

UNCLASSIFIED/ [REDACTED]

ACTION MEMO

DSD
USD(P) *JR* FEB - 6 2020

Prepared by: [REDACTED]
Phone Number: [REDACTED]

Kenneth P. Rapuano

FEB 05 2020

FOR: SECRETARY OF DEFENSE

FROM: Kenneth P. Rapuano, Assistant Secretary of Defense, Homeland Defense & Global Security

SUBJECT: Department of Homeland Security Request for Department of Defense Support to Block Drug-Smuggling Corridors

PURPOSE: To obtain your approval of a Department of Homeland Security (DHS) request for certain assistance in blocking drug-smuggling corridors along the southern border; and for you to direct specific actions by the Acting Under Secretary of Defense (Comptroller)/Chief Financial Officer (USD(C)/CFO) and the Secretary of the Army/Commander, U.S. Army Corps of Engineers.

COORDINATION: This action was coordinated with SecArmy, USD(C)/CFO, OGC, ASD(SO/LIC), and the Joint Staff.

BLUF: Approving this request will support DHS's efforts to secure the southern border by blocking drug-smuggling corridors. You have the authority under 10 U.S.C. § 284 to construct roads and fences, and to install lighting, to block drug-smuggling corridors across international boundaries of the United States in support of the counter-narcotics activities of Federal law enforcement agencies.

BACKGROUND:

- On January 14, 2020, the Acting Secretary of Homeland Security requested DoD assistance in blocking drug-smuggling corridors on Federal land along the southern border of the United States. DHS identified 13 drug-smuggling corridors and requested that DoD undertake, as DoD resources allow, construction of 38 segments of border barrier covering 270.6 miles by (1) constructing new pedestrian fencing and replacing existing vehicle barriers or dilapidated pedestrian fencing with new pedestrian fencing (i.e., fences that would block both vehicles and pedestrians), (2) constructing new and improving existing patrol roads, and (3) installing lighting (TAB D). Providing this type of support to DHS is consistent with the President's direction in his April 4, 2018, memorandum, "Securing the Southern Border of the United States" (TAB E).
- 10 U.S.C. § 284(b)(7) gives you the authority, using funds from the counter-narcotics support line in DoD's "Drug Interdiction and Counter-Drug Activities, Defense" appropriation, to construct roads and fences, and to install lighting, to block drug-smuggling corridors across international boundaries of the United States in support of counter-narcotic activities of Federal law enforcement agencies.
 - The requirements of Section 284 are met: DHS/Customs and Border Protection (CBP) is a Federal law enforcement agency; DHS has requested projects in areas that it has identified

ESR		
ES		
SD Action Grp		
COS		
SD MA		
SD SMA		
SD CA		
DSD SA		
DSD SMA		
DSD MA		
DSD CA		
ESB RW		
ESD		

UNCLASSIFIED/ [REDACTED]



2020 FEB -6 AM 8:46

OFFICE OF THE
SECRETARY OF DEFENSE



UNCLASSIFIED

as drug-smuggling corridors; and the work requested by DHS falls within the scope of subsection 284(b)(7) in that it involves construction of fences (including a linear ground detection system (LGDS)), construction of roads, and installation of lighting (supported by grid power and including embedded cameras).

- Any support provided under Section 284, including under subsection (b)(7), is subject to 10 U.S.C. § 276, which provides that support may not be provided if the provision of such support would adversely affect the military preparedness of the United States.
- On January 17, 2020, you directed an evaluation of the DHS request for assistance, and amplified this guidance on January 30, 2020 (TAB F).
 - The Secretary of the Army/Commander, U.S. Army Corps of Engineers (USACE) estimates that it would cost approximately \$5.5B to construct all 38 segments, totaling 270.6 miles, as requested by DHS. USACE anticipates that it is capable of undertaking 31 of the 38 segments, totaling approximately 177 miles of 30-foot bollard fencing, in fiscal year (FY) 2020 at an estimated cost of \$3.8B. This \$3.8B covers fencing, including the field elements of the LGDS (i.e., the fiber optic cables and the laser interrogator), but not further electronic components (i.e., the server and the command and control display). This \$3.8B also includes road construction and refurbishment and installation of lighting with embedded cameras and fiscal year (FY) 2020 Supervision & Administration costs for all recommended segments. (TAB G)
 - To meet the level of support requested by DHS, the Department must transfer additional funds into the “Drug Interdiction and Counter-Drug Activities, Defense” appropriation using DoD’s general transfer authority (GTA), which is provided in Section 8005 of the Department of Defense Appropriations Act, 2020, and Section 1001 of the National Defense Authorization Act (NDAA) for FY 2020, and DoD’s special transfer authority (STA), which is provided in Section 9002 of the Department of Defense Appropriations Act, 2020, and Section 1520A of the NDAA for FY 2020. Together, these GTA and STA provisions allow total transfers of up to \$6B. Congressional notification is required under both sections, but there is no legal requirement to obtain prior congressional approval.
 - The Department may use GTA and STA only upon a determination by the Secretary of Defense that such action is necessary in the national interest, and the transfer may only be used to provide funding for higher-priority items, based on unforeseen military requirements, than those items for which funds were originally appropriated, and in no case for an item for which funds or authorization have been denied by Congress.
 - The Acting USD(C)/CFO has identified up to \$3.831B in DoD funding that can be transferred into the Drug Interdiction and Counter-Drug Activities, Defense, account (Tab H). The funding sources identified by the Acting USD(C)/CFO are excess or early to current programmatic needs.
 - Two of the 38 requested segments were included in the FY 2019 Request for Assistance, dated February 25, 2019, as amended on August 16, 2019. Therefore, we assess the Department is unable to meet the “unforeseen” criteria to transfer additional funds into the Drug Interdiction and Counter-Drug Activities, Defense, account to fund support for these two segments.
 - Although DoD could undertake one or both of these projects using existing (non-transferred) FY 2020 funds from the Drug Interdiction and Counter-Drug Activities, Defense, account, we do not recommend doing so.

UNCLASSIFIED



UNCLASSIFIED

5. For the remaining projects, you may determine that:
- Use of GTA and STA to fund the requested support is necessary in the national interest (see April 4 memo at TAB E);
 - Using funding to block drug-smuggling corridors is a higher priority than fully executing all available funding for the items in the budget lines identified by the USD(C)/CFO in TAB H because these projects are necessary in the national interest to prevent the flow of drugs into the United States, and the items from which funds and authorizations are transferred are excess or early to current programmatic needs.
 - The requirement for additional support to DHS with respect to 36 of the 38 segments listed in the January 14, 2020, request for assistance is a military requirement unforeseen at the time of the FY 2020 budget request (March 11, 2019); DHS did not provide the request to DoD until January 15, 2020; and DHS had not previously requested support for these specific projects; and
 - Congress has not denied funding or authorization for DoD to support DHS under subsection 284(b)(7). Congress has not enacted legislation that denies funding for the items referenced in the transfer—namely counter-drug activities funding, including fence construction under subsection 284(b)(7), for the projects listed in the January 14, 2020, request for assistance. Furthermore, although Congress did expressly consider limiting both DoD’s ability to provide this type of support and its ability to use GTA and STA, it did not enact any such limitations.
- The CJCS assesses that providing the support requested by DHS in TAB D from the funding sources identified by the Acting USD(C)/CFO (TAB H) will have no significant immediate negative impact on joint force readiness and will not seriously compromise the military capability of DoD to defend the United States at a strategic level. (TAB I). The Under Secretary of Defense for Policy (USD(P)) concurs.
- CJCS reviewed the list of funding sources identified by the Acting USD(C)/CFO and determined that the proposed reprogramming will not seriously compromise the military capability of DoD to defend the United States at a strategic level.
 - CJCS also states that if these funds are not reprogrammed, they would likely be used to address other unfunded DoD requirements and additions in excess of the DoD programmed budget 2020 submission including unfunded National Guard requirements.
 - The term “adversely affect” is not any adverse effect, but any effect that would seriously compromise the ability of DoD, at a strategic level, to defend the United States and carry out the other major DoD missions. It is therefore reasonable for you to determine that providing the recommended support would not adversely affect the military preparedness of the United States.
- The ASD SO/LIC projects no fiscal or operational impacts for DoD counter-drug programs in FY 2020 related to this proposed response to the DHS RFA (TAB J). The Under Secretary of Defense for Policy (USD(P)) concurs.

