

Nos. 19-16102, 19-16300, 19-16299, 19-16336

**In the United States Court of Appeals
for the Ninth Circuit**

SIERRA CLUB; SOUTHERN BORDER COMMUNITIES COALITION,
Plaintiffs-Appellees,

v.

DONALD J. TRUMP, President of the United States,
in his official capacity, et al.,
Defendants-Appellants.

STATE OF CALIFORNIA, et al.,
Plaintiffs-Appellees-Cross-Appellants,

v.

DONALD J. TRUMP, President of the United States,
in his official capacity, et al.,
Defendants-Appellants-Cross-Appellees.

APPELLEES' SUPPLEMENTAL EXCERPTS OF RECORD

On Appeal from the United States District Court
for the Northern District of California

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NORTHERN DISTRICT OF CALIFORNIA
 15 **SAN FRANCISCO-OAKLAND DIVISION**

16 SIERRA CLUB and SOUTHERN BORDER
 COMMUNITIES COALITION,

17 *Plaintiffs,*

18 v.

19 DONALD J. TRUMP, President of the United
 20 States, in his official capacity; PATRICK M.
 SHANAHAN, Acting Secretary of Defense, in his
 21 official capacity; KEVIN K. MCALEENAN,
 Acting Secretary of Homeland Security, in his
 22 official capacity; and STEVEN MNUCHIN,
 Secretary of the Treasury, in his official capacity,

23 *Defendants.*

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

**APPENDIX OF DECLARATIONS IN
 SUPPORT OF PLAINTIFFS' MOTION
 FOR PARTIAL SUMMARY
 JUDGMENT**

Date:
 Judge: Honorable Haywood S. Gilliam, Jr.
 Dept: Oakland
 Date Filed: June 12, 2019
 Trial Date: Not set

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**DECLARATIONS IN SUPPORT OF PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Exhibit Number	Declarant	Date and ECF Number of Original Filing
1	Orson Bevins	June 12, 2019
2	Albert Del Val	April 4, 2019 (ECF No. 30)
3	Kevin Bixby	April 4, 2019 (ECF No. 34)
4	Amanda Munro	April 4, 2019 (ECF No. 31)
5	Elizabeth Walsh	April 4, 2019 (ECF No. 35)
6	Mike Evans	June 12, 2019
7	Roy Armenta Sr.	May 29, 2019 (ECF No. 150-9)
8	Carmina Ramirez	May 29, 2019 (ECF No. 150-7)
9	Gayle G. Hartmann	May 29, 2019 (ECF No. 150-1)
10	Ralph Hudson	May 29, 2019 (ECF No. 150-2)
11	Kevin Arthur Dahl	May 29, 2019 (ECF No. 150-3)
12	Bill Broyles	May 29, 2019 (ECF No. 150-4)
13	Patricia Gerrodette	May 29, 2019 (ECF No. 150-5)
14	Margaret Case	May 29, 2019 (ECF No. 150-6)
15	Christina Patino Houle	April 4, 2019 (ECF No. 33)
16	Vicki B. Gaubeca	April 4, 2019 (ECF No. 32)
17	Cyndi C. Tuell	May 29, 2019 (ECF No. 150-8)
18	Robert Ardovino	June 12, 2019

Exhibit 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p><i>Plaintiffs,</i></p> <p>v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Orson Bevins</p>
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I, Orson Bevins, declare as follow:

1. My name is Orson Bevins. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information. If called as a witness, I could and would testify competently to these facts. This declaration reflects my personal opinions and judgment.
2. My current address is 3091 S. 31st Drive, Yuma, AZ 85364. I have lived in Yuma since August 2011.

3. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

4. I am a current member of Sierra Club and I first joined in March 2008.

5. I work for the Quechan Indian Tribe on the Fort Yuma Indian Reservation as a project planner, where I plan and implement civil construction projects that benefit tribal members. I primarily work on sanitation projects, such as upgrading wastewater management systems or drilling wells for new sources of water.

6. My home is located a few miles from the area in Yuma where I understand that the U.S. Department of Homeland Security (DHS) is proposing to construct a new segment of wall -- Yuma Sector Project 1 -- along the U.S.-Mexico border.

7. Approximately four times per year, I drive along and then visit the levee near the proposed border wall project in Yuma. I enjoy visiting Morelos Dam just south of Los Algodones, to take in views of the beautiful landscape of the two countries on either side of the Colorado River. I also frequently drive to and visit areas along Highway 95, travelling south through the Cocopah Indian Reservation

and Gadsden down to San Luis. On these drives, I can see over sections of the existing vehicle barrier along the border, and there are stretches where I am meters away from the border and the physical barriers are not visible. I greatly enjoy these drives and viewing large swaths of farmland and riparian landscape. I am very concerned about the aesthetic impacts that construction and the completed border wall would have on the local landscape. The tall and intrusive pedestrian barrier would disrupt the desert views and inhibit me from fully appreciating this area.

8. While I really value these areas and plan to visit them in the future, the strong presence of U.S. Customs and Border Protection (CBP) agents diminishes my enjoyment and sometimes deters me from further exploring certain areas. When visiting these areas I am guaranteed to be asked questions or be detained by the CBP agents. I am deeply concerned that increased security associated with a new pedestrian wall along the border would further diminish my enjoyment of these areas.

9. Most important, I worry about the impacts construction and operation of the border wall would have on the environment, wildlife, and native plant species. The construction and presence of the border wall would fragment wildlife habitat and devastate native vegetation. There are many unique species in the desert, which have both environmental and cultural significance, such as the mesquite tree species, from which local indian tribes harvest the seeds for use in medicinal tea.

10. I am aware that president Trump declared a national emergency on February 15, 2019 in order to construct a border wall along the U.S.-Mexico border. It is my understanding that DHS intends to commence wall construction in the Yuma Sector Project 1 area.

11. I am familiar with the litigation, filed by the Sierra Club and the Southern Border Communities Coalition, which challenges DHS's unlawful construction of a border wall. This construction and a completed wall would greatly impede my ability to enjoy the areas in Yuma along the border.

I declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: June 7, 2019.



Orson Bevins

Exhibit 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; PATRICK
M. SHANAHAN, Acting Secretary of Defense, in
his official capacity; KIRSTJEN M. NIELSEN,
Secretary of Homeland Security, in her official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

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

**DECLARATION OF ALBERT DEL
VAL**

My name is Albert Del Val and I declare:

1. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information.
2. My primary residence is 564 South 7th Avenue, Yuma, Arizona 85364. I have lived at my current address for 2 years, and before that I lived four blocks away.
3. I am a current member of the Sierra Club. I joined the Sierra Club in August 2017.
4. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.
5. I am originally from Somerton, a neighboring town within Yuma County. I have spent my entire life in this area and know it well.

6. I have been fishing in the canals along the border between Yuma, Arizona in the U.S. and Baja California in Mexico for more than 50 years. I regularly fish in West Main Canal for small mouth, big mouth, and striped bass. I enjoy the desert landscape and the animals and plants that occur there. As a child I hunted quail and rabbits throughout this region.

7. Increasingly, my ability to fish in the canals, and my enjoyment of spending time there, has been diminished by heightened security along the border. I often get stopped by U.S. Customs and Border Protection (“CBP”) agents patrolling the area, which along with cameras trained on residents, makes me feel uneasy. I am concerned that construction of border wall near the canal, along with increased security, will increase that unease and diminish my enjoyment of this place.

8. I intend to return to the canals for fishing as long as I am able but I am very concerned that the construction and maintenance of the border wall will limit or entirely cut off my access to these fishing spots.

9. I am also concerned about the aesthetic and environmental impacts that border wall construction and upkeep will have on the landscape I have treasured for so many years. I understand the Department of Homeland Security will also install lights that would create artificial light pollution interfering with the desert dark skies my wife and I treasure. I am also concerned that border wall construction and maintenance would harm native cottonwood trees, mesquite trees, and other vegetation surrounding the border, as well as the wildlife that depends on this habitat.

10. I worry the wall would be incredibly ugly and detract from the natural environment I grew up with. I regularly drive along the levee road. When I view previous wall projects they feel ominous and oppressive to me, diminishing the pleasures I have felt all my life in this desert landscape.

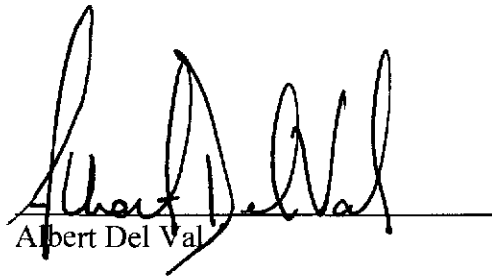
11. It is my understanding that wall construction would occur near West Main Canal and the levee road because it is located in CBP's Yuma Sector, and is referred to as DHS “Yuma Sector Project 1.”

12. I understand Sierra Club brought this litigation, in part, to challenge the government's unlawful construction of a border wall. I am participating in this case because DHS has announced it will soon begin wall construction in Yuma Sector Project 1. This construction and a completed wall would impede my ability to fish and otherwise enjoy the areas in Yuma along the border.

13. I plan to continue to fish in the canals and drive along levee roads as long as I am physically able.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Executed April 4th, 2019.



Albert Del Val

Exhibit 3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; PATRICK
M. SHANAHAN, Acting Secretary of Defense, in
his official capacity; KIRSTJEN M. NIELSEN,
Secretary of Homeland Security, in her official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

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

**DECLARATION OF KEVIN
BIXBY, EXECUTIVE DIRECTOR,
SOUTHWEST ENVIRONMENTAL
CENTER**

My name is Kevin Bixby and I declare:

1. I am over the age of eighteen, and I am competent to make this declaration. I provide this declaration based upon my personal knowledge. I would testify to the facts in this declaration under oath if called upon to do so.
2. I am the Executive Director and founder of the Southwest Environmental Center in Las Cruces, New Mexico, an organization that forms part of the Southern Border Communities Coalition (“SBCC”). In addition, for over one year I have served on SBCC’s Steering Committee, directing and coordinating SBCC’s decisions at the organizational level.
3. I founded the Southwest Environmental Center in 1991 to reverse the accelerating loss of plants and animals worldwide through protection and restoration of native wildlife and their habitats in the southwest. The Southwest Environmental Center has approximately 2000 dues-paying members, the majority of whom live in Southern New Mexico. It works statewide in New

Mexico and our campaigns extend into Eastern Arizona and West Texas. For example, for decades we have been actively involved in restoring riparian and aquatic habitats along the Rio Grande in southern New Mexico and west Texas, to create a “string of pearls” of restored and protected habitats up and down this reach.

4. In addition to restoration, our work involves grassroots organizing, public education, and petitioning the government about preservation and restoration. In one such campaign, we are working to restore highly-endangered Mexican wolves to the Southwest in Arizona and New Mexico, including by advocating for the establishment of a Mexican Wolf Center in Grant County, New Mexico. In another, we are fighting to end wildlife killing contests, and are on the cusp of New Mexico outlawing coyote killing contests.

5. The national emergency declaration, and the construction of a border wall using funds that have not been appropriated by Congress, are causing and will continue to cause irreversible damage to Southwest Environmental Center. They also threaten lands that I cherish and have devoted my life to protecting.

6. With the Southwest Environmental Center and in my personal capacity, I have on several occasions traveled the areas threatened with construction, including lands encompassed in so-called “El Paso Project 1” where the Department of Defense will finance Department of Homeland Security construction. Southwest Environmental Center members enjoy these areas for camping, hiking, hunting deer, javelina and quail, and bird watching. I enjoy hiking and camping in these areas, and intend to do so as long as I am able. They are beautiful to me—rolling Chihuahuan desert scrubland, adjacent to several mountain ranges, with arroyos and diverse vegetation creating an undulating landscape. There are several isolated desert hills and peaks that provide unique habitat for different species of plants and animals—they are called sky islands, like islands in a sea of desert. Border wall construction in these areas will harm these lands at a time when communities here are being revitalized around eco-tourism and the attraction of expansive vistas and wildlife viewing.

7. Southwestern New Mexico is one of the most biologically diverse areas of the United States due to the confluence of different biomes and northern and southern wildlife species. The Pentagon’s recently-announced plan to seize \$1 billion from military personnel funding and use it to build 57 miles of new border wall, including 46 miles in New Mexico, would culminate in nearly half of New Mexico’s international border being walled off. Construction in “El Paso Project 1” will completely wall off Doña Ana County, where we reside, and much of neighboring Luna County. Additional construction in New Mexico, including the threat to wall off the bootheel, would further destroy the environments that Southwest Environmental Center is devoted to protecting and restoring.

8. With Southwest Environmental Center, we frequently visited Southern New Mexico over the last year, seeking in part to learn about the wildlife that lives in the area and to educate the public about it. About one year ago, Southwest Environmental Center installed wildlife cameras in adjacent habitats immediately east of planned construction, for approximately 20 miles west of Santa Teresa, New Mexico (approximately to the point where “El Paso Project 1” begins). Our goal has been to learn and share information about the wildlife that lives in these habitats, often hidden from human view. Our cameras documented the presence of mountain lions, mule deer, coyotes, bobcats, gray foxes, badgers, birds, bats, rabbits, and other species, many of which are too large to pass through bollard-wall construction with its four-inch gaps between bollards.

9. The animals that will be impacted by construction in “El Paso Project 1” include threatened or endangered species. The wall will prevent some endangered species, such as jaguars and ocelots, from reoccupying historic habitat in the U.S. It will prevent genetic exchange between small populations of extremely endangered Mexican wolves on either side of the border. The impact on all species too large to pass will be dire. Some will likely die because they will not be able to reach the food and water resources they need to survive. Wildlife populations on either side of the border will be permanently fragmented and disconnected, and therefore more vulnerable to

catastrophic events like disease as well as the loss of healthy genetic variability. A border wall will also prevent animals from adjusting their range in response to climate change.

10. Because of the emergency declaration and the realized threat of constructing outside of the Rio Grande Valley Border Patrol Sector, the Southwest Environmental Center has been forced to carefully monitor risks to Southwestern lands, including in Texas, New Mexico, and Arizona. We have devoted significant time to identifying the location and timing of construction that will occur without congressional process or approval. For example, upon learning in March that the Secretary of Defense would provide \$1 billion to the Department of Homeland Security to build a wall, I spent two days working with coalitions to discern the location of construction. Upon receiving coordinates, I spent additional hours mapping out where the wall would go—sadly, in our backyard. We have been forced to spend this time in order to protect the land, to organize within SBCC, and to educate Southwest Environmental Center’s members and the public.

11. The Southwest Environmental Center has also been caused to devote resources to answering calls from members, the public, and government officials requesting information about what is happening and what can be done. We are mapping out not only the area identified as “El Paso 1,” but the other areas in the Southwest identified for priority construction in correspondence from the Department of Homeland Security to the Department of Defense. Our Communications Director, Amanda Munro, has begun and will continue creating media kits about the impacts of construction in all 11 of the identified projects. This work takes her away from her other responsibilities, such as our ongoing organizing to protect special places like Otero Mesa, and coordinating efforts to reform wildlife policies in New Mexico and other states.

12. We should honor and protect the lands of the Southwest. The habitats and wildlife that flourish in these lands will be injured, and perhaps forever lost, if a border wall is built. As director of Southwest Environmental Center, and speaking for myself, the consequences of such construction for my work, and the quality of my life as a visitor to these lands, are devastating.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 4th day of April, 2019.



Kevin Bixby

Exhibit 4

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; PATRICK
M. SHANAHAN, Acting Secretary of Defense, in
his official capacity; KIRSTJEN M. NIELSEN,
Secretary of Homeland Security, in her official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

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

**DECLARATION OF AMANDA
MUNRO**

My name is Amanda Munro and I declare:

1. My name is Amanda Munro. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information. If called as a witness, I could and would testify competently to these facts. Any opinions contained in this declaration reflect my personal opinion and judgment.

2. My primary residence is 1440 S Almendra Street, Las Cruces, New Mexico, 88001.

3. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the

earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

4. I have been a Sierra Club member since 2018.

5. I spent my childhood exploring the forests of rural Northern California, where I grew up catching lizards and climbing trees. My love of animals and the outdoors led me to advocacy on behalf of wildlife and their habitat, currently near the U.S.-Mexico border in New Mexico.

6. After graduating from the University of Portland with a degree in Environmental Ethics & Policy, I moved to Las Cruces, New Mexico in 2017. I currently work for the Southwest Environmental Center, an organization dedicated to both conservation and social justice in New Mexico. In my position, I engage in public education and outreach, generally educating local people about the socially and environmentally destructive effects of a border wall on their community. I love this work because it allows me to enjoy the unique and beautiful desert landscapes along the New Mexico border in what the U.S. Customs and Border Protection (CBP) calls the El Paso Sector.

7. I am particularly passionate about protecting New Mexico wildlife along the border such as pronghorn, bobcats, ocelots, mountain lions, javelina, badgers, mule deer, coatimundis, and bears. All of these species and more would be impacted by a border wall in the El Paso Sector. I personally visit this area numerous times per year in my public education work; but also, I am part of a team that runs a camera monitoring program to document wildlife

occurring in and migrating through this area. This work includes the El Paso Sector where the U.S. Department of Homeland Security's (DHS) Project 1 wall construction would occur.

8. The place I visit most often along the border is on the far eastern side of El Paso Sector Project 1, just south of NM Route 9. My team has a monitoring station there that allows us to capture and analyze wildlife migration patterns.

9. I am extremely concerned that a border wall in this region would be devastating to local wildlife because I care deeply about protecting and maintaining healthy populations of native species. Currently, in some places in this sector, wildlife must navigate vehicle barriers, but that type of fencing allows wildlife to pass through relatively easily. I understand that DHS intends to construct and maintain 18-foot high barrier walls that are impenetrable to wildlife. This new construction would drastically cut off their access to key sources of food and water. The construction process also clears immense amounts of vegetation as this type of work requires heavy machinery and improvements to existing roads. In addition, I understand there would be an increased presence by CBP agents along with increased lighting and upkeep activities – activities all detrimental to wildlife and detrimental to my use and enjoyment of these lands.

10. In the course of my work, I have also become familiar with destructive flooding that occurs after border wall construction. After heavy rains, debris can build up on the wall itself, trapping water and causing deadly flash floods. I am worried about loss of human and animal life along with associated environmental degradation of fragile desert lands.

11. Through my work, I hope to continue to view and enjoy a wide variety of wildlife species along the border, but I am concerned about the destruction of their habitat, especially the

loss of migratory corridors. My love of animals brought me to this unique desert landscape and I fear that a border wall will diminish that happiness and the sense of fulfillment I derive from visiting these beautiful landscapes and viewing local species.

12. During my visits to the border in the El Paso Sector, I am often approached by CBP agents patrolling the area. These encounters leave me feeling anxious because despite these areas being fully open to the public, Border Patrol agents go out of their way to intimidate and make me and other residents feel as if we are trespassing on private property, but we are not. I intend to continue to visit the El Paso Sector area, but I am deeply concerned that if the wall is built, the ever-increasing presence of CBP agents will diminish my future enjoyment of this place.

13. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a border wall all along the U.S.-Mexico border. It is my understanding that DHS intends to commence wall construction in the El Paso Sector, Project 1 area in the near future.

14. I am familiar with the litigation filed by the Sierra Club and the Southern Border Communities Coalition which challenges DHS's intent to unlawfully construct a border wall in New Mexico. Based on my deep concerns about the negative environmental impacts associated with border wall construction near New Mexico Route 9 in the El Paso Sector, I strongly support this case. As I understand it, DHS has announced it will commence construction in the El Paso Sector for its Project 1. I have deep concerns about the impacts that border wall construction and maintenance would likely have on native wildlife and plant species, and on my ability to enjoy both during my time near the border.

15. If DHS constructs a wall in New Mexico's El Paso Sector, I would be harmed professionally, aesthetically, and spiritually, as set forth in the previous paragraphs of this declaration. The only way to avoid these injuries is to declare the declaration of a national emergency invalid and enjoin construction of the wall.

Dated: April 4, 2019



Amanda Munro

Exhibit 5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; PATRICK
M. SHANAHAN, Acting Secretary of Defense, in
his official capacity; KIRSTJEN M. NIELSEN,
Secretary of Homeland Security, in her official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

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

**DECLARATION OF ELIZABETH J.
WALSH**

My name is Elizabeth J. Walsh and I declare:

1. My name is Elizabeth J. Walsh. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would testify competently to these facts. Any opinions contained in this declaration reflect my personal opinion and judgment.

2. I reside in El Paso, Texas near Sunland Park, New Mexico in close proximity to the United States-Mexico border.

3. I have been an active member of the Sierra Club since 1993 having served on a number of volunteer committees. For example, I was a national Sierra Club Board member from May 2012-2018, serving as fifth officer 2015-2016 and treasurer from May 2016-May 2018. I am currently the volunteer co-lead of the Our Wild America campaign, a member of the national Finance and Risk Management Board Advisory Committee, a member of the national Sierra

Club Wildlife & Endangered Species Activist Team (WESACT), the Executive Committee of the El Paso Regional Sierra Club Group, as well as actively working with the borderlands team. I have been involved in various advocacy and academic discussions, protests, and meetings regarding the border region, including being co-organizer of a Sierra Club Border Wall event hosted by the WESACT team in south Texas in 2008, and was the lead presenter on the Border Wall and Wildlife forum at the Universidad Autonoma de Ciudad Juarez in October 2008.

4. My professional career is dedicated to environmental issues. Since 1994, I have been a tenured professor in biological sciences at a Texas university. I moved to the area after completing my Ph.D. in Environmental Biology at the University of Nevada, Las Vegas.

5. My work and advocacy on behalf of wildlife in the border region goes back more than a decade. I was active in advocating for environmental and wildlife interests during prior border fencing projects under the George W. Bush administration in the early 2000s.

6. For more than fifteen years I have also co-hosted the Animal Concerns of Texas radio show on KTEP-El Paso, the El Paso National Public Radio affiliate. The show focuses on animal interests and issues, including environmental concerns and the impact on wildlife. I have frequently featured the impacts of the border wall on news segments of the show.

7. As part of my professional and academic work I routinely visit and study the border area immediately west of El Paso, Texas in New Mexico along Route 9 which parallels the border. It is my understanding that this is referred to as El Paso Sector Project 1. I supervise several ongoing and long-term biology studies in this area with graduate students on the aquatic diversity of ephemeral wetlands known locally as playas. I also study habitat fragmentation and population trends of several indigenous lizard species, *Uta stansburiana* and *Aspidoscelis marmorata*, in this same region.

8. In addition, I utilize this same area for recreational and non-professional purposes, primarily bird watching and hiking. This includes observing a wide range of species that call the border area their home, including road runners, scaled quail, Southwestern willow flycatcher, and other species. I visit the New Mexico and Texas border areas routinely as part of my bird watching activities, and have done so since I moved to El Paso in the early 1990s.

9. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a border wall all along the U.S.-Mexico border. I understand that the U.S. Department of Homeland Security (DHS) intends to commence wall construction in its El Paso Sector which is adjacent to and in close proximity to where I lead biology studies with my students and where I frequently birdwatch and hike.

10. Border wall construction in the El Paso Sector, especially Project 1, would negatively impact the scientific playa studies I have overseen for many years because a wall could impede vital natural drainage patterns for the playas. Similarly, construction and maintenance of a border wall would continue to degrade the natural dynamic of the playa pools and their associated ecosystems.

11. Border wall construction would further fragment and degrade the lizard species' habitat I and my students have studied for many years.

12. I have personally observed the adverse impacts caused to wildlife by earlier border wall projects in Texas. I am also aware of scientific studies and other information demonstrating such adverse impacts, as well as the cascading negative ramifications to areas adjacent to barriers. These areas tend to have high levels of human disturbance, including roads, lighting, and removal of vegetation, which further expand negative impacts of barriers on wildlife populations. Thus, the adverse impact of wall construction in the El Paso Sector of New

Mexico will not just adversely impact my personal interests and ability to enjoy the wildlife in this area, but also my interest in enjoying and recreating in a large geographic zone in the El Paso Sector that I also routinely visit and intend to continue to visit in the future, including for scientific research as well as for wildlife watching and hiking.

13. I am also aware that barriers to wildlife movement exacerbate the current extinction threats posed by human-altered landscapes and human activities. Scientists warn that animals whose ranges will be halved by the border wall will be impeded in their ability to reproduce with other members of their species, thereby creating a shallower gene pool and heightening the chance of inbreeding.

14. Based on my deep concerns about the negative environmental impacts associated with border wall construction near New Mexico Route 9 in the El Paso Sector, I am familiar with the litigation filed by the Sierra Club and other organizations which challenges DHS's unlawful construction of a border wall. As I understand it, DHS has announced it will commence construction in the El Paso Sector for Project 1.

15. I would object to the federal government's plans to construct a border wall in New Mexico's El Paso Sector without engaging in a thorough review of the impacts such construction would have on the local environment and on vulnerable species that live here. I am afraid the environmental devastation and loss of biodiversity will negatively impact my aesthetic enjoyment of borderlands wildlife. I am especially concerned about what will happen when so many species' habitats are fully and permanently bisected by an impermeable wall. The likely result—ecological devastation and likely regional extirpation of species—has made me worried and upset. This concern is magnified because the President has announced an intention to

construct along the entire southern border. My professional, aesthetic, and recreational interest in observing all wildlife as well as threatened and endangered species is also severely at risk.

16. If DHS constructs a wall in New Mexico's El Paso Sector, I will be injured professionally, aesthetically, recreationally, and morally, as set forth in the previous paragraphs of this declaration. The only way to redress these injuries is to declare the declaration of a national emergency invalid and enjoin construction of the wall.

Dated: April 3, 2019

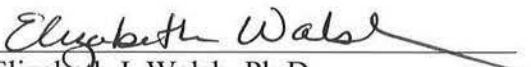

Elizabeth J. Walsh, Ph.D.

Exhibit 6

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p><i>Plaintiffs,</i></p> <p>v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Mike Evans</p>
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I, Mike Evans, declare as follow:

1. My name is Mike Evans. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information. If called as a witness, I could and would testify competently to these facts. This declaration reflects my personal opinion and judgement.

2. My current address is 26465 Park Circle, San Juan Capistrano, CA 92675-1132. However, I have been visiting the areas around El Centro for several decades in order to hike and camp in the California desert. I am an avid conservationist and own a nursery dedicated to growing and selling native plants.

My love of native plants is one of the many reasons I enjoy visiting the desert ecosystems in the El Centro area.

3. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

4. I am a current member of the Sierra Club and first joined in 2003.

5. I visit and recreate in the Yuha Desert several times each year and have been doing so for over 40 years. This desert ecosystem, which I value for its native flora and fauna along with the sweeping views within the U.S. and across the border, are, to my knowledge, within the El Centro Project 1 area proposed for new wall construction by U.S. Department of Homeland Security's (DHS). I am concerned about the immense aesthetic and ecological impacts wall construction within the El Centro area would have on places I have visited for many years.

6. For example, I enjoy hiking in the Yuha Desert, South of Route 98, where one can see the U.S.-Mexico border. I also enjoy driving up to the existing vehicle barrier because currently the views extend across the continuous valley into Mexico. This region it contains a diverse desert ecosystem, and it is a place where many native plants and animals still thrive. I travel to the area to view wild Sand

Verbena, Crucifixion Thorn, and many other varieties of wild, native plants. Crucifixion Thorn is very rare, and this is one of the few places it still exists within California. In addition to the beautiful desert plants, there are numerous wildlife species that reside in and migrate through this region. I have seen bighorn sheep, coyotes, bobcats, and mountain lions, and other wild animals, within the surrounding areas. I worry about hiking in the desert and seeing a tall bollard wall instead of the existing expansive views. Such construction will greatly harm my ability to recreate and enjoy the Yuha Desert near the border.

7. The desert surrounding the proposed wall site is culturally rich. Another reason I (and many others) love to visit this place is to see geoglyphs and intaglios, large and small ancient designs engraved on the desert floor, rocks, and hills. Also, I enjoy climbing a small desert hill, within the sightline of the current low barrier, in order to see the entire valley, extending into Mexico.

8. I am extremely concerned about habitat fragmentation for local desert species. The current vehicle barrier allows wildlife to easily pass through which greatly expands their habitat. However, a tall steel pedestrian wall would prohibit all wildlife migration. This area on the U.S. side is bordered on the west by mountains and to the east by urban and agricultural development around Calexico is a valuable corridor for wildlife that would be permanently diminished or blocked by wall construction. In addition to new wall construction, I am concerned about the impact of new lighting on the surrounding ecosystem. Not only are industrial bright

lights detrimental to my ability to enjoying a dark sky full of stars, the desert itself changes significantly at night. I am worried about new lighting installations impacting nocturnal insects, reptiles, birds, and mammals.

9. I am aware that President Trump declared a national emergency on February 15, 2019 with the purpose of constructing a wall along the U.S.-Mexico Border. It is my understanding that the Secretary of Defense authorized funding in May for El Centro Project 1. I plan to continue to visit and recreate in this area, however I am concerned that construction of the border wall will impact my ability to continue my hiking trips in the Yuha Desert. Additionally, I worry about the extensive negative impacts on the desert ecosystem, including native plants, and the many other people who also enjoy recreating and visiting this culturally and ecologically unique area.

10. For the reasons set forth in this declaration, the proposed wall in El Centro Project 1 will injure me recreationally and aesthetically. An order halting the wall's construction would remedy these injuries.

I declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: June 6, 2019



Mike Evans

Exhibit 7

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p><i>Plaintiffs,</i></p> <p>v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Roy Armenta Sr.</p>
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My name is Roy Armenta Sr., and I declare:

1. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information. If called as a witness, I could and would testify competently to these facts. Any opinions contained in this declaration reflect my personal opinion and judgment.
2. My primary residence is 729 Grant Street, Calexico, CA 92231. I have lived in Calexico for most of life, and I am over 80 years old.
3. I joined the Sierra Club earlier this year. I support the Sierra Club's mission to explore, enjoy and protect the planet; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment.

