and Caitlin Dickerson, "Trump Administration in Chaotic Scramble to Reunify Migrant Families," *New York Times*, July 5, 2018.

¹⁰² See, for example, DHS Advisory Committee on Family Residential Centers, "Report of the DHS Advisory Committee on Family Residential Centers," September 30, 2016; and Alexander Miller, Julia Meredith Hess, Deborah Bybee, and Jessica R. Goodkind, "Understanding the mental health consequences of family separation for refugees: Implications for policy and practice," *American Journal of Orthopsychiatry*, vol. 88 (2018), pp. 26-37.

¹⁰³ See, for example, American Academy of Pediatrics, Letter from Colleen A. Kraft, President, to The Honorable Kirstjen M. Nielsen, U.S. Secretary of Homeland Security, March 1, 2018; Julie M. Linton, Marsha Griffin, Alan J. Shapiro, and Council on Community Pediatrics, "Detention of Immigrant Children," *Pediatrics*, vol. 139 (April 2017), pp. 1-13; and Kimberly Howard, Anne Martin, Lisa J. Berlin, and Jean Brooks-Gunn, "Early Mother-Child Separation, Parenting, and Child Well-Being in Early Head Start Families," *Attachment & Human Development*, vol. 13 (2011), pp. 5-26.

¹⁰⁴ DHS Advisory Committee on Family Residential Centers, "Report of the DHS Advisory Committee on Family Residential Centers," September 30, 2016. This report cites similar findings by Government Accountability Office, the United Nations High Commissioner for Refugees, and the American Bar Association, among others.

which 37,383 foreign nationals were apprehended for illegal entry.¹⁰⁵ Given the relative size of the task they face, observers question how DOJ and DHS can channel fiscal resources to meet this objective without compromising their other missions. They contend that the policy is counterproductive because it prevents CBP from using risk-based strategies to pursue the most egregious crimes, thereby making the southern border region less safe and more prone to criminal activity.¹⁰⁶ Some have suggested that the zero tolerance policy is diverting resources from, and thereby hindering, other DHS operations.¹⁰⁷

Some in Congress have criticized the family separation policy because of its cost in light of alternative options, such as community-based detention programs. They cite, for example, the Family Case Management Program (FCMP), which monitored families seeking asylum and demonstrated a reportedly high compliance rate with immigration requirements such as court hearings and immigration appointments.¹⁰⁸ The FCMP, which began in January 2016,¹⁰⁹ was terminated by the Trump Administration in April 2017.¹¹⁰ According to DHS, the FCMP average daily cost of \$36 reportedly exceeded that of “intensive supervision” programs (\$5-\$7 daily),¹¹¹ although both programs are considerably lower than the average daily cost of family detention (\$319).¹¹²

More broadly, immigration advocates contend that the Administration is engaged in a concerted effort to restrict access to asylum and reduce the number of asylum claims.¹¹³ They caution that prosecuting persons who cross into the United States in order to present themselves before a CBP officer and request asylum raises concerns about whether the United States is abiding by human rights- and refugee-related international protocols.¹¹⁴ They note a considerable current backlog of pending defensive asylum cases, which numbered almost 325,000 (45%) of the roughly 720,000 total pending immigration cases in EOIR’s docket as of June 11, 2018.¹¹⁵ They also cite Attorney General Sessions’s recent decision to substantially limit the extent to which immigration judges can consider gang or domestic violence as sufficient grounds for asylum.¹¹⁶ Such efforts could

¹⁰⁵ Alan Bersin, Nate Bruggeman and Ben Rohrbaugh, “Trump’s ‘zero tolerance’ bluff on the border will hurt security, not help,” *Washington Post*, May 31, 2018.

¹⁰⁶ *Ibid.*

¹⁰⁷ Nick Mirnoff, “Seeking a split from ICE, some agents say Trump’s immigration crackdown hurts investigations and morale,” *Washington Post*, June 28, 2018.

¹⁰⁸ DHS Office of Inspector General, “U.S. Immigration and Customs Enforcement’s Award of the Family Case Management Program Contract (Redacted),” OIG-18-22, November 30, 2017.

¹⁰⁹ U.S. Immigration and Customs Enforcement, “Fact Sheet, Stakeholder Referrals to the ICE/ERO Family Case Management Program,” January 6, 2016.

¹¹⁰ Frank Bajak, “ICE Shuttles Detention Alternative for Asylum-Seekers,” *U.S. News and World Report*, June 9, 2017.