UNCLASSIFIED

UNCLASSIFIED//

REPORTING REQUIREMENT:

- Sec. 1707 of the NDAA for FY 2020 requires that DoD provide to the Committees on Armed Services of the Senate and the House of Representatives, not later than seven calendar days after DoD approves a request for assistance from DHS, a copy of the request for assistance and, immediately upon submitting the official response approving a request to DHS, a copy of the official response approving such a request to DHS (TAB K).

LITIGATION:

- Prior decisions to provide support pursuant to Section 284 in FY 2019 are the subject of ongoing litigation.
- In July 2019, the Supreme Court granted a stay of a lower court injunction that would have stopped DoD from relying on its GTA/STA authority to fund border barrier construction pursuant to Section 284. The appeal of this lower court injunction is currently pending before the U.S. Court of Appeals for the Ninth Circuit. Construction may continue due to the Supreme Court's stay.
- Additional litigation is expected if you decide to undertake additional construction pursuant to Section 284.

DISCUSSION:

- DHS's request for assistance includes approximately 270.6 miles of fencing and road construction and lighting installation across 38 segments. **DHS specifically requested "that DoD's support under 10 U.S.C. § 284 address the requirements in order of priority as DoD resources allow."**
 - All projects require that the Acting Secretary of Homeland Security use his authority to waive such legal requirements (including environmental laws) as he determines are necessary to ensure expeditious construction. The Secretary of Homeland Security must consult with relevant governmental officials, Indian tribes, and property owners to minimize effects on the environment, culture, commerce, and quality of life. The DHS request provides that DHS will be responsible for exercising its authority under such laws, including by undertaking stakeholder outreach and consultation.
- With **\$3.8B** in available resources, USACE would be able to undertake approximately **177 miles** of 30-foot bollard fencing in FY 2020, including the field elements of the LGDS (i.e., the fiber optic cables and the laser interrogator), but not further electronic components (i.e., the server and the command and control display), **road construction and/or refurbishment, and installation of lighting with imbedded cameras.** This \$3.8B also covers all FY 2020 **Supervision and Administration costs for all FY 2020 approved projects.**
 - Additional funds from the Drug Interdiction and Counter-Drug Activities, Defense, account will be required in future FYs for USACE Supervision and Administration costs incurred in those FYs, such as labor and travel costs, for the oversight and management of these and other existing Section 284 construction contracts in those fiscal years.
 - No funds will be transferred or re-programmed from the drug-demand-reduction program, the National Guard counter-drug program, or the National Guard counter-drug schools program in order to fund this support to DHS.

UNCLASSIFIED//



UNCLASSIFIED//FOUO

- The USACE order of priority for the 31 recommended projects and segments is as follows:

Project Name	Segment Miles (approx.)	Estimated Project Cost (\$M)
Yuma A (segment 1)	7	\$140
Yuma A (segment 2)	9	\$180
El Centro A	10.2	\$204
Tucson A (segment 1)	9	\$180
Tucson A (segment 2)	14	\$280
Tucson A (segment 3)	1	\$20
Tucson A (segment 4)	1	\$20
Tucson A (segment 5)	4.5	\$90
Tucson B (segment 5)	4.1	\$82
Tucson B (segment 6)	2.1	\$42
El Paso A	20	\$400
El Paso B (segment 6)	2.4	\$48
El Paso C (segment 1)	3	\$60
El Paso C (segment 2)	7	\$140
Tucson C (segment 1)	7	\$140
Tucson C (segment 3)	2.6	\$52
Tucson C (segment 4)	5.7	\$114
Tucson B (segment 1)	2.1	\$42
Tucson B (segment 3)	21	\$420
Tucson B (segment 4)	0.2	\$4
Yuma B (segment 1)	0.3	\$6
Yuma B (segment 2)	0.3	\$6
San Diego A (segment 1)	13.7	\$274
San Diego A (segment 2)	2	\$40
San Diego A (segment 3)	2	\$40
Del Rio A	2	\$40
Del Rio B	2	\$40
El Paso D (segment 1)	3	\$60
El Paso D (segment 2)	1	\$20
El Paso D (segment 3)	17	\$340
El Paso D (segment 4)	0.6	\$12

- Approving these 31 projects and segments, in the order identified by USACE, reflected in the table above, allows DoD to construct the most miles of border barrier (approximately 94 of the 177 miles of 30-foot bollard fencing) by December 2020.

UNCLASSIFIED//



UNCLASSIFIED//~~FOUO~~**RECOMMENDATIONS:**

1) Determine, in light of the views of the CJCS and the USD(P), that providing up to \$3.831B in support does not adversely affect the military preparedness of the United States.

Approve: Whe Disapprove: _____ Other: _____
FEB 13 2020

2) Determine that transferring \$3.831B in funds to provide this support to DHS is in the national interest and that the other requirements of Sections 8005 and 9002 of the Department of Defense Appropriations Act, 2020, and Sections 1001 and 1520A of the NDAA for FY 2020 are met (i.e., that the item to be funded is higher priority than the items from which funds and authority are transferred, that the additional subsection 284(b)(7) support is based on unforeseen military requirements, and that Congress has not denied funding or authorization for DoD to support DHS under subsection 284(b)(7)).

Approve: Whe Disapprove: _____ Other: _____
FEB 13 2020

3) Approve immediate DoD support to 31 of the 38 projects and segments requested by DHS, as reflected in the USACE-prioritized table above (approximately 177 miles of 30-foot bollard fence), and sign the letter to the Acting Secretary of Homeland Security at TAB A approving this support.

Approve: Whe Disapprove: _____ Other: _____
FEB 13 2020

4) Sign the memorandum to the Acting USD(C)/CFO at TAB B authorizing the transfer of up to \$3.831B from the accounts identified in Tab H into the "Drug Interdiction and Counter-Drug Activities, Defense," appropriation, and direct the USD(C)/CFO, upon approval of the transfer by the Office of Management and Budget, to notify Congress promptly of the transfer.

Approve: Whe Disapprove: _____ Other: _____
FEB 13 2020

5) Sign the memorandum to the Secretary of the Army at TAB C, authorizing the Commander, U.S. Army Corps of Engineers, to undertake the construction of the 31 projects and segments, using the priority specified in the table above.

Approve: Whe Disapprove: _____ Other: _____
FEB 13 2020

COORDINATION: TAB L

Attachments:

TAB A – Response Letter to Acting Secretary of DHS

TAB B – Memorandum to Acting USD(C)/CFO Authorizing Transfer of Funds

TAB C – Memorandum to Secretary of the Army Authorizing the Commander, USACE, to undertake specified construction projects

TAB D – DHS Request for Assistance Pursuant to 10 U.S.C. § 284

TAB E – Presidential Memorandum, Securing the Southern Border, dated April 4, 2018

TAB F – SecDef Memorandum Amplifying Guidance to Assess the DHS Request Pursuant to 10 U.S.C. § 284

TAB G – Secretary of the Army/USACE Assessment

UNCLASSIFIED//~~FOUO~~

OSD000609-20/CMD001601-20

OSD000609-20/CMD001601-20

TAB

A



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

FEB 13 2020

Mr. Chad Wolf
Acting Secretary of Homeland Security
Washington, DC 20528

Dear Acting Secretary Wolf:

Thank you for your January 14, 2020 request that the Department of Defense provide support to the Department of Homeland Security's effort to secure the southern border by blocking up to 13 drug-smuggling corridors along the southern border through the construction of roads and fences and the installation of lighting.