4. I'm very familiar with the area between the towns of Calexico and Ocotillo, in which the "El Centro Project 1" is planned. As I understand it, the government is proposing to replace approximately 15 miles of existing vehicle barrier with new pedestrian fencing and is planning to install lighting there.
5. As a child, I used to visit the border areas between Calexico and Ocotillo with my family. When I was raising my own children, I took them to these same places. We would often go at dawn or at dusk to get the best views. At these hours, you can see everything and the breeze is blowing. In the spring and fall you can see ocotillo plants flowering. You can't walk in these areas too much because there are rattlesnakes. I appreciate the wildlife here, but I have noticed fewer and fewer animals present over my lifetime because of the infrastructure build up along the border. I used to visit these areas to admire the landscape every couple of weeks. Now I go about once a month or every two months. The idea of having a wall here is a big and unwelcome change for me, my family, and many of the people who live here.
6. In the El Centro project area, Highway 98 runs parallel to the border on the U.S. side and Federal Highway 2D runs along the border on the Mexico side. I have driven along these highways and the smaller roads directly off of them countless times. I often stop to take in the natural beauty of this landscape. The lands south of Highway 98 are beautiful, with a particular vegetation that demands you stop and take it in. It's especially beautiful in the spring with wonderful cacti flowers and wildflowers of all kinds. There is an extraordinary beauty in the desert—it's not a forest, but you enjoy it for the peace that takes over you when you're in it. I am very concerned that a border wall and its construction would destroy this beauty and the interesting parts of the desert. The

unimpeded views, in all directions, are centrally important to my enjoyment of this landscape. A wall will make us feel like we're in a prison, incarcerated in our own lands.

7. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a wall along the U.S.-Mexico border. It is my understanding that the Secretary of Defense has recently authorized funding, and imminently plans to construct, El Centro Project 1. I am concerned that the border wall and its construction will destroy the natural beauty of this landscape; if it proceeds, the El Centro Project will significantly decrease my ability to enjoy it.
8. For all of these reasons, the proposed wall construction in the El Centro Sector will injure me aesthetically and morally. An order halting the wall's construction would remedy those injuries.

9. My son, Roy Armenta Jr, has translated this declaration from English into Spanish for me, and I have authorized him to sign it on my behalf.

I hereby declare under penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: May ²⁹__, 2019

A handwritten signature in green ink, appearing to read "Roy Armenta Sr.", written over a horizontal line.

Roy Armenta Sr. (by Roy Armenta Jr.)

Exhibit 8

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p><i>Plaintiffs,</i></p> <p>v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Carmina Ramirez</p>
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I, Carmina Ramirez, declare as follows:

1. My primary address is 1281 Sandalwood Drive, El Centro, California 92243.
2. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

3. I am a longtime supporter of the Sierra Club and became a member earlier this year.

4. I have spent my entire life in this area surrounding the U.S-Mexico Border that includes the El Centro Sector where the U.S. Department of Homeland Security's (DHS) Project 1 wall construction is proposed. I have worked in the Calexico area around 15 years and lived in El Centro for the past 11 years. I regularly travel alongside the stretch of border in which the El Centro Project will occur. I am deeply engaged with the local community on both sides of the border. I currently work as a librarian for the school district in Calexico; a job where I interact with K-12 students, teachers, and district administration staff on a daily basis.

5. Our community refers to the area around the El Centro Sector as the "Valley"--a single place, spanning the U.S.-Mexico border. From the U.S. side you can see across the border into Mexico. A great part of the aesthetic to me lies in the visually unimpaired, 360-degree views of the land, and mountains, on both sides of the border--and the culturally unified community represented by that view. Living in the community, that extends beyond this geographic boundary, is part of our community identity and putting up a big wall would have tremendous cultural and aesthetic impacts. This is one united landscape and the proposed El Centro Project 1 will drastically impact my ability to enjoy the local natural environment. This is a beautiful unique landscape with a mountain named Mount Signal on the U.S side of the border and El Centinela on the Mexican side of the border. If this project is built

we will see a high border wall instead of this beautiful landscape. Construction along the border will make me less likely to hike Mount Signal and enjoy outdoor recreational activities; and when I do undertake those activities, my enjoyment of them will be irreparably diminished. This barrier will impact my ability to see the valley as a whole and recreate in the surrounding area.

6. Not only will the proposed border wall construction adversely affect my ability to enjoy the aesthetic value of the valley as I walk and drive along the border area but it will drastically impact my cultural identity by fragmenting my community. The local community extends over to Mexico; there is unity along the border. I cross the border regularly to visit my family and attend cultural events on the other side of the border in Mexicali. Many of my students and colleagues also spend a great deal of time on both sides of the border. The new construction in the El Centro Sector is meant to divide that community. As a dual citizen of the U.S. and Mexico, with family on both sides of the border, this hits close to home and directly affects my cultural identity. I regularly cross the border to enjoy festivals, concerts, and other cultural events in Mexicali--the largest urban center in our shared community. Through my work as the school district librarian and previously as a science teacher for many years in Calexico, many families also have similar connections on both sides of the border. Even though we are two countries, we are one community.

7. The replacement of existing vehicle barriers with pedestrian fencing will have immense environmental consequences in addition to the cultural impacts.

There are many animal species including cottontail rabbits, coyotes, and hundreds of species of birds that live in this border area. I care deeply about the species that call this borderland home and am very concerned about the habitat fragmentation that will be caused by the replacement of penetrable vehicle barrier with invasive pedestrian fencing.

8. Not only is the permanence of this wall especially concerning to me from a cultural and environmental perspective but the construction process will also have significant impacts on this fragile desert landscape. We already suffer from air pollution from desert dust storms and the environmental disturbance involved with the construction process will only exacerbate the existing problems. I also worry that vehicles and machinery required during the construction phase will impact traffic (and related pollution) on one of the main roads that connects Calexico with the surrounding area, Route 98. I and others are less likely to utilize that road, as a result of the proposed project.

9. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a wall along the U.S.-Mexican border. It is my understanding that the Secretary of Defense has recently authorized funding for Project 1 in the El Centro Sector. I am concerned that the proposed pedestrian fencing will divide my community that exists on both sides of the border and negatively impact wildlife species that reside in this border region.

10. If construction proceeds at El Centro Project 1, I will be harmed culturally and aesthetically as outlined in the previous paragraphs of this

declaration. The sole way to avoid these injuries is to order that the national emergency is invalid and stop construction of this project.

Dated: May __, 2019



Carmina Ramirez

Exhibit 9

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p><i>Plaintiffs,</i></p> <p>v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Gayle G.Hartmann</p>
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My name is Gayle G. Hartmann. The following is true and correct, based on my experience and my review of publicly available information.

1. I live in Tucson, Arizona, and have lived in Tucson for over 50 years.
2. I joined the Sierra Club in the 1970s, and am a Life Member. In the early 1980s I was the Co-chair and then Chair of the Rincon Group of the Sierra Club, which encompasses the city of Tucson and the surrounding

region including Organ Pipe Cactus National and a portion of the Cabeza Prieta National Wildlife Refuge. During that time, and since, I have been active in efforts to protect from development areas of biological and cultural importance in southern Arizona.

3. Over the years I have spent considerable time in southwestern Arizona including Organ Pipe Cactus National Monument, the Cabeza Prieta National Wildlife Refuge and the Barry M. Goldwater Range as well as the Pinacate volcanic region just south of the border (that region is now El Pinacate and Gran Desierto Biosphere Reserve [recently designated a UNESCO World Heritage Site] along with El Alto Golfo and Rio Colorado Delta Biosphere Reserve). I first visited the Arizona portion of the region in 1971 while working on a book with my husband, Bill Hartmann. The book, titled *Desert Heart: Chronicles of the Sonoran Desert*, published in 1989, focused on the Sonoran Desert of northwestern Sonora and southwestern Arizona. It described the natural history and social history of this unique and truly amazing region.

4. In the 1980s I was a member of a team of scientists working with the University of Arizona that produced the first natural and cultural resources management plan for what was then called Luke Air Force Range (now Barry M. Goldwater Range). At that time the Cabeza Prieta National Wildlife Refuge was considered a part of the Range and was included in our study.

5. More recently, in the late 1990s I spent three months working on an archaeological project at Tinajas Altas – the series of pools that provide one of the most important sources of water in the region. We each lived in individual tents, cooked on an outdoor stove, spent chilly evenings around a campfire (the project was conducted from January through early April), and gained an enormous appreciation for the prehistory and history of this region. One result of that project was a book published in 2012 entitled *Last Water on the Devil's Highway: A Cultural and Natural History of Tinajas Altas*, of which I was a co-author.

6. Over the course of those activities and work, and others, I have regularly visited and enjoyed the area in the vicinity of the proposed wall-construction projects labeled Tucson Sector 1 and 2, extending along the border near Lukeville, and I certainly expect to return in the near future.

7. A central element of my enjoyment of that area has been learning, understanding, and appreciating the wildlife and plants, as well as the human history of the region. The connected nature of its geography—both human and ecological—is particularly important to me. I am especially concerned about the impacts on wildlife of further fragmenting the cross-border habitat of species like pronghorn and bighorn. Such species rely on their access to lands on both sides of the border to survive; it is my understanding that it is well-nigh impossible for such animals to cross the

pedestrian fencing planned for Tucson Sectors 1 and 2, threatening that access, and likely reducing their numbers.

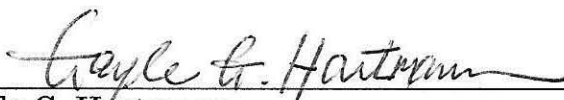
8. The construction of the proposed wall will also negatively affect my ability to enjoy the manner in which these lands retain the connectedness that allowed indigenous peoples to live and thrive in this arid, beautiful, and seemingly inhospitable place, by travelling back and forth from the Gila River to the Pinacate region and Gulf of California to the south.

9. The proposed wall segments will fundamentally alter my experience of these lands, by intruding upon the natural beauty, and historical connectedness of people and species, that I visit these areas to experience.

10. For these reasons, the proposed Tucson Sector 1 and 2 projects will, if they occur, injure me aesthetically, recreationally, morally and professionally. That harm would be prevented by an order preventing those projects' construction.

I hereby declare under penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: May _26_, 2019



Gayle G. Hartmann

Exhibit 10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES
COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official Capacity;
PATRICK M. SHANAHAN, Acting
Secretary of Defense, in his official
Capacity; KIRSTJEN M. NIELSEN,
Secretary of Homeland Security, in her
official Capacity; AND STEVEN
MNUCHIN, Secretary of the Treasury,
in his official Capacity,

Defendants.

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

Declaration of Ralph Hudson

I, Ralph Hudson, declare as follows:

1. My name is Ralph Hudson. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information. If called as a witness, I could and would testify competently to these facts. Any opinions contained in this declaration reflect my personal opinion and judgement.

2. My primary address is 427 Stone Road, Gilmanton Iron Works, New Hampshire 03837. However, I have owned property in Ajo, Arizona for almost two decades and I am a member of Sierra Club's Grand Canyon Chapter in Southern Arizona.

3. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

4. I am a current member of Sierra Club and first joined in 2012.

5. I have been recreating in the wilderness areas along the U.S.-Mexico border in what U.S. Customs and Border Protection (CBP) refers to as the Tucson Sector for over 20 years. My love of this unique desert ecosystem led me to build my house in Ajo back in 2001. I use the lands close to the border in the Cabeza Prieta Wildlife Refuge and Organ Pipe Cactus National Monument to hike, take photos, and explore the natural history. I have been traveling to the areas in and around the proposed Tucson Projects 1 and 2 since 1997. I travel to these areas several times each year, sometimes for a week at a time.

6. Access to the Cabeza Prieta Wildlife Refuge, near the border, is along the El Camino del Diablo. Its proximity to the border makes hiking right to the current barrier possible. On foot you feel extremely connected with nature and I can hardly imagine the juxtaposition of this high border wall with the desert landscape. I have wonderful memories and photographs of the original border obelisks which served as the only demarcation of the border until about 10 years ago. It looks to me like little has changed along the border in these wild places in terms of human traffic. Away from a few well known crossing spots it has remained the same. These wild places are empty of people despite recent rhetoric about waves of migrants crossing the border.

7. I love hiking, camping, and taking photos in this remote wilderness. I cannot fathom seeing an 18 to 30 foot barrier when I focus my camera on Kino peak or seeing a tall barrier strung out behind Monument Bluff just south of the El Camino on the Cabeza Prieta NWR. These are special places which fulfill the Wilderness Act's goal of being places "untouched by the hand of man."

8. Over the past few years, I have also enjoyed visiting Quitobaquito Springs. This UNESCO World Heritage Site is less than a half mile from the U.S.-Mexico Border. Because of its proximity to the border you can even see traffic along Mexico's Route 2. As a water source within this desert

ecosystem, Quitobaquito Springs is extremely important to wildlife in the area. The replacement of penetrable vehicle barriers with pedestrian fencing will have a tremendous impact on the species that rely on this water source.

9. The current barrier is bad enough but, for the most part, it does allow desert animals to wander through this landscape as they always have. I am distressed that this may no longer happen and I fear that fragmenting their habitat may have unimaginable impacts. I have seen coyotes, javelina, bighorn sheep, pronghorn, and various reptiles in my Cabeza travels.

10. One of my favorite aspects of camping in these areas along the border is my ability to see the stars. There is very little light pollution in these areas, however, the proposed border construction will drastically change this reality. I have always been able to come out here and look up at the sky and see the Milky Way. If these projects move forward, the lighting will drastically impact my ability to stargaze in this beautiful border region.

11. I plan to continue returning to these unique landscapes along the border as long as I am able, but I am extremely concerned that Tucson Projects 1 and 2 will greatly detract from my ability to enjoy hiking, camping, and photographing these landscapes. The physical barrier alone is a blight on this landscape.

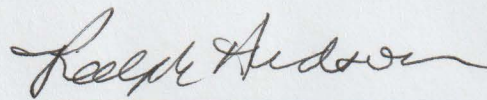
12. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a wall along the U.S.-Mexico border.

It is my understanding that the Secretary of Defense has recently authorized funding for Projects 1 and 2 in the Tucson Sector. I am concerned that the border wall and its construction will adversely impact the expansive area around and including Cabeza Prieta Wildlife Refuge and Organ Pipe Cactus National Monument, its ecosystems, and the many people like me who recreate in these places.

13. For all of these reasons, the proposed border wall in Tucson Sector Project 3 will injure me recreationally, aesthetically, and morally. An order halting the wall's construction would remedy those injuries.

I hereby declare under penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: May 26, 2019



Ralph Hudson

Exhibit 11

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION**

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Kevin Arthur Dahl</p>
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My name is Kevin Arthur Dahl, and I declare:

1. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information. If called as a witness, I could and would testify competently to these facts. Any opinions contained in this declaration reflect my personal opinion and judgment.
2. My primary residence is 1609 E. Spring St., Tucson, AZ. I have lived in Tucson for 42 years and Arizona for 53 years.
3. I am a current member of the Sierra Club and have been a member since 1997. I support the Sierra Club’s mission to explore, enjoy and protect the planet; to practice and promote the responsible use of the earth’s ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment. I have been a member of the executive committee of Sierra Club’s Grand Canyon Chapter (Arizona-wide), which is a volunteer position.
4. I am the Arizona Senior Program Manager for the National Parks Conservation Association.

In this position I work to protect and enhance our National Park System for present and future generations with a specific focus on the Southwestern region of Arizona.

5. Throughout my time in Arizona, I have explored and worked to protect public lands including the Organ Pipe Cactus National Monument. I love the remote and rugged landscapes of Southwest Arizona, the native plant and animal species that live here, and the recreational opportunities these lands provide. I regularly spend time in Organ Pipe Monument, especially in the areas along the border that include Tucson Sector Projects 1 and 2. I intend to return to these areas as long as I am able.

6. Organ Pipe Cactus National Monument is near and dear to me, and I have been closely connected with the Monument for more than forty years. I first visited the Monument in the early 1970s when I was living in Phoenix, Arizona. In the following years, I became involved in the wilderness designation process for the Monument, in which the Park Service reviewed their designations under the Wilderness Act. I spoke at hearings and organized the citizens' committee that wrote the wilderness boundaries and advocated for wilderness designation. Currently, I'm working on creating the Friends of the Organ Pipe Cactus National Monument, a group that will further advocate for the Monument, the plant and animal life that depends on it, and the people who you use and enjoy it. I am deeply concerned that border wall construction and the wall itself would destroy an area I have worked so hard to preserve and protect.

7. I visit Quitobaquito Springs, maybe once a year, which is located less than half a mile from the border. In years past when it was allowed, I camped at this location. From Quitobaquito I can see Mexico's El Pinacate and Grand Desierto de Altar Biosphere Reserve, which was recently designated a UNESCO World Heritage Site. On March 2, 2018, I was there to make observations as part of a "Bio-Blitz" along with park staff, volunteers, scientists from the U.S. and Mexico,

and students from Arizona State University. Together we observed 116 species. We all saw the endangered Quitobaquito Pupfish. I photographed the elusive Howarth's White Butterfly, which only regularly comes into the United States at this location. Construction of a wall at and near Quitobaquito Springs will impede wildlife from crossing from Mexico to get to this vital source of water, impeding my enjoyment of wildlife observation at this biologically rich oasis.

Construction could also impact the hydrology of this wetland area, as its water shed extends on both sides of the border.

8. When I visit Organ Pipe Cactus National Monument, I like to stay at the main campground located behind the visitor center. This popular spot affords wonderful access to desert hiking and at night the sky is so clear and unimpeded by light that it seems you could almost touch the stars. The long view to the south into Mexico includes parts of the UNESCO World Heritage Site and a long reach of the border. I am aware that construction will require massive installation of temporary lighting and that the Tucson Sector border wall will include permanent lighting as well. These lights will prevent me from seeing the neighboring El Pinacate, impede the desert dark skies that are a hallmark of this landscape, and generally degrade my camping experience.

9. The beautiful landscapes in which Tucson Projects 1 and 2 are planned are home to unique plant and animal species including Sonoran pronghorn, desert big horn, mountain lion, javelina, white-tailed and mule deer, kangaroo rat, coyote, and other animals and plants common to the Sonoran Desert. Migrating bats call Organ Pipe Cactus National Monument home for part of the year, and migrating birds also make their way north and south across this landscape twice a year. Border wall construction will have lasting negative impacts on this ecosystem. As we've seen from previous border construction projects, native vegetation is uprooted which leads to the spread of invasive, non-native species and harms the animals that rely on native plants.

Construction will also degrade the beauty and integrity of these wild places and undermine their very purpose - to provide spaces “where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain” (The Wilderness Act).

10. It is my understanding that these project areas include the replacement of existing vehicle barriers with new pedestrian fencing. This type of fencing will further fragment wildlife habitat, preventing current migration patterns and likely leading to reduction of populations and possible local extirpation. Added to other modern stressors, this could lead to extinction. Any kind of barrier along the U.S.-Mexico border impedes the movement of wildlife and leaves them more susceptible to predators.

11. I am aware that President Trump declared a national emergency on February 15, 2019, in order to construct a wall along the U.S.-Mexico border. It is my understanding that the Secretary of Defense has recently authorized funding for Projects 1 and 2 in the Tucson Sector. I am concerned that the border wall and its construction will adversely impact Organ Pipe Cactus National Monument, its ecosystems and inhabitants, and the many people that enjoy it, myself included.

12. For all of these reasons, the proposed wall construction in the Tucson Sector will injure me recreationally, aesthetically, and morally. An order halting the wall’s construction would remedy those injuries.

I hereby declare under penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: May 24, 2019



Kevin Arthur Dahl

Exhibit 12

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Bill Broyles</p>
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My name is Bill Broyles, and I declare:

1. I reside in Tucson, Arizona, north of the border between the United States and Mexico. I also own land near Ajo, Arizona, near the Organ Pipe Cactus National Monument and the Cabeza Prieta National Wildlife Refuge.
2. I have been a member of the Sierra Club since 1989.
3. I regularly spend time in the vicinity of the proposed Tucson Section Projects 1 (extending northwest and southeast from Lukeville, Arizona) and 2 (extending through Lukeville), and intend to continue to do so in the future. Those portions of the border are flanked by large federal reserves that protect wildlife, habitat, and which provide extraordinary opportunities for wilderness-based recreation. Those

areas include Organ Pipe Cactus National Monument, the Cabeza Prieta National Wildlife Refuge, and the Goldwater Range. Similar reserves lie along the Mexican side of the border: El Pinacate and Gran Desierto Biosphere Reserve (recently designated a UNESCO World Heritage Site) and El Alto Golfo and Rio Colorado Delta Biosphere Reserve.

4. For the past 50 years, I have hiked, camped, vacationed, and traveled through the above-described areas, studying and observing the region's human- and natural history. I have traversed thousands of miles, and spent hundreds of days and nights, in these areas. I continue to visit these areas four to six times a year.

5. As a volunteer with the Cabeza Prieta National Wildlife Refuge, I have worked several thousand hours counting desert bighorn, surveying desert waterholes, measuring rainfall, and removing trash from the Refuge

6. I have written and edited books and articles on the area, including: *Organ Pipe Cactus National Monument*, *Our Sonoran Desert*, *Dry Borders*, *Sunshot*, *Last Water on the Devil's Highway*, *Desert Duty: On the Line with the U.S. Border Patrol*, *Cowboys and Cowgirls Around Ajo Arizona*, and *Field Man*.

7. My study and travels through these borderlands are critically enhanced by the presence of a wide array of species—some of which are endangered—within them. Some of those species, such as Sonoran Pronghorn and Desert Bighorn, use and require habitat that spans the border and have historically moved throughout northwestern Sonoran and southwestern Arizona. I understand that the construction of walls that such species cannot cross harms such species, by

inhibiting their access to parts of their habitat, and increasing human disturbances in the area.

8. My enjoyment of these areas will also be damaged by the incessant lighting associated with the wall and its construction, which, I understand, will disrupt night flights of migrating birds, and mar my and others' view of the night skies—a central attraction of Organ Pipe Cactus National Monument and other public lands in the area.

9. The widening of roads necessary to enable construction of these wall segments, along with the noise and dust associated with construction, will disturb that natural quiet of the area for many months, displacing wildlife from areas near the wall, exacerbating soil erosion, and substantially diminishing my and others' pleasure in experiencing the area.

10. At a more fundamental level, the proposed barrier construction will blight a landscape whose core attractions include unimpeded views across the border (of, for example, the volcanic cones and peaks of Mexico's Pinacate Biosphere Reserve), solitude and quiet, and the shared heritage, history, and culture of our two bordering nations. The wall diminishes each of those basic values, thereby irrevocably altering my and others' experience of the borderlands.

11. I am concerned by the absence of any environmental review of these projects. Such review, and an opportunity for public comment, would allow the community (including me) to better inform the agencies' decision, and, at a minimum, would

permit the agencies to identify less intrusive means of pursuing their goals, or of mitigating the impacts of their actions.

12. For all of these reasons, the proposed wall construction will injure me professionally, aesthetically, recreationally, and morally. An order halting the wall's construction would remedy those injuries.

I hereby declare under penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: May 23, 2019



Bill Broyles

Exhibit 13

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p><i>Plaintiffs,</i></p> <p>v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Patricia Gerrodette</p>
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My name is Patricia Gerrodette, and I declare:

1. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information. If called as a witness, I could and would testify competently to these facts. Any opinions contained in this declaration reflect my personal opinion and judgment.
2. My primary residence is 3327 Eagle Ridge Drive, Sierra Vista AZ, 85650. I have lived in Sierra Vista since 1995.
3. I am an active member of the Sierra Club, Grand Canyon Chapter. I've been a member since 1984. I am currently a volunteer with the Sierra Club Grand Canyon Chapter's Water Sentinels Program, a volunteer group that monitors the flow of

Arizona's San Pedro River and tests its water quality, and have been a member of the program since it began in Arizona in 2010.

4. Throughout my time in Sierra Vista, I have become closely connected to the San Pedro River and the San Bernardino National Wildlife Refuge, both of which fall within Tucson Sector Project 3.
5. Within a few months of arriving in Sierra Vista, I started connecting with people in my community who, like me, value and appreciate the natural world. I quickly became educated about the San Pedro River and the surrounding watershed, and I started to explore and recreate along the river. As an activist on San Pedro River issues, I spend a lot of my free time working to protect the San Pedro River and the watershed that supports it, including the desert washes that originate in the Huachuca Mountains and the groundwater aquifer that keeps the San Pedro River flowing all year round. My efforts to protect the San Pedro River have included participation for the last 19 years in the Upper San Pedro Partnership, a collection of 21 federal and state agencies and some private entities working to ensure that the long-term water needs of the Sierra Vista Subwatershed are met.
6. I bought my current house three years after moving to Sierra Vista. My house is just a fifteen to twenty minute drive to the San Pedro River, which allows me to regularly travel to the river. I enjoy walking along its trails, identifying native plants, bird-watching, and observing wildlife. In my time along the river, I have seen many neotropical migrant birds, which use the San Pedro River's riparian habitat as a migratory stop-over site, as well as Mexican specialty birds like Gray Hawks that come to the river to breed in the summertime. I have also seen the western Yellow-

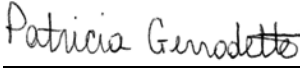
billed Cuckoo, which is a listed species under the Endangered Species Act. When friends come to town to visit, I often take them to the San Pedro River, because it is a jewel in our community. These days, I travel to the San Pedro River about once a month to visit, walk with friends, exercise, and observe the wildlife and vegetation that rely on the river.

7. The proposed border wall at the San Pedro River touches directly on the work that I've been doing for the past 24 years and is deeply upsetting to me. I am concerned about what the wall will do to the flow of the river. I don't see how this wall will be any different than walls that have failed along the border in the past. Experience with other sections of the border wall suggest that the wall will cause debris to accumulate in the river; in the worst case, it may cause the border wall to blow out as it did in Lukeville and Nogales. I also worry that the border wall and its construction will harm the plant and animal species living along and migrating through the San Pedro River ecosystem.
8. As I've mentioned, I regularly visit the San Pedro River. However, if construction moves forward, it will deter me from visiting as often as I once did. I will avoid the noise, dust, and unsightliness of a construction zone in a place I love so dearly for its natural beauty.
9. I am also deeply worried by the proposal along the San Bernardino National Wildlife Refuge. While construction itself is hugely disruptive, it is the proposed permanence of an impenetrable barrier that I find most distressing. The wall will prevent wildlife from crossing, thereby disrupting natural migration patterns. Such disregard for the needs of other life is very upsetting to me.

10. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a wall along the U.S.-Mexico border. It is my understanding that the Secretary of Defense has recently authorized funding, and imminently plans to construct, Tucson Project 3. I am concerned that the border wall and its construction will destroy the natural beauty and ecosystems of the San Pedro River and the San Bernardino Wildlife Refuge as well as my ability to enjoy these places.
11. For all of these reasons, the proposed border wall in Tucson Sector Project 3 will injure me recreationally, aesthetically, spiritually, and morally. An order halting the wall's construction would remedy those injuries.

I hereby declare under penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: May 27, 2019



Patricia Gerrodette

Exhibit 14

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p><i>Plaintiffs,</i></p> <p>v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>Declaration of Margaret Case</p>
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My name is Margaret F. Case. The information in this declaration is true and correct, based on my experience, and my review of publicly available information:

1. I am a member of the Sierra Club, and have been since 1990. My interest in the natural areas of southeast Arizona, and my concern for those areas, led me to join the Sierra Club's Borderlands Team.

2. I reside in the rural area know as Palominas, in southern Cochise County, Arizona. I have lived in the area for over 11 years. As the crow flies, my home is approximately four miles from the San Pedro River, and approximately 5 miles from a wall segment that runs along the United States-Mexico border. The border wall and the foliage corridor along the San Pedro River are visible from my house's

patios. The Coronado Memorial is a short drive from my home—approximately ten minutes. The San Bernardino Wildlife Refuge is also in our county, to the east of my house.

3. I understand that the Tucson Section Project 3 involves the construction and replacement of border wall sections that include the San Pedro River, the San Bernardino Wildlife Refuge, and areas south of the Coronado Memorial.

4. I use and enjoy the areas affected by the border wall—from my home, and on excursions with friends and visitors. Indeed, my husband and I spent our first Christmas Day in Arizona visiting the Slaughter Ranch and the San Bernardino National Wildlife Refuge. We are both birders; on that first trip, on a track running parallel to the Normandy-style ‘vehicle barriers’ currently along the border, we saw our first Black Phoebe.

5. The border areas and their natural beauty have been a central element of my life here since we moved to Arizona from Kentucky. Shortly after arriving, I went on an overnight Sierra Club outing along the border. My goal was to learn about the southeast borderlands area, which I intended to be my home for the rest of my life. That trip took us to the Buenos Aires National Wildlife Refuge, the San Pedro Riparian National Conservation Area, and to the Coronado National Memorial.

6. Since then, I have grown more familiar with the landscapes of southeast Arizona. I continue to regularly visit the San Pedro River. I saw my first Gray Hawk at the San Pedro Riparian National Conservation Area. My husband and I have an annual tradition of hiking at the San Pedro House (in that Conservation

Area) on Thanksgiving Day. When friends and family visit, we routinely take them to the Coronado National Memorial; we, along with them, are always dazzled by the sweeping vistas of the continuous landscape shared by the United States and Mexico.

7. My pleasure in living along the border is immensely enhanced by my knowledge that there are wolves, bears, ocelots, and even jaguars that inhabit those lands, prowling in secret and filling crucial, and unique, ecological niches. Just a few days ago, on a trip into nearby New Mexico, my husband and I spotted a wolf standing in the brush. I never thought I might see a wolf. Doing so was the thrill of a lifetime, and one that deepened my appreciation of the presence of such wildlife in my own backyard neighborhood, as well as my concern that border-wall construction will inhibit the mobility upon which those species depend.

8. The construction and expansion of the border wall, both as the construction proceeds and in the hard infrastructure that it will produce, will diminish the values that caused me to choose these borderlands as my home.