¹¹¹ *Ibid.* Intensive supervision programs monitor aliens in deportation proceedings who have been released from detention. They often involve electronic monitoring devices such as GPS ankle bracelets or voice recognition software for telephone-based reporting, and intensive case management.

¹¹² DHS currently oversees three family detention facilities. Berks Family Residential Center in Berks County, PA; Karnes Residential Center in Karnes City, TX; and South Texas Family Residential Center in Dilley, TX.

¹¹³ Simon Romero and Miriam Jordan, “On the Border, a Discouraging New Message for Asylum Seekers: Wait,” *New York Times*, June 12, 2018; and Jonathan Blitzer, “The Trump Administration Is Completely Unravelling the U.S. Asylum System,” *The New Yorker*, June 11, 2018. For a contrary view on the weakening of the asylum system, see Dan Cadman, “Asylum in the United States,” Center for Immigration Studies, March 26, 2014.

¹¹⁴ Jonathan Blitzer, “The Trump Administration Is Completely Unravelling the U.S. Asylum System,” *The New Yorker*, June 11, 2018.

¹¹⁵ Email correspondence to CRS from DOJ Legislative Affairs, June 28, 2018.

¹¹⁶ *Matter of A-B-*, Respondent, 27 I&N Dec. 316 (A.G. 2018), Interim Decisions #3929. The ruling vacated a 2016 decision by DOJ’s Board of Immigration Appeals, the immigration appeals court for EOIR, granting asylum to a

have the unintended effect of sustaining illegal immigration flows of desperate foreign nationals fleeing violent circumstances, particularly from Northern Triangle countries.

Congressional Activity

A number of bills have been introduced in the 115th Congress in response to family separation resulting from the Administration's zero tolerance policy regarding the prosecution of illegal border crossing. With the exception of H.R. 6136, which failed to pass in the House by a vote of 121-301, none of the bills introduced have seen congressional action as of this writing.

Given that this topic is developing rapidly, bills discussed below do not reflect all legislation or amendments introduced to date, or more recent developments. Instead, the bills presented here are intended to illustrate the range of legislative proposals to address family separation in the current context.

Bills that emphasize immigration enforcement include H.R. 6182, the Codifying President Trump's Affording Congress an Opportunity to Address Family Separation Executive Order Act, which provides statutory authority for President Trump's executive order within the INA; H.R. 6173;¹¹⁷ and Section 3102 of H.R. 6136, the Border Security and Immigration Reform Act of 2018, which would permit children accompanied by parents to remain in DHS custody during the pendency of a parent's criminal prosecution, rather than being referred to ORR and treated as UAC. On July 11, 2018, similar amendment language was included in an appropriations bill to fund the Departments of Labor, Health and Human Services, and Education, that was approved by the House Appropriations Committee.¹¹⁸ H.R. 6204, the Families First Act of 2018, includes similar provisions and would also implement asylum reforms and provide increased funding for family unit facilities, personnel, and judges, among other provisions.

Bills that intend to prevent or limit family separation include H.R. 6135/S. 3036, the Keep Families Together Act, and H.R. 6236, the Family Unity Rights and Protection Act, both of which contain provisions to keep families together during all stages of processing following apprehension at a U.S. border; H.R. 6232, the Preventing Family Separation for Immigrants with Disabilities Act, which would prohibit family separation for individuals with developmental disabilities; and H.R. 6172, the Reunite Children with Their Parents Act, which would require DHS and DOJ to reunite minor children already separated from their parents.

Other bills, such as H.R. 6181/H.R. 6190 /S. 3093, the Keep Families Together and Enforce the Law Act, would maintain family unity by making the Flores Settlement Agreement and related laws and regulations inapplicable to children who are accompanied by adults when they are apprehended at a U.S. border. H.R. 6195/S. 3091, the Protect Kids and Parents Act, would limit the separation of families seeking asylum by mandating that they be housed together, and facilitate asylum processing (e.g., by adding additional immigration judges and DHS personnel and establishing asylum processing deadlines), among other provisions.

woman who experienced sexual, emotional, and physical abuse. See Ted Hesson and Josh Gerstein, "Sessions moves to block asylum for most victims of domestic, gang violence," *Politico*, June 11, 2018; and Katie Benner and Caitlin Dickerson, "Sessions Says Domestic and Gang Violence Are Not Grounds for Asylum," *New York Times*, June 11, 2018.

