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

16 STATE OF CALIFORNIA, <i>et al.</i> ,
17 Plaintiffs,
18 v.
19 DONALD J. TRUMP, <i>et al.</i> ,
20 Defendants.
21
22 SIERRA CLUB, <i>et al.</i> ,
23 Plaintiffs,
24 v.
25 DONALD J. TRUMP, <i>et al.</i> ,
26 Defendants.
27
28

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

**NOTICE OF CHANGES IN
 FUNDING FOR BORDER
 BARRIER PROJECTS
 UNDERTAKEN PURSUANT TO 10
 U.S.C. § 2808 IN FISCAL YEAR 2019**

1 Defendants hereby provide notice of recent changes to the funding sources for the eleven
2 border barrier military construction projects the Secretary of Defense decided to undertake on
3 September 3, 2019, pursuant to 10 U.S.C. § 2808.

4 To fund the § 2808 border barrier military construction projects that are the subject of
5 litigation in these cases, the Secretary of Defense deferred \$3.6 billion in military construction projects,
6 divided evenly between projects outside of the United States and projects located in the United States
7 (including U.S. territories). *See* ECF No. 206 in 4:19-CV-00872; ECF No. 201 in 4:19-CV-00892. The
8 list of projects deferred at the time of the Secretary's decision to undertake § 2808 construction is
9 available at No. 207 in 4:19-CV-00872; ECF No. 202 in 4:19-CV-00892.

10 On April 27, 2020, the Secretary of Defense authorized adjustments to the funding for the
11 § 2808 projects. *See* Exhibit 1. To enable their execution as scheduled in calendar year 2020, the
12 Secretary removed 22 projects located in the United States from the deferred projects list and directed
13 that \$545.536 million in funding for those projects be released. *See id.* The Secretary also directed
14 \$545.536 million in replacement sources to ensure adequate funding remains available for § 2808
15 border barrier military construction. These substitute funds are drawn from (1) two projects that have
16 been cancelled for reasons not associated with border barrier military construction; (2) the deferral of
17 16 projects located outside the United States that are scheduled to award in fiscal year 2021 or later;
18 and (3) excess planning and design funds. *See id.* A chart listing the 22 projects removed from the
19 deferral list and the substitute funding sources is attached as Exhibit 1. *See id.*

20 DATE: April 29, 2020

Respectfully submitted,

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27 /s/ Andrew I. Warden
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