9. I understand that the proposed ‘pedestrian’ barriers will impose significant, often impassable, barriers to the wildlife that currently inhabit areas on both sides of the border. Near my home, wildlife such as deer and javelina have been photographed, in apparent consternation, unable to cross such barriers. I personally have heard the frustration of a neighbor—a long-time rancher—whose property is bounded by the border wall and road for many miles. His family has ranched that land for three generations. He describes a sharp drop in the deer population, as

border barriers increase. These and other similar stories suggest to me that the decrease in observable wildlife in my own property may be due to border enforcement activities; I find the notion of increasing the structures and human activities that interrupt the flows of wildlife, and water, painful, almost viscerally so.

10. I am also concerned that increased human activity along the border, and more substantial border walls and infrastructure, will affect the diverse bird life that provides one of the greatest pleasures of my current home. A higher, less permeable wall will impair the visibility that makes the border such an enticing bird-watching area. Many birds depend upon rabbits and other prey species that are likely to be disrupted by construction activities, and whose habitat will be fragmented by the wall; and their own nesting habitat, especially along the rivers, is likely to be adversely affected. Birds that frequent this area depend upon a delicately balanced habitat, which exists in only a few places around the world; disrupting the habitat of these birds disrupts and diminishes my own life.

11. I have read articles documenting the manner in which border-wall construction disrupts delicate ecosystems, adding sediment to rivers and streams, adding vehicular traffic and other human activity, contributing light pollution, and inhibiting wildlife corridors. And I have personally seen how the Department of Homeland Security's border walls, roads, and traffic have diminished the beauty and serenity of the border region where I live.

12. At night, from my house, I can watch the lights of Border Patrol vehicles on the roads that the agency has built in previously roadless areas. In our part of the world, dark night skies are a pride and joy; law enforcement lighting, which I understand will be exacerbated by the proposed project, is an intrusive nuisance and decreases my enjoyment of the area. I am additionally worried about nocturnal animals, whose activities and habitat are disrupted by night-time lights and activity.

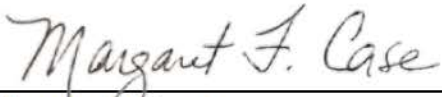
13. With each increase and escalation in enforcement along the border, my and other border residents' quality of life decreases. I once enjoyed taking visiting friends and family to the actual border; as access roads have been closed, such trips have become very difficult. Law enforcement activities which claim to limit northbound human migration are in fact limiting my own freedom and mobility, and my ability to show visitors where I live, and what I enjoy. The proposed wall will, moreover, extend an already unwanted eyesore in the middle of a landscape whose beauty I treasure, irrevocably harming my enjoyment of that landscape.

14. I am greatly concerned about the federal agencies' refusal to comply with environmental statutes that Congress passed to protect natural and cultural resources. I chose to live the rest of my life in this area; when deciding to do so, I relied upon those legal protections to protect the lands around my home, never dreaming that they would be rendered impotent with the stroke of a pen.

15. For all of those reasons, the proposed Tucson border wall project will cause me and my family irreparable harm. An order preventing the wall's construction would remedy that harm.

I hereby declare under penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: May 24, 2019



Margaret Case

Exhibit 15

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; PATRICK
M. SHANAHAN, Acting Secretary of Defense, in
his official capacity; KIRSTJEN M. NIELSEN,
Secretary of Homeland Security, in her official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

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

**DECLARATION OF
CHRISTINA PATIÑO HOULE,
NETWORK WEAVER, EQUAL
VOICE NETWORK**

My name is Christina Patiño Houle and I declare:

1. I am over the age of eighteen, and I am competent to make this declaration. I provide this declaration based upon my personal knowledge. I would testify to the facts in this declaration under oath if called upon to do so.
2. I am the Network Weaver for the Rio Grande Valley Equal Voice Network, a coalition of nonprofit organizations in the Rio Grande Valley and the Texas regional anchor for the Southern Border Communities Coalition ("SBCC"). In addition, I am a member of SBCC's Steering Committee, helping to shape SBCC's priorities and strategies across the southern border. I have occupied both positions since 2017.
3. The Equal Voice Network was formed a decade ago to advocate for the community-development needs of families in the region. The Rio Grande Valley is one of the poorest regions in the United States. It has a number of health and environmental needs, including susceptibility to

flooding. It is over 90% Latinx, with several immigrant and mixed-status families. Many of these families live in *colonias*, or unincorporated towns.

4. We derive our priorities from the needs of the communities we serve and have six working groups with our coalition partners: Civic Engagement; Jobs and Economic Security; Education; Housing; Immigration; and Health Care. The working groups set strategic priorities and create plans of action, empowering communities to advocate for themselves at the local, state, and national levels. For example, our housing working group educates low-income communities about their rights and has empowered them to win basic necessities like street lighting, paved roads, and garbage collection. Because of the unincorporated status of *colonias*, advocacy may be onerous and occur piecemeal. However, we recently engaged communities to win a county-wide drainage bond to expand infrastructure in Hidalgo County. The Rio Grande Valley is highly susceptible to flooding, and poor and unincorporated communities in particular often cannot weather high-rain events. Improved flood-control infrastructure is critical to these communities' survival.

5. The declaration of a "national emergency" in our communities, the ongoing construction of a border wall, and the ever-present threat to build a wall without constitutional or congressional constraint has upended our organization's existing plans to serve and advocate for our communities. We are, in effect, developing an additional arm to the nonprofit, adding an additional mission component to our limited capacity.

6. Because the nature of our missions is profoundly affected by the new threat posed by the border wall, both SBCC and the Equal Voice Network must respond to the emergency declaration. Our communities live, work, and play in lands that are threatened with construction. In addition to displacing people from their homes, a wall and its underground foundation can make it difficult or impossible to run electricity or other utilities to communities; it can increase lands' susceptibility to flooding; and, because walls can be constructed miles inland, communities can be segregated from the United States. Border-wall construction threatens scarce green space. One of the first things the communities we work with want is access to a park, and the realities of the

development of this region are such that the area near the river, from the state and natural parks to smaller areas where communities gather and play, is the green space we have.

7. Our organization had previously secured limitations on wall construction that were critical to our communities and on which we relied. In 2018 I joined SBCC as part of one of multiple delegations to Washington, D.C. to communicate the impacts of the wall on our communities to lawmakers. Members of the Equal Voice Network joined two other delegations to Washington with SBCC in 2018 for the same purpose. The resulting political victory—Congress’s rejection of the President’s requested billions of dollars—still left some of our communities in harm’s way. But it also limited the amount the Department of Homeland Security could spend on the border wall, even in the Rio Grande Valley, protected key areas in our communities, and imposed consultation requirements on certain construction.

8. The President’s declaration of an “emergency” upended any comfort we had from Congress’s appropriation decision. The threats to our communities are constant and credible, and we have received no assurances. The communities we serve, our coalition partners, the media, city and elected officials depend on us to provide on-the-ground information and to resist new construction. My work—previously determined by our working groups, and including advocacy for increased access to bilingual education, organization of labor-worker cooperatives to fight for wage justice, and educating communities about the 2020 census—has been frustrated preparing to respond to stakeholders’ concerns, to identify and resist new, unlawful construction, and to counter the message about our communities being propagated by the President. I cannot provide the same level of feedback, oversight, coordination, or management to this work as I have provided in the past, and the rollout and reach of the work in these programs has been negatively impacted. We have been forced instead to defend our lands and communities from erasure.

9. We are constantly monitoring, researching, and responding to the “emergency” declaration and the construction it enables. In our citizenship classes, know-your-rights trainings, and community meetings, people ask whether there will be an increased military presence, and what

the “emergency” and military presence means for their rights. In our monthly housing working group meetings, the border wall, its location, and its timing are important issues to the communities we serve and are now standing agenda items. We respond to requests for information from city officials and chambers of commerce seeking to understand the scope of the “emergency” and what it means for our communities moving forward. We have devoted our time to remain prepared to respond to, protect, and educate the communities we serve, a feat that is complicated by a lack of transparency about the plans for construction. In our experience, notice, if any is given, comes too late for a meaningful response.

10. In addition, we continue to be forced to devote resources to respond to calls for information from media, city officials, and other stakeholders regarding the “emergency” and its impacts on border wall construction throughout Texas. We have granted requests to provide tours to groups wanting to see the “emergency” and the lands threatened by border-wall construction. The Equal Voice Network coordinates such tours with its coalition partners on a nearly weekly basis. Such coordination and tours require significant time. Given the size of the Texas border, travel alone can consume hours of our staff and partners’ time.

11. We have also been forced to organize and promote events to resist new construction. For example, we organized a protest in March 2019 when Secretary Nielsen and members of Congress were visiting the Rio Grande Valley to see the “emergency.” We planned the event with our partners, organized community members, arranged for carpools, prepared press statements, and coordinated speakers. This work consumed several days for me and for staff from our organizational partners.

12. We have worked to counter the “national emergency” declaration—its effort to militarize and wall off our communities—by promoting the truth about our communities. After the President’s declaration, we held an internal discussion as to how best to respond. We determined that it was necessary to counter its message and goals by uplifting that we are a community that is safe, that supports migrants, that works well together and supports one another, that is worthy of

existence. Our communications strategist, Michelle Serrano, created a toolkit for journalists coming to the region so they report on it in a way that promotes the good work that is coming in the community, instead of amplifying and reifying the effort to paint and treat us as communities in crisis. Responding to the emergency has consumed and continues to consume a significant portion of Michelle's time that would otherwise be spent on our core organizational mission of affirmative advocacy for the communities we serve.

13. The Equal Voice Network is united by a vision of organizing our constituents into a local force to create lasting social and political change. A wall is an intervention into our communities that is the antithesis of what our communities and organizations are working towards, and the preparation for and reality of construction throughout the borderlands entrenches an incorrect and damaging narrative about our communities. Our community survival requires investment, development, and infrastructure, the pursuit of which is frustrated and hindered by the fireballs being thrown at us by our own government.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 4 day of April, 2019.



Christina Patiño Houle

Exhibit 16

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; PATRICK
M. SHANAHAN, Acting Secretary of Defense, in
his official capacity; KIRSTJEN M. NIELSEN,
Secretary of Homeland Security, in her official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

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

**DECLARATION OF VICKI B.
GAUBECA, DIRECTOR, SOUTHERN
BORDER COMMUNITIES
COALITION**

My name is Vicki B. Gaubeca and I declare:

1. I am over the age of eighteen, and I am competent to make this declaration. I provide this declaration based upon my personal knowledge. I would testify to the facts in this declaration under oath if called upon to do so.
2. I am the Director of the Southern Border Communities Coalition (“SBCC”) for Alliance San Diego, a community-empowerment organization and convener of SBCC focusing on human rights and inclusive democracy. I joined SBCC in 2017, became the interim director in March 2018, and have served as Director since June 2018.
3. SBCC brings together 60 organizations from California, Arizona, New Mexico, and Texas to fight for policies and solutions that improve quality of life in border communities. Formed in March 2011, SBCC’s membership spans the borderlands from California to Texas. The communities we serve are as diverse as our geographies, and include community, environmental,

immigrant-rights, human-rights, faith, direct-service and labor groups. We are united to amplify the voices of border communities.

4. The border is a place of encounter, hope, and opportunity. The southern border region is home to about 15 million people, and one of the most diverse, economically vibrant, and safest regions of the country. SBCC's principal goals are to protect human rights, dignity, and safety against increasingly unaccountable border law enforcement, and to promote rational and humane immigration policies affecting the border region. In furtherance of these goals, SBCC engages in oversight of U.S. Customs and Border Protection and its components, including Border Patrol, and advocates for accountability and transparency in the government policies and practices that impact border communities.

5. A border wall, as physical structure and symbol, is contrary to the goals of SBCC and the needs of border communities. Instead of revitalizing our communities, it is the culmination of a campaign to militarize the border region and generate fear among the communities that live there. Since 2017, SBCC has worked to promote the voices of our communities, including against the construction of a border wall, in the appropriations process in Congress. We believe legislators are accountable to constituents, and funding for the number of boots on the ground, detention beds, and miles of border wall in our communities can be shaped to reflect positive values at the border. When the Administration's proposed policies of harsh enforcement are out of sync with our values as a nation and as border communities, we use the democratic process to push back. Through the appropriations process, SBCC pushed back on the proposed appropriation of \$25 billion to build a wall in Fiscal Year 2018, and \$5.7 billion in Fiscal Year 2019. The appropriations process provided a forum for SBCC and its members to speak, and the Consolidated Appropriations Act in 2019 reflected our input on the amount, location, and requirements of new border-wall construction in our communities better than the much greater requested allocation would have.

6. The "national emergency" declaration shattered the security we obtained through the democratic appropriations process. SBCC cannot ignore the threat and reality of the diversion of

billions of dollars to build a wall, amplified by persistent statements by the President and his administration that hundreds of miles are going to be built this year alone.

7. SBCC, as well as our member organizations, has been forced to devote substantial time to analyze and respond to the declaration and the promise to build border walls across the southern border. I and several SBCC and member staff, including Andrea Guerrero, the Executive Director of Alliance San Diego and SBCC Co-Chair, Hiram Soto, our Communications Director, and a team of communications assistants, have spent the *majority* of our time analyzing and responding to the declaration, at a substantial monetary and opportunity cost to SBCC.

8. The increased time is due, in large part, to the delimited geography of threatened construction and the willingness to circumvent prior processes. SBCC has been forced to respond to an unprecedented volume of inquiries from members, media, and elected officials about the “emergency” and its current and coming impacts, which in turn has required that SBCC devote substantial time to analyze the declaration, monitor developments, and rapidly respond. To educate our members and the public about the current status, SBCC has created materials to reflect the uncertain impact of the declaration and the diversion of funds, developed and distributed social-media kits to SBCC members and national allies, and conducted trainings for staff and partners to speak about the emergency and fight against delimited construction in their communities.

9. The time spent is not only exponentially greater than that spent resisting the border wall prior to the declaration; it is qualitatively different from our prior advocacy against the border wall. The Trump Administration has communicated that it intends to take money from the budget and redirect it to fulfill a campaign promise to build a contiguous border wall, without consideration of community input. There is often little or no notice of the plans to build until the process of construction begins in the community. A border wall carries significant risks for local environments and protected and endangered species. It threatens historical and cultural treasures along the entire border. And the symbol of the wall entrenches a narrative SBCC believes is dangerous by imposing division into our communities, fostering hate of immigrants and others, and undermining SBCC’s

community and economic-development goals.

10. The emergency declaration and the threat and reality of construction have caused us to reduce the time we spend on our core projects, including public education about border policies, community engagement on local issues, and affirmative advocacy for Border Patrol accountability and immigration reform. That work—for example, forming alliances with criminal justice groups to advocate for those policy initiatives that increase law-enforcement accountability, is our bailiwick. We have been forced to prioritize the emergency declaration and the border wall construction it enables because we have seen that the effects of a wall, once built, are irreversible—relationships between sister cities are divided; communities are economically disaffected; increased flooding makes lands uninhabitable; endangered species are imperiled; sacred sites are destroyed; and a monument to hate is erected.

11. Though the emergency declaration and diversion of funds delimit construction, forcing SBCC to be reactive, SBCC has worked tirelessly to proactively counter the narrative of “emergency” that is being thrust on our communities. Migration is not an emergency, but the failure of leadership to manage it in a humane way is traumatizing. A wall will not resolve this failure; it will displace us. SBCC has responded to questions from congressional offices about the scope and impact of the emergency declaration, educated and empowered local elected officials and community members to hold the Administration accountable to border communities, and worked with partners to support grassroots movements and protests to push back on unjust actions that take our land and cause us harm. SBCC has also produced and distributed videos and other multimedia content on the inaccurate portrayal of border communities to counter the message of the emergency declaration and convey the harm that will be caused by more walls.

12. The goal of this work is to empower communities and elected officials against efforts of the Administration to disenfranchise border communities through its unilateral determination of where, when, and on what terms to build. The work will continue until our voices prevail, and democratic limits are re-imposed on the construction in our communities.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 4th day of April, 2019.

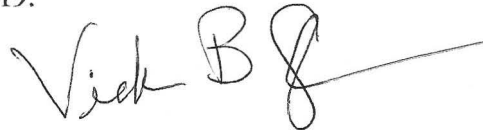
A handwritten signature in black ink that reads "Vicki B. Gaubeca". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

Exhibit 17

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p><i>Plaintiffs,</i></p> <p>v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p><i>Defendants.</i></p>	<p>Case No.: 4:19-cv-00892-HSG</p> <p>DECLARATION OF CYNDI C. TUELL</p>
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My name is Cyndi C. Tuell and I declare:

1. I currently reside at 903 N. Alder Ave, Tucson, Arizona 85705. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would truthfully testify competently to these facts.
2. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystem and resources; to educate and enlist humanity to protect and restore the quality of the natural environment; and to use all lawful means to carry out these objectives.

3. I am a current member of the Sierra Club; I joined the Sierra Club in 2014 and have been a member on and off since then.

4. I have been a volunteer with the Sierra Club's Borderlands Team since 2011. As a volunteer, I have been actively engaged in work to protect the borderlands in southern Arizona from the negative ecological impacts of: border walls, related roads and infrastructure; border surveillance equipment, installation, and related roads; border patrol agent travel within the federal public lands found in southern Arizona including: Cabeza Prieta National Wildlife Refuge, Organ Pipe Cactus National Monument, the Barry M. Goldwater Bombing Range, and the San Pedro Riparian National Conservation Area, including areas that are in the vicinity of the proposed Tucson Sector Projects 1 and 2. As a Borderlands Team volunteer I have conducted reviews of scientific literature, compiled this research and drafted letters to federal agencies regarding the impacts of border patrol agents' presence on federal public lands to wildlife, water, and the land itself; given presentations to members of the public regarding the impacts of border patrol presence and operations on the federal public lands in southern Arizona; participated in Interagency Executive Committee meetings between federal land managers, representatives of the Tohono O'Odham Nation, border patrol representatives, and members of the public; and organized and participated in political protests against border patrol presence and operations in southern Arizona.

5. Prior to working as a volunteer with the Sierra Club Borderlands Team, I was employed at the Center for Biological Diversity as a Public Lands Advocate. The purpose of my work at the Center for Biological Diversity was to reduce the impacts of roads and off-road vehicle use on federal public lands in Arizona and New Mexico. As a part of that work I engaged with local residents of Ajo, Arizona and learned of and began trying to stop the devastating impacts that border patrol agents, infrastructure, and border walls were having on the protected federal lands in southern Arizona. I engaged with the Cabeza Prieta National Wildlife Refuge land manager to prevent the official designation of an illegal vehicle route through the designated Wilderness area that was heavily used by border patrol agents in order to protect the Wilderness character of the wildlife refuge and to protect the habitat for the Sonoran desert pronghorn.

6. Since 2016 I have been a board member of Wilderness Watch, an organization dedicated to protecting and keeping wild the National Wilderness Preservation System. As a board member for Wilderness Watch I have ensured the organization is aware of and participating in public land management planning processes to ensure the protection of the designated Wilderness areas in both the Cabeza Prieta National Wildlife Refuge and Organ Pipe Cactus National Monument, including submitting comment letters to federal land managers, attending meetings with land managers and members of the public, and

educating the public about the impacts of border patrol presence and operations in southern Arizona on federally protected public lands.

7. I have camped in Cabeza Prieta National Wildlife Refuge at least three times in the last ten years with my friends, professional colleagues, and my son. When I am in the wildlife refuge I always visit the area in which the border wall projects are planned, because of my professional and personal interests in the protection of the public lands in the southern Arizona border and my desire to protect the wildlife and wildlands there. I have plans to return to Cabeza Prieta National Wildlife Refuge in November of 2019 to celebrate my son's 11th birthday. He has asked me repeatedly for the past six months to let him know when we are going back. When we travel to the wildlife refuge we travel through Bureau of Land Management Lands, Organ Pipe Cactus National Monument, and Barry M. Goldwater Bombing Range and we always stop to view wildlife and plants and historic objects. We always look for signs of badgers, tortoise, lizards, snakes, bighorn sheep, pronghorn, and owls.

8. I am deeply disturbed by the presence of the border wall infrastructure. I am aware that the type of barrier in place through most of the Cabeza Prieta National Wildlife Refuge, Organ Pipe Cactus National Monument, and the Barry M. Goldwater Bombing Range is "wildlife friendly", allowing both large and small animals, as well as water, to move freely across the border to ensure connectivity of wildlife corridors. I am most disturbed by the "pedestrian fence" type of border

barrier because it completely stops the movement of nearly all mammals and most other animals such as lizards, frogs, snakes, and some birds. The “pedestrian fence” also stops the flow of water causing significant damage to these protected lands. It is personally and professionally important to me that the “wildlife friendly” type of fencing remain to ensure the free movement of wildlife and water across these protected lands.

9. I have engaged with the Border Patrol Public Lands Liaison, Charles Trost, to try to educate him and, through him, other border patrol agents, of the importance of protecting the federal public lands in southern Arizona. I have camped with Mr. Trost in Organ Pipe Cactus National Monument and during that camping trip I explained the value of wilderness, wildlife connectivity, and cryptobiotic soil crusts to Mr. Trost. My hope was that Mr. Trost would share this information with his colleagues, some of whom were supposed to join us for this camping trip, but who could not attend.

10. On two of the camping trips I have done in the Cabeza Prieta National Wildlife Refuge I was accompanied by a close friend who has been visiting and camping along the Camino del Diablo since she was a child. My friend would visit these areas with her father and spend multiple days camping and hiking to view the historic and natural resources found in the wildlife refuge as well as on Organ Pipe Cactus National Monument and the Barry M. Goldwater Bombing Range. I enjoy visiting these areas with my friend and son so that we can share an

intergenerational experience on these lands. I am deeply concerned that the construction of new border walls to replace the existing “wildlife friendly” walls will destroy wildlife migration through these protected lands which will harm the wilderness character and prevent my son from bringing his children or friends to these lands in the future.

11. I currently work for Western Watersheds Project. I was employed part-time at Western Watersheds Project for most of 2018 through early 2019 and began working full-time for the organization on February 1, 2019. The mission of Western Watersheds Project is to protect and restore western watersheds and wildlife through education, public policy initiatives, and legal advocacy. As a part of my work at Western Watersheds Project I have been visiting the San Pedro Riparian National Conservation Area and doing public outreach and education regarding the ecological importance of this protected area. I have been engaging in the Bureau of Land Management’s Resource Management Plan revision process for nearly two years. I have attended public meetings, communicated with federal land managers, and submitted extensive and thorough comments as part of the land management planning process for this protected area. I am very familiar with the importance of wildlife movement within and through the San Pedro river corridor, especially cross-border movement between Arizona and Mexico. I have plans to return to the San Pedro Riparian National Conservation Area in December 2019. I am deeply concerned about the impacts any changes to

the existing border wall will have on the river, including impacts to wildlife, water movement, and recreational experiences.

12. The construction of new border barriers, or the replacement of the existing barriers in the proposed Tucson Sector Projects 1 and 2, will harm my interests and that of my son because it will impact multiple federally listed threatened and endangered species, including the Sonoran desert pronghorn, jaguar, Southwestern willow flycatcher, Huachuca water umbel, and many others. Border wall construction and related infrastructure will impact wildlife, water, soil, and my personal recreational experiences. My enjoyment of my visits to Cabeza Prieta National Wildlife Refuge, Organ Pipe Cactus National Monument, and the Barry M. Goldwater Bombing Range areas will be injured if these border wall sections are replaced or extended.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: May 25, 2019,

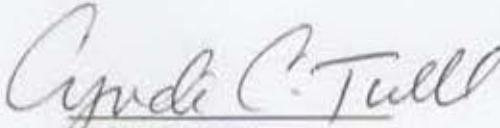

Cyndi C. Tuell

Exhibit 18

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

<p>SIERRA CLUB and SOUTHERN BORDER COMMUNITIES COALITION,</p> <p><i>Plaintiffs,</i></p> <p>v.</p> <p>DONALD J. TRUMP, President of the United States, in his official Capacity; PATRICK M. SHANAHAN, Acting Secretary of Defense, in his official Capacity; KIRSTJEN M. NIELSEN, Secretary of Homeland Security, in her official Capacity; AND STEVEN MNUCHIN, Secretary of the Treasury, in his official Capacity,</p> <p><i>Defendants.</i></p>	<p>Case No.: 4.19-cv-00892-HSG</p> <p>Declaration of Robert Ardivino</p>
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I, Robert Ardivino, declare as follow:

1. My name is Robert Ardivino. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information. If called as a witness, I could and would testify competently to these facts. This declaration reflects my personal opinions and judgement.

2. My primary residence is in El Paso, Texas. I grew up in El Paso and my extended family owns property in Eastern New Mexico close to the U.S.-Mexico border. I am a professional photographer, and I own a restaurant just a few miles from the border east of the proposed border wall project.

3. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth, to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

4. I am a lifetime member of the Sierra Club and I first joined in 2005.

5. I have utilized the desert lands of eastern New Mexico my entire life including the area along the U.S.-Mexico border that includes the Department of Homeland Security's proposed El Paso Sector Project 1. I worry that the replacement of the existing low vehicle barrier with a tall pedestrian wall will negatively impact the recreational activities I enjoy and harm the delicate desert ecosystem in this region.

6. I currently recreate in what I understand to be the El Paso Project 1 area, and I have done so for several decades. In addition to driving along the border area, I enjoy doing many forms of outdoor recreation. I frequently ride off-road motorbikes; and photograph, hike, and target shoot there. I intend to continue these activities for many years to come. I am concerned that wall construction in this area will mar my enjoyment of my hobbies. For example, currently, I can see across the desert into Mexico. I worry wall construction will drastically change my ability to appreciate these views. Instead of open landscapes and vistas, I would see an

eighteen-foot metal wall. The current vehicle barrier is much shorter and therefore has not impacted my desire and ability to recreate in this area.

7. I grew up in the desert and have learned through my activities there that the desert's unique ecology remains poorly understood. I worry that unintended consequences of wall construction on this ecosystem could be irreversible.

8. I am also concerned that a pedestrian wall would serve as a barrier to wildlife. I volunteer with the Southwest Environmental Center and help run and monitor wildlife cameras for a study this group is conducting on animal migration and habitat impacted by increased border activities. Thus, I have firsthand experience with habitat destruction. Also, for several years now, I have seen burrowing owls nearly disappear due to increased dirt roads and associated actions. A complete barrier to passage for burrowing owls could cause the loss of this species.

9. From childhood, I have enjoyed dirt bikes, hiking, taking photographs, and target practice in the El Paso Sector 1 area, and intend to do these things for as long as I am able. A pedestrian barrier wall could impact my ability to enjoy these hobbies.

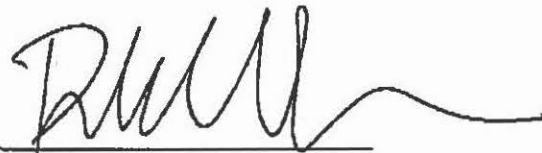
10. I am aware that President Trump declared a national emergency on February 15, 2019 with the principle goal of building a wall along the U.S.-Mexico

border. It is my understanding that the Secretary of Defense has said that they intend to begin construction in El Paso Sector 1.

11. If the existing vehicle barrier in El Paso Sector 1 is replaced with a much taller and impervious pedestrian wall, I believe my use and enjoyment of these areas could be permanently ruined. An order declaring the national emergency and thus this construction project invalid would remedy these harms.

I declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: June 10, 2019.



Robert Ardovino

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13
 14 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
 15 **SAN FRANCISCO-OAKLAND DIVISION**

16 SIERRA CLUB and SOUTHERN BORDER
 COMMUNITIES COALITION,

17 *Plaintiffs,*

18 v.

19 DONALD J. TRUMP, President of the United
 20 States, in his official capacity; PATRICK M.
 SHANAHAN, Acting Secretary of Defense, in his
 21 official capacity; KEVIN K. MCALEENAN,
 Acting Secretary of Homeland Security, in his
 22 official capacity; and STEVEN MNUCHIN,
 Secretary of the Treasury, in his official capacity,

23 *Defendants.*

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

**REQUEST FOR JUDICIAL NOTICE
 IN SUPPORT OF PLAINTIFFS’
 MOTION FOR PARTIAL SUMMARY
 JUDGMENT**

Date:
 Judge: Honorable Haywood S. Gilliam, Jr.
 Dept: Oakland
 Date Filed: June 12, 2019
 Trial Date: Not set

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REQUEST FOR JUDICIAL NOTICE

1
2 Plaintiff Sierra Club and Plaintiff Southern Border Communities Coalition (together,
3 “Plaintiffs”) hereby respectfully request, pursuant to Federal Rule of Evidence 201, that the Court
4 take judicial notice of the following materials in support of Plaintiffs’ Motion for Partial Summary
5 Judgment.

6 1. Attached hereto as **Exhibit 1** is a true and correct copy of an excerpt of the transcript of
7 a speech President Trump delivered when he announced his candidacy for president on June 16,
8 2015.

9 2. Attached hereto as **Exhibit 2** is a true and correct copy of an excerpt of the Office of
10 Management and Budget’s “Budget of the U.S. Government for Fiscal Year 2018: A New
11 Foundation for American Greatness” (2017), available on the official White House website at
12 <https://www.whitehouse.gov/wp-content/uploads/2017/11/budget.pdf>.

13 3. Attached hereto as **Exhibit 3** is a true and correct copy of an excerpt of The WALL Act
14 of 2018, S. 3713, 115th Cong. (2018). No action was taken on the bill after referral to the Senate
15 Committee on Finance. As of April 4, 2019, the complete text of the bill is posted on the United
16 States Congress’s official website, at [https://www.congress.gov/115/bills/s3713/BILLS-](https://www.congress.gov/115/bills/s3713/BILLS-115s3713is.pdf)
17 [115s3713is.pdf](https://www.congress.gov/115/bills/s3713/BILLS-115s3713is.pdf); and the history of the bill is posted on Congress’s official website, at
18 <https://www.congress.gov/bill/115th-congress/senate-bill/3713/all-actions>

19 4. Attached hereto as **Exhibit 4** is a true and correct copy of the 50 Votes for the Wall Act,
20 H.R. 7073, 115th Cong. (2018). No action was taken on the bill after referral to the House
21 Subcommittee on Border and Maritime Security. As of April 4, 2019, the complete text of the bill is
22 posted on the United States Congress’s official website, at [https://www.congress.gov/115/bills/](https://www.congress.gov/115/bills/hr7073/BILLS-115hr7073ih.pdf)
23 [hr7073/BILLS-115hr7073ih.pdf](https://www.congress.gov/115/bills/hr7073/BILLS-115hr7073ih.pdf); and the history of the bill is posted on Congress’s official website,
24 at <https://www.congress.gov/bill/115th-congress/house-bill/7073/all-actions>.