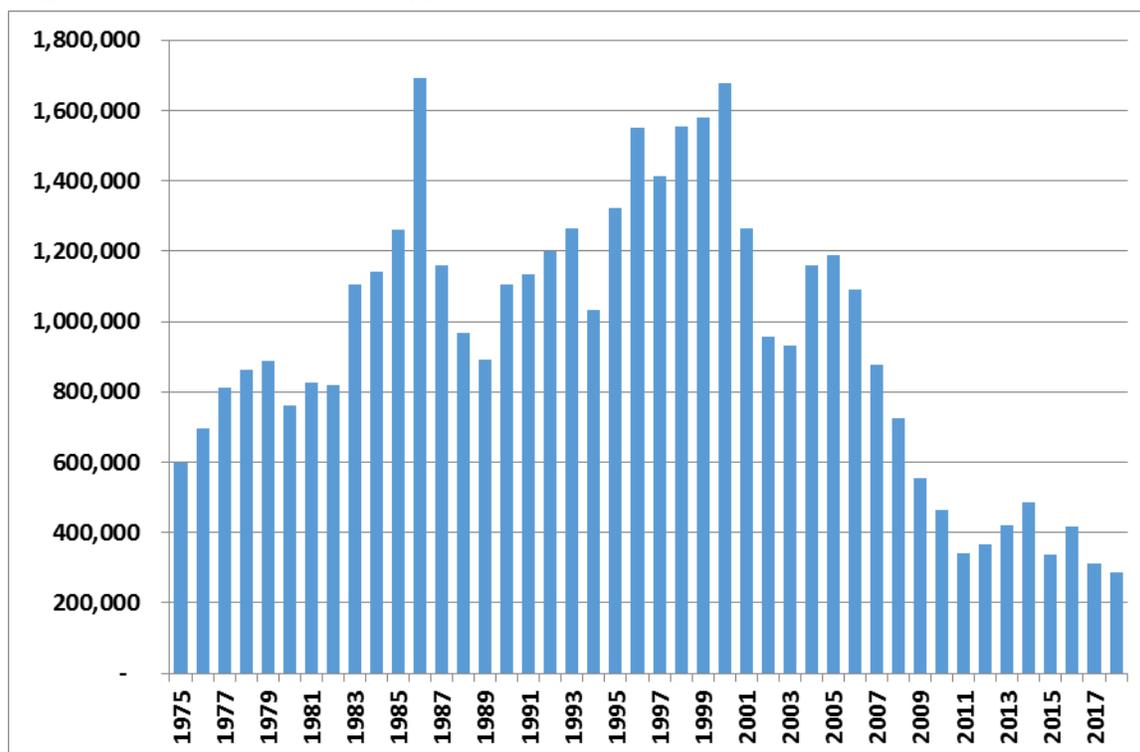
¹¹⁷ The title of H.R. 6173 is "To amend section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to clarify the standards for family detention, and for other purposes."

¹¹⁸ A number has not yet been assigned to this bill. See Andrew Siddons and Kellie Mejdritch, "Labor-HHS-Education Bill OK'd; Family Separation Changes Added," *CQ News*, July 11, 2018.

Appendix. Trends in Alien Apprehensions

Increasing numbers of apprehensions of Central American family units are occurring within the context of relatively low historical levels of total alien apprehensions (**Figure A-1**).

Figure A-1. Total CBP Alien Apprehensions at the Southwest Border, FY1975-FY2018*



Source: U.S. Department of Homeland Security, United States Border Patrol, "Stats and Summaries," <https://www.cbp.gov/newsroom/media-resources/stats>.

Notes: *FY2018 includes October 2017 through June 2018, or three-fourths of the fiscal year.

Apprehensions had peaked at 1.7 million in 1986, the year Congress enacted the Immigration Reform and Control Act (IRCA), which gave legal status to roughly 2.7 million unauthorized aliens residing in the United States.¹¹⁹ After dropping for multiple years, apprehensions increased again, climbing from 1.13 million in FY1991 to 1.68 million in FY2000. Apprehensions generally fell after that (with the exception of FY2004-FY2005), reaching a 40-year low of 327,577 in FY2011. They have fluctuated since that point. For the first nine months of FY2018, apprehensions reached 286,290.¹²⁰