10 U.S.C. § 284(b)(7) gives the Department of Defense the authority to construct roads and fences, and to install lighting, to block drug-smuggling corridors across international boundaries of the United States in support of counter-narcotic activities of Federal law enforcement agencies. For the following reasons, I have concluded that the support you request satisfies the statutory requirements:

- The Department of Homeland Security (DHS)/Customs and Border Protection (CBP) is a Federal law enforcement agency;
- DHS has identified each project area as a drug-smuggling corridor; and
- The work requested by DHS to block these identified drug smuggling corridors involves construction of fences (including a linear ground detection system (LGDS)), construction of roads, and installation of lighting (supported by grid power and including embedded cameras).

Accordingly, at this time, I have decided to approve the construction of 30-foot bollard-style fencing, for 31 of the 38 projects and segments in your January 14, 2020 request, as specified in the enclosure.

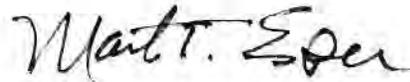
The approved fencing includes the field elements of the LGDS (i.e., the fiber optic cables and the laser interrogator), but no further electronic components (i.e., the server and the command and control display). The approved fencing also includes corresponding road construction and refurbishment and installation of lighting (supported by grid power and including embedded cameras).

As the proponent of the requested action, CBP will serve as the lead agency for environmental compliance and will be responsible for providing all necessary access to land. I request that DHS place the highest priority on completing these actions for the projects identified above. DHS will accept custody of the completed infrastructure, account for that infrastructure in its real property records, and operate and maintain the completed infrastructure.

The Commander, U.S. Army Corps of Engineers, is authorized to coordinate directly with DHS/CBP and immediately begin planning and executing up to \$3.831B by undertaking construction of the projects identified above.

Additional support may be available in the future, subject to the availability of funds and other factors.

Sincerely,

A handwritten signature in black ink that reads "Matt T. Egan". The signature is written in a cursive style with a large, stylized "M" and "E".

Enclosure:
As stated

Project Name	Segment Miles	Est. Project Cost (\$M)
Yuma A (segment 1)	7	\$140
Yuma A (segment 2)	9	\$180
El Centro A	10.2	\$204
Tucson A (segment 1)	9	\$180
Tucson A (segment 2)	14	\$280
Tucson A (segment 3)	1	\$20
Tucson A (segment 4)	1	\$20
Tucson A (segment 5)	4.5	\$90
Tucson B (segment 5)	4.1	\$82
Tucson B (segment 6)	2.1	\$42
El Paso A	20	\$400
El Paso B (segment 6)	2.4	\$48
El Paso C (segment 1)	3	\$60
El Paso C (segment 2)	7	\$140
Tucson C (segment 1)	7	\$140
Tucson C (segment 3)	2.6	\$52
Tucson C (segment 4)	5.7	\$114
Tucson B (segment 1)	2.1	\$42
Tucson B (segment 3)	21	\$420
Tucson B (segment 4)	0.2	\$4
Yuma B (segment 1)	0.3	\$6
Yuma B (segment 2)	0.3	\$6
San Diego A (segment 1)	13.7	\$274
San Diego A (segment 2)	2	\$40
San Diego A (segment 3)	2	\$40
Del Rio A	2	\$40
Del Rio B	2	\$40
El Paso D (segment 1)	3	\$60
El Paso D (segment 2)	1	\$20
El Paso D (segment 3)	17	\$340
El Paso D (segment 4)	0.6	\$12

Enclosure

TAB

B



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

FEB 13 2020

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

SUBJECT: Funding Construction in Support of the Department of Homeland Security Pursuant to 10 U.S.C. § 284

On January 14, 2020, the Secretary of Homeland Security requested that the Department of Defense provide support to the efforts of the Department of Homeland Security (DHS) to secure the southern border by blocking up to 13 drug-smuggling corridors along the border through the construction of roads and fences and the installation of lighting. I have determined that the requirements of 10 U.S.C. § 284(b)(7) have been satisfied. Accordingly, I have approved the construction of 30-foot bollard-style fencing to block drug-smuggling corridors along the southern border for 31 of the 38 projects and segments in the DHS request, as specified in attachment 1.

The approved fencing includes the field elements of the linear ground detection system (i.e., the fiber optic cables and the laser interrogator), but no further electronic components (i.e., the server and the command and control display). Furthermore, DoD will be undertaking road construction and refurbishment and installation of lighting (support by grid power and including embedded cameras).

I have also decided that the Department will transfer funds to provide the support described above. This support will be funded through a transfer of up to \$3.831B from the accounts identified in attachment 2 into the "Drug Interdiction and Counter-Drug Activities, Defense" appropriation. I am advised that the amounts are excess or early to current programmatic needs. You should undertake a reprogramming action to effectuate such transfer, as authorized by law.

The reprogramming action that I am directing satisfies the statutory requirements. I have determined that a transfer of funds and authorizations of appropriations for the construction of fences and roads and the installation of lighting to block drug-smuggling corridors is in the national interest. In an April 4, 2018 memorandum, "Securing the Southern Border of the United States," the President directed DoD to assist DHS in stopping the flow of illegal drugs into the United States. The reprogramming action is necessary to advance that goal. I have also determined that the other requirements of §§ 8005 and 9002 of the Department of Defense Appropriations Act, 2020, and §§ 1001 and 1520A of the National Defense Authorization Act for Fiscal Year 2020 are met as set forth below:

- The items to be funded in attachment 1 are a higher priority than the item from which funds and authority are transferred because these projects are necessary in the national interest to prevent the flow of drugs into the United States, and the items from which funds and authorizations are transferred are excess or early to current programmatic needs.



- Support to law enforcement under Section 284 for the construction of fences and roads and the installation of lighting to block drug-smuggling corridors is a military requirement assigned by statute. The need to provide support for the above projects was an unforeseen military requirement not known at the time of the fiscal year 2020 budget request (March 11, 2019); DHS did not provide the request to DoD until January 15, 2020; and DHS had not previously requested support for these specific projects.
- Support under section 284 for construction of roads and fences and the installation of lighting, including for the projects listed above, has not been denied by Congress. Congress has not enacted legislation that denies funding for the item referenced in the transfer – namely counter-drug activities funding, including fence construction, under subsection 284(b)(7), for the projects listed in the January 14, 2020 request for assistance. Furthermore, although Congress did expressly consider limiting both DoD's ability to provide this type of support and its ability to use general transfer authority and special transfer authority, it did not enact any such limitations.

In accordance with 10 U.S.C. § 276, I have determined that providing the requested support for the projects listed above will not adversely affect the military preparedness of the United States. The sources of funds to be utilized to provide this support are identified in attachment 2. Utilizing these funds for support to DHS under § 284 does not adversely affect the military preparedness of the United States because DoD will maintain the ability, at a strategic level, to defend the United States and will maintain the military capability to carry out the other major missions of the Department. This determination is supported by an assessment by the Chairman of the Joint Chiefs of Staff. The Under Secretary of Defense for Policy concurs.

Up to \$3.831B in funds will be allocated to the Department of the Army with instructions to allocate it further to the U.S. Army Corps of Engineers to undertake fence and road construction, and lighting installation, for the approved projects listed in attachment 1.

No funds may be transferred or re-programmed from the drug-demand-reduction program, the National Guard counter-drug program, or the National Guard counter-drug schools program in order to fund this support to DHS.

You will comply with all statutory requirements, but will do so without regard to comity-based policies that prescribe prior approval from congressional committees.