25 5. Attached hereto as **Exhibit 5** is a true and correct copy of an excerpt of the Build the
26 Wall, Enforce the Law Act of 2018, H.R. 7059, 115th Cong. (2018). No action was taken on the bill
27 after referral to the House Subcommittee on Trade. As of April 4, 2019, the complete text of the bill
28 is posted on the United States Congress’s official website, at <https://www.congress.gov/115/>

1 bills/hr7059/BILLS-115hr7059ih.pdf; and the history of the bill is posted on Congress’s official
2 website, at <https://www.congress.gov/bill/115th-congress/house-bill/7059/all-actions>.

3 6. Attached hereto as **Exhibit 6** is a true and correct copy of an excerpt of the Fund and
4 Complete the Border Wall Act, H.R. 6657, 115th Cong. (2018). No action was taken on the bill
5 after referral to the House Subcommittee on Immigration and Border Security. As of April 4, 2019,
6 the complete text of the bill is posted on the United States Congress’s official website, at
7 <https://www.congress.gov/115/bills/hr6657/BILLS-115hr6657ih.pdf>; and the history of the bill is
8 posted on Congress’s official website, at [https://www.congress.gov/bill/115th-congress/house-
bill/6657/all-actions](https://www.congress.gov/bill/115th-congress/house-
9 bill/6657/all-actions).

10 7. Attached hereto as **Exhibit 7** is a true and correct copy of an excerpt of the American
11 Border Act, H.R. 6415, 115th Cong. (2018). No action was taken on the bill after referral to the
12 House Subcommittee on Immigration and Border Security. As of April 4, 2019, the complete text
13 of the bill is posted on the United States Congress’s official website, at [https://www.congress.gov/
115/bills/hr6415/BILLS115hr6415ih.pdf](https://www.congress.gov/
14 115/bills/hr6415/BILLS115hr6415ih.pdf); and the history of the bill is posted on Congress’s official
15 website, at <https://www.congress.gov/bill/115th-congress/house-bill/6415/all-action>.

16 8. Attached hereto as **Exhibit 8** is a true and correct copy of an excerpt of the Border
17 Security and Immigration Reform Act of 2018, H.R. 6136, 115th Cong. (2018). On June 27, 2018,
18 this bill failed in the House of Representatives by a recorded vote of 121 – 301. As of April 4, 2019,
19 the complete text of the bill is posted on the United States Congress’s official website, at
20 <https://www.congress.gov/115/bills/hr6136/BILLS-115hr6136ih.pdf>; and the history of the bill is
21 posted on Congress’s official website, at [https://www.congress.gov/bill/115th-congress/house-
bill/6136/all-actions](https://www.congress.gov/bill/115th-congress/house-
22 bill/6136/all-actions).

23 9. Attached hereto as **Exhibit 9** is a true and correct copy of an excerpt of the Securing
24 America’s Future Act of 2018, H.R. 4760, 115th Cong. (2018). On June 21, 2018, this bill failed in
25 the House of Representatives by a recorded vote of 193 – 231. As of April 4, 2019, the complete
26 text of the bill is posted on the United States Congress’s official website, at
27 <https://www.congress.gov/115/bills/hr4760/BILLS115hr4760ih.pdf>; and the history of the bill is
28

1 posted on Congress's official website, at [https://www.congress.gov/bill/115th-congress/house-](https://www.congress.gov/bill/115th-congress/house-bill/4760/all-actions)
2 [bill/4760/all-actions](https://www.congress.gov/bill/115th-congress/house-bill/4760/all-actions).

3 10. Attached hereto as **Exhibit 10** is a true and correct copy of an excerpt from the Fiscal
4 Year 2019 White House Budget Request, dated February 2018, available on the official White
5 House website at <https://www.whitehouse.gov/wp-content/uploads/2018/02/budget-fy2019.pdf>.

6 11. Attached hereto as **Exhibit 11** is a true and correct of a declaration signed by Paul
7 Arcangeli, Staff Director of the House Armed Services Committee, and filed as ECF No. 44-1 in
8 *House v. Mnuchin, et al.*, Case No. 19-cv-969 (D.D.C. May 15, 2019).

9 12. Attached hereto as **Exhibit 12** is a true and correct copy of an excerpted transcript of a
10 May 23, 2019 hearing in *House v. Mnuchin*, Case No. 19-cv-969 (D.D.C.).

11 13. Attached hereto as **Exhibit 13** is a true and correct copy of a Letter from Acting Director
12 of the Office of Budget and Management Russell T. Vought to the Honorable Richard Shelby,
13 Chairman of the Senate Committee on Appropriations, dated January 6, 2019, and available on the
14 White House official website at [https://www.whitehouse.gov/wp-content/uploads/2019/01/Final-](https://www.whitehouse.gov/wp-content/uploads/2019/01/Final-Shelby-1-6-19.pdf)
15 [Shelby-1-6-19.pdf](https://www.whitehouse.gov/wp-content/uploads/2019/01/Final-Shelby-1-6-19.pdf).

16 14. Attached hereto as **Exhibit 14** is a true and correct copy of a tweet from President
17 Donald J. Trump, dated February 9, 2019, 2:02 PM, available on President Trump's official Twitter
18 account, @realDonaldTrump, <https://twitter.com/realDonaldTrump/status/1094355899194454017>.

19 15. Video recording of a February 10, 2019 interview of Mick Mulvaney, Acting White
20 House Chief of Staff, on Fox News, available at https://www.youtube.com/watch?v=l_Z0xx_zS0M.

21 16. Attached hereto as **Exhibit 15** is a true and correct copy of a transcript of "Remarks by
22 President Trump in Cabinet Meeting," dated February 12, 2019, and available on the White House
23 official website at [https://www.whitehouse.gov/briefings-statements/remarks-president-trump-](https://www.whitehouse.gov/briefings-statements/remarks-president-trump-cabinet-meeting-13/)
24 [cabinet-meeting-13/](https://www.whitehouse.gov/briefings-statements/remarks-president-trump-cabinet-meeting-13/).

25 17. Attached hereto as **Exhibit 16** is a true and correct copy of the "Presidential
26 Proclamation on Declaring a National Emergency Concerning the Southern Border of the United
27 States," dated February 15, 2019, and available on the White House official website at
28

1 [https://www.whitehouse.gov/presidential-actions/presidential-proclamation-declaring-national-](https://www.whitehouse.gov/presidential-actions/presidential-proclamation-declaring-national-emergency-concerning-southern-border-united-states/)
2 [emergency-concerning-southern-border-united-states/](https://www.whitehouse.gov/presidential-actions/presidential-proclamation-declaring-national-emergency-concerning-southern-border-united-states/).

3 18. Attached hereto as **Exhibit 17** is a true and correct copy of the “Fact Sheet” entitled
4 “President Donald J. Trump’s Border Security Victory,” dated February 15, 2019, and available on
5 the White House official website at [https://www.whitehouse.gov/briefings-statements/president-](https://www.whitehouse.gov/briefings-statements/president-donald-j-trumps-border-security-victory/)
6 [donald-j-trumps-border-security-victory/](https://www.whitehouse.gov/briefings-statements/president-donald-j-trumps-border-security-victory/).

7 19. Video recording of testimony by Kirstjen Nielsen, Secretary of Homeland Security,
8 before the House Homeland Security Committee, on March 6, 2019, available at [https://www.c-](https://www.c-span.org/video/?458250-1/immigration-border-security)
9 [span.org/video/?458250-1/immigration-border-security](https://www.c-span.org/video/?458250-1/immigration-border-security).

10 20. Attached hereto as **Exhibit 18** is a true and correct copy of an excerpt from the transcript
11 of testimony by Acting Defense Secretary Patrick Shanahan and Joint Chiefs of Staff Chair General
12 Joseph Dunford, before the Senate Armed Services Committee, dated March 14, 2019, available on
13 the Senate Armed Services Committee’s official website, [https://www.armed-services.senate.gov](https://www.armed-services.senate.gov/imo/media/doc/19-25-03-14-19.pdf)
14 [/imo/media/doc/19-25-03-14-19.pdf](https://www.armed-services.senate.gov/imo/media/doc/19-25-03-14-19.pdf).

15 21. Attached hereto as **Exhibit 19** is a true and correct copy of the transcript of a March 26,
16 2019 hearing of the House Armed Services Committee on “Fiscal 2020 Defense Authorization.”
17 The transcript was filed as ECF No. 89-12 by Defendants in *State of California v. Trump*, Case No.
18 4:19-cv-872-HSG (N.D. Cal. April 25, 2019).

19 22. Attached hereto as **Exhibit 20** is a true and correct copy of a March 26, 2019 letter from
20 House Armed Services Committee Chairman Adam Smith to Department of Defense Under
21 Secretary David L. Norquist. As of June 12, 2019, this letter is available on the House Armed
22 Service Committee’s official website at [https://armedservices.house.gov/_cache/files/5/7/57ea01fb-](https://armedservices.house.gov/_cache/files/5/7/57ea01fb-9872-4a49-b878-9b844ca0b030/B5C69226DA76BB0F77AC9E06052FA8AC.fy-19-01-ra.pdf)
23 [9872-4a49-b878-9b844ca0b030/B5C69226DA76BB0F77AC9E06052FA8AC.fy-19-01-ra.pdf](https://armedservices.house.gov/_cache/files/5/7/57ea01fb-9872-4a49-b878-9b844ca0b030/B5C69226DA76BB0F77AC9E06052FA8AC.fy-19-01-ra.pdf).

24 23. Attached hereto as **Exhibit 21** is a true and correct copy of a March 26, 2019 letter from
25 Peter J. Visclosky, Chairman of the House Appropriations Committee’s Defense Subcommittee, to
26 Department of Defense Under Secretary David L. Norquist. As of June 12, 2019, this letter is
27 available on the House Appropriations Committee’s official website at
28

1 <https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/Visclosky%20Letter%20Denying%20Reprogramming.pdf>.

3 24. Attached hereto as **Exhibit 22** is a true and correct copy of “International Border
4 Vehicle Barrier,” a government bulletin posted on May 13, 2018, to the National Park Service’s
5 official website at <https://www.nps.gov/orpi/planyourvisit/barrier.htm>.

6 25. Attached hereto as **Exhibit 23** is a true and correct copy of the Drug Enforcement
7 Authority’s “2018 National Drug Assessment,” dated October 2018 and available at
8 [https://www.dea.gov/sites/default/files/2018-11/DIR-032-18%202018%20NDTA%20final%
9 20low%20resolution.pdf](https://www.dea.gov/sites/default/files/2018-11/DIR-032-18%202018%20NDTA%20final%20low%20resolution.pdf).

10 26. Attached hereto as **Exhibit 24** is a true and correct copy of an excerpt from the Fiscal
11 Year 2020 White House Budget Request, dated March 11, 2019, available on the official White
12 House website at <https://www.whitehouse.gov/wp-content/uploads/2019/03/budget-fy2020.pdf>.

13 27. Attached hereto as **Exhibit 25** is a true and correct copy of an excerpt from the
14 Department of Defense Fiscal Year 2020 budget request, dated March 12, 2019, available on the
15 official Department of Defense website at [https://comptroller.defense.gov/Portals/45/Documents/
16 defbudget/fy2020/fy2020_Budget_Request_Overview_Book.pdf](https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2020/fy2020_Budget_Request_Overview_Book.pdf).

17 28. Attached hereto as **Exhibit 26** is a true and correct copy of the “Presidential
18 Proclamation on Declaring a National Emergency Concerning the Southern Border of the United
19 States,” dated February 15, 2019, and available on the White House official website at
20 [https://www.whitehouse.gov/briefings-statements/remarks-president-trump-national-security-
21 humanitarian-crisis-southern-border/](https://www.whitehouse.gov/briefings-statements/remarks-president-trump-national-security-humanitarian-crisis-southern-border/).

22 * * *

23 All of the above materials are judicially noticeable because the statements they contain “can
24 be accurately and readily determined from sources whose accuracy cannot reasonably be
25 questioned.” Fed. R. Evid. 201(b)(2); *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001)
26 (a court may take judicial notice of “matters of public record” not subject to reasonable dispute).
27 The Court “must take judicial notice if a party requests it and the court is supplied with the
28 necessary information.” Fed. R. Evid. 201(c)(2).

1 **Exhibits 1, 13-15, 18-21, 26, and the video recording referenced in ¶ 19** are judicially
2 noticeable because government memoranda, bulletins, reports, letters, and statements of public
3 record are appropriate for judicial notice. *See Brown v. Valoff*, 422 F.3d 926, 933 n.9 (9th Cir.
4 2005) (judicially noticing an administrative bulletin); *Mack v. S. Bay Beer Distribs., Inc.*, 798 F.2d
5 1279, 1282 (9th Cir. 1986) (court may take judicial notice of records and reports of state
6 administrative bodies), *overruled on other grounds by Astoria Fed. Sav. & Loan Ass’n v. Solimino*,
7 501 U.S. 104, 111 (1991); *Interstate Nat. Gas. Co. v. S. Cal. Gas. Co.*, 209 F.2d 380, 385 (9th Cir.
8 1953) (judicially noticing government agency records and reports); *Cnty. of Santa Clara v. Trump*,
9 250 F. Supp. 3d 497, 520 nn.5, 8, 11 (N.D. Cal. 2017) (taking judicial notice of government
10 memoranda and letters). Furthermore, the President’s tweets, which the White House has confirmed
11 are “‘considered official statements by the President of the United States,’” are judicially
12 noticeable. *See Hawaii v. Trump*, 859 F.3d 741, 773 n.14 (9th Cir. 2017) (taking judicial notice of
13 President Trump’s tweets concerning the “travel ban” executive order), *cert. granted sub nom.*
14 *Trump v. Int’l Refugee Assistance Project*, 137 S. Ct. 2080 (2017), and *vacated on other*
15 *grounds*, 138 S. Ct. 377 (2017).

16 **Exhibits 11 and 12** are judicially noticeable because they are court records from a
17 proceeding that addresses issues relevant to this litigation. *U.S. ex rel. Robinson Rancheria Citizens*
18 *Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (holding that a court “may take notice of
19 proceedings in other courts, both within and without the federal judicial system, if those
20 proceedings have a direct relation to matters at issue”).

21 **Exhibits 2, 10, 16, 17, 22-25** are judicially noticeable because they are posted to official
22 government websites. *See Daniels–Hall v. Nat’l Educ. Ass’n*, 629 F.3d 992, 998–99 (9th Cir. 2010)
23 (judicially noticing information contained on a government website); *Paralyzed Veterans of*
24 *America v. McPherson*, No. C 06–4670 SBA, 2008 WL 4183981, at *5 (N.D. Cal. Sept. 9, 2008)
25 (finding that courts commonly take judicial notice of information and documents on government
26 websites, citing cases from various jurisdictions).

27 **Exhibits 3-9** are judicially noticeable because they are either bills considered by Congress
28 or transcripts of congressional testimony. In general, “[l]egislative history is properly a subject of

1 judicial notice.” *Anderson v. Holder*, 673 F.3d 1089, 1094 n.1 (9th Cir. 2012). This is also true of
2 testimony given at congressional hearings. *See Adarand Constructors, Inc. v. Slater*, 228 F.3d 1147,
3 1168 n.12 (10th Cir. 2000) (taking “judicial notice of the content of hearings and testimony before
4 [] congressional committees and subcommittees”).

5 Dated: June 12, 2019

Respectfully submitted,

6 /s/ Noor Zafar

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Exhibit 1

TIME**Here's Donald Trump's Presidential Announcement Speech**

BY TIME STAFF JUNE 16, 2015

Wow. Whoa. That is some group of people. Thousands.

So nice, thank you very much. That's really nice. Thank you. It's great to be at Trump Tower. It's great to be in a wonderful city, New York. And it's an honor to have everybody here. This is beyond anybody's expectations. There's been no crowd like this.

And, I can tell, some of the candidates, they went in. They didn't know the air-conditioner didn't work. They sweated like dogs.

They didn't know the room was too big, because they didn't have anybody there. How are they going to beat ISIS? I don't think it's gonna happen.

Our country is in serious trouble. We don't have victories anymore. We used to have victories, but we don't have them. When was the last time anybody saw us beating, let's say, China in a trade deal? They kill us. I beat China all the time. All the time.

When did we beat Japan at anything? They send their cars over by the millions, and what do we do? When was the last time you saw a Chevrolet in Tokyo? It doesn't exist, folks. They beat us all the time.

When do we beat Mexico at the border? They're laughing at us, at our stupidity. And now they are beating us economically. They are not our friend, believe me. But they're killing us economically.

The U.S. has become a dumping ground for everybody else's problems.

I'm not doing that to brag, because you know what? I don't have to brag. I don't have to, believe it or not.

I'm doing that to say that that's the kind of thinking our country needs. We need that thinking. We have the opposite thinking.

We have losers. We have losers. We have people that don't have it. We have people that are morally corrupt. We have people that are selling this country down the drain.

So I put together this statement, and the only reason I'm telling you about it today is because we really do have to get going, because if we have another three or four years— you know, we're at \$8 trillion now. We're soon going to be at \$20 trillion.

According to the economists— who I'm not big believers in, but, nevertheless, this is what they're saying— that \$24 trillion— we're very close— that's the point of no return. \$24 trillion. We will be there soon. That's when we become Greece. That's when we become a country that's unsalvageable. And we're gonna be there very soon. We're gonna be there very soon.

So, just to sum up, I would do various things very quickly. I would repeal and replace the big lie, Obamacare.

I would build a great wall, and nobody builds walls better than me, believe me, and I'll build them very inexpensively, I will build a great, great wall on our southern border. And I will have Mexico pay for that wall.

Mark my words.

Nobody would be tougher on ISIS than Donald Trump. Nobody.

I will find — within our military, I will find the General Patton or I will find General MacArthur, I will find the right guy. I will find the guy that's going to

save it by making the United States, by making us rich again, by taking back all of the money that's being lost.

Renegotiate our foreign trade deals.

Reduce our \$18 trillion in debt, because, believe me, we're in a bubble. We have artificially low interest rates. We have a stock market that, frankly, has been good to me, but I still hate to see what's happening. We have a stock market that is so bloated.

Be careful of a bubble because what you've seen in the past might be small potatoes compared to what happens. So be very, very careful.

And strengthen our military and take care of our vets. So, so important.

Sadly, the American dream is dead.

But if I get elected president I will bring it back bigger and better and stronger than ever before, and we will make America great again.

Thank you. Thank you very much.

Read next: [How Donald Trump Stole Jeb Bush's Moment](#)

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IDEAS

TIME Ideas hosts the world's leading voices, providing commentary on events in news, society, and culture. We welcome outside contributions. Opinions expressed do not necessarily reflect the views of TIME editors.

Exhibit 2

BUDGET OF THE U. S. GOVERNMENT
A New Foundation For
American Greatness

Fiscal Year 2018



Office of Management and Budget

Increase Border Security and Investments in Public Safety. The President's Budget includes \$44.1 billion for the Department of Homeland Security (DHS) and \$27.7 billion for the Department of Justice (DOJ) for law enforcement, public safety and immigration enforcement programs and activities.

Increase Border Security Infrastructure and Technology. The President's Budget secures the borders of the United States by investing \$2.6 billion in high-priority tactical infrastructure and border security technology, including funding to plan, design, and construct a physical wall along the southern border as directed by the President's January 25, 2017 EO. This investment would strengthen border security, helping stem the flow of people, drugs, and other illicit material illegally crossing the border.

Increase DHS Personnel. The Budget also advances the President's plan to strengthen border security and immigration enforcement with more than \$300 million to recruit, hire, and train 500 new Border Patrol Agents and 1,000 new Immigration and Customs Enforcement law enforcement personnel in 2018, plus associated support staff. These new personnel would improve the integrity of the immigration system by adding capacity to interdict those aliens attempting to cross the border illegally, as well as to identify and remove those already in the United States who entered illegally.

Enforce the Nation's Laws. The Budget enhances enforcement of immigration laws by proposing an additional \$1.5 billion above the 2017 annualized CR level for expanded detention, transportation, and removal of illegal immigrants. These funds would ensure that DHS has sufficient detention capacity to hold prioritized aliens, including violent criminals and other dangerous individuals, as they are processed for removal.

Invest in Law Enforcement. The Budget provides critical resources for DOJ

to confront terrorism, reduce violent crime, tackle the Nation's opioid epidemic, and combat illegal immigration. Additional spending is provided for DOJ to enhance public safety and law enforcement including \$214 million above current levels for immigration enforcement—allowing DOJ to hire 75 additional immigration judge teams, bringing the total number of funded immigration judge teams to 449. In addition, \$84 million more is provided for increases in the Federal detainee population. Increases of \$188 million are included to address violent and gun-related crime in communities across the Nation and to target transnational criminal organizations and drug traffickers. As part of this increase, \$103 million is added to maintain and expand capacity to fight against opioids and other illicit drugs. Further, DOJ will take steps to mitigate the risk that sanctuary jurisdictions pose to public safety.

Invest in Cybersecurity. The internet has transformed and modernized our society and enabled astonishing business growth. It has fostered education, fueled innovation, and strengthened our military. That transformation—and the opportunities it has created—has been exploited by our enemies and adversaries. Bad actors must not be allowed to use the internet to perpetrate crimes and threaten our security. These crimes affect our largest companies, impact millions of people at a time, damage our small businesses, and affect our national security. The Budget supports the President's focus on cybersecurity to ensure strong programs and technology to defend the Federal networks that serve the American people, and continues efforts to share information, standards, and best practices with critical infrastructure and American businesses to keep them secure. The Budget also includes an increase in law enforcement and cybersecurity personnel across DHS, DOD, and the Federal Bureau of Investigation to execute these efforts and counter cybercrime. In addition, the Budget includes an increase in resources for the National Cybersecurity and



Executive Office of the President

Exhibit 3

115TH CONGRESS
2D SESSION

S. 3713

To appropriate \$25,000,000,000 for the construction of a border wall between the United States and Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2018

Mr. INHOFE (for himself, Mr. ROUNDS, Mr. KENNEDY, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To appropriate \$25,000,000,000 for the construction of a border wall between the United States and Mexico, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “WALL Act of 2018”.

5 **SEC. 2. MANDATORY SPENDING FOR BORDER WALL.**

6 (a) IN GENERAL.—There is appropriated
7 \$25,000,000,000 for the purpose of constructing a phys-
8 ical barrier along the southern border of the United
9 States.

Exhibit 4

115TH CONGRESS
2D SESSION

H. R. 7073

To provide for reconciliation pursuant to title II of the concurrent resolution
on the budget for fiscal year 2019.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2018

Mr. BYRNE (for himself, Mr. CRAMER, Mr. ROGERS of Alabama, Mr. BROOKS
of Alabama, Mr. BURGESS, Mr. FRANCIS ROONEY of Florida, Mr. BABIN,
Mr. BANKS of Indiana, Mr. GOSAR, Mr. GAETZ, Mr. NORMAN, Mr.
BIGGS, Mr. POSEY, Mr. MOONEY of West Virginia, Mr. DESJARLAIS, and
Mr. SMITH of Texas) introduced the following bill; which was referred to
the Committee on Homeland Security

A BILL

To provide for reconciliation pursuant to title II of the
concurrent resolution on the budget for fiscal year 2019.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “50 Votes for the Wall
5 Act”.

6 **SEC. 2. BORDER WALL AND SECURITY TRUST FUND.**

7 (a) ESTABLISHMENT OF FUND.—There is estab-
8 lished a fund, to be known as the “Border Wall and Secu-

1 rity Trust Fund”, consisting of such amounts as may be
2 appropriated pursuant to subsection (b) to construct a
3 wall (including physical barriers and associated detection
4 technology, roads, and lighting) along the international
5 border between the United States and Mexico by January
6 19, 2021.

7 (b) APPROPRIATION OF AMOUNTS.—There is hereby
8 appropriated to the Border Wall and Security Trust Fund
9 established under subsection (a), out of any money in the
10 Treasury not otherwise appropriated, such sums as the
11 Secretary of Homeland Security may request of the Sec-
12 retary of Treasury on or after October 1, 2018, up to a
13 total of \$25,000,000,000, to remain available until ex-
14 pended to carry out the purpose described in subsection
15 (a).

16 (c) SUNSET.—The authority provided by this Act
17 shall terminate on September 30, 2028, and the unobli-
18 gated balance of any amounts in the Border Wall and Se-
19 curity Trust Fund on such date shall be returned to the
20 general fund of the Treasury.

○

Exhibit 5

115TH CONGRESS
2D SESSION

H. R. 7059

To fund construction of the southern border wall and to ensure compliance with Federal immigration law.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2018

Mr. MCCARTHY introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Ways and Means, Armed Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To fund construction of the southern border wall and to ensure compliance with Federal immigration law.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Build the Wall, En-
5 force the Law Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 212(a)(2)(J) or section 237(a)(2)(G)
2 shall be eligible for any immigration
3 benefit under this subparagraph;”.

4 (i) PAROLE.—An alien described in section
5 212(a)(2)(J) of the Immigration and Nationality Act, as
6 added by subsection (b), shall not be eligible for parole
7 under section 212(d)(5)(A) of such Act unless—

8 (1) the alien is assisting or has assisted the
9 United States Government in a law enforcement
10 matter, including a criminal investigation; and

11 (2) the alien’s presence in the United States is
12 required by the Government with respect to such as-
13 sistance.

14 (j) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on the date of the enactment
16 of this Act and shall apply to acts that occur before, on,
17 or after the date of the enactment of this Act.

18 **SEC. 9. BORDER SECURITY FUNDING.**

19 (a) FUNDING.—In addition to amounts otherwise
20 made available by this Act or any other provision of law,
21 there is hereby appropriated to the “U.S. Customs and
22 Border Protection—Procurement, Construction, and Im-
23 provements” account, out of any amounts in the Treasury
24 not otherwise appropriated, \$23,400,000,000, to be avail-
25 able as described in subsections (b) and (c), of which—

1 (1) \$16,625,000,000 shall be for a border wall
2 system along the southern border of the United
3 States, including physical barriers and associated de-
4 tection technology, roads, and lighting; and

5 (2) \$6,775,000,000 shall be for infrastructure,
6 assets, operations, and technology to enhance border
7 security along the southern border of the United
8 States, including—

9 (A) border security technology, including
10 surveillance technology, at and between ports of
11 entry;

12 (B) new roads and improvements to exist-
13 ing roads;

14 (C) U.S. Border Patrol facilities and ports
15 of entry;

16 (D) aircraft, aircraft-based sensors and as-
17 sociated technology, vessels, spare parts, and
18 equipment to maintain such assets;

19 (E) a biometric entry and exit system; and

20 (F) family residential centers.

21 (b) AVAILABILITY OF BORDER WALL SYSTEM
22 FUNDS.—

23 (1) IN GENERAL.—Of the amount appropriated
24 in subsection (a)(1)—

1 House of Representatives regarding activities under and
2 progress made in carrying out this section.

3 (g) RULES OF CONSTRUCTION.—Nothing in this sec-
4 tion may be construed to limit the availability of funds
5 made available by any other provision of law for carrying
6 out the requirements of this Act or the amendments made
7 by this Act. Any reference in this section to an appropria-
8 tion account shall be construed to include any successor
9 accounts.

10 (h) DISCRETIONARY AMOUNTS.—Notwithstanding
11 any other provision of law, the amounts appropriated
12 under subsection (a) are discretionary appropriations (as
13 that term is defined in section 250(c)(7) of the Balanced
14 Budget and Emergency Deficit Control Act of 1985 (2
15 U.S.C. 900(c)(7)).

16 **SEC. 10. EXCLUSION FROM PAYGO SCORECARDS.**

17 The budgetary effects of this Act shall not be entered
18 on either PAYGO scorecard maintained pursuant to sec-
19 tion 4(d) of the Statutory Pay-As-You-Go Act of 2010.

○

Exhibit 6

115TH CONGRESS
2D SESSION

H. R. 6657

To establish a separate account in the Treasury to hold deposits to be used to secure the southern border of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 2018

Mr. BIGGS (for himself, Mr. GOSAR, Mr. BROOKS of Alabama, Mr. GAETZ, Mr. DESJARLAIS, and Mr. NORMAN) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Ways and Means, the Judiciary, Foreign Affairs, Financial Services, Education and the Workforce, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a separate account in the Treasury to hold deposits to be used to secure the southern border of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fund and Complete
5 the Border Wall Act”.

1 **SEC. 2. BORDER WALL TRUST FUND.**

2 (a) ESTABLISHMENT OF FUND.—At the end of sub-
3 chapter III of chapter 33 of title 31, United States Code,
4 insert the following:

5 **“§ 3344. Secure the Southern Border Fund.**

6 “(a) IN GENERAL.—Not later than 60 days after the
7 date of enactment of this section, the Secretary of the
8 Treasury shall establish an account in the Treasury of the
9 United States, to be known as the ‘Secure the Southern
10 Border Fund’, into which funds shall be deposited in ac-
11 cordance with the Fund and Complete the Border Wall
12 Act and the amendments made by that Act.

13 “(b) APPROPRIATION.—Funds deposited in the Se-
14 cure the Southern Border Fund shall be available until
15 expended. Such funds are authorized to be appropriated,
16 and are appropriated, to the Secretary of Homeland Secu-
17 rity only—

18 “(1) to plan, design, construct, or maintain a
19 barrier along the international border between the
20 United States and Mexico; and

21 “(2) to purchase and maintain necessary vehi-
22 cles and equipment for U.S. Border Patrol agents.

23 “(c) LIMITATION.—Not more than 5 percent of the
24 funds deposited in the Secure the Southern Border Fund
25 may be used for the purpose described in subsection
26 (b)(2).”.

1 essing U.S. Customs and Border Protection Form I-94
2 shall be allocated as follows:

3 (1) \$6 shall be deposited in the Land Border
4 Inspection Fee Account and used in accordance with
5 such section 286(q).

6 (2) To the extent provided in advance in appro-
7 priations Acts, \$10 shall be used for salaries for
8 U.S. Border Patrol agents.

9 (3) \$9 shall be deposited in the Secure the
10 Southern Border Fund established by the amend-
11 ment made by section 2 of this Act.

12 **SEC. 6. CONSTRUCTION OF BORDER WALL.**

13 (a) IMPROVEMENT OF BARRIERS AT BORDER.—Sec-
14 tion 102 of the Illegal Immigration Reform and Immi-
15 grant Responsibility Act of 1996 (Division C of Public
16 Law 104-208; 8 U.S.C. 1103 note) is amended—

17 (1) by amending subsection (a) to read as fol-
18 lows:

19 “(a) IN GENERAL.—Not later than December 31,
20 2019, the Secretary of Homeland Security shall take such
21 actions as may be necessary (including the removal of ob-
22 stacles to detection of illegal entrants) to design, test, con-
23 struct, and install physical barriers, roads, and technology
24 along the international land border between the United

1 States and Mexico to prevent illegal crossings in all
2 areas.”;

3 (2) in subsection (b)—

4 (A) in paragraph (1)—

5 (i) in the paragraph heading, by strik-
6 ing “ADDITIONAL FENCING” and inserting
7 “FENCING”;

8 (ii) by striking subparagraph (A) and
9 inserting the following:

10 “(A) PHYSICAL BARRIERS.—In carrying
11 out subsection (a), the Secretary of Homeland
12 Security shall construct physical barriers, in-
13 cluding secondary barriers in locations where
14 there is already a fence, along the international
15 land border between the United States and
16 Mexico that will prevent illegal entry and will
17 assist in gaining operational control of the bor-
18 der (as defined in section 2(b) of the Secure
19 Fence Act of 2006 (8 U.S.C. 1701 note; Public
20 Law 109–367)).”;

21 (iii) by striking subparagraph (B) and
22 redesignating subparagraphs (C) and (D)
23 as subparagraphs (B) and (C), respec-
24 tively;

14

- 1 the remainder of this Act, or an amendment made by this
- 2 Act, or the application of such provision to other persons
- 3 or circumstances, shall not be affected.

○

Exhibit 7

115TH CONGRESS
2D SESSION

H. R. 6415

To provide for border security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2018

Mr. FERGUSON introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, Transportation and Infrastructure, Oversight and Government Reform, Foreign Affairs, Agriculture, Armed Services, Natural Resources, the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for border security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “American Border Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BORDER SECURITY

Sec. 1101. Definitions.

1 or imprisonment for not more than 15 years, or
2 both.

3 “(3) If the injury or depredation was described
4 under paragraph (2) and, in the commission of the
5 offense, the offender used or carried a firearm or, in
6 furtherance of any such offense, possessed a firearm,
7 by a fine under this title or imprisonment for not
8 more than 20 years, or both.”.

9 **TITLE IV—BORDER SECURITY**
10 **FUNDING**

11 **SEC. 4101. BORDER SECURITY FUNDING.**

12 (a) FUNDING.—In addition to amounts otherwise
13 made available by this Act or any other provision of law,
14 there is hereby appropriated to the “U.S. Customs and
15 Border Protection—Procurement, Construction, and Im-
16 provements” account, out of any amounts in the Treasury
17 not otherwise appropriated, \$23,400,000,000, to be avail-
18 able as described in subsections (b) and (c), of which—

19 (1) \$16,625,000,000 shall be for a border wall
20 system along the southern border of the United
21 States, including physical barriers and associated de-
22 tection technology, roads, and lighting; and

23 (2) \$6,775,000,000 shall be for infrastructure,
24 assets, operations, and technology to enhance border

1 (g) RULES OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed to limit the availability of funds
3 made available by any other provision of law for carrying
4 out the requirements of this Act or the amendments made
5 by this Act. Any reference in this section to an appropria-
6 tion account shall be construed to include any successor
7 accounts.

8 (h) DISCRETIONARY AMOUNTS.—Notwithstanding
9 any other provision of law, the amounts appropriated
10 under subsection (a) are discretionary appropriations (as
11 that term is defined in section 250(c)(7) of the Balanced
12 Budget and Emergency Deficit Control Act of 1985 (2
13 U.S.C. 900(c)(7))).

14 **SEC. 4102. EXCLUSION FROM PAYGO SCORECARDS.**

15 The budgetary effects of this Act shall not be entered
16 on either PAYGO scorecard maintained pursuant to sec-
17 tion 4(d) of the Statutory Pay-As-You-Go Act of 2010.

○

Exhibit 8

115TH CONGRESS
2D SESSION

H. R. 6136

To amend the immigration laws and provide for border security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2018

Mr. GOODLATTE (for himself, Mr. CURBELO of Florida, Mr. McCAUL, and Mr. DENHAM) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Agriculture, Natural Resources, Transportation and Infrastructure, Ways and Means, Energy and Commerce, Armed Services, Foreign Affairs, the Budget, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the immigration laws and provide for border security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Border Security and Immigration Reform Act of 2018”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

1 “(3) If the injury or depredation was described
2 under paragraph (2) and, in the commission of the
3 offense, the offender used or carried a firearm or, in
4 furtherance of any such offense, possessed a firearm,
5 by a fine under this title or imprisonment for not
6 more than 20 years, or both.”.

7 **TITLE V—BORDER SECURITY**
8 **FUNDING**

9 **SEC. 5101. BORDER SECURITY FUNDING.**

10 (a) FUNDING.—In addition to amounts otherwise
11 made available by this Act or any other provision of law,
12 there is hereby appropriated to the “U.S. Customs and
13 Border Protection—Procurement, Construction, and Im-
14 provements” account, out of any amounts in the Treasury
15 not otherwise appropriated, \$23,400,000,000, to be avail-
16 able as described in subsections (b) and (c), of which—

17 (1) \$16,625,000,000 shall be for a border wall
18 system along the southern border of the United
19 States, including physical barriers and associated de-
20 tection technology, roads, and lighting; and

21 (2) \$6,775,000,000 shall be for infrastructure,
22 assets, operations, and technology to enhance border
23 security along the southern border of the United
24 States, including—

Exhibit 9

115TH CONGRESS
2D SESSION

H. R. 4760

To amend the immigration laws and the homeland security laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2018

Mr. GOODLATTE (for himself, Mr. McCAUL, Mr. LABRADOR, Ms. MCSALLY, Mr. SENSENBRENNER, and Mr. CARTER of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Homeland Security, Foreign Affairs, Ways and Means, Armed Services, Oversight and Government Reform, Agriculture, Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the immigration laws and the homeland security laws, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Securing America’s Future Act of 2018”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

1 (11) UNMANNED AERIAL VEHICLE.—The term
2 “unmanned aerial vehicle” has the meaning given
3 the term “unmanned aircraft” in section 331 of the
4 FAA Modernization and Reform Act of 2012 (Public
5 Law 112–95; 49 U.S.C. 40101 note).

6 **Subtitle A—Infrastructure and**
7 **Equipment**

8 **SEC. 1111. STRENGTHENING THE REQUIREMENTS FOR BAR-**
9 **RIERS ALONG THE SOUTHERN BORDER.**

10 Section 102 of the Illegal Immigration Reform and
11 Immigrant Responsibility Act of 1996 (Division C of Pub-
12 lic Law 104–208; 8 U.S.C. 1103 note) is amended—

13 (1) by amending subsection (a) to read as fol-
14 lows:

15 “(a) IN GENERAL.—The Secretary of Homeland Se-
16 curity shall take such actions as may be necessary (includ-
17 ing the removal of obstacles to detection of illegal en-
18 trants) to design, test, construct, install, deploy, and oper-
19 ate physical barriers, tactical infrastructure, and tech-
20 nology in the vicinity of the United States border to
21 achieve situational awareness and operational control of
22 the border and deter, impede, and detect illegal activity
23 in high traffic areas.”;

24 (2) in subsection (b)—

1 (A) in the subsection heading, by striking
2 “FENCING AND ROAD IMPROVEMENTS” and in-
3 serting “PHYSICAL BARRIERS”;

4 (B) in paragraph (1)—

5 (i) in subparagraph (A)—

6 (I) by striking “subsection (a)”
7 and inserting “this section”;

8 (II) by striking “roads, lighting,
9 cameras, and sensors” and inserting
10 “tactical infrastructure, and tech-
11 nology”; and

12 (III) by striking “gain” inserting
13 “achieve situational awareness and”;
14 and

15 (ii) by amending subparagraph (B) to
16 read as follows:

17 “(B) PHYSICAL BARRIERS AND TACTICAL
18 INFRASTRUCTURE.—

19 “(i) IN GENERAL.—Not later than
20 September 30, 2022, the Secretary of
21 Homeland Security, in carrying out this
22 section, shall deploy along the United
23 States border the most practical and effec-
24 tive physical barriers and tactical infra-
25 structure available for achieving situational

Exhibit 10

FISCAL YEAR 2019

EFFICIENT, EFFECTIVE, ACCOUNTABLE

**AN
AMERICAN
BUDGET**

BUDGET OF THE U.S. GOVERNMENT

OFFICE OF MANAGEMENT AND BUDGET | OMB.GOV

PROTECTING AMERICANS WHILE ENHANCING LEGAL IMMIGRATION

Since taking office, the President has made clear that he would restore order and integrity to the U.S. immigration system. There are three primary efforts underlying this goal: strengthening border security; ensuring enforcement of immigration laws; and reforming the legal immigration system, while recognizing that legal immigration is an important driver of a thriving economy. The Budget requests more than \$28.2 billion for the agencies that have primary responsibility for carrying out immigration programs at DHS and the Department of Justice (DOJ). This includes funding for U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services within DHS, and the Executive Office for Immigration Review (EOIR) within DOJ.

Within the Administration's proposal for \$18 billion to fund the border wall, the Budget invests \$1.6 billion to support CBP efforts to gain operational control of the Southwest border. Until the porous borders are closed to the criminals, terrorists, and gang members that exploit it, America remains at risk. Furthermore, since most of the illegal drugs that enter the United States come through the Southwest border, a border wall is critical to combating the scourge of drug addiction that leads to thousands of unnecessary deaths. The border wall would stop smugglers in their tracks and help make America safe.

The Budget also requests \$211 million for 750 additional Border Patrol agents in 2019, continuing the President's commitment to increase the ranks of the Border Patrol by 5,000 new agents. Funding would be used to recruit, hire, and train new agents, and for staff to support the men and women on the front line of America's border defenses. These new personnel would supplement investments in the border wall by guarding the border and apprehending and swiftly removing illegal aliens at the border.

The Budget furthers investment in CBP technology and targeting systems such as the National

Targeting Center (NTC) and the Biometric Entry-Exit System. The Budget requests a total of \$253 million for NTC, an increase of \$79 million, for its overall mission, including the background vetting of individuals seeking to enter the United States before they arrive. These programs would enable the Government to better identify terrorists and other criminals and prevent their entry into the United States. Completion of the long-required Biometric Entry-Exit System would increase law enforcement's ability to identify and remove those who overstay their visas. Future investments in enhanced vetting and targeting programs would further the Administration's goal of shifting such costs to visa and immigration applicants while continuing to facilitate legitimate travel to the United States.

The Budget makes major investments in immigration law enforcement in the interior of the Nation, focusing on efforts to identify, arrest, prosecute, and remove illegal aliens. Within ICE, the Budget proposes \$571 million to hire and support 2,000 new officers and agents, which directly supports the President's order for ICE to arrest all illegal aliens it encounters. Since the President's inauguration, ICE arrests have increased by 42 percent and the Agency has increased requests to local law enforcement to transfer custody of illegal aliens to ICE by 81 percent during the same time period in the previous fiscal year.

As ICE increases its arrests and deportations of illegal aliens, it also requires additional detention and removal capacity. The Budget requests more than \$2.5 billion for these critical law enforcement functions, funding an average daily detention capacity of 47,000 illegal aliens in facilities across the United States. To ensure immigration cases are heard expeditiously, the Budget also requests an increase of \$40 million for 75 new immigration judge teams at EOIR and nearly \$40 million for 338 new prosecuting attorneys at ICE. These investments are critical to the prompt resolution of newly-brought immigration charges and to reduce the 650,000 backlog of cases currently pending in the immigration courts.

ISBN 978-0-16-094480-2



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Exhibit 11

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES HOUSE OF
REPRESENTATIVES,

Plaintiff,

v.

Case No. 1:19-cv-00969

STEVEN T. MNUCHIN, in his official
capacity as Secretary of the United States
Department of the Treasury, *et al.*,

Defendants.

DECLARATION OF PAUL ARCANGELI

I, Paul Arcangeli, pursuant to the provisions of 28 U.S.C. § 1746 declare and say:

1. I am the Staff Director of the House Armed Services Committee. I have worked for the Committee in various roles since 2004. In 2010, I was appointed Staff Director. From 2011 to 2018, I served as Minority Staff Director. I began serving again as Staff Director in January 2019.

2. On April 25, 2019, the Department of Defense (DoD) submitted in writing to the Committee responses to various Committee requests for information. One of the Committee’s questions was: “What is covered under GCC operational support? Are these 284 activities? Other authorities? Why is there such a significant jump from FY18 actuals to FY19 and FY20 for EUCOM, INDOPACOM and AFRICOM? Are FY18 actuals reflective of a shift to 333?” In response, DoD wrote:

A1. For most commands, the CD Project titled “GCC operational Support” refers to that portion of Geographic Combatant Commands’ programs that support activities executed under §284(b) and §284(c). The exception is U.S.

SOUTHCOM, that also funds costs associated with §124 detection and monitoring operations within this Project. Regarding the increases between FY18 actuals and the FY19/20 levels for EUCOM, INDOPACOM and AFRICOM: Yes, some of this was due to shifting some efforts to §333 and the associated growing pains of working with the new Chapter 15 and 16 authorities. However, the primary factor that led to curtailed support in FY18 was a combination of a continuing resolution, followed by DoD Comptroller withholding over 84% (\$947 million) of CD appropriated funds for distribution until the 4th Quarter for possible use in supporting Southwest Border construction last fiscal year. The funding was ultimately released beginning in July, but the uncertainty generated caused planning, Congressional notification, and execution deadlines to be missed.

3. DoD’s statement that the “DoD Comptroller with[held] over 84% (\$947 million) of [counter-drug] appropriated [FY 2018] funds for distribution until the 4th Quarter for possible use in supporting Southwest Border construction last fiscal year” suggests that DoD was considering using its counter-drug authority under 10 U.S.C. § 284 for southern border construction in early 2018.

4. I declare under penalty of perjury that the foregoing is true and correct. Executed on May 15, 2019, in Washington, D.C.

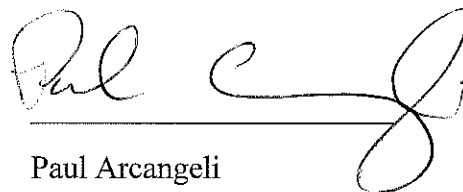

Paul Arcangeli

Exhibit 12

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES HOUSE OF REPRESENTATIVES,)	
)	
Plaintiff)	Civil No. 19-969
)	
v.)	
)	Washington, D.C.
STEVEN T. MNUCHIN, et al.,)	
)	
Defendants.)	Thursday, May 23, 2019

TRANSCRIPT OF PRELIMINARY INJUNCTION HEARING
BEFORE THE HONORABLE TREVOR N. McFADDEN
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff:	Douglas N. Letter, Esq.
	Todd B. Tatelman, Esq.
	Megan Barbero, Esq.
	Kristin A. Shapiro, Esq.
	Brooks M. Hanner, Esq.
	Sally Clouse, Esq.
	U.S. HOUSE OF REPRESENTATIVES
	Office of General Counsel
	219 Cannon House Office Building
	Washington, DC 20515

For the Defendant:	James Mahoney Burnham, Esq.
	U.S. DEPARTMENT OF JUSTICE
	Civil Division
	950 Pennsylvania Avenue, NW
	Washington, DC 20530

-and-

(Appearances continued on next page)

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Michael J. Gerardi, Esq.
Leslie Cooper Vigen, Esq.
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs
Branch
1100 L Street NW
Washington, DC 20005

-and-

Kathryn Celia Davis, Esq.
Andrew I. Warden, Esq.
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs
Branch
1100 L Street, NW
Washington, DC 20530

Court Reporter:
PATRICIA A. KANESHIRO-MILLER, RMR, CRR
U.S. Courthouse, Room 4700A
333 Constitution Avenue, NW
Washington, DC 20001
(202) 354-3243

1 So there is nothing to suggest that it was foreseen in that
2 DoD budgeting process that they were going to get the
3 specific 284 requests that they got.

4 Now, Mr. Letter has filed something suggesting that
5 DoD was thinking about the possibility of 284 projects in the
6 summer of '18. Again, level of abstraction versus
7 specificity. It is true that it was foreseeable in general
8 that someone at some time might ask DoD to use its
9 284 authority to engage in border barrier construction. Why?
10 Because DoD has used that authority to build border barriers
11 for 25 years. That's different from saying the actual
12 projects at issue were foreseen. So the way 284 works, DoD
13 cannot use its 284 authority unless and until "such support
14 is requested." That's at 284(a)(1). So the authority
15 doesn't even come into existence until it gets a request from
16 the civilian law enforcement agency for assistance.

17 THE COURT: Does that mean that every request from
18 another agency is going to be unforeseen --

19 MR. BURNHAM: I think it means a lot of them are
20 going to be, and let me explain why.

21 So the 8005 transfer provision is for the entire DoD
22 budget. Most uses of that transfer authority are going to be
23 internal DoD projects. You know, the military base in
24 Germany needs a new generator or something, so we're going to
25 move some money over for that. On internal projects, DoD's

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CERTIFICATE OF OFFICIAL COURT REPORTER

I, Patricia A. Kaneshiro-Miller, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

/s/ Patricia A. Kaneshiro-Miller

PATRICIA A. KANESHIRO-MILLER

May 28, 2019

DATE

Exhibit 13



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

January 6, 2019

The Honorable Richard Shelby
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The President continues to stress the need to pass legislation that will both reopen the Federal Government and address the security and humanitarian crisis at our Nation's Southwest border. The Administration has previously transmitted budget proposals that would support his ongoing commitment to dramatically reduce the entry of illegal immigrants, criminals, and drugs; keep out terrorists, public safety threats, and those otherwise inadmissible under U.S. law; and ensure that those who do enter without legal permission can be promptly and safely returned home.

Appropriations bills for fiscal year (FY) 2019 that have already been considered by the current and previous Congresses are inadequate to fully address these critical issues. Any agreement for the current year should satisfy the following priorities:

- *Border Wall, Customs and Border Protection (CBP)*: The President requests \$5.7 billion for construction of a steel barrier for the Southwest border. Central to any strategy to achieve operational control along the southern border is physical infrastructure to provide requisite impedance and denial. In short, a physical barrier—wall—creates an enduring capability that helps field personnel stop, slow down and/or contain illegal entries. In concert with the U.S. Army Corps of Engineers, CBP has increased its capacity to execute these funds. The Administration's full request would fund construction of a total of approximately 234 miles of new physical barrier and fully fund the top 10 priorities in CBP's Border Security Improvement Plan. **This would require an increase of \$4.1 billion over the FY 2019 funding level in the Senate version of the bill.**
- *Immigration Judge Teams – Executive Office for Immigration Review (EOIR)*: The President requests at least \$563 million for 75 additional Immigration Judges and support staff to reduce the backlog of pending immigration cases. The Administration appreciates that the Senate's FY 2019 bill provides this level of funding, and looks forward to working with the Congress on further increases in this area to facilitate an expansion of in-country processing of asylum claims.
- *Law Enforcement Personnel, Border Patrol Agent Hiring, CBP*: The President requests \$211 million to hire 750 additional Border Patrol Agents in support of his promise to keep our borders safe and secure. While the Senate's FY 2019 bill supports some Border

Patrol Agent hiring, fulfilling this request **requires an increase of \$100 million over the FY 2019 funding level in the Senate version of the bill.**

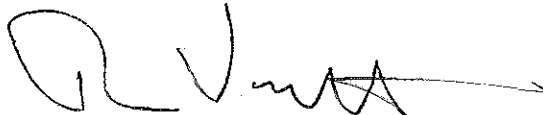
- *Law Enforcement Personnel, Immigration and Customs Enforcement (ICE):* The President requests \$571 million for 2,000 additional law enforcement personnel, as well as support staff, who enforce our U.S. immigration laws and help address gang violence, smuggling and trafficking, and the spread of drugs in our communities. **This would require an increase of \$571 million over the FY 2019 funding level in the Senate version of the bill.**
- *Detention Beds, ICE:* The President requests \$4.2 billion to support 52,000 detention beds. Given that in recent months, the number of people attempting to cross the border illegally has risen to 2,000 per day, providing additional resources for detention and transportation is essential. **This would require an increase of \$798 million over the FY 2019 funding level in the Senate version of the bill.**
- *Humanitarian Needs:* **The President requests an additional \$800 million to address urgent humanitarian needs.** This includes additional funding for enhanced medical support, transportation, consumable supplies appropriate for the population, and additional temporary facilities for processing and short-term custody of this vulnerable population, which are necessary to ensure the well-being of those taken into custody.
- *Counter-narcotics/weapons Technology:* Beyond these specific budgetary requests, the Administration looks forward to working with Congress to provide resources in other areas to address the unprecedented challenges we face along the Southwest border. Specifically, \$675 million would provide Non-Intrusive Inspection (NII) technology at inbound lanes at U.S. Southwest Border Land Ports of Entry (LPOE) would allow CBP to deter and detect more contraband, including narcotics, weapons, and other materials that pose nuclear and radiological threats. **This would require an increase of \$631 million over the FY 2019 funding level in the Senate version of the bill.**

In addition, to address the humanitarian crisis of unaccompanied alien children (UACs), Democrats have proposed in-country asylum processing for Central American Minors. This would require a statutory change, along with reallocation of State Department funds to establish in-country processing capacities at Northern Triangle consulates and embassies. Furthermore, for the new procedure to achieve the desired humanitarian result, a further corresponding statutory change would be required to ensure that those who circumvent the process and come to the United States without authorization can be promptly returned home. Without the latter change, in-country processing will not reduce the unauthorized flow or successfully mitigate the humanitarian crisis.”

These upfront investments in physical barriers and technology, as well as legislation to close loopholes in our immigration system, will reduce illegal immigration, the flow of illicit drugs entering our country and reduce the long term costs for border and immigration enforcement activities.

The Administration looks forward to advancing these critical priorities as part of legislation to reopen the Government.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Vought', with a long horizontal flourish extending to the right.

Russell T. Vought
Acting Director

Identical Letter Sent to:

The Honorable Richard Shelby
The Honorable Patrick Leahy
The Honorable Nita Lowey
The Honorable Kay Granger

Exhibit 14



Donald J. Trump

@realDonaldTrump

Follow



The Democrats just don't seem to want Border Security. They are fighting Border Agents recommendations. If you believe news reports, they are not offering much for the Wall. They look to be making this a campaign issue. The Wall will get built one way or the other!

2:02 PM - 9 Feb 2019

26,099 Retweets 112,983 Likes



20K



26K

113K



Ryan Hill @RyanHillMI · Feb 9

Replying to @realDonaldTrump

Nah... The wall is never going to happen!

Donald J. Trump @realDonaldTrump

The Democrats just don't seem to want Border Security. They are fighting Border Agents recommendations. If you believe news reports, they are not offering much for the Wall. They look to be making this a campaign issue. The Wall will get built one way or the other!



50



16

379



Ryan Hill @RyanHillMI · Feb 9

BTW.... Still waiting on Mexico's check?

Did it get lost in the mail?

Exhibit 15

**REMARKS**

Remarks by President Trump in Cabinet Meeting

Issued on: **February 12, 2019**



Cabinet Room

11:54 A.M. EST

THE PRESIDENT: Hello, everybody. Thank you. Hi, Steve. So, maybe we can begin. I'll ask Secretary Wilkie to say grace, please.

SECRETARY WILKIE: (Gives a prayer.)

THE PRESIDENT: Thank you very much, Secretary. Beautiful.

Thank you all for being here. Before we begin, we're thinking about certain things that we're just starting to look at. David Bernhardt is, as you know, going through the process — becoming Secretary of Interior, from Acting. He's done a fantastic job. And I think it will continue, and we look forward to that.

We're thinking about doing, on the 4th of July or thereabouts, a parade. A "Salute to America" parade. It will be a — really, a gathering, as opposed to a parade, I'd guess you'd have to say. Perhaps at the Lincoln Memorial. We're looking at sites. But we're thinking about doing something, which would become, perhaps, a tradition. "Salute to America" on July 4th or July 4th weekend. Somewhere around that area.

And, David, you're taking charge of that and you'll see how it works out with schedules and everything else. And I think it could be a very exciting day. And the fireworks is there anyway, so we just saved on fireworks. We get free fireworks because it's already being done. (Laughter.) So, that's very good.

So, good morning and welcome to our Cabinet meeting. As I said in my State of the Union Address, I'm eager to work with both parties to deliver for all Americans. That's what we have to start doing. There's tremendous and quite unusual attitude on the other side. There's a lot of anger. And they're slipping extremely far left. And we don't want that to happen to our country. So we're working very hard with the other side, and hopefully positive things can take place.

Since the election, we've created 5.3 million jobs, including more than 300,000 last month alone. Blue-collar jobs have grown at their fastest pace in more than 30 years. And we've added half a million manufacturing jobs. That number is going to very soon be 600,009 because of certain things that are happening. And economic growth has nearly doubled since I took office.

We have a big team over in China right now, and they're working very hard, dealing with the Chinese. We want very much to make a deal. We'll see what happens. But the tariffs are bringing a tremendous amount of money to our Treasury. And as you read, of the 21 points — and actually, the number would be 25 now, on the areas that are taxed at 25. China is paying for 21, and we're paying for 4. So that's pretty good.

But we're bringing billions and billions of dollars into our Treasury right now. We'll see what happens, but they very much want to make a deal. Their economy has been hurt by the tariffs. And our economy is thriving like, really, never before. I mean, we're doing incredibly well.

We have a lot of companies going to be announcing. They've already announced, in some cases — and in many cases, they have announced — they're moving back into the country. They want to be a part of the United States. It's like a miracle in the United States, what's happening. But we have a lot of companies that have left. In many cases, they left our country and they're moving back. And that means a lot of jobs.

Speaking of jobs, we have to have more people coming into our country because our real number is about 3.6, 3.7. It took a little blip up during the shutdown and went up to 4. And 4 — any country would take a 4. But we're about 3.7; probably going lower. We need people. So we want to have

people come into our country, but we want to have them come in through a merit system, and we want to have them come in legally. And that's going to be happening. We're doing very well in that regard.

But we have tremendous numbers of companies. And you've been reporting on them. A lot of car companies are coming back to the United States.

We want to keep the job boom going strong, and we must protect our economy. And we have to protect it from any attempts to impose socialism. Socialism does not work too well. And we don't want that as part of our country and as part of our heritage. We just can't have it. Everything would come to an end — and rapidly. And then, all of a sudden, you'd see things happening and you'd say, "What's going on? Whatever happened?"

But we're at a high point today, and we're going to go a lot higher. We have a long way to go, frankly, as far as I'm concerned — especially where we make the good trade deals and make the good military deals.

As an example, as you know, South Korea — we defend them and lose a tremendous amount of money. Billions of dollars a year defending them. They agreed, at my request. And working with Secretary Pompeo and John Bolton, they agreed to pay, yesterday, \$500 million more toward their defense. Five-hundred million, with a couple of phone calls. I said, "Why didn't you do this before?" They said, "Nobody asked." So — it's got to go up. It's got to go up.

Right now, it costs us \$5 billion a year to defend. As an example, South Korea — we have a great relationship, and with President Moon. And we're doing great things. And North Korea is coming along. South Korea is just an example. But South Korea is costing us \$5 billion a year. And they pay — they were paying about \$500 million for \$5 billion worth of protection. And we have to do better than that. So they've agreed to pay \$500 million more. And over the years, it will start going up, and they will be terrific. And they've been very good.

We've had a really strong — we made a new trade deal with South Korea. And the same thing will go with Japan. And the same thing will go with Saudi Arabia and many others. I mean, we protect Saudi Arabia. They've got nothing but cash. And we protect them with great subsidy. We give Saudi Arabia subsidy. Should be the other way around, as far as I'm concerned, right?

So a lot of things are happening. And all of this endures to the strength of our country and to our economy. And so we're looking forward to seeing that.

The Mexico deal — as you know, Mexico/Canada trade deal, the USMCA is a tremendous deal. But one of the things — because NAFTA was one of the worst deals in the history of this country ever signed. It cleaned out our jobs and our company. It was just a terrible, terrible thing that we signed NAFTA.

So this is the NAFTA replacement. It has nothing to do with NAFTA. And one of the things that make it very hard — it's very hard for a company, financially, to leave our country, under the USMCA. Very, very prohibitive to leave. And that was the thing I wanted more than any other element. I said, "I don't want these companies going and leaving, and going to Mexico and Canada." They've got their own companies. I don't want to do that. We lost tremendous — we lost 25 percent of our automobile industry to Mexico. We lost 30 percent to a combination of both Canada and Mexico.

So that's wielding its way through, and I guess it's hitting Congress very shortly, and we'll see how that does. But that's a great deal. And it's a very labor-friendly deal. It's a deal that the workers of our country will love.