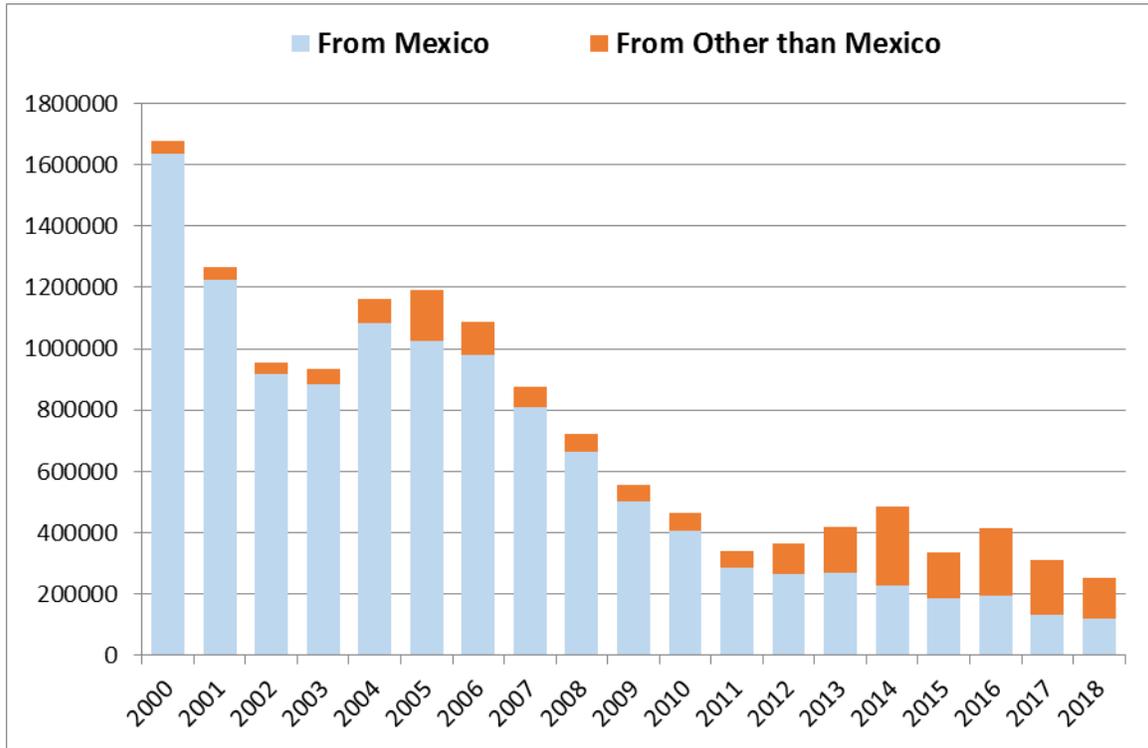
The national origins of apprehended aliens have shifted considerably during the past two decades (**Figure A-2**). In FY2000, for example, almost all aliens apprehended at the southwest border (98%) were Mexican nationals. As recently as FY2011, Mexican nationals made up 84% of all apprehensions. However, beginning in FY2012 foreign nationals from countries other than Mexico began to comprise a growing percentage of total apprehensions, even as total

¹¹⁹ For more information, see CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*.

¹²⁰ Border patrol apprehensions data count events rather than people. Thus, an unauthorized alien who is caught trying to enter the country three times in one year counts as three apprehensions.

apprehensions declined since FY2005.¹²¹ Most recently, in the first eight months of FY2018, “other-than-Mexicans” comprised the majority (52%) of total alien apprehensions on the southwest border.

Figure A-2. Total CBP Alien Apprehensions at the Southwest Border by Country of Origin, FY2000-FY2018*
(Country of origin is either Mexico or other-than-Mexico)



Source: U.S. Department of Homeland Security, United States Border Patrol, “Stats and Summaries,” <https://www.cbp.gov/newsroom/media-resources/stats>.

Notes: *FY2018 includes October 2017 through May 2018, or two-thirds of the fiscal year. CRS was unable to locate these data through June 2018, in contrast with data presented in **Figure A-1** and **Figure A-3**.