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



Attachments:
As stated

cc:

Secretaries of the Military Departments

Chairman of the Joint Chiefs of Staff

Under Secretary of Defense for Policy

General Counsel of the Department of Defense

Assistant Secretary of Defense for Legislative Affairs

Assistant Secretary of Defense for Homeland Defense and Global Security

Assistant to the Secretary of Defense for Public Affairs

Commander, U.S. Army Corps of Engineers

Project Name	Segment Miles	Est. Project Cost (\$M)
Yuma A (segment 1)	7	\$140
Yuma A (segment 2)	9	\$180
El Centro A	10.2	\$204
Tucson A (segment 1)	9	\$180
Tucson A (segment 2)	14	\$280
Tucson A (segment 3)	1	\$20
Tucson A (segment 4)	1	\$20
Tucson A (segment 5)	4.5	\$90
Tucson B (segment 5)	4.1	\$82
Tucson B (segment 6)	2.1	\$42
El Paso A	20	\$400
El Paso B (segment 6)	2.4	\$48
El Paso C (segment 1)	3	\$60
El Paso C (segment 2)	7	\$140
Tucson C (segment 1)	7	\$140
Tucson C (segment 3)	2.6	\$52
Tucson C (segment 4)	5.7	\$114
Tucson B (segment 1)	2.1	\$42
Tucson B (segment 3)	21	\$420
Tucson B (segment 4)	0.2	\$4
Yuma B (segment 1)	0.3	\$6
Yuma B (segment 2)	0.3	\$6
San Diego A (segment 1)	13.7	\$274
San Diego A (segment 2)	2	\$40
San Diego A (segment 3)	2	\$40
Del Rio A	2	\$40
Del Rio B	2	\$40
El Paso D (segment 1)	3	\$60
El Paso D (segment 2)	1	\$20
El Paso D (segment 3)	17	\$340
El Paso D (segment 4)	0.6	\$12

Unclassified

REPROGRAMMING ACTION

Page 1 of 5

Subject: Support for DHS Counter-Drug Activity Reprogramming Action		DoD Serial Number: FY 20-01 RA
Appropriation Title: Various Appropriations		Includes Transfer? Yes

Component Serial Number:	<i>(Amounts in Thousands of Dollars)</i>							
	Program Base Reflecting Congressional Action		Program Previously Approved by Sec Def		Reprogramming Action		Revised Program	
Line Item	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
a	b	c	d	e	f	g	h	i

This reprogramming action is submitted because these actions use general and special transfer authority. This reprogramming action provides funding in support of higher priority items, based on unforeseen military requirements, than those for which originally appropriated, and is determined to be necessary in the national interest. It meets all administrative and legal requirements and none of the items has previously been denied by the Congress.

Part I of this reprogramming action transfers \$2.202 billion between Fiscal Year (FY) 2020 Defense appropriations. This reprogramming action uses \$2.202 billion of general transfer authority pursuant to section 8005 of division A of Public Law 116-93, the Department of Defense (DoD) Appropriations Act, 2020; and section 1001 of Public Law 116-92, the National Defense Authorization Act for FY 2020.

Part II of this reprogramming action transfers \$1.629 billion between FY 2020 Title IX, Overseas Contingency Operations (OCO) Defense appropriations. This reprogramming action uses \$1.629 billion of special transfer authority pursuant to section 9002 of Title IX, OCO, of division A of Public Law 116-93, the Department of Defense (DoD) Appropriations Act, 2020; and section 1520A of Public Law 116-92, the National Defense Authorization Act for FY 2020.

PART I

<u>FY 2020 REPROGRAMMING INCREASE:</u>	<u>+2,202,000</u>
<u>DEFENSE INCREASE</u>	<u>+2,202,000</u>
<u>Drug Interdiction and Counter-Drug Activities, Defense, 20/20</u>	<u>+2,202,000</u>
Budget Activity 01: Counter-Narcotics Support	
675,271	190,332
	<u>+2,202,000</u>
	2,392,332

Explanation: Funds are required to provide support for counter-drug activities of the Department of Homeland Security (DHS). DHS has identified areas along the southern border of the United States that are being used by individuals, groups, and transnational criminal organizations as drug smuggling corridors, and determined that the construction of additional physical barriers and roads in the vicinity of the United States border is necessary in order to impede and deny drug smuggling activities. DHS requests DoD assistance in the execution of projects to replace existing vehicle barriers or dilapidated pedestrian fencing with new pedestrian fencing, construct roads, and install lighting. Title 10, U.S. Code, Section 284(b)(7) authorizes the DoD to support counterdrug activities of other Federal agencies through the construction of roads and fences, and the installation of lighting, to block drug smuggling corridors across international boundaries of the United States. Such support is funded using the DoD's Drug Interdiction and Counter-Drug Activities appropriation.

Approved (Signature and Date)

Unclassified

REPROGRAMMING ACTION

Page 2 of 5

Subject: Support for DHS Counter-Drug Activity Reprogramming Action							DoD Serial Number: FY 20-01 RA	
Appropriation Title: Various Appropriations							Includes Transfer? Yes	

Component Serial Number:	<i>(Amounts in Thousands of Dollars)</i>							
	Program Base Reflecting Congressional Action		Program Previously Approved by Sec Def		Reprogramming Action		Revised Program	
Line Item	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
a	b	c	d	e	f	g	h	i

<u>FY 2020 REPROGRAMMING DECREASES:</u>							<u>-2,202,000</u>	
<u>ARMY DECREASES</u>							<u>-201,000</u>	
<u>Other Procurement, Army, 20/22</u>							<u>-201,000</u>	
<u>Budget Activity 01: Tactical and Support Vehicles</u>								
<u>Army National Guard HMMWV Modernization</u>								
		100,000		100,000	-2	<u>-100,000</u>		-
		194,575		194,575	-2	<u>-101,000</u>		93,575

Explanation: Funds are available because they are excess to current programmatic need. The procurement of legacy vehicles is inconsistent with the goals to modernize the Tactical and Support Vehicle fleet in support of the National Defense Strategy (NDS). These are congressional special interest items.

<u>NAVY DECREASES</u>							<u>-1,469,000</u>	
<u>Aircraft Procurement, Navy, 20/22</u>							<u>-558,000</u>	
<u>Budget Activity 01: Combat Aircraft</u>								
		16	1,897,401		16	1,897,401	-2	<u>-223,000</u>
		14	1,237,559		14	1,237,559	-2	<u>-155,000</u>
		9	1,668,073		9	1,668,073	-1	<u>-180,000</u>

Explanation: Funds are available because they are excess to current programmatic need, as follows:

- JSF STOVL are in excess of the minimum production sustainment rate of 4 aircraft. This is a congressional special interest item.
- MV-22 aircraft are in excess of the minimum production sustainment rate of 6 aircraft. This is a congressional special interest item.
- P-8A aircraft are excess to the 117 aircraft required for homeland defense and overseas contingency operations. This is a congressional special interest item.

Unclassified

REPROGRAMMING ACTION

Page 3 of 5

Subject: Support for DHS Counter-Drug Activity Reprogramming Action						DoD Serial Number: FY 20-01 RA			
Appropriation Title: Various Appropriations						Includes Transfer? Yes			
Component Serial Number:		<i>(Amounts in Thousands of Dollars)</i>							
		Program Base Reflecting Congressional Action		Program Previously Approved by Sec Def		Reprogramming Action		Revised Program	
Line Item		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
a		b	c	d	e	f	g	h	i
<u>Shipbuilding and Conversion, Navy, 20/24</u>						<u>-911,000</u>			
<u>Budget Activity 03: Amphibious Ships</u>									
LHA Replacement		650,000		650,000		-650,000			
Expeditionary Fast Transport (EPF)		261,000		261,000		-261,000			
<u>Explanation:</u> Funds are available for the following reasons:									
<ul style="list-style-type: none"> Landing Helicopter Assault (LHA) ship funding is early to current programmatic need. The procurement accelerates the replacement program by four years (from FY 2023). This is a congressional special interest item. The Expeditionary Fast Transport (EPF) funding is excess to current programmatic need. The procurement exceeds the program-of-record requirement. This is a congressional special interest item. 									
<u>AIR FORCE DECREASES</u>						<u>-532,000</u>			
<u>Aircraft Procurement, Air Force, 20/22</u>						<u>-532,000</u>			
<u>Budget Activity 01: Combat Aircraft</u>									
F-35 Advance Procurement (CY)		811,500		811,500		-156,000		655,500	
<u>Budget Activity 02: Airlift Aircraft</u>									
C-130J		8	742,156	8	742,156	-2	-196,000	6	546,156
<u>Budget Activity 04: Other Aircraft</u>									
Observation Attack Replacement (OA-X) Light Attack Aircraft		210,000		210,000		-180,000		30,000	
<u>Explanation:</u> Funds are available for the following reasons:									
<ul style="list-style-type: none"> F-35 Advance Procurement funding is excess to current programmatic need. It was based on a higher number of aircraft than will be requested in the President's Budget for FY 2021. This is a congressional special interest item. C-130J funding is early to current programmatic need. The period of performance for the contract is not expected to begin until FY 2021, therefore procurement can be rescheduled to a later fiscal year. This is a congressional special interest item. OA-X funding is early to current programmatic need. The funding accelerates the program from FY 2021 when an aircraft platform is scheduled to be identified. This is a congressional special interest item. 									

DD 1415

UNCLASSIFIED

Unclassified

REPROGRAMMING ACTION

Page 4 of 5

Subject: Support for DHS Counter-Drug Activity Reprogramming Action		DoD Serial Number: FY 20-01 RA
Appropriation Title: Various Appropriations		Includes Transfer? Yes

Component Serial Number:	<i>(Amounts in Thousands of Dollars)</i>							
	Program Base Reflecting Congressional Action		Program Previously Approved by Sec Def		Reprogramming Action		Revised Program	
Line Item	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
a	b	c	d	e	f	g	h	i

PART II

<u>FY 2020 REPROGRAMMING INCREASE:</u>	<u>+1,629,000</u>
<u>DEFENSE INCREASE</u>	<u>+1,629,000</u>
<u>Drug Interdiction and Counter-Drug Activities, Defense, 20/20</u>	<u>+1,629,000</u>
Budget Activity 01: Counter-Narcotics Support	
675,271	2,392,332
	+1,629,000
	4,021,332

Explanation: Funds are required to provide support for counter-drug activities of the Department of Homeland Security (DHS). DHS has identified areas along the southern border of the United States that are being used by individuals, groups, and transnational criminal organizations as drug smuggling corridors, and determined that the construction of additional physical barriers and roads in the vicinity of the United States border is necessary in order to impede and deny drug smuggling activities. DHS requests DoD assistance in the execution of projects to replace existing vehicle barriers or dilapidated pedestrian fencing with new pedestrian fencing, construct roads, and install lighting. Title 10, U.S. Code, Section 284(b)(7) authorizes the DoD to support counterdrug activities of other Federal agencies through the construction of roads and fences, and the installation of lighting, to block drug smuggling corridors across international boundaries of the United States. Such support is funded using the DoD's Drug Interdiction and Counter-Drug Activities appropriation.

<u>FY 2020 REPROGRAMMING DECREASES:</u>	<u>-1,629,000</u>
<u>AIR FORCE DECREASES</u>	<u>-329,000</u>
<u>Aircraft Procurement, Air Force, 20/22</u>	<u>-329,000</u>
Budget Activity 02: Airlift Aircraft	
C-130J	
8	742,156
6	546,156
-2	-169,000
4	377,146

Explanation: Funds are available because they are early to current programmatic need. The period of performance for the contract is not expected to begin until FY 2021, therefore procurement can be rescheduled to a later fiscal year. This is a congressional special interest item.

Budget Activity 04: Other Aircraft	
MQ-9	
24	468,600
24	468,600
-8	-160,000
16	308,600

Explanation: Funds are available because they are early to current programmatic need. The program is currently undergoing a strategic review, therefore procurement, if necessary, can be rescheduled to a later fiscal year. This is a congressional special interest item.

DD 1415

UNCLASSIFIED

Unclassified

REPROGRAMMING ACTION

Page 5 of 5

Subject: Support for DHS Counter-Drug Activity Reprogramming Action		DoD Serial Number: FY 20-01 RA
Appropriation Title: Various Appropriations		Includes Transfer? Yes

Component Serial Number:	<i>(Amounts in Thousands of Dollars)</i>							
	Program Base Reflecting Congressional Action		Program Previously Approved by Sec Def		Reprogramming Action		Revised Program	
Line Item	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
a	b	c	d	e	f	g	h	i

<u>NATIONAL GUARD AND RESERVE EQUIPMENT, 20/22</u>					<u>-1,300,000</u>			
<u>National Guard and Reserve Equipment, 20/22</u>					<u>-1,300,000</u>			
<u>Budget Activity 01: Reserve Equipment</u>								
Miscellaneous Equipment, Army Reserve								
		205,000		205,000		-205,000		-
Miscellaneous Equipment, Navy Reserve								
		75,000		75,000		-75,000		-
Miscellaneous Equipment, Marine Corp Reserve								
		25,000		25,000		-25,000		-
Miscellaneous Equipment, AF Reserve								
		205,000		205,000		-205,000		-
<u>Budget Activity 02: National Guard Equipment</u>								
Miscellaneous Equipment, Army National Guard								
		395,000		395,000		-395,000		-
Miscellaneous Equipment, Air National Guard								
		395,000		395,000		-395,000		-

Explanation: Funds are available because they are early to current programmatic need. This appropriation is underexecuting prior year funds. As of December 31, 2019, a balance of \$1.6 billion from FY 2018 and FY 2019 remains unobligated, in addition to the \$1.3 billion appropriated for FY 2020. Over the past 5 years, from FY 2015 to FY 2019, an average of \$112 million, or 9 percent, was obligated in the first year of availability for this appropriation. This is a congressional special interest item.

TAB

C



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

FEB 13 2020

MEMORANDUM FOR SECRETARY OF THE ARMY
COMMANDER, U.S. ARMY CORPS OF ENGINEERS

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

On January 14, 2020, the Acting Secretary of Homeland Security requested that the Department of Defense provide support to the efforts of the Department of Homeland Security (DHS) to secure the southern border by blocking up to 13 drug-smuggling corridors along the southern border through the construction of roads and fences and the installation of lighting.

Having determined that the requirements of 10 U.S.C. § 284 have been satisfied, I have approved the construction of 30-foot bollard-style fencing to block drug-smuggling corridors along the southern border, for 31 of the 38 projects and segments in the DHS request, as specified in attachment 1.

The approved fencing includes the field elements of the linear ground detection system (i.e., the fiber optic cables and the laser interrogator), but no further electronic components (i.e., the server and the command and control display). Furthermore, DoD will be undertaking road construction and refurbishment and installation of lighting (supported by grid power and including embedded cameras).

I have directed the Acting Under Secretary of Defense (Comptroller)/Chief Financial Officer to transfer up to \$3.831B from the accounts identified by the Acting USD(C)/CFO into the Drug Interdiction and Counter-Drug Activities, Defense, account. The up to \$3.831B will be allocated to the Department of the Army with instructions to allocate it further to the U.S. Army Corps of Engineers to undertake the projects identified in attachment 1, including initial project scoping and contracting and necessary U.S. Army Corps of Engineers management and oversight expenses for these projects in FY 2020.

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

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

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

Matt T. Esp

Attachment:
As stated



OSD000609-20/CMD001602-20

cc:

Chairman of the Joint Chiefs of Staff

Acting Under Secretary of Defense (Comptroller) / Chief Financial Officer

Under Secretary of Defense for Policy

General Counsel of the Department of Defense

Assistant Secretary of Defense for Legislative Affairs

Assistant Secretary of Defense for Homeland Defense and Global Security

Assistant to the Secretary of Defense for Public Affairs

Commander, U.S. Army Corps of Engineers

Project Name	Segment Miles	Est. Project Cost (\$M)
Yuma A (segment 1)	7	\$140
Yuma A (segment 2)	9	\$180
El Centro A	10.2	\$204
Tucson A (segment 1)	9	\$180
Tucson A (segment 2)	14	\$280
Tucson A (segment 3)	1	\$20
Tucson A (segment 4)	1	\$20
Tucson A (segment 5)	4.5	\$90
Tucson B (segment 5)	4.1	\$82
Tucson B (segment 6)	2.1	\$42
El Paso A	20	\$400
El Paso B (segment 6)	2.4	\$48
El Paso C (segment 1)	3	\$60
El Paso C (segment 2)	7	\$140
Tucson C (segment 1)	7	\$140
Tucson C (segment 3)	2.6	\$52
Tucson C (segment 4)	5.7	\$114
Tucson B (segment 1)	2.1	\$42
Tucson B (segment 3)	21	\$420
Tucson B (segment 4)	0.2	\$4
Yuma B (segment 1)	0.3	\$6
Yuma B (segment 2)	0.3	\$6
San Diego A (segment 1)	13.7	\$274
San Diego A (segment 2)	2	\$40
San Diego A (segment 3)	2	\$40
Del Rio A	2	\$40
Del Rio B	2	\$40
El Paso D (segment 1)	3	\$60
El Paso D (segment 2)	1	\$20
El Paso D (segment 3)	17	\$340
El Paso D (segment 4)	0.6	\$12

Attachment 1

TAB

D

TAB

D

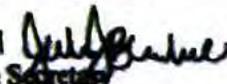
Executive Secretary
U.S. Department of Homeland Security
Washington, DC 20528



Homeland Security

January 14, 2020

MEMORANDUM FOR: CAPT Oliver Lewis, USN
Executive Secretary
Department of Defense (DoD)

FROM: Juliana Blackwell 
Acting Executive Secretary
Department of Homeland Security (DHS)

SUBJECT: Request for Assistance Pursuant to 10 U.S.C. § 284

I. Overview

As the government department tasked with border security, the Department of Homeland Security (DHS), through U.S. Customs and Border Protection (CBP), is requesting that the Department of Defense (DoD) assist DHS in its efforts to secure the southern border. The Acting Secretary has directed me to transmit this request for assistance to your attention.

In Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended (IIRIRA), 8 U.S.C. § 1103 note, Congress has directed DHS to construct border infrastructure in areas of high illegal entry to deter illegal crossing of both drugs and people into the United States. Pursuant to Section 102, DHS has identified the areas set forth in Section II below as areas of high illegal entry where CBP must take action (the Project Areas).

Within the Project Areas, DHS is experiencing large numbers of individuals and narcotics being smuggled into the country illegally. The Project Areas are also used by individuals, groups, and transnational criminal organizations (TCOs) as drug smuggling corridors. Mexican Cartels remain dominant in these areas, influencing and controlling narcotics and human smuggling operations, within their respective strongholds.

DHS must use its authority under Section 102 of IIRIRA to install additional physical barriers and roads in the vicinity of the United States border in order to deter and prevent illegal crossings within the Project Areas. The construction of border infrastructure within the Project Areas will support DHS's ability to impede and deny illegal entry and drug smuggling activities within the Project Areas.

The Project Areas identified below are adjacent to some of the most densely populated metropolitan areas of Mexico and are also home to some of the strongest and most violent drug cartels in the world. Deterring and preventing illegal cross-border activity will help stem the



Subject: Request for Assistance Pursuant to 10 U.S.C. § 284

Page 3

Project Areas

II.A. San Diego Sector

Within the U.S. Border Patrol San Diego Sector (San Diego Sector), DHS is requesting that DoD assist by undertaking road construction, by constructing approximately three miles of new pedestrian fencing, by replacing approximately 14 miles of dilapidated pedestrian fencing with new pedestrian fencing, and by installing lighting in the specific locations identified below.

The Project Areas within the San Diego Sector identified below are located in San Diego County, California. San Diego County has been identified by the Office of National Drug Control Policy (ONDCP) as a High Intensity Drug Trafficking Area (HIDTA). In the remote areas of the San Diego Sector or areas where there is no fencing or dilapidated fencing, there is a susceptibility to breaching and vehicle incursions. The San Diego Sector is also one of the main destination locations for migrant caravans. The San Diego Sector is used by multiple TCOs that exploit both the urban areas and remote areas in the San Diego Sector using varied tactics, techniques, procedures, and varying concealment methods in order to smuggle both drugs and illegal aliens into the United States. There are numerous TCOs operating in the San Diego Sector at any given time; however, the four principal cartels include the Sinaloa Cartel, the Tijuana Cartel, also known as the Arellano Felix Organization (AFO), the Cartel Jalisco Nueva Generacion (CJNG), and the Cartel Tijuana Nueva Generacion (CTNG). The constant internal and territorial disputes involving these cartels have increased the violence in the area. CJNG joined forces with the AFO in 2015 and formed the CTNG to appropriate territory controlled by the Sinaloa cartel. This alliance led to several murders in the Tijuana area. However, the CJNG and AFC alliance ended in late 2016 and the CTNG continued to operate independently. As of 2017, all four criminal organizations continue to operate independently and as rivals. Consequently, the violence has escalated to unprecedented levels as the cartels' turf war continues.

Because there are urban areas on both sides of the border in many portions of the San Diego Sector, the San Diego Sector suffers from some of the quickest vanishing times – that is the time it takes to illegally cross into the United States and assimilate into local, legitimate traffic. These quick vanishing times enable the illegal activities of the TCOs, whether they are smuggling people or narcotics.

In fiscal year 2019, there were over 300 separate drug-related events between border crossings in the San Diego Sector, through which Border Patrol seized over 3,300 pounds of marijuana, over 1,280 pounds of cocaine, over 293 pounds of heroin, over 3,985 pounds of methamphetamine, and over 107 pounds of fentanyl.

The San Diego Sector is also an area of high illegal entry. Border Patrol's own experience with apprehensions between border crossings bears this out. In fiscal year 2019, there were over 58,000 apprehensions of illegal entrants attempting to enter the United States between border crossings in the San Diego Sector.

The construction of new fencing and the replacement of ineffective pedestrian fencing in the San Diego Sector is necessary to close existing gaps in the fencing and because the existing landing

[REDACTED]

Subject: Request for Assistance Pursuant to 10 U.S.C. § 284

Page 4

mat fencing is easily breached and has been damaged to the extent that it is ineffective. Constructing new pedestrian fencing will replace the vulnerable landing mat and close gaps along the border that are susceptible to exploitation while simultaneously creating longer, contiguous segments of border fencing. The contiguous segments will satisfy San Diego Sector's requirement to have a primary border fencing that will slow or stop illegal activity, including narcotics smuggling and illegal entries, and facilitate an expedited law enforcement response, increasing the likelihood of arrest. Additionally, with the increased impedance provided by the new and replacement border fencing, field commanders are able to compress enforcement operations to the immediate border, becoming more efficient and effective.

The specific Project Area is as follows:

San Diego Project A:

- o The project includes three non-contiguous segments of primary pedestrian replacement fencing. The project includes approximately 14 miles of primary pedestrian replacement fencing beginning approximately four miles east of the Tecate Port of Entry continuing west for 13.7 miles for 14 miles of non-contiguous primary pedestrian replacement fencing in San Diego County.
 - Start coordinate: (32.581552, -116.564932);
 - End coordinate: (32.606114, -116.261684)
- o This project also includes two segments of new primary pedestrian fencing.
 - The first segment includes approximately 2 miles of new primary pedestrian fencing approximately 22 miles east of the Tecate Port of Entry continuing east in San Diego County.
 - Start coordinate: (32.606126, -116.261453);
 - Stop coordinate: (32.608967, -116.226311)
 - The second segment includes approximately 1 mile of non-contiguous new primary pedestrian fencing beginning approximately 28 miles east of the Tecate Port of Entry continuing west in San Diego County.
 - Start coordinate: (32.3261511, -116.148822);
 - End coordinate: (32.618435, -116.106229)

II.B. El Centro Sector

Within the U.S. Border Patrol El Centro Sector (El Centro Sector), DHS is requesting that DoD assist by undertaking road construction, by constructing approximately 10 miles of new pedestrian fencing, and by installing lighting in the specific locations identified below.

The specific Project Area identified below is located in Imperial County, California and has been identified by ONDCP as a HIDTA. Multiple local TCOs known for smuggling drugs into Calexico from Mexico using a variety of tactics, techniques, procedures, and varying concealment methods operate in this area, including CJNG as well as remnants of the Beltran Leyva Organization and La Familia Michoacana organizations. CJNG, based in Jalisco, was previously a faction of the Sinaloa Cartel. CJNG broke away from the Sinaloa Cartel and has

~~FOR OFFICIAL USE ONLY~~

Subject: Request for Assistance Pursuant to 10 U.S.C. § 284
Page 6

The specific Project Area is as follows:

El Centro Project A:

- o **The project includes approximately 10 miles of new primary pedestrian fencing beginning 36 miles west of the Calexico West Port of Entry continuing east in Imperial County.**
 - **Start coordinate: (32.618435 -116.106229);**
 - **End coordinate: (32.631962, -115.932737)**

II.C. Yuma Sector

Within the U.S. Border Patrol Yuma Sector (Yuma Sector) DHS is requesting that DoD assist by undertaking road construction, constructing approximately 0.5 miles of new secondary pedestrian fencing, replacing approximately 0.5 miles of dilapidated pedestrian fencing with new fencing, replacing 7 miles of existing vehicle barrier with new pedestrian fencing, replacing 9 miles of dilapidated secondary fencing with new secondary fencing, and installing lighting in the specific locations identified below.

The Project Areas within the Yuma Sector that are identified below are in Yuma County, Arizona and Imperial County, California. Yuma and Imperial Counties have been identified by the ONDCP as HIDTAs. Of particular note is the operation of the Sinaloa Cartel in the Yuma Sector. The Sinaloa Cartel continues to be the most powerful cartel in the country and controls illicit networks and operations in the United States. Despite the arrest and conviction of Joaquin "El Chapo" Guzman-Loera, its narcotics business has continued uninterrupted. As a result, there have been no significant changes within the Sinaloa Cartel's hierarchy, or any changes in the illicit operations conducted by the Sinaloa Cartel.

In fiscal year 2019, there were over 800 drug-related events between border crossings in the Yuma Sector, through which Border Patrol seized over 3,000 pounds of marijuana, over 33 pounds of heroin, over 1,186 pounds of methamphetamine, and over 50 pounds of fentanyl. The Yuma Sector is also an area of high illegal entry. Border Patrol's own experience with apprehensions between border crossings bears this out. In fiscal year 2019, there were over 68,000 apprehensions of illegal entrants attempting to enter the United States between border crossings in the Yuma Sector.

The construction of new fencing and the replacement of ineffective pedestrian fencing, including secondary fencing, in the Yuma Sector is necessary because the older designs are easily breached and have been damaged to the extent that they are ineffective. Additionally, the Yuma Sector is notorious for border violence and narcotics smuggling. While the deployment of vehicle barrier in the Yuma Sector initially curtailed the volume of illegal cross-border vehicular traffic, TCOs quickly adapted their tactics by switching to foot traffic, cutting the fencing, or simply driving over it to smuggle their illicit cargo into the United States. Thus, in order to respond to these changes in tactics, DHS now requires pedestrian fencing rather than vehicle barriers. Replacing the primary pedestrian fence and building the new and replacement secondary fencing segments will provide a contiguous enforcement zone that is critical to securing the border. The enforcement zone that will be constructed facilitates the compression of border enforcement to

[REDACTED]

Subject: Request for Assistance Pursuant to 10 U.S.C. § 284
Page 7

the immediate border area which enables the U.S. Border Patrol to become more efficient and effective. This improvement occurs by increasing vanishing times through added impedance capability, translating to additional time for law enforcement to make a successful arrest while simultaneously decreasing the amount of time, through improved mobility, it takes for law enforcement to respond to illegal activity, including narcotics smuggling and illegal entries.

The specific Project Areas are as follows:

Yuma Project A:

- The project includes approximately 7 miles of vehicle barrier replaced with primary pedestrian fencing beginning approximately 5.7 miles south of the Andrade Port of Entry continuing along the Colorado River in Yuma County.
 - Start coordinate: (32.642102, -114.764632);
 - End coordinate: (32.569515, -114.791422)
- The project also includes approximately 9 miles of secondary pedestrian replacement fencing starting approximately 2 miles west of the San Luis Port of Entry, continuing east in Yuma County.
 - Start coordinate: (32.493634, -114.811603);
 - End coordinate: (32.450532, -114.666551)

Yuma Project B:

- The project includes approximately 0.5 mile of primary pedestrian replacement fencing beginning 0.1 mile east of the Andrade Port of Entry continuing east in Imperial County, California on the Quechan Reservation.
 - Start coordinate: (32.718285, -114.726726);
 - End coordinate: (32.71872, -114.720282)
- The project includes approximately 0.5 mile of new secondary pedestrian fencing beginning 0.1 mile east of the Andrade Port of Entry continuing east in Imperial County, California on the Quechan Reservation.
 - Start coordinate: (32.718715, -114.725929);
 - End coordinate: (32.719132, -114.720119)

II.D. Tucson Sector

Within the U.S. Border Patrol Tucson Sector (Tucson Sector) DHS is requesting that DoD assist by undertaking road construction, constructing approximately 40 miles of new pedestrian fencing, replacing approximately 33 miles of pedestrian fencing, replacing approximately 28 miles of existing vehicle barrier with new pedestrian fencing, replacing 1 mile of secondary pedestrian fencing, and by installing lighting in the specific locations identified below.

The Project Areas within the Tucson Sector identified below are located in Pima, Cochise, and Santa Cruz Counties, Arizona. Pima, Cochise and Santa Cruz Counties have been identified by the ONDCP as HIDTAs. The Sinaloa Cartel relies on their local associates to coordinate, direct, and support the smuggling of illegal drugs and aliens from Mexico to the United States. Since Arizona is contiguous with the U.S.-Mexico International Boundary, the Tucson and Phoenix



Subject: Request for Assistance Pursuant to 10 U.S.C. § 284

Page 8

metropolitan areas are major trans-shipment and distribution points for contraband smuggling. Plaza bosses operate as a Sinaloa Cartel leader within their specific area of operation along the Sonora-Arizona corridor of the U.S.-Mexico International Boundary.

In fiscal year 2019, there were over 1,200 drug-related events between border crossings in the Tucson Sector, through which Border Patrol seized over 59,000 pounds of marijuana, over 150 pounds of cocaine, over 155 pounds of heroin, over 2,700 pounds of methamphetamine, and over 12 pounds of fentanyl.

The Tucson Sector is also an area of high illegal entry. Border Patrol's own experience with apprehensions between border crossings bears this out. In fiscal year 2019, there were over 63,000 apprehensions of illegal entrants attempting enter the United States between the border crossings in the Tucson Sector.

The absence of adequate pedestrian fencing, either due to a complete lack of fencing or to the presence of vehicle barrier or ineffective primary and secondary pedestrian fencing designs, in the Tucson Sector continues to be particularly problematic as it pertains to the trafficking of illegal narcotics. Rival TCOs frequently employ "rip crews" who leverage the remote desert environment and lack of fencing or the ineffective designs of current fencing to steal one another's illicit cargo resulting in increased border violence.

The terrain in the Tucson Sector also provides high ground to scouts seeking to protect and warn smuggling loads being passed through the area. TCOs have successfully utilized this advantage in furtherance of their illicit activity and for this reason the area is in need of an improved capability to impede and deny illegal crossings of narcotics and people. In addition, the area hosts a number of tourist attractions that allow illegal activity to blend into legitimate activity; successfully avoiding detection and evading interdiction. The replacement of dilapidated primary and secondary pedestrian fencing, as well as construction of new primary pedestrian fencing, will add much needed infrastructure to these areas. The added impedance capability provided by new steel bollard fencing will slow or stop illegal activity and afford law enforcement more time to respond, increasing the likelihood of interdicting and arresting narcotics smugglers and illegal entrants while providing Border Patrol agents with improved lateral access along the border.

The specific Project Areas are as follows:

Tucson Project A:

- o The project includes five segments of primary pedestrian replacement fencing.
 - The first segment includes approximately 9 miles of primary pedestrian replacement fencing beginning approximately 12 miles west of the Naco Port of Entry continuing east in Cochise County.
 - Start coordinate: (31.334137, -110.147464);
 - End coordinate: (31.334117, -110.000337)

CONFIDENTIAL - SECURITY INFORMATION

Subject: Request for Assistance Pursuant to 10 U.S.C. § 284

Page 9

- The second segment includes 14 miles of primary pedestrian replacement fencing beginning approximately 5 miles east of the Naco Port of Entry continuing east in Cochise County.
 - Start coordinate: (31.334088, -109.874333);
 - Stop coordinate: (31.334049, -109.630508)
- The third segment includes 1 mile of primary pedestrian replacement fencing beginning east of the Douglas Port of Entry continuing east in Cochise County.
 - Start coordinate: (31.333994, -109.46753);
 - Stop coordinate: (31.333995, -109.453305)
- The fourth segment includes 1 mile of secondary pedestrian replacement fencing beginning approximately 0.4 miles west of the Naco Port of Entry continuing east in Cochise County.
 - Start coordinate: (31.334238, -109.945827);
 - End coordinate: (31.33425, -109.948594)
- The fifth segment includes 4.5 miles of new primary pedestrian fencing beginning approximately 26 miles east of the Douglas Port of Entry continuing east in Cochise County.
 - Start coordinate: (31.332694, -109.125);
 - End coordinate: (31.33202, -109.049997)

Tucson Project II:

- The project includes approximately 2 miles of primary pedestrian replacement fencing beginning approximately 3 miles west of the Nogales – Mariposa Port of Entry continuing east for through the Coronado National Forest in Santa Cruz County.
 - Start coordinate: (31.332555, -111.01132);
 - End coordinate: (31.332649, -110.976586)
- The project also includes approximately 26 miles of non-contiguous vehicle fencing replaced with primary pedestrian fencing beginning approximately 9 miles east of the Nogales – Morley Gate Port of Entry, on the Coronado National Forest, continuing east in Santa Cruz and Cochise Counties. These miles were included in the fiscal year 2019 Request for Assistance as part of the Tucson 4 project.
 - Start coordinate: (31.333578, -110.79579);
 - End coordinate: (31.333602, -110.288665)
- The project also includes four segments of non-contiguous new primary pedestrian fencing.
 - The first segment includes approximately 21 miles of new primary pedestrian fencing beginning approximately 13 miles southeast of the Sasabe Port of Entry, on the Coronado National Forest, continuing east in Santa Cruz County.
 - Start coordinate: (31.388755, -111.25);
 - End coordinate: (31.33253, -111.01233)

Subject: Request for Assistance Pursuant to 10 U.S.C. § 284
Page 10

- The second segment includes approximately 0.5 miles of new pedestrian fencing begins approximately 5 miles east of the Nogales – Morley Gate Port of Entry, continuing east in Santa Cruz County.
 - Start coordinate: (31.333702, -110.851153);
 - End coordinate: (31.333758, -110.847792)
- The third segment includes approximately 4 miles of new pedestrian fencing beginning approximately 10 miles east of the Nogales – Morley Gate Port of Entry, on the Coronado National Forest, continuing east for in Santa Cruz County.
 - Start coordinate: (31.33351, -110.775333);
 - End coordinate: (31.33328, -110.70545)
- The final segment includes approximately 2 miles of new pedestrian fencing beginning approximately 20 miles west of the Naco Port of Entry, on the Coronado National Forest, continuing east in Cochise County.
 - Start coordinate: (31.333602, -110.288665);
 - End coordinate: (31.333754, -110.253863)

Tucson Project C:

- The project includes approximately 7 miles of primary pedestrian replacement fencing starting approximately 2.5 miles west of the Sasabe Port of Entry continuing east through the Buenos Aires National Wildlife Refuge in Pima County.
 - Start coordinate: (31.495537, -111.584263);
 - End coordinate: (31.460175, -111.473171)
- The project also includes 2 miles of non-contiguous vehicle barrier replaced with primary pedestrian fencing beginning approximately 4 miles east of the Sasabe Port of Entry continuing east through the Coronado National Wildlife Refuge in Pima County. These miles were included in the fiscal year 2019 Request for Assistance as part of the Tucson 5 project.
 - Start coordinate: (31.386813, -111.243966);
 - End coordinate: (31.459673, -111.471584)
- The project also includes four segments of non-contiguous new primary pedestrian fencing.
 - The first segment includes approximately 3 miles of new primary pedestrian fencing beginning approximately 5 miles northwest of the Sasabe Port of Entry continuing southeast in Pima County.
 - Start coordinate: (31.508665, -111.625);
 - End coordinate: (31.495537, -111.584263)
 - The three remaining segments include approximately 6 miles of new pedestrian fencing beginning approximately 5 miles southeast of the Sasabe Port of Entry, on the Buenos Aires National Wildlife Refuge and Coronado National Forest, continuing southeast in Pima and Santa Cruz Counties.
 - Start coordinate: (31.459243, -111.47024);
 - Stop coordinate: (31.423471, -111.358336)

[REDACTED]

Subject: Request for Assistance Pursuant to 10 U.S.C. § 284
Page 12

Highway 9 to the border. In some cases the highway is less than a half a mile from the border, allowing illegal cross-border traffic to evade detection and apprehension and quickly vanish from the border area.

The eastern portions of the El Paso Sector are proposed to receive primary pedestrian replacement fencing. The deployment of new, steel bollard fencing will satisfy the Sector's requirement for a primary fencing by providing the necessary impedance required to enable a law enforcement response to illegal activity including narcotics smuggling and illegal entries. Similar to the western portion of the Sector, the proximity to Interstate 10, coupled with the lack of impedance provided by the current fencing, drive the requirement for the proposed steel bollard fencing solution.

The construction of new fencing in the El Paso Sector is intended to slow or stop illegal activity. Increasing the level of impedance and lateral access along the border will improve law enforcement's ability to respond to narcotics smuggling and illegal entries and will increase the likelihood of a positive law enforcement resolution.

The specific Project Areas are as follows:

El Paso Project A:

- o The project includes approximately 20 miles of primary pedestrian replacement fencing beginning approximately 11 miles northwest of the Tornillo Port of Entry continuing southeast in El Paso County.
 - Start coordinate: (31.552981, -106.26213);
 - End coordinate: (31.39439, -106.022199)

El Paso Project B:

- o The project includes approximately 6 miles of vehicle barrier replaced with primary pedestrian fence beginning approximately 21 miles west of the Antelope Wells Port of Entry continuing west in Hidalgo County.
 - Start coordinate: (31.332292, -108.885945);
 - End coordinate: (31.332219, -108.785406)
- o The project also includes five segments of non-contiguous new primary pedestrian fencing.
 - The first segment includes approximately 5 miles of new primary pedestrian fencing beginning approximately 30 miles west of the Antelope Wells Port of Entry continuing east in Hidalgo County.
 - Start coordinate: (31.33202, -109.049997);
 - End coordinate: (31.332323, -109.962631)
 - The second segment includes approximately 4 miles of new primary pedestrian fencing beginning approximately 15 miles west of the Antelope Wells Port of Entry, continuing east in Hidalgo County.
 - Start coordinate: (31.332219, -108.785406);
 - End coordinate: (31.332916, -108.715858)

FOIA(b)(7) - (D)

Subject: Request for Assistance Pursuant to 10 U.S.C. § 284
Page 14

- Start coordinate: (31.670877, -106.336817);
- End coordinate: (31.731177, -106.378986)
- The third project includes approximately 0.5 miles of new primary pedestrian fencing beginning approximately 5 miles north-west of the Paso Del Norte Port of Entry continuing southeast in Doña Ana County.
 - Start coordinate: (31.783889, -106.556848);
 - End coordinate: (31.783889, -106.546137)

II.F. Del Rio Sector

Within the U.S. Border Patrol Del Rio (Del Rio Sector) DHS is requesting that DoD assist by undertaking road construction, replacing approximately four miles of pedestrian fencing with new pedestrian fencing, and installing lighting in the specific locations identified below.

The Project Areas within the Del Rio Sector that are identified below are located in Val Verde and Maverick