One in three women, as you know, are sexually assaulted on the long journey north. We want to stop that. We want to stop those journeys. The way you do that is with barrier security, a wall. And we're making a lot of progress. In fact, I noticed yesterday, when I got to El Paso, they had signs, "Finish the Wall," instead of "Build the Wall." Because we're doing a lot of wall right now. Just started a big portion of the wall in the Rio Grande Valley, which is now the biggest area for people coming in. We've sealed up a lot of the areas where people come in.

But they're looking for the soft spots, and they come up in a caravan and they look for the areas without any barrier. And that's why they like to come in. And we grab them, and it's a very tough situation.

We could save billions and billions of dollars in cost and hundreds of billions of dollars in drugs and what they're doing to us with drugs. And so much of it comes through. And don't believe people when they say it all comes through the portals; it doesn't — the ports of entry. It comes through — the big loads come through the border, where you don't have wall, where they can drive a truck, a big truck, loaded up with drugs or loaded up with this thing called a "human cargo." Human cargo.

These are traffickers. These are the worst people on Earth. And they don't come through the ports of entry with people in the back of a car tied up. Could never do that. They come through areas where there's no barrier.

So we'll see what happens. I got reports last night, when I was going out to speak. We had, by the way, a massive crowd. And my competitor had very few people, but the press didn't report it that way. The press reported it like two speeches. We had a competitor that decided to challenge me with the crowds. And he failed very badly. From what I hear, he had less than a thousand people. And we had a packed arena, and we had probably 25,000 people outside of the arena. It was an incredible night in Texas, I can tell you that. It was really amazing.

But as I'm going on stage to speak, they're telling me about the committee came out with a deal. And, you know, they went over it very briefly. Then I went over it briefly last night, but it was 3 o'clock in the morning. And I can't say I'm happy. I can't say I'm thrilled. But the wall is getting built, regardless. It doesn't matter. Because we're doing other things beyond what we're talking about here. So we'll see what happens.

We're having a meeting on it later. It's really obstruction. The Democrats want everybody to be able to come into our country. We have many criminals. When you look at the numbers of criminals that are nabbed — I mean, I'm looking at numbers that are incredible. This card was just given to me by Secretary Nielsen. And — assaults: 99,000 assaults. Larceny: 40,000. Burglary: 25,000. Fraudulent activities: 25,000. Damage and stolen property: 17,000. Sex offenses: 13,552. Sexual assaults: 10,468. That's sexual assaults on people that live in our country by people that are coming illegally across our borders. In many cases, people that have come before I became — before I became President.

What happens is we are working very hard. We're getting rid of tremendous numbers of MS-13. And the Democrats don't like us to get rid of MS-13. Now, you figure that one out. These are violent people, and they don't like us to get rid of MS-13.

So, robberies: 11,177. Kidnappings: 4,112. Murders: 3,914. Okay? So these are people that ICE is dealing with, and nobody can deal with them more effectively. There's probably no group in this country that does so much and gets, really, so little respect or love as ICE. It's really a terrible thing. They're doing an incredible job.

One other thing I might want to say is that anti-Semitism has no place in the United States Congress. And Congressman Omar is terrible, what she said. And I think she should either resign from Congress or she should certainly resign from the House Foreign Affairs Committee. What she said is so deep-seated in her heart that her lame apology — and that's what it was; it was lame, and she didn't mean a word of it — was just not appropriate. I think she should resign from Congress, frankly. But at a minimum, she shouldn't be on committees, and certainly that committee.

And with that, we're going to have a meeting. Our Cabinet is doing really well. I'll tell you, we're doing great. Our country is doing great. The stock market is up tremendously today. Of course, I haven't seen it in 15 minutes, so, you know, anything is — Larry Kudlow, anything is subject to change, right? But so far, so good. And we're hitting new records with growth. We're hitting new records with the economy. We've hit many new records on unemployment.

More people working today in the United States than at any time in the history of our country. We're getting very close to 160 million people. And we've never had anything like that, which tells you that we have to have people come into our country — great people, from the areas that we're talking about. But we want them to be productive, and they — we want people that are going to love our country and help our country.

So I want to thank our Cabinet. The Cabinet is doing a fantastic job. Really, unsung job. Because members of this Cabinet, there are those people that say this is one of the best Cabinets this country has ever had. I happen to agree. I happen to agree. We have great, great people in our Cabinet. And I want to thank you all very much for doing a fantastic job. Thank you very much.

And, Matt, I guess, maybe at some point there will be a vote, and —

ACTING ATTORNEY GENERAL WHITAKER: Thursday, we hear. Thursday we are.

THE PRESIDENT: — maybe at some point you won't be doing what you're doing. Come here. I think you've done — you've taken a tremendous amount of abuse. You handled yourself incredibly last Friday. But on behalf of all of us, I want to thank you very much. Matt Whitaker. (Applause.)

It's heartfelt, too — believe me.

Okay, thank you all very much.

Q Sir, will you sign Congress's border deal?

THE PRESIDENT: I have to study it. I'm not happy about it. It's not doing the trick. But I'm adding things to it. And when you add whatever I have to add, it's all going to happen where we're going to build a beautiful, big, strong wall that's not going to let criminals and traffickers and drug dealers and drugs into our country. It's very simple. It's very simple.

We're building a wall. And now I'm saying we're finishing the wall. We just started a big, big section on the Rio Grande. You probably saw it. Some of you were there when they started. You went there; you didn't believe it. You went there, and you see trucks all over the place. You said, "Hey, he's not kidding." I don't kid. I never kid about construction. I love construction. (Laughter.) And I know how to do it for the right price. And we're getting a beautiful-looking structure that's also less expensive to build and works much better. That's a good combination of events, because it was crazy what they were putting up.

In fact, I happen to think that the walls that they were building were so unattractive and so ugly that walls got bad names. Okay? If that means anything. But they were so ugly, with rusted steel and big ugly plates on top that were all tin-canned. It's called tin-canned, where they're wavy, because the heat makes them expand and contract, and they're tin-canned.

I said, "Why didn't you paint the steel?" "Well, sir, we save money by not painting." And I said, "Yeah, but it's going to rust. You have to paint." I've never seen — I've ordered a lot of steel — I've never seen, in my whole life, steel come to me that was unpainted. This can only happen at the border. It wasn't me; it was our past geniuses.

So, I can tell you that, am I happy at first glance? I just got to see it. The answer is no, I'm not. I'm not happy. But am I happy with where we're going? I'm thrilled because we're supplementing things and moving things around. And we're doing things that are fantastic and taking from far less — really, from far less important areas. And the bottom line is we're building a lot of wall. Right now, we're building a lot of wall.

And you think it's easy? We're building in the face of tremendous obstruction and tremendous opposition from a small group of people. And one thing that happened that was, I think, very revealing — we had the biggest and best border agents and experts come up and see the

committee. And they said, more than anything else, “You need a barrier. You need a wall.” And the recommendation was unacceptable to the committee. So that tells you more than anything else.

Q Mr. President, are ruling out the possibility of a government shutdown?

Q Do you really want to go through another shutdown?

THE PRESIDENT: I don’t think you’re going to see a shutdown. I wouldn’t want to go to it, no. If you did have it, it’s the Democrats’ fault. And I accepted the first one, and I’m proud of what we’ve accomplished because people learned during that shutdown all about the problems coming in from the southern border. I accept — I’ve always accepted it.

But this one I would never accept if it happens, but I don’t think it’s going to happen. But this would be totally on the Democrats. Okay?

Q Mr. President, are you saying that you may amend and send back the proposed compromise, or that you may grudgingly accept it and then move forward with the executive action?

THE PRESIDENT: It’s always nice to negotiate a little bit, right? So, you know, whatever you get. But I would hope that there won’t be a shutdown. I am extremely unhappy with what the Democrats have given us. It’s sad. It’s sad. They’re doing the country no favor. They are hurting our country very badly. But we certainly don’t want to see a shutdown. But you’ll be hearing fairly soon. The bottom line is — on the wall — we’re building the wall. And we’re using other methods, other than this and in addition to this. We have a lot of things going. We have a lot of money in this country, and we’re using some of that money — a small percentage of that money — to build the wall, which we desperately need.

Q Mr. President, do you plan to meet with President Xi at the end of March?

THE PRESIDENT: Not at this moment. We have our people over there now. I just got a report. Things are going well with China. China wants to make a deal very badly. I want it to be a real deal, not just a deal that makes — you know, cosmetically looks good for a year. We have a chance to really make a deal — a real deal with China. We’ve never been in this position before. We’ve always been the lame duck. And we’re not the lame duck anymore. And we’ve gone up tremendously in value as a country, in economic value. Tremendously.

Larry, we've gone up what — \$11 trillion, \$14 trillion? And China has gone down close to \$20 trillion since we've started this whole —

MR. KUDLOW: Worst performing stock market in the world.

THE PRESIDENT: Say it?

MR. KUDLOW: China — worst performing stock market in the world.

THE PRESIDENT: Has anybody ever heard of Larry Kudlow? (Laughter.) That voice. I hear that voice, and you think money. Right, Larry? (Laughter.)

MR. KUDLOW: Thank you, sir.

THE PRESIDENT: So, I didn't even know that. That's — China, he said, has the worst performing stock market right now in the world. And we don't want that. We want China to do — but — and that's because of us. And we're — have to be one of the best performing stock markets, but we are the best performing country and we have a lot of potential for further growth.

So we're doing very well over in China. Our people are there. You know the people very well. And I think we're going to have some good answers. I think — either way, I'm happy. I'm happy either way. I could live receiving billions and billions of dollars a month from China. China never gave us 10 cents. It was always the opposite way. Now they're paying billions of dollars a month for the privilege of coming into the United States and, honestly, taking advantage of our country. So we'll see how it works out.

But at some point, I expect to meet with President Xi — who I have a lot of respect for and like a lot — and make the parts of the deal that the group is unable to make. That's the way deals happen.

Q Will the March 1st deadline slide, do you think?

THE PRESIDENT: Well, thus far, I've said — as you know, the tariffs tick up for us. In other words, we take in much more money because the tariff — and there's nothing they can do that's comparable, so it's not like tit for tat. The tariffs kick in; they go up.

Right now, they're paying — they're paying 25 percent on \$50 billion. Okay? And they are paying 10 percent on \$200 billion. So we have \$250 billion. We have \$267 billion that we were very nice about and we're not taxing. On the \$200 billion, we're paying the 10 percent. The 10 percent on \$200 billion goes up to 25 percent on March 1st. And so far, I've said don't do that.

Now, if we're close to a deal where we think we can make a real deal, and it's going to get done, I could see myself letting that slide for a little while. But generally speaking, I'm not inclined to do that. Okay?

Q If Congress sends you a deal that you disagree with, would you consider declaring a national emergency to build the wall?

THE PRESIDENT: I consider everything. I'm considering everything. You know, we already have national emergencies out there. You know, President Obama, President Clinton, President Bush — they've declared many national — this is not unique. They've declared many national emergencies. Many, many. And you have some out there that we can use in addition to one that we can declare if we want to do it.

Thank you very much everybody. Thank you. Thank you.

Q Sir, were you aware that AMI was investigating Jeff Bezos?

THE PRESIDENT: No. No, I wasn't.

END

12:17 P.M. EST

Exhibit 16



PROCLAMATIONS

Presidential Proclamation on Declaring a National Emergency Concerning the Southern Border of the United States

— NATIONAL SECURITY & DEFENSE

Issued on: February 15, 2019



The current situation at the southern border presents a border security and humanitarian crisis that threatens core national security interests and constitutes a national emergency. The southern border is a major entry point for criminals, gang members, and illicit narcotics. The problem of large-scale unlawful migration through the southern border is long-standing, and despite the executive branch's exercise of existing statutory authorities, the situation has worsened in certain respects in recent years. In particular, recent years have seen sharp increases in the number of family units entering and seeking entry to the United States and an inability to provide detention space for many of these aliens while their removal proceedings are pending. If not detained, such aliens are often released into the country and are often difficult to remove from the United States because they fail to appear for hearings, do not comply with orders of removal, or are otherwise difficult to locate. In response to the directive in my April 4, 2018, memorandum and subsequent requests for support by the Secretary of Homeland Security, the Department of Defense has provided support and resources to the Department of Homeland Security at the southern border. Because of the gravity of the current emergency situation, it is necessary for the Armed Forces to provide additional support to address the crisis.

NOW, THEREFORE, I, DONALD J. TRUMP, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*), hereby declare that a national emergency exists at the southern border

of the United States, and that section 12302 of title 10, United States Code, is invoked and made available, according to its terms, to the Secretaries of the military departments concerned, subject to the direction of the Secretary of Defense in the case of the Secretaries of the Army, Navy, and Air Force. To provide additional authority to the Department of Defense to support the Federal Government's response to the emergency at the southern border, I hereby declare that this emergency requires use of the Armed Forces and, in accordance with section 301 of the National Emergencies Act (50 U.S.C. 1631), that the construction authority provided in section 2808 of title 10, United States Code, is invoked and made available, according to its terms, to the Secretary of Defense and, at the discretion of the Secretary of Defense, to the Secretaries of the military departments. I hereby direct as follows:

Section 1. The Secretary of Defense, or the Secretary of each relevant military department, as appropriate and consistent with applicable law, shall order as many units or members of the Ready Reserve to active duty as the Secretary concerned, in the Secretary's discretion, determines to be appropriate to assist and support the activities of the Secretary of Homeland Security at the southern border.

Sec. 2. The Secretary of Defense, the Secretary of the Interior, the Secretary of Homeland Security, and, subject to the discretion of the Secretary of Defense, the Secretaries of the military departments, shall take all appropriate actions, consistent with applicable law, to use or support the use of the authorities herein invoked, including, if necessary, the transfer and acceptance of jurisdiction over border lands.

Sec. 3. This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of February, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Exhibit 17



FACT SHEETS

President Donald J. Trump's Border Security Victory

NATIONAL SECURITY & DEFENSE

Issued on: February 15, 2019



“

I will never waver from my sacred duty to defend this Nation and its people. We will get the job done.

President Donald J. Trump

SECURING OUR BORDER: President Donald J. Trump is following through on his promise to secure the border with legislation and Executive action.

- President Trump was elected partly on his promise to secure the Southern Border with a barrier and, since his first day in office, he has been following through on that promise.
- As the President has said, sections of the border wall are already being built, and legislation and Executive actions are building on that progress.
- Executive action being taken by the President makes available additional funding to secure our border that is essential to our national security.

LEGISLATIVE WINS: President Trump secured a number of significant legislative victories in the Homeland Security appropriations bill that further his effort to secure the Southern Border and protect our country.

- The funding bill contains robust resources and additional provisions to secure the border and strengthen immigration enforcement.
- The bill provides \$1.375 billion for approximately 55 miles of border barrier in highly dangerous and drug smuggling areas in the Rio Grande Valley, where it is desperately needed.
 - More than 40 percent of all border apprehensions occurred in the Rio Grande Valley sector in fiscal year (FY) 2018.
 - The Rio Grande Valley was the border sector with the most known deaths of illegal border crossers in FY 2018.
- \$415 million will go toward addressing the humanitarian crisis at the border by providing medical care, transportation, processing centers, and consumables.
- President Trump successfully rejected efforts by some to undercut Immigration and Customs Enforcement's (ICE) ability to uphold our laws and detain illegal aliens, including criminals.
 - ICE funding supports nearly 5,000 additional beds to detain illegal aliens and keep criminals off our streets.
- Customs and Border Protection will receive funding for 600 additional officers.
- This bill will help keep deadly drugs out of our communities by increasing drug detection at ports of entry, including opioid detection staffing, labs, and equipment.

A PROMISE TO ACT: President Trump is taking Executive action to ensure we stop the national security and humanitarian crisis at our Southern Border.

- President Trump is using his legal authority to take Executive action to secure additional resources, just as he promised. In part, he is declaring a national emergency that makes available additional troops and funding for military construction.
- Including funding in Homeland Security appropriations, the Administration has so far identified up to \$8.1 billion that will be available to build the border wall once a national emergency is declared and additional funds have been reprogrammed, including:
 - About \$601 million from the Treasury Forfeiture Fund

- Up to \$2.5 billion under the Department of Defense funds transferred for Support for Counterdrug Activities (Title 10 United States Code, section 284)
- Up to \$3.6 billion reallocated from Department of Defense military construction projects under the President's declaration of a national emergency (Title 10 United States Code, section 2808)
- These funding sources will be used sequentially and as needed.
- The Department of Homeland Security, Department of Defense, and the Army Corps of Engineers are working to create a prioritized list of segments and a work plan for the remainder of FY 2019 and beyond.
- New projects could include: new levee wall, new and replacement primary pedestrian barrier, new vehicle-to-pedestrian barrier, and new secondary barrier.

NATIONAL EMERGENCY ON OUR BORDER: The President is using his clear authority to declare a national emergency as allowed under the National Emergencies Act.

- Since 1976, presidents have declared nearly 60 national emergencies.
- Most of the previously declared national emergencies have been continually renewed and are still in effect, after being continually renewed.
- Multiple Governors have declared states of emergency along the border in the past.
- Former Arizona Governor Janet Napolitano, who became President Obama's DHS Secretary, declared a state of emergency along the border in 2005.
- Former New Mexico Governor Bill Richardson also declared a state of emergency at the border in 2005.
- Former President George W. Bush and former President Obama both directed the use of the military to assist DHS in securing and managing the Southern Border.
- Former President Bush declared a national emergency in 2001, which invoked reprogramming authority granted by Title 10 United States Code, section 2808, and both he and former President Obama used that authority a total of 18 times to fund projects between 2001 and 2014.

ADDRESSING THE CRISIS AT HAND: President Trump is taking the necessary steps to address the crisis at our Southern Border and stop crime and drugs from flooding into our Nation.

- Cartels, traffickers, and gangs, like the vile MS-13 gang, have taken advantage of our weak borders for their own gain.
- Immigration officers have made 266,000 arrests of criminal aliens in the last two fiscal years.
 - This includes aliens charged or convicted of approximately 100,000 assaults, 30,000 sex crimes, and 4,000 killings.
- Tons of deadly drugs have flooded across the border and into our communities, taking countless American lives.
 - Methamphetamine, heroin, cocaine, and fentanyl all flow across our Southern Border and destroy our communities.
 - More than 70,000 Americans died of drug overdoses in 2017 alone.
- Human traffickers exploit our borders to traffic young girls and women into our country and sell them into prostitution and slavery.
- Massive caravans of migrants view our unsecure border as a way to gain illegal entry into our country and take advantage of our nonsensical immigration loopholes.

Exhibit 18

Stenographic Transcript
Before the

COMMITTEE ON
ARMED SERVICES

UNITED STATES SENATE

HEARING TO RECEIVE TESTIMONY ON THE
DEPARTMENT OF DEFENSE BUDGET POSTURE IN REVIEW OF
THE DEFENSE AUTHORIZATION REQUEST FOR FISCAL YEAR
2020 AND THE FUTURE YEARS DEFENSE PROGRAM

Thursday, March 14, 2019

Washington, D.C.

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1 HEARING TO RECEIVE TESTIMONY ON THE
2 DEPARTMENT OF DEFENSE BUDGET POSTURE IN REVIEW OF THE
3 DEFENSE AUTHORIZATION REQUEST FOR FISCAL YEAR 2020 AND THE
4 FUTURE YEARS DEFENSE PROGRAM

5
6 Thursday, March 14, 2019

7
8 U.S. Senate
9 Committee on Armed Services
10 Washington, D.C.

11
12 The committee met, pursuant to notice, at 9:31 a.m. in
13 Room SD-G50, Dirksen Senate Office Building, Hon. James M.
14 Inhofe, chairman of the committee, presiding.

15 Committee Members Present: Senators Inhofe
16 [presiding], Wicker, Fischer, Cotton, Rounds, Ernst,
17 Sullivan, Perdue, Cramer, McSally, Scott, Blackburn, Hawley,
18 Reed, Shaheen, Gillibrand, Blumenthal, Hirono, Kaine, King,
19 Heinrich, Warren, Peters, Manchin, Duckworth, and Jones.

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1 Senator Hirono: I'll get to the question.

2 Mr. Shanahan: All right.

3 Senator Hirono: -- as well as the impact of removing
4 that testing capacity from PMRF. So, briefly, could you
5 tell us how operationalizing the Aegis Ashore site in Kauai
6 would add to our ability to defend Hawaii from missile
7 threats, especially as the major missile threat to Hawaii
8 would be an ICBM, and the Aegis Ashore is not set up to
9 counter ICBMs?

10 Mr. Shanahan: My understanding of the request in the
11 MDR is that it's a study to assess taking the test assets
12 and operationalizing them. And, as you well point out, the
13 ground-based midcourse defense system that is resident in
14 Alaska defends Hawaii. I believe that the study will look
15 at what are other threats that may be posed to Hawaii, and
16 how there might be a layered defense. But, as you pointed
17 out, the test range there is vital capability and capacity
18 for developing our missile defense systems.

19 Senator Hirono: So, I want to make sure that my
20 concerns are in the record. For Secretary Shanahan and
21 General Dunford, 2 weeks ago before this committee, General
22 O'Shaughnessy, the North -- Northern Command Commander,
23 testified that the current situation at our southern border
24 is, to quote him, "not a military threat." Do you agree,
25 Secretary Shanahan, that the situation on the southern

1 border is not a military threat?

2 Mr. Shanahan: Senator, you're referring to General
3 O'Shaughnessy's testimony?

4 Senator Hirono: Yes.

5 Mr. Shanahan: Yeah. What I recall from his testimony
6 is, he said that it is not a military threat. He said
7 border security is national security.

8 Senator Hirono: I understand that. But, he said
9 specifically that the -- it's not a military threat. I'm
10 asking you whether you agree with him that --

11 Mr. Shanahan: I --

12 Senator Hirono: -- it's not a military threat.

13 Mr. Shanahan: I agree with him.

14 Senator Hirono: General Dunford?

15 General Dunford: I agree. It's a security challenge,
16 not a military threat.

17 Senator Hirono: So, you testified, Secretary -- Mr.
18 Secretary, that there are 6,000 troops currently deployed at
19 our southern border. Can you tell us how long they're going
20 to be there?

21 Mr. Shanahan: The -- I'd say 30 or 40 percent of them
22 will be departing in the next month or so when they complete
23 some of their work. And I believe we'll probably draw down
24 to between 3- and 4,000.

25 Senator Hirono: Is this something that the President

1 is indicating to you, or can he say that, "I want you all to
2 remain at the border"?

3 Mr. Shanahan: No, this was part of the tasking from
4 the Department of Homeland Security. And, based on their
5 request to us --

6 Senator Hirono: From the President.

7 Mr. Shanahan: From the Department.

8 Senator Hirono: Yes.

9 Let me get on to a matter that is of great concern to
10 some -- to a lot of us, actually. Secretary Shanahan, in
11 your response to Senator Inhofe's question about refueling
12 the Truman, you stated that growing the workforce in the
13 shipyard is a priority, and the move to not refuel the
14 Truman would save 3.4 billion over 5 years. And how does
15 canceling 3 years of shipyard work grow the workforce there?

16 Mr. Shanahan: Yeah. The workforce -- when we look at
17 what is in the shipyard, so the combination of submarines,
18 new carriers, and then maintenance, all that is done in the
19 same shipyards, and that workforce moves from project to
20 project. So, when we look at the total employment, the
21 actual total employment goes up over the period of time in
22 which we're building the two carriers.

23 Senator Hirono: Frankly, as I talk with some of the
24 people from the shipyards, I'm not so sure that that is the
25 case. And it'll cost about 3.4 billion to refuel the

Exhibit 19

CQ Congressional Transcripts

Mar. 26, 2019

Mar. 26, 2019 Revised Final

House Armed Services Committee Holds Hearing on Fiscal 2020 Defense Authorization

SMITH:

A couple of process issues to start. The secretary has said that he can be here until three which calls into question just how big of a masochist, he is but we do appreciate the--the ability to--to be here that long. We are going to take a break at 12:15, from 12:15 until 12:30 and then we will resume. We don't have to go until 3 o'clock but we are going to try to give members as much time as possible understanding the importance of this hearing.

With that call the hearing to order. I want to thank the Honorable Patrick Shanahan, Acting Secretary of Defense; General Joseph Dunford, Chairman of the Joint Chiefs of Staff and the Honorable David Norquist who is performing the duties of the Deputy Secretary of Defense. First note I believe this will be the last, probably the last time that General Dunford testifies before our committee. He has held--held many roles within the military and I just want to say on a personal note it has been a great pleasure working with you. You have served your country incredibly well, do an outstanding job and we've always had a very open dialogue. We all know that there are tensions between the Pentagon in Congress but you have done an outstanding job of truly you know letting us know you care what we think, you want to work with us, you want to make this process work. I really appreciate your leadership.

And Mr. Shanahan, Mr. Norquist, this is both your first hearings in your current acting roles. As I discussed with the Secretary yesterday there's getting to be sort of a Bud Selig joke here for those of you who follow baseball. He was made the baseball Chairman and then he was the

And it is, you know, a bit of sort of arcane policy even I didn't fully understand. But by and large, the Pentagon is not allowed to simply move money from one account to another without coming back through the full legislative process. But given the amount of money that the at the Pentagon and given how much things change, we have given, through the congressional process, the ability to reprogram I think it was \$4 billion last year.

But one of the sort of gentlemen's agreements about that was if you reprogram money, you will not do it without first getting the approval of all for relevant committees, Defense approps in the House and Senate, and armed services in the House and the Senate. For the first time since we've done that, on the reprogramming request help fund the wall, basically you're--you're shifting money from the MILPERS account into the, I forget what the drug--drug safety account, whatever it is, drug enforcement account so that you can then take it out of the account and put it to the wall. And you are not asking for our permission. Now, you understand that the result of that, likely, is that the Appropriations Committee in particular would no longer give--

SMITH:

-- the Pentagon reprogramming authority. I think that's unfortunate because they need it. And I guess my--my question is what was the discussion like about in deciding to break that rule and what is your view of the implications for it going forward, in terms of the relationship between the Pentagon and Congress in general, and specifically how much is it going to hamper you to not have reprogramming authority after this year?

SHANAHAN:

Chairman, what was the second part of that? There was the disclosures the discussion--

SMITH:

--How is it--how is it going to hamper the relationship--

SHANAHAN:

--That was the--

SMITH:

--The--I'm sorry, how was it going to hamper your ability to do your job if you don't have any reprogramming authority going forward?

SHANAHAN:

Right, yeah. Well, the discussion, I think you and I have also been party to--to this discussion is that by unilaterally reprogramming, it was going to affect our ability long-term to be able to do discretionary reprogramming that we had traditionally done in coordination. It was a very difficult discussion and we understand the significant downsides of the losing what amounts to a privilege.

The conversation took place prior to the declaration of a national emergency. It was part of the consulting that went on. We said here are the risks longer-term to the department, and those risks--risks were weighed. And then given a legal order from the commander-in-chief, we are executing on that order. And as--as we discussed, the first reprogramming was \$1 billion. And I wanted to do it before we had this committee hearing because we've been talking about this for some time and I've been deliberately working to be transparent in this process, fully knowing that there is downsize, which will hamper us.

SMITH:

And ultimately you ask for it--you asked for \$1 billion yesterday and it's still the plan to ask for \$2.4 billion out of the drug enforcement account?

SHANAHAN:

We have--we haven't made the assessment of what--so consider these increments or tranches, however you want to phrase them. Potentially, we could draw \$2.5 billion when we look at the--the total general transfer authority. We think beyond that would be too painful to--being able to continue to maintain readiness and operations. But we don't know what that next increment of--of funding would look like.

SMITH:

Right. And one final question on this piece. You're getting the money because I believe it's the Army, or was it the Army and the Marine Corps--

SHANAHAN:

--Yeah--

SMITH:

--That did not meet their end strength goals for--

SHANAHAN:

--Let me ask David Norquist.

SMITH:

Okay, sure.

Exhibit 20

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COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED SIXTEENTH CONGRESS

March 26, 2019

PAUL ARCANGELI, STAFF DIRECTOR

The Honorable David L. Norquist
Under Secretary of Defense, Comptroller
and Chief Financial Officer
U.S. Department of Defense
Washington, D.C. 20301

Dear Mr. Norquist:

The House Committee on Armed Services has completed its review of the proposed reprogramming request FY 19-01 RA. This reprogramming action would transfer approximately \$1.0 billion among fiscal year 2019 appropriations.

The committee denies this request. The committee does not approve the proposed use of Department of Defense funds to construct additional physical barriers and roads or install lighting in the vicinity of the United States border.

Sincerely,



Adam Smith
Chairman

AS:msh

Exhibit 21

NITA M. LOWEY, NEW YORK, CHAIRWOMAN

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ED CASE, HAWAII

Congress of the United States
House of Representatives
Committee on Appropriations
Washington, DC 20515-6015

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March 26, 2019

SHALANDA YOUNG
CLERK AND STAFF DIRECTOR
(202) 225-2771

The Honorable David L. Norquist
Under Secretary of Defense, Comptroller
Department of Defense
Washington, DC 20301

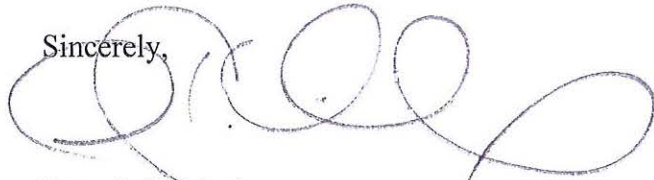
Dear Mr. Secretary:

The Committee has received and reviewed the requested reprogramming action, FY 19-01RA, submitted to the Committee on March 25, 2019, which proposes the transfer of \$1 billion from fiscal year 2019 Military Personnel, Army and Army Reserve accounts to the Drug Interdiction and Counter Drug Activities account for the purposes of erecting a wall on the U.S. southern border.

The Committee denies the request.

The Defense Appropriations Act of 2019 was enacted on September 28, 2018, and inherent in the enactment is the specific allocation of appropriations and the execution of funds as called for under the Constitution between the Congress and the Executive Branch. Article 1 states, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law". The reprogramming transmitted by the Department denies the Congress and the Committee on Appropriations those stated Constitutional prerogatives; these funds were neither requested nor appropriated for the activities described in the reprogramming. With this unilateral action, the historic and unprecedented comity that has existed between the Committee and the Department has been breached.

Sincerely,



Peter J. Visclosky
Chairman
Defense Subcommittee

Exhibit 22

National Park Service^(/)

[INFO](#)

[ALERTS](#)

[MAPS](#)

[CALENDAR](#)

[RESERVE](#)

1

[NPS.gov \(/\)](#) / [Park Home \(/orpi/index.htm\)](#) / [Learn About the Park \(/orpi/learn/index.htm\)](#)

/ [History & Culture \(/orpi/learn/historyculture/index.htm\)](#) / [Places \(/orpi/learn/historyculture/places.htm\)](#) / [International Vehicle Barrier](#)

International Border Vehicle Barrier



This steel fence is designed to stop car and truck traffic that drove from Mexico through the wilderness of Organ Pipe Cactus National Monument to enter into the United States illegally.

For the longest time, the only indication of an international border was stone obelisks placed every few miles across the border. Eventually a barbed-wire fence appeared to keep livestock and vehicles from entering the desert wilderness of Organ Pipe Cactus. In the mid-1900s, the land surrounding Organ Pipe Cactus became prime corridors for illegal trade due to its rugged terrain, yet close proximity to major metropolitan areas. To avoid detection, many individuals began illegally driving through the barbed-wire fence.

The damage caused by this illegal use was astounding. Eventually more than 200 miles of illegal roads traversed Organ Pipe Cactus.

In 2004, the monument undertook the work of constructing a vehicle barrier along the south boundary at the Mexico border. It stretches 30 miles of our southern boundary.

The barrier was designed to stop vehicles from driving around the US customs offices in Lukeville on Highway 85, or up through the desert wilderness instead of using Highway 85.

In 2006, the NPS finished building the steel fence. Although the three-year construction project was costly, the natural and cultural resources it has protected are priceless. It also provides positive value to visitor safety, officer safety, and our national security.



The damage left behind by vehicles traveling through the sensitive desert wilderness is lasting and detrimental to native plant and animal species.

Sue Rutman, NPS Photo

The vehicle barrier has stopped nearly all off-road vehicle traffic through Organ Pipe Cactus National Monument. The barrier has not been breached, and monitoring has revealed a dramatic decline in illegal off-road vehicle activity. Visitor safety has increased, as the potential for high-speed chases along park roads has virtually vanished. The barrier design allows water, and animals, including the highly endangered **Sonoran Pronghorn** (</orpi/learn/nature/pronghorn.htm>), to safely roam their natural ranges uninterrupted.

In 2015, the National Park Service, in partnership with the Department of Homeland Security and neighboring public lands, embarked on a successful **Wilderness Restoration project** (</orpi/learn/nature/interagency-restoration.htm>) to restore the disturbed lands to their natural state.

Last updated: May 13, 2018

CONTACT THE PARK

Mailing Address:

10 Organ Pipe Drive
Ajo, AZ 85321

Phone:

(520) 387-6849 x7302



www.nps.gov
National Park Service
U.S. Department of the Interior



Exhibit 23



U.S. Department of Justice
Drug Enforcement Administration



2018 NATIONAL DRUG THREAT ASSESSMENT



October 2018
DEA-DCT-DIR-032-18

UNCLASSIFIED

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

SER209

Figure 25. Heroin-Related Deaths by U.S. Census Region, 1999 - 2016 Age Adjusted Rates.

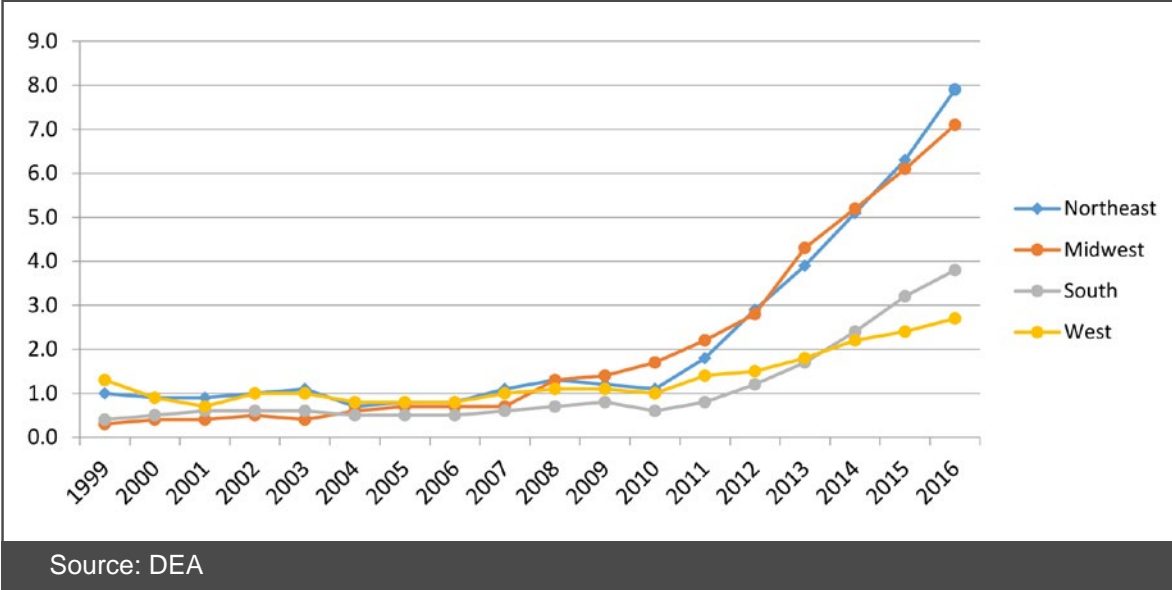
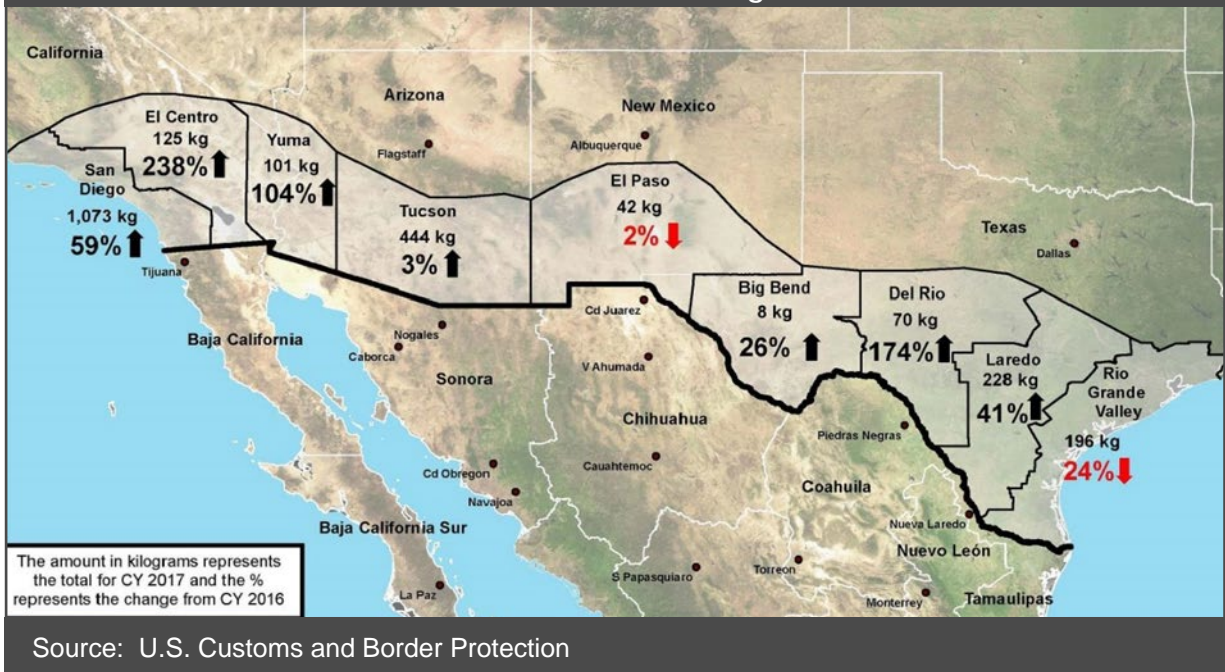


Figure 26. Customs and Border Protection Heroin Seizures by Southwest Border Corridor in CY 2017, with Percent Change from CY 2016.



heroin were seized in the San Diego corridor, a 59 percent increase over the total seized in 2016 (see Figure 26). A small percentage of all heroin seized by CBP along the land border was between Ports of Entry (POEs). The CBP San Diego sector reported the greatest amount of heroin seized of all non-POE land border seizures, followed by the Tucson sector.

Mexican TCOs control the movement of heroin that enters the United States across the SWB, until it reaches its destination in cities all over the United States. The majority of the flow is through POVs entering the United States at legal ports of entry, followed by tractor-trailers, where the heroin is co-mingled with legal goods (see Figure 27). Body carriers represent a smaller percentage of heroin movement

23 synthetic opioids. Notable synthetic opioids controlled by China include, but are not limited to, carfentanil, furanyl fentanyl, valeryl fentanyl, and acryl fentanyl. In October 2017, ANPP and NPP were included in Table I of the Convention against Drugs and Psychotropic Substances of 1988, which placed them under international control. These new restrictions will likely make synthesizing fentanyl more difficult in the near term for DTOs currently reliant on receiving already synthesized NPP. However, DTOs with trained chemists will likely be able to either synthesize NPP or else switch to another method of fentanyl synthesis. DTOs have consistently demonstrated the ability to adapt to precursor chemical restrictions, such as with methamphetamine, all while maintaining a consistent supply of product to the United States.

FENTANYL PRODUCTION LABORATORY SEIZED IN MEXICO FOR THE FIRST TIME SINCE 2016

In November 2017, a Mexican Army patrol deployed to a remote part of Sinaloa state discovered what was later confirmed as a fentanyl production laboratory, the first such discovery in Mexico since 2006. Mexican authorities seized 809 grams of NPP; 1,442 grams of ANPP; 80 liters and 789 grams of noscapine; and 66 grams of fentanyl at the site, in addition to laboratory equipment. The discovery suggests lab operators were using the Siegfried method to synthesize fentanyl at this location, supporting previous United States Government (USG) assessments that Mexico was likely a source, alongside China, for illicitly-produced fentanyl in the United States. Neither NPP nor ANPP have any legitimate uses outside of being precursors used to synthesize fentanyl, according to DEA laboratory information.

TRANSPORTATION AND DISTRIBUTION

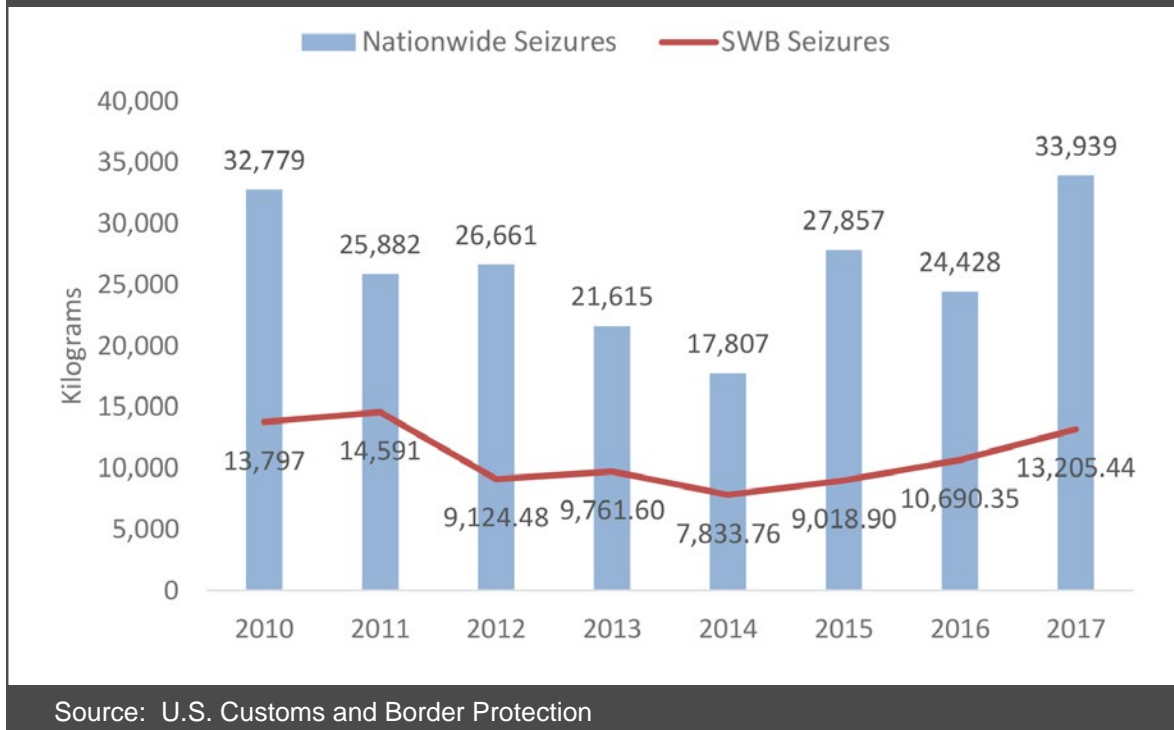
Fentanyl is transported into the United States in parcel packages directly from China or from China through Canada, and is also smuggled across the SWB from Mexico. Large volumes of fentanyl are seized at the SWB, although these seizures are typically low in purity, less than ten percent on average. Conversely, the smaller volumes seized after arriving in the mail directly from China can have purities over 90 percent.

Because of the differences in both seizure size and average purity, it is currently not possible to determine which source, Mexico or China, is the greater direct threat as a supplier of fentanyl to the United States. While seizures likely originating in Mexico represent the largest total gross weight of fentanyl seized in the United States, the overall low purity of this fentanyl means a relatively small portion of a given fentanyl seizure is actually fentanyl. Fentanyl sourced from China arrives in significantly smaller quantities than fentanyl sourced from Mexico, but due to its exceptionally high purity, it both poses a greater risk to the purchaser/user and can be adulterated many more times. DEA reporting also indicates Mexican traffickers order fentanyl from China, adulterate it, and smuggle it into the United States themselves, meaning an unknown amount of seized Mexican parcels containing fentanyl are ultimately of Chinese origin. In addition, Mexican traffickers' primary source of supply for fentanyl precursor chemicals is also China.

MEXICO-SOURCED FENTANYL

Fentanyl trafficked by Mexican TCOs is typically in multi-kilogram quantities and is combined with adulterants in clandestine facilities in Mexico prior to it moving into the SWB region. Mexican TCOs most commonly smuggle the multi-kilogram loads of fentanyl concealed in POVs before trafficking the drugs through SWB POEs. According to CBP and DEA reporting, although fentanyl is often seized as a part of poly drug loads (generally cocaine, heroin, and methamphetamine), fentanyl mixtures with other illicit drugs are very uncommon at the wholesale level. This

Figure 60. U.S. Customs and Border Protection Nationwide and Southwest Border Cocaine Seizures, CY 2010 – CY 2017.



between CY 2016 and CY 2017. This marks the third straight year seizures and incidents in the San Diego corridor have increased. The weight of total seizures in the Big Bend corridor increased 144 percent and in the Laredo corridor 111 percent, the two largest increases. Furthermore, California saw the most seizures by weight with 53.2 percent—7,021 kilograms—while 39 percent—5,145 kilograms—occurred in Texas.

Cocaine trafficking organizations use a wide variety of methods to transport cocaine into and throughout the United States. POVs remain the primary method used to smuggle cocaine across the SWB. Traffickers hide cocaine amongst legitimate cargo of commercial trucks or within secret compartments built within passenger vehicles. Traffickers are also increasingly targeting seaports along the East Coast of the United States as law enforcement efforts have increased along the SWB.

- In January 2018, Border Patrol Agents at the Falfurrias, Texas USBP Checkpoint seized 15 bundles of cocaine, weighing 20.09 kilograms, hidden in the toilet of a commercial

passenger bus. The bundles were hidden underneath lead lining sheets, wrapped in clear cellophane and black tape (see Figure 62).

- In December 2017, the McAllen District Office (DO) supported by Houston HIDTA and CBP inspected a suspicious freight shipment in Pharr, Texas. The shipment was destined for Atlanta, Georgia and contained numerous commercial bags of noodles. After a K-9 free air sniff search of the five pallets resulted in an alert for the presence of narcotics, x-ray examination found one pallet contained approximately 50 brick shaped packages. The packages had a combined weight of approximately 58.5 kilograms of suspected cocaine and were comingled inside the bags of noodles (see Figure 63).
- In November 2017, CBP officers from the Area Port of Philadelphia seized 321.64 kilograms hidden in false walls within several bedroom and kitchen cabinets shipped from Puerto Rico (see Figure 64). The false compartments concealed 256 bricks



UNCLASSIFIED

Exhibit 24



A BUDGET FOR A
Better
America

PROMISES KEPT. TAXPAYERS FIRST.

FISCAL YEAR 2020
BUDGET OF THE U.S. GOVERNMENT

Game-changing Progress on HIV Drugs

With advances in research and development, biomedical tools are now available to end the HIV epidemic in America. HIV antiretroviral therapy has progressed substantially from the drugs available in the 1990s. What were formerly multi-pill, high-toxicity regimens have progressed to more potent, one pill per day regimens with few side effects. In addition, there is now a groundbreaking single pill, pre-exposure prophylaxis (PrEP), which is proven to prevent HIV transmission. There are more than 1.2 million Americans at high risk for HIV for whom PrEP is indicated, yet only about 10 percent are currently on preventive therapy.

Reforms and Improves the U.S. Public Health Service Commissioned Corps (Corps). The Budget proposes to transform the Corps into a leaner and more efficient organization that would be better prepared to respond to public health emergencies and provide vital health services. The Budget significantly reduces the number of Corps officers working in non-mission critical positions and increases the number of officers working in mission critical positions. The Budget creates a Ready Reserve Corps similar to those used by other uniformed services to provide additional surge capacity during public health emergencies. The Budget also makes changes to the funding structure of the Corps' retirement pay and survivor's benefits to align with how the Government pays for almost all civilian and military retirement costs.

Prioritizes Critical Health Research. The Budget provides \$33 billion to improve public health by advancing knowledge of living systems to tackle major health challenges and improve diagnosis, prevention, and treatment of diseases and disorders. With this investment, NIH would continue to address the opioid

epidemic, make progress on developing a universal flu vaccine, and support the next generation of researchers. NIH has provided upfront funding for certain projects in recent years and would continue this approach in 2019 and 2020 to facilitate efficient management of NIH resources across multiple years. The Budget also supports cutting-edge intramural research by addressing the backlog of repair and improvement across NIH facilities. In addition, the Budget includes a new, dedicated effort to support research and develop new treatments for childhood cancer. Cancer is the leading cause of death from disease among children and adolescents in the United States. The basic biology of childhood cancers is not fully understood and differs from that of adult cancers. The Budget includes increased funding and an innovative initiative to enable the Nation's best researchers and doctors to learn from every child with cancer, providing the opportunity to comprehend finally the unique causes and the best cures for childhood cancer.

Strengthens Health Services for American Indians and Alaska Natives. The Budget expands access to direct health services for American Indians and Alaska Natives by funding the staffing and operations of new facilities and extending services to newly recognized Tribes. In addition, the Budget boosts recruitment and retention efforts for qualified health professionals by funding competitive employment packages for positions with high vacancies and building new staff quarters at remote sites. The Budget also begins a multiyear effort to modernize the Indian Health Service's electronic health record (EHR) system to promote interoperability between Federal health systems, as the Department of Veterans Affairs transitions to a new EHR system.

Enhances Emergency Preparedness and Health Security. Infectious disease outbreaks whether naturally occurring, such as an influenza pandemic, deliberate, or accidental, remain a serious threat to the U.S. homeland. HHS undertakes a variety of activities to prevent, mitigate, and respond to outbreaks and other public health threats. The Budget continues support for a variety of preparedness and response programs across HHS.

Timothy F. Soltis
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 Raquel A. Spencer
 Valeria Spinner
 Sarah Whittle Spooner
 Travis C. Stalcup
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 Yasaman S. Sutton
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V

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W

Dana Wade
 James A. Wade
 Brett Waite
 Nicole Waldeck
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 Michael B. Williams
 Rebecca Williams
 Ken D. Willis
 Jamie S. Wilson
 Paul A. Winters
 Minzy Won
 Raymond J.M. Wong
 Jacob Wood
 Rachel P. Wood
 Sophia M. Wright
 Bert Wyman

Y

Jason Yaworske
 Melany N. Yeung
 Sin Yeung
 David Y. Yi
 Katey Yoast
 Rita Young
 Robert A. Yu

Z

Eliana M. Zavala
 Jen Q. Zhu
 Erica H. Zielewski

Exhibit 25

**OFFICE OF THE UNDER SECRETARY OF DEFENSE
(COMPTROLLER)/CHIEF FINANCIAL OFFICER
MARCH 2019**



Defense Budget Overview

**UNITED STATES DEPARTMENT OF DEFENSE
FISCAL YEAR 2020 BUDGET REQUEST**



Preface

The Overview Book has been published as part of the President’s Annual Defense Budget for the past few years. From FY 1969 to FY 2005, OSD published the “Annual Defense Report” (ADR) to meet 10 USC section 113 requirements. Subsequently, the Overview began to fill this role.

The Overview is one part of an extensive set of materials that constitute the presentation and justification of the President’s Budget for FY 2020. This document and all other publications for this and previous DoD budgets are available from the public web site of the Under Secretary of Defense (Comptroller): <http://comptroller.defense.gov>.

The Press Release and Budget Briefing, often referred to as the “Budget Rollout,” and the Program Acquisition Costs by Weapons System book, which includes summary details on major DoD acquisition programs (i.e., aircraft, ground forces programs, shipbuilding, space systems, etc.) are especially relevant.

The website for Performance Improvement tables and charts is <http://dcmo.defense.gov/Publications/AnnualPerformancePlanandPerformanceReport.aspx>.

Other background information can be accessed at www.defense.gov.

The estimated cost of this report or study for the Department of Defense is approximately \$27,000 for the 2019 Fiscal Year. This includes \$13,000 in expenses and \$14,000 in DoD labor. Generated on 2019Mar05
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Overview – FY 2020 Defense Budget

EMERGENCY REQUIREMENTS

Emergency Requirements (\$9.2 billion): The FY 2020 budget request includes \$9.2 billion of emergency funding for unspecified military construction to build border barriers, backfill funding reallocated in FY 2019 to build border barriers and rebuild facilities damaged by Hurricanes Florence and Michael. This funding and the required transfer authority would be provided through a general provision.



Exhibit 26

**REMARKS**

Remarks by President Trump on the National Security and Humanitarian Crisis on our Southern Border

— IMMIGRATIONIssued on: **February 15, 2019**

Rose Garden

10:39 A.M. EST

THE PRESIDENT: Thank you very much, everybody. Before we begin, I'd like to just say that we have a large team of very talented people in China. We've had a negotiation going on for about two days. It's going extremely well. Who knows what that means, because it only matters if we get it done. But we're very much working very closely with China and President Xi, who I respect a lot. Very good relationship that we have. And we're a lot closer than we ever were in this country with having a real trade deal.

We're covering everything — all of the points that people have been talking about for years that said couldn't be done, whether it was theft or anything. Anything. The unfairness. We've been losing, on average, \$375 billion a year with China. A lot of people think it's \$506 billion. Some people think it's much more than that. We're going to be leveling the playing field.

The tariffs are hurting China very badly. They don't want them. And frankly, if we can make the deal, it'd be my honor to remove them. But otherwise, we're having many billions of dollars pouring into our Treasury. We've never had that before with China. It's been very much of a one-way street.

So, that's happening. And the relationship with China is very good, but I think they finally respect our country. They haven't respected us for a long time. Not for a long time.

The UK and the U.S., as you probably have been seeing and hearing, we're agreeing to go forward and preserve our trade agreement. You know all of the situation with respect to Brexit, and the complexity and the problems. But we have a very good trading relationship with the UK, and that's just been strengthened further.

So with the UK, we're continuing our trade, and we are going to actually be increasing it very substantially as time goes by. We expect that the UK will be very, very substantially increased as it relates to trade with the United States. The relationship there, also, is very good.

We have a lot of great announcements having to do with Syria and our success with the eradication of the caliphate. And that will be announced over the next 24 hours. And many other things. A lot of positive things are going on.

We're working on a summit. And you know all about the summit. It will be in Vietnam — Hanoi. And we will — we'll be meeting in Hanoi. We'll be meeting in Hanoi. I think a lot of you will be going, I suspect. And I hope we have the same good luck as we had in the first summit. A lot was done in the first summit. No more rockets going up. No more missiles going up. No more testing of nuclear. Get back our remains, the remains of our great heroes from the Korean War. And we got back our hostages.

But we hope we're going to be very much equally as successful. I'm in no rush for speed. We just don't want testing. The sanctions, as you know, remain. Everything is remaining. China has been helping us, and Russia has been helping us. And South Korea, I think you can say, has been — we've been working very closely with South Korea, with Japan.

But China, Russia, on the border, have really been at least partially living up to what they're supposed to be doing. And that's okay — as per the United Nations.

So we will have a meeting on the 27th and 28th of February, and I think that will be a very successful one. I look forward to seeing Chairman Kim. We have also established a very good relationship, which has never happened between him or his family and the United States. They

have really taken advantage of the United States. Billions of dollars has been paid to them. And we won't let that happen.

But we think that North Korea and Chairman Kim have a tremendous potential as an economic force, economic power. Their location between South Korea and then Russia and China — right smack in the middle — is phenomenal.

And we think that they have a great chance for tremendous economic prosperity in the future. So I look forward to seeing Chairman Kim in Vietnam.

Today, I'm announcing several critical actions that my administration has taken to confront a problem that we have right here at home. We fight wars that are 6,000 miles away; wars that we should have never been in, in many cases. But we don't control our own border.

So we're going to confront the national security crisis on our southern border. And we're going to do it one way or the other — we have to do it — not because it was a campaign promise, which it is. It was one of many, by the way; not my only one. We're rebuilding the military, our economy is thriving like never before.

You look at other economies — they're doing terribly, and we're doing phenomenally. The market is up tremendously today, not that that's anything, but, you know — because I'll go back in and they'll say, "Oh, the market just went down." But the market is getting close to the new highs that we created. We have all the records. We have every record. But we're getting close to that point again where we'll create new records.

So our country is doing very well, economically. And we've done a lot. But one of the things I said I have to do and I want to do is border security, because we have tremendous amounts of drugs flowing into our country, much of it coming from the southern border. When you look and when you listen to politicians — in particular, certain Democrats — they say it all comes through the port of entry. It's wrong. It's wrong. It's just a lie. It's all a lie.

They say walls don't work. Walls work 100 percent. Whether it's El Paso — I really was smiling, because the other night I was in El Paso — we had a tremendous crowd, and — tremendous crowd. And I asked the people — many of whom were from El Paso, but they came from all over Texas. And

I asked them. I said, “Let me ask you, as a crowd: When the wall went up, was it better?” You were there, some of you. It was not only better; it was like 100 percent better. You know what they did.

But that’s only one example. There are so many examples. In El Paso, they have close to 2,000 murders right on the other side of the wall. And they had 23 murders. It’s a lot of murders, but it’s not close to 2,000 murders right on the other side of the wall, in Mexico.

So everyone knows that walls work. And there are better examples than El Paso, frankly. You just take a look. Almost everywhere. Take a look at Israel. They’re building another wall. Their wall is 99.9 percent effective, they told me — 99.9 percent. That’s what it would be with us, too.

The only weakness is they go to a wall and then they go around the wall. They go around the wall and in. Okay? That’s what it is. It’s very simple. And a big majority of the big drugs — the big drug loads — don’t go through ports of entry. They can’t go through ports of entry. You can’t take big loads because you have people — we have some very capable people; the Border Patrol, law enforcement — looking.

You can’t take human traffic — women and girls — you can’t take them through ports of entry. You can’t have them tied up in the backseat of a car or a truck or a van. They open the door. They look. They can’t see three women with tape on their mouth or three women whose hands are tied.

They go through areas where you have no wall. Everybody knows that. Nancy knows it. Chuck knows it. They all know it. It’s all a big lie. It’s a big con game.

You don’t have to be very smart to know: You put up a barrier, the people come in, and that’s it. They can’t do anything unless they walk left or right, and they find an area where there’s no barrier, and they come into the United States. Welcome.

We’ve detained more people. Our border agents are doing such incredible work. Our military has been incredible. We put up barbed wire on top of certain old walls that were there. We fixed the wall and we loaded it up with barbed wire. It’s very successful.

But our military has been fantastic, and I want to thank them. And it’s very necessary. We’ve broken up two caravans that are on their way. They just are breaking. They’re in the process of breaking up. We have another one that we haven’t been able to break up yet.

We've been actually working with Mexico much better than ever before. I want to thank the President. I want to thank Mexico. They have their own problems. They have the largest number of murders that they've ever had in their history — almost 40,000 murders. Forty thousand. And they got to straighten that out, and I think they will.

But I just want to thank the President, because he's been helping us with these monstrous caravans that have been coming up. We had one that it was up to over 15,000 people. It's largely broken up. Others have gotten through. And, in Tijuana, you have a lot of people staying there. If we didn't have the wall up, and if we didn't have the wall secured and strengthened, they would have walked right through; they'd be welcomed to the United States.

One of the things we'd save tremendous — just a tremendous amount on would be sending the military. If we had a wall, we don't need the military because we'd have a wall.

So I'm going to be signing a national emergency. And it's been signed many times before. It's been signed by other Presidents from 1977 or so. It gave the Presidents the power.

There's rarely been a problem. They sign it; nobody cares. I guess they weren't very exciting. But nobody cares. They sign it for far less important things, in some cases, in many cases. We're talking about an invasion of our country with drugs, with human traffickers, with all types of criminals and gangs.

We have some of the greatest people I know. They've been with me from the beginning of my campaign — almost from the first week. The Angel Moms. Unfortunately, we have new Angel Moms. One incredible woman just showed me her daughter who — we're talking about killed, in the year of '18. I said, "I haven't seen you before." She said, "No, I'm new." I said, "That's too bad." It's too bad. It's so sad.

Stand up, just for a second. Show how beautiful your girl was. Thank you.

I have such respect for these people. Angel Moms, Angel Dads, Angel Families. I have great respect for these people. These are great people. These are great people. They're fighting for their children that have been killed by people that were illegally in this country.

And the press doesn't cover them; they don't want to, incredibly. And they're not treated the way they should be. They're fighting for other people because they don't want what happened to their children or husband or anybody.

We have one young lady whose husband — please, stand up. Your husband was just killed in Maryland. Incredible man. Just killed. Beautiful children — won't be seeing their father again.

These are brave people. These are people that — they don't have to be here. They don't have to be doing this. They're doing it for other people. So I just want to thank all of you for being here, okay? I really do. I want to thank you. Incredible people.

Last year, 70,000 Americans were killed, at least — I think the number is ridiculously low — by drugs, including meth and heroin and cocaine, fentanyl. And one of the things that I did with President Xi in China, when I met him in Argentina at a summit — before I even started talking about the trade — it was a trade meeting. It went very well, but before I talked about trade, I talked about something more important.

I said, "Listen, we have tremendous amounts of fentanyl coming into our country. It kills tens of thousands of people — I think far more than anybody registers. And I'd love you to declare it a lethal drug and put it on your criminal list." And their criminal list is much tougher than our criminal list. Their criminal list — a drug dealer gets a thing called the death penalty. Our criminal list, a drug dealer gets a thing called, "How about a fine?"

And when I asked President Xi, I said, "Do you have a drug problem?" "No, no, no." I said, "You have 1.4 billion people. What do you mean you have no drug problem?" "No, we don't have a drug problem." I said, "Why?" "Death penalty. We give death penalty to people that sell drugs." End of problem.

What do we do? We set up blue ribbon committees. Lovely men and women — they sit around a table, they have lunch, they eat, they dine, and they waste a lot of time. So if we want to get smart, we can get smart. You can end the drug problem. You can end it a lot faster than you think.

But President Xi has agreed to put fentanyl on his list of deadly, deadly drugs. And it's a criminal penalty. And the penalty is death. So that's, frankly, one of the things I'm most excited about in our trade deal, if you want to know the truth. I think maybe there's no more important point.

We're going to make billions of dollars with this trade deal. It's going to be great for our country and great for China, I hope. Their market is down close to 40 percent. Our market is way up. We've picked up, since my election, trillions of dollars of worth. Trillions. Many trillions. And China has lost trillions of dollars. But I want it to be good for China and I want it to be good for the United States. So we'll see what happens.

China is coming here next week, by the way. They're coming home, the traders. And then China is coming here next week. And then I'll be meeting with President Xi at some point after that to maybe — for some remaining deals. We'll make them directly, one-on-one, ourselves.

So, we're going to be signing today, and registering, national emergency. And it's a great thing to do because we have an invasion of drugs, invasion of gangs, invasion of people, and it's unacceptable.

And by signing the national emergency — something signed many times by other Presidents — many, many times. President Obama — in fact, we may be using one of the national emergencies that he signed, having to do with cartels. Criminal cartels. It's a very good emergency that he signed. And we're going to use parts of it in our dealings on cartels. So that would be a second national emergency. But, in that case, it's already in place.

And what we want — really want to do — is simple. It's not like it's complicated. It's very simple: We want to stop drugs from coming into our country. We want to stop criminals and gangs from coming into our country. Nobody has done the job that we've ever done. I mean, nobody has done the job that we've done on the border.

And in a way, what I did by creating such a great economy — and if the opposing party got in, this economy would be down the tubes. You know, I hear a lot of people say, "Oh, well. But maybe the previous administration..." Let me tell you, the previous administration, it was heading south, and it was going fast. We would have been down the tubes. The regulations were strangling our country. Unnecessary regulations.

By creating such a strong economy — you just look at your televisions or see what's going on today; it's through the roof. What happens is more people want to come, so we have far more people trying to get into our country today than probably we've ever had before. And we've done an incredible job in stopping them, but it's a massive number of people.

If we had the wall, it would be very easy. We would make up for the cost of the wall just in the cost of the fact that I would be able to have fewer people. We wouldn't need all of this incredible talent, some of whom are sitting in the first row. You wouldn't need all of this incredible talent. We would get — we would get thousands of law enforcement people, including Border Patrol. You put them in different areas, you have them doing different things. Law enforcement and Border Patrol.

And I want to thank law enforcement, and I want to thank Border Patrol, and I want to thank ICE. ICE is abused by the press and by the Democrats. And, by the way, we're going to be taking care of ICE. You know, we talk about the new bill. We're going to be taking care of ICE. They wanted to get rid of ICE. And the bill is just the opposite of that. A lot of good things happened.

So, that's the story. We want to have a safe country. I ran on a very simple slogan: "Make America Great Again." If you're going to have drugs pouring across the border, if you're going to have human traffickers pouring across the border in areas where we have no protection, in areas where we don't have a barrier, then very hard to make America great again.

But we've done a fantastic job, but we haven't been given the equipment. We haven't been given the walls. And in the bill, by the way, they didn't even fight us on most of the stuff. Ports of entry. We have so much money, we don't know what to do with it. I don't know what to do with all the money they're giving us. It's crazy.

The only place they don't want to give as much money — \$1,375,000,000. Sounds like a lot, but it's not so much, although we're putting it to much better use than it used to be. A lot of the past administrations, they had — it was easy to get, and they didn't build or they didn't do what they could have done. It would have been great. It would have been great to have done it earlier, but I was a little new to the job, a little new to the profession.

And we had a little disappointment for the first year and a half. People that should have stepped up did not step up. They didn't step up, and they should have. Would have been easy. Not that easy, but it would have been a lot easier. But some people didn't step up. But we're stepping up now.

So we have a chance of getting close to \$8 billion. Whether it's \$8 billion or \$2 billion or \$1.5 billion, it's going to build a lot of wall. We're getting it done. We're right now in construction with wall in some of the most important areas. And we have renovated a tremendous amount of wall, making it just as good as new. That's where a lot of the money has been spent — on renovation. In fact, we

were restricted to renovating, which is okay. But we're going to run out of areas that we can renovate pretty soon. So — and we need new wall.

So I want to thank everybody for being here. I want to thank, in particular, the Angel Moms and Dads for being here. Thank you very much. We have great respect for you. The real country, our real country — the people that really love our country, they love you. So I just want you to know that. I know how hard you fight and I know how hard a fight you're having.

I also want to thank all of the law enforcement for the job you do. Believe me, our country loves you and they respect you greatly. And we're giving you a lot of surplus. We're giving you surplus military equipment, which a lot of people didn't like giving, previous to this administration. But hundreds of millions of dollars of surplus equipment. And as we get it, as you know, we send it down. And you have much better protection. But I really appreciate you being here.

So the order is signed. And I'll sign the final papers as soon as I get into the Oval Office. And we will have a national emergency, and then we will then be sued, and they will sue us in the Ninth Circuit, even though it shouldn't be there. And we will possibly get a bad ruling, and then we'll get another bad ruling. And then we'll end up in the Supreme Court, and hopefully we'll get a fair shake. And we'll win in the Supreme Court, just like the ban. They sued us in the Ninth Circuit, and we lost, and then we lost in the appellate division, and then we went to the Supreme Court, and we won.

And it was very interesting, because yesterday they were talking about the ban. Because we have a ban. It's very helpful. Madam Secretary, is that right? Without the ban, we'd have a bigger problem. We have a ban on certain areas, certain countries, depending on what's going on in the world. And we won.

But somebody said, "President Trump lost on the ban." Well, he was right; I lost at the lower court. He — he didn't say that we ultimately won at the United States Supreme Court. They didn't want to say that. They didn't want to go that far. They were saying how I lost. The person sitting right up here — "Donald Trump lost on the ban." Yeah, I did. And then I lost a second time; you should have said that, too. And then it went to the Supreme Court and I won. Didn't want to take it that far. But we won on the ban and we won on other things, too.

The probably easiest one to win is on declaring a national emergency, because we're declaring it for virtual invasion purposes: drugs, traffickers, and gangs. And one of the things, just to finish: We

have removed thousands of MS-13 gang monsters. Thousands. They're out of this country. We take them out by the thousands. And they are monsters.

Okay. Do you have any questions? Yeah. John, go ahead.

Q Mr. President — (inaudible).

AIDE: Yes, we do. There you go.

Q You were prepared. Mr. President, a lot of the money —

THE PRESIDENT: Were you saying I was prepared?

Q With the microphone and prepared for questions.

THE PRESIDENT: Oh, I thought you meant I was prepared. I couldn't believe you said that.

Q (Laughs.) No, no, no. (Laughter.)

THE PRESIDENT: People don't like saying that.

Q You were prepared for questions.

THE PRESIDENT: I am prepared. I'm always prepared.

Q A lot of the money that goes to count toward your \$8 billion is money that's being reprogrammed in the DOD budget. How can you guarantee to military families and to our men and women of the military that none of the money that would be reprogrammed to a wall will take away from other technology, other renovations, construction that is desperately needed in our military?

THE PRESIDENT: Yeah. So, John, we had certain funds that are being used at the discretion of generals, at the discretion of the military. Some of them haven't been allocated yet, and some of the generals think that this is more important. I was speaking to a couple of them. They think this

is far more important than what they were going to use it for. I said, “What were you going to use it for?” And I won’t go into details, but it didn’t sound too important to me.

Plus, if you think, I’ve gotten \$700 billion for the military in year one, and then last year, \$716 billion. And we’re rebuilding our military, but we have a lot. And under the previous administration, our military was depleted — badly depleted. And they weren’t spending — I mean, they had a much less — they had a much smaller amount of money.

So when I got \$700 billion, and then \$716 billion — and this year, it’s going to be pretty big too, because there’s few things more important than our military. You know, I’m a big deficit believer and all of that, but before we really start focusing on certain things, we have to build up our military. It was very badly depleted. And we’re buying all new jetfighters, all new missiles, all new defensive equipment. We have — we’ll soon have a military like we’ve never had before.

But when you think about the kind of numbers you’re talking about — so you have \$700 billion, \$716 billion — when I need \$2 billion, \$3 billion of out that for a wall — which is a very important instrument, very important for the military because of the drugs that pour in. And as you know, we have specific rules and regulations where they have drugs, and what you can do in order to stop drugs. And that’s part of it, too.

We’re taking a lot of money from that realm also. But when you have that kind of money going into the military, this is a very, very small amount that we’re asking for.

Yeah, go ahead. Go ahead. ABC. Not NBC. I like ABC a little bit more — not much. Come on, ABC. Not much. Pretty close.

Q Mr. President, what do you say to those, including some of your Republican allies, who say that you are violating the Constitution with this move and setting a bad precedent that will be abused by possibly Democratic Presidents in the future? Marco Rubio has made this point.

THE PRESIDENT: Well, not too many people. Yeah. Not too many people have said that. But the courts will determine that.

Look, I expect to be sued. I shouldn’t be sued. Very rarely do you get sued when you do national emergency. And then other people say, “Oh, if you use it for this, now what are we using it for?” We

got to get rid of drugs and gangs and people. It's an invasion. We have an invasion of drugs and criminals coming into our country that we stop, but it's very hard to stop. With a wall, it would be very easy.

So I think that we will be very successful in court. I think it's clear. And the people that say we create precedent — well, what do you have? Fifty-six? There are a lot of times — well, that's creating precedent. And many of those are far less important than having a border. If you don't have a border, you don't have a country.

You know, we fight — before I got here — we fight all over the world to create borders for countries, but we don't create a border for our own country.

So I think what will happen is, sadly, we'll be sued, and sadly, it'll go through a process. And, happily, we'll win — I think.

Go ahead. Let's go. Let's hear it, NBC. Come on.

Q Thank you, Mr. President. I just want to say, in the past, when President Obama tried to use executive action as it related to immigration, you said, "The whole concept of executive order, it's not the way the country is supposed to be run." You said, "You're supposed to go through Congress and make a deal." Will you concede that you were unable to make the deal that you had promised in the past, and that the deal you're ending up with now from Congress is less than what you could have had before a 35-day shutdown?

THE PRESIDENT: No. Look, I went through Congress. I made a deal. I got almost \$1.4 billion when I wasn't supposed to get one dollar — not one dollar. "He's not going to get one dollar." Well, I got \$1.4 billion. But I'm not happy with it. I also got billions and billions of dollars for other things — port of entries, lots of different things. The purchase of drug equipment. More than we were even requesting.

In fact, the primary fight was on the wall. Everything else, we have so much, as I said, I don't know what to do with it we have so much money. But on the wall, they skimped.

So I did — I was successful, in that sense, but I want to do it faster. I could do the wall over a longer period of time. I didn't need to do this. But I'd rather do it much faster. And I don't have to do it for

the election. I've already done a lot of wall, for the election — 2020. And the only reason we're up here talking about this is because of the election, because they want to try and win an election, which it looks like they're not going to be able to do. And this is one of the ways they think they can possibly win, is by obstruction and a lot of other nonsense.

And I think that I just want to get it done faster, that's all.

Okay. Yes, ma'am, go ahead.

Q Thank you, Mr. President.

THE PRESIDENT: Thank you.

Q Roberta Rampton from Reuters. I wanted to ask about China. Do you feel that enough progress has been made in the talks to head off the increase in tariffs scheduled for March 1?

THE PRESIDENT: Well, you know, you're talking to the wrong person, because I happen to like tariffs, okay? I mean, we're taking in billions and billions of dollars in tariffs from China. And our steel industry now, as an example, we tax dumped steel — much of it comes from China — at 25 percent. Our steel industry is so vibrant now again, they're building plants all over the United States. It's a beautiful thing. And from a defensive standpoint, and from any standpoint, you need steel.

You know, you can do without certain industries. Our country cannot do without steel.

So, I love tariffs, but I also love them to negotiate. And right now, China is paying us billions of dollars a year in tariffs. And I haven't even started.

Now, here's the thing: If we make a deal, they won't have to pay. You know, it'll be a whole different story. They won't be paying that, but we'll have a fair deal. There won't be intellectual property theft. There won't be so many other things that have gone on. And no other President has done this. No other — you know, we didn't have a deal with China. You had the WTO, one of the worst trade deals ever made — probably even worse than NAFTA, if that's believable, which, you know, hard to believe, because I think NAFTA was just a disaster. It was a total disaster for our country.

And now we made the USMCA, which is going to be a terrific — a great deal. And, by the way, the USMCA, from Mexico — that's United States, Mexico, Canada — that's where the money is coming from, not directly but indirectly, for the wall. And nobody wants to talk about that. Because we're saving billions and billions of dollars a year, if Congress approves that deal.

Now, they might now want to approve a deal just because they'll say — one of the things I'm thinking of doing — this has never been done before: No matter how good a deal I make with China, if they sell me Beijing for one dollar, if they give me 50 percent of their land and every ship that they've built over the last two years — which is a lot — and they give them to me free, the Democrats will say, "What a lousy deal; that's a terrible deal."

Like, ZTE, I got a billion — more than a billion-dollar penalty in a short period of time. And the Democrats said, "Oh, should've gotten more." When I made that deal, I said, "This is incredible." I just got — I got over a billion-dollar penalty, plus they had to change their board of directors. They had to change their top management. But they had to pay over a billion dollars. I said, "What a deal." It took like a week. And the Democrats didn't even know there was a problem with ZTE.

I'm the one that find them. I'm the one that settled it. Over a billion dollars. And President Xi called me and he said it would be important to him if they could get a deal. And we made a deal — paid — like, in a short period of time.

The Democrats went out and said, "Oh, they should've done better." So what I'm thinking of doing is getting Chuck Schumer, getting Nancy Pelosi, having them bring two or three of their brilliant representatives. And we'll all go down together, and what we'll do is we'll negotiate. I'll put them in the room and let them speak up. Because any deal I make with China, if it's the great — it's going to be better than any deal that anybody ever dreamt possible, or I'm not going to have a deal. It's a very simple.

But any deal I make with China, Schumer is going to stand up and say, "Oh, it should've been better. It should've been better." And you know what? That's not acceptable to me. So I'm thinking about doing something very different. I don't think it's ever been — I just don't want to be second-guessed. But that's not even second-guess; that's called politics. Sadly, I'd probably do the same thing to them, okay?

But any deal I make toward the end, I'm going to bring Schumer — at least offer him — and Pelosi. I'm going to say, "Please join me on the deal."

And, by the way, I just see our new Attorney General is sitting in the front row. Please stand up, Bill. (Applause.) Such an easy job he's got. He's got the easiest job in government. Thank you and congratulations. That was a great vote yesterday. Thank you very much.

Q Mr. President —

THE PRESIDENT: Yes, go ahead. Go ahead.

Q In your remarks, sir, you said that you were too new to politics, earlier in your administration, when you would've preferred that this be done. Is that an admission of how you might be changing on the job? And —

THE PRESIDENT: Well, I'm learning. I mean, I am learning. Don't forget, it's not like I've done this for — a senator came into my office and said, "Sir, I've been running for office for 30 years. I've won seven out of seven. I did lose a couple when I was younger." I said, "Well, I've won one out of one. But, you know, I never did politics before. Now I do politics." I will tell you, I'm very disappointed at certain people, a particular one, for not having pushed this faster.

Q Are you referring to Speaker Ryan, sir?

THE PRESIDENT: But I've learned — who?

Q Speaker Ryan.

THE PRESIDENT: Let's not talk about it.

Q Okay.

THE PRESIDENT: What difference does it make? But they should have pushed it faster. They should have pushed it harder. And they didn't. They didn't.

If they would have, it would have been a little bit better. In the meantime, I've built a lot of wall. I have a lot of money, and I've built a lot of wall. But it would've been nice to have gotten done. And I would like to see major immigration reform, and maybe that's something we can all work on, Bill, where we all get together and do major immigration reform — not just for a wall, for a barrier; for port of entry, for other things.

We have a real problem. We have catch-and-release. You catch a criminal and you have to release them. We have so many other things. You have chain migration, where a bad person comes in, brings 22 or 23 or 35 of his family members — because he has his mother, his grandmother, his sister, his cousin, his uncle — they're all in.

You know what happened on the West Side Highway. That young wise guy drove over and killed eight people and horribly injured — nobody talks about that — horribly — like, loss of legs and arms — going 60 miles an hour, he made a right turn into a park on the West Side Highway, along the Hudson River in New York. He had many people brought in because he was in the United States. It's called chain migration.

And then you have the lottery. It's a horror show, because when countries put people into the lottery, they're not putting you in; they're putting some very bad people in the lottery. It's common sense. If I ran a country, and if I have a lottery system of people going to the United States, I'm not going to put in my stars; I'm going to put in people I don't want. The lottery system is a disaster. I'm stuck with it.

Q Mr. President, could you tell us —

THE PRESIDENT: It should have — wait. It should have never happened. Okay.

Q Mr. President, could you tell us to what degree some of the outside conservative voices helped to shape your views on this national emergency?

THE PRESIDENT: I would talk about it. Look, Sean Hannity has been a terrific, terrific supporter of what I do. Not of me. If I changed my views, he wouldn't be with me.

Rush Limbaugh — I think he's a great guy. Here's a guy who can speak for three hours without a phone call. Try doing that sometime. For three hours, he speaks. He's got one of the biggest

audiences in the history of the world. I mean, this guy is unbelievable. Try speaking for three hours without taking calls. Taking calls is easy. “Okay, I’ll answer this one. I’ll answer that one.” He goes for three hours, and he’s got an audience that’s fantastic.

Q Should they be —

THE PRESIDENT: Wait —

Q Should they be deciding policy, sir?

THE PRESIDENT: They don’t decide policy. In fact, if I went opposite — I mean, they have somebody — Ann Coulter. I don’t know her. I hardly know her. I haven’t spoken to her in way over a year. But the press loves saying “Ann Coulter.” Probably, if I did speak to her, she’d be very nice. I just don’t have the time to speak to her. I would speak to her; I have nothing against her.

In fact, I like her for one reason: When they asked her, like right at the beginning, who was going to win the election, she said, “Donald Trump.” And the two people that asked her that question smiled. They said, “You’re kidding, aren’t you?” “Nope. Donald Trump.”

So I like her, but she’s off the reservation. But anybody that knows her understands that. But I haven’t spoken to her. I don’t follow her. I don’t talk to her. But the press loves to bring up the name “Ann Coulter.” And you know what? I think she’s fine. I think she’s good. But I just don’t speak to her.

Laura has been great. Laura Ingraham. Tucker Carlson has been great. I actually have a couple people on CNN that have been very good. I have some on MSNBC. The other day, they did a great report of me. I said, “Where the hell did that come from?” I think it was the only one in over a year.

So the crazy thing is, I just had, as you know, Rasmussen — 52 percent in the polls. It’s my highest poll number. And people get what we’re doing. They get it. They really get it. And I’m honored by it.

Yes. Jim Acosta.

Q Thank you, Mr. President. I wonder if you could comment on this disconnect that we seem to have in this country, where you are presenting information about what's happening at the border — calling it an “invasion,” talking about women with duct tape over their mouths, and so on — and yet there's a lot of reporting out there, there's a lot of crime data out there, there's a lot of Department of Homeland Security data out there that shows border crossings at a near-record low —

THE PRESIDENT: That's because of us. But it's still —

Q — that shows undocumented immigrants committing crime at lower levels —

THE PRESIDENT: Excuse me. It's still massive numbers of crossings.

Q — that shows undocumented criminals — or undocumented immigrants committing crime at lower levels than native-born Americans. What do you say —

THE PRESIDENT: You don't really believe that stat, do you? Do you really believe that stat?

Q What do you — well, let me ask you this —

THE PRESIDENT: Take a look at our federal prisons.

Q I believe in facts and statistics and data, but —

THE PRESIDENT: Okay? Any more? Quick, let's go.

Q Let me just ask you this: What do you say to your critics who say that you are creating a national emergency, that you're concocting a national emergency here in order to get your wall because you couldn't get it through other ways?

THE PRESIDENT: I ask the Angel Moms: What do you think? Do you think I'm creating something?

Ask these incredible women, who lost their daughters and their sons. Okay?

PARTICIPANT: This is real.

THE PRESIDENT: Because your question is a very political question because you have an agenda. You're CNN. You're fake news. You have an agenda. The numbers that you gave are wrong.

Take a look at our federal prison population. See how many of them, percentage-wise, are illegal aliens. Just see. Go ahead and see. It's a fake question.

Yes. Go ahead.

Q Can I ask a follow-up?

Q Thank you, Mr. President. Just to follow up on that, unifying crime reporting statistics — numbers from your own Border Patrol, numbers from this government — show that the amount of illegal immigrants are down, there is not violence on the border, and that most —

THE PRESIDENT: There's not violence on the border?

Q There's not as much violence as —

THE PRESIDENT: Oh, really?

Q Let me — wait a minute. Wait a minute. Wait —

THE PRESIDENT: You had 26 people killed —

Q Let me finish the question, please. Let me finish the question, please.

THE PRESIDENT: Two weeks ago, 26 people were killed in a gunfight on the border —

Q I understand what you're — I understand what you're saying.

THE PRESIDENT: — a mile away from where I went.

Q I was there. I understand. That's not the question. The question is —

THE PRESIDENT: Do we forget about that?

Q No, I'm not forgetting about it. I'm asking you to clarify where you get your numbers, because most of the DEA crime reporting statistics that we see show that drugs are coming across at the ports of entry, that illegal immigration is down, and the violence is down.

THE PRESIDENT: Okay.

Q So what do you base your facts on?

THE PRESIDENT: Okay, let me — come on, let's go. Sort of — sort of —

Q And, secondly —

THE PRESIDENT: No, no. You get one. You get one. Ready?

Q Well, the second question is —

THE PRESIDENT: Just sit down. Wait. Sit down. Sit down.

Q Could you please answer it?

THE PRESIDENT: Sit down. You get one question.

I get my numbers from a lot of sources — like Homeland Security, primarily. And the numbers that I have from Homeland Security are a disaster. And you know what else is a disaster? The numbers that come out of Homeland Security, Kirstjen, for the cost that we spend and the money that we lose because of illegal immigration: Billions and billions of dollars a month. Billions and billions of dollars. And it's unnecessary.

Q So your own government stats are wrong, are you saying?

THE PRESIDENT: No, no. I use many stats. I use many stats.

Q Could you share those stats with us?

THE PRESIDENT: Let me tell you, you have stats that are far worse than the ones that I use. But I use many stats, but I also use Homeland Security.

All right, next question.

Q And do you — wait a minute. Just a quick follow-up.

THE PRESIDENT: Go ahead. No. Go. Please.

Q Thank you, Mr. President. I just want to bring you back to China for a second. The White House put out a statement today talking about the March 1st deadline. The other day, though, you gave the possibility that maybe this could slide. Are you eyeing a possible extension — 30 days, maybe 60 days? What is the status there? Or is March 1st the deadline?

THE PRESIDENT: Yeah. Very good question. So it's a very big deal. I guess you could say it's like — must be the biggest deal ever made, if you think. Trade with China, how big does that get? Although if you look, the USCMA is right up there. But it's very complicated. There are many, many points that we're bringing up that nobody ever brought up or thought to bring up, but they're very important, because we were on the wrong side of every one of them.

There is a possibility that I will extend the date. And if I do that, if I see that we're close to a deal or the deal is going in the right direction, I would do that at the same tariffs that we're charging now. I would not increase the tariffs.

Q Let me also ask you about the debt, sir, because it's gone from a shade under \$20 trillion from when you took office. Now it's a shade over \$22 trillion and heading in the wrong direction. What are your plans to reverse it?

THE PRESIDENT: Well, it's all about growth. But before I —

Q (Inaudible.)

THE PRESIDENT: — really focus on that — and you have to remember, President Obama put on more debt on this country than every President in the history of our country combined. So when I took over, we had one man that put on more debt than every other President combined. Combine

them all. So you can't be talking about that. But I talk about it because I consider it very important.

But first, I have to straighten out the military. The military was depleted. And if we don't have a strong military — that hopefully we won't have to use because it's strong — if we don't have a strong military, you don't have to worry about debt; you have bigger problems. So I have to straighten out the military. That's why I did the \$700- and \$716 billion. But growth will straighten it out.

You saw last month, the trade deficit went way down. Everybody said, "What happened?" Well, what's happening is growth. But before I can focus too much on that, a very big expense is military. And we have no choice but to straighten out our military.

Q Is growth the only answer, sir, or is (inaudible)?

THE PRESIDENT: Yes, ma'am, go ahead.

Q Thank you, Mr. President. On North Korea — back on the last summit, you guys came out with a pretty general agreement.

THE PRESIDENT: Yes.

Q I was wondering what you thought has, you know, been accomplished since the last summit. And then —

THE PRESIDENT: A lot.

Q — are we going to be seeing anything concrete —

THE PRESIDENT: A lot has been accomplished. Okay.

Q — on denuclearization.

THE PRESIDENT: Yeah. A lot has been accomplished. We're dealing with them, we're talking to them.

When I came into office, I met right there, in the Oval Office, with President Obama. And I sat in those beautiful chairs and we talked. It was supposed to be 15 minutes. As you know, it ended up being many times longer than that.

And I said, “What’s the biggest problem?” He said, “By far, North Korea.” And I don’t want to speak for him, but I believe he would have gone to war with North Korea. I think he was ready to go to war. In fact, he told me he was so close to starting a big war with North Korea. And where are we now? No missiles. No rockets. No nuclear testing. We’ve learned a lot.

But much more importantly than all of it — much more important — much, much more important that that is we have a great relationship. I have a very good relationship with Kim Jong Un. And I’ve done a job. In fact, I think I can say this: Prime Minister Abe of Japan gave me the most beautiful copy of a letter that he sent to the people who give out a thing called the Nobel Prize. He said, “I have nominated you...” or “Respectfully, on behalf of Japan, I am asking them to give you the Nobel Peace Prize.” I said, “Thank you.” Many other people feel that way too. I’ll probably never get it, but that’s okay.

They gave it to Obama. He didn’t even know what he got it for. He was there for about 15 seconds and he got the Nobel Prize. He said, “Oh, what did I get it for?” With me, I probably will never get it.

But if you look at Idlib Province in Syria, I stopped the slaughter of perhaps 3 million people. Nobody talk about that. They don’t talk about that. Russia and Iran and Syria were going to go in and perhaps destroy 3 million people in order to get 45,000 terrorists. And I heard about it from a woman who had her parents and her brothers living there, and she said, “Please, please.” And I thought — I said, “No, it can’t happen. What are you talking about?” “No, they’re going to get...” And I come home, and I read a certain paper where the story was there that they were actually forming to go into — to really — to really do big destruction. And I put out a statement that “you better not do it.”

And in all fairness to Russia and Iran and Syria, they didn’t attack. Or they’re doing it surgically, at least. Saved a lot of people. We do a lot of good work. This administration does a tremendous job, and we don’t get credit for it. But I think the people understand what we do.

So Prime Minister Abe gave me — I mean, it’s the most beautiful five letter — five-page letter. Nobel Prize. He sent it to them. You know why? Because he had rocket ships and he had missiles flying

over Japan. And they had alarms going off; you know that. Now, all of a sudden, they feel good; they feel safe. I did that.

And it was a very tough dialogue at the beginning. Fire and fury. Total annihilation. “My button is bigger than yours” and “my button works.” Remember that? You don’t remember that. And people said, “Trump is crazy.” And you know what it ended up being? A very good relationship. I like him a lot and he likes me a lot. Nobody else would have done that.

The Obama administration couldn’t have done it. Number one, they probably wouldn’t have done it. And number two, they didn’t have the capability to do it.

So I just want to thank everybody. I want to wish our Attorney General great luck and speed, and enjoy your life. (Laughter.) Bill, good luck. A tremendous reputation. I know you’ll do a great job. Thank you very much. And thank you, everybody. Thank you very much. Thank you.

END 11:29 A.M. EST