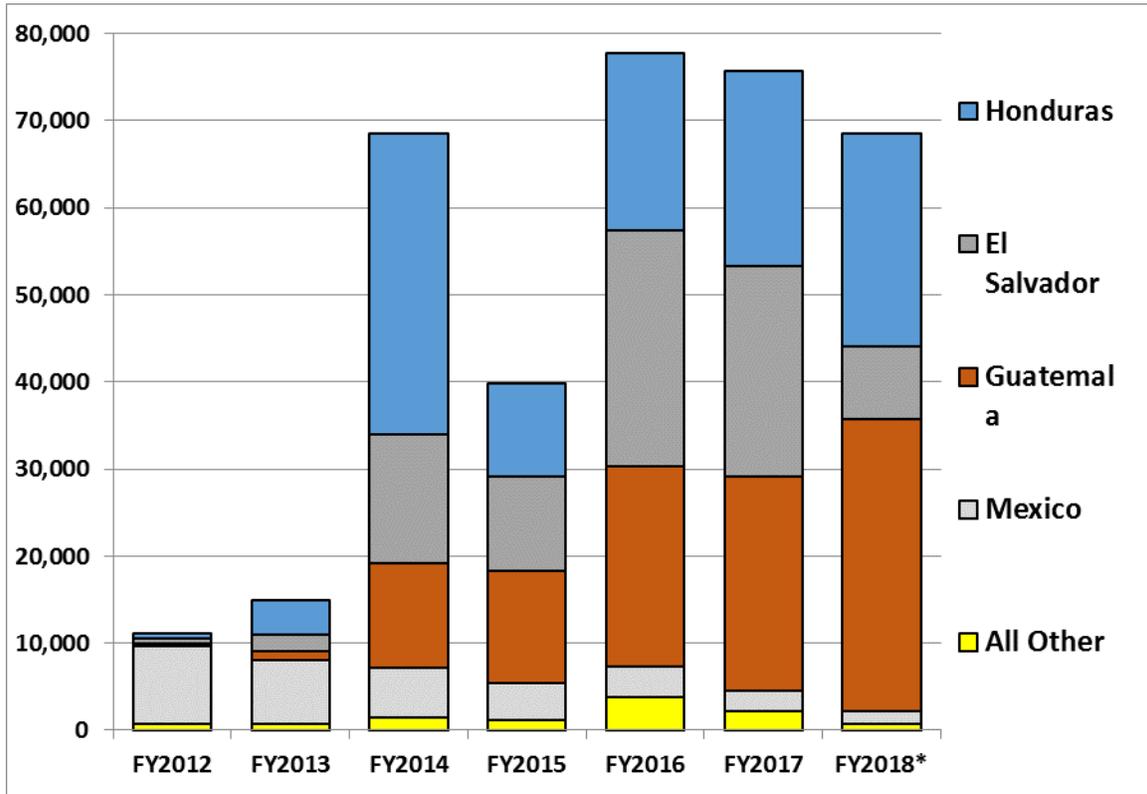
Family units are making up a growing share of total alien apprehensions at the southern border. According to CBP Commissioner Kevin McAleenan, single adult males made up over 90% of arriving aliens in the past; however, families and children make up roughly 40% of all arriving aliens currently.¹²² CBP data on family unit apprehensions at the southern border are publicly available starting in FY2012, when they numbered just over 11,000 (**Figure A-3**). Since then, family unit apprehensions have increased considerably, reaching a peak of 77,674 in FY2016. In the first nine months of FY2018, CBP apprehended 68,560 family units, which, if the monthly average is extrapolated to the remainder of FY2018, would yield a total (91,400) exceeding those of all prior fiscal years.

¹²¹ The rise in both total apprehensions and family unit apprehensions of other-than Mexicans mirrors that of unaccompanied alien children over this recent period. See CRS Report R43599, *Unaccompanied Alien Children: An Overview*, Figure 1.

¹²² Testimony of Kevin McAleenan, Commissioner, U.S. Customs and Border Patrol, in U.S. Congress, House Committee on Homeland Security, Subcommittee on Border and Maritime Security, *Border Security, Commerce and Travel: Commissioner McAleenan’s Vision for the Future of CBP*, 115th Cong., 2nd sess., April 25, 2016.

Since FY2012, the composition of family unit apprehensions by origin country has shifted from mostly Mexican (80%) to mostly El Salvadoran, Guatemalan, and Honduran (97%). Among these Northern Triangle countries, the proportion of apprehensions from El Salvador has recently declined, from 35% of all family unit apprehensions in FY2016 to 12% in FY2018.

Figure A-3. Total CBP Alien Family Unit Apprehensions at the Southwest Border, FY2012-FY2018*



Source: For FY2008-FY2013: U.S. Department of Homeland Security, United States Border Patrol, "Juvenile and Adult Apprehensions—Fiscal Year 2013." For FY2014-FY2016, "Customs and Border Protection, Southwest Border Unaccompanied Alien Children." For FY2017-FY2018, "U.S. Border Patrol Southwest Border Apprehensions by Sector FY2018," <https://www.cbp.gov/newsroom/stats/usbp-sw-border-apprehensions>.

Notes: *FY2018 includes October 2017 through June 2018, or three-fourths of the fiscal year.

Author Contact Information

(name redacted)
 Analyst in Immigration Policy
 [redacted]@crs.loc.gov7-....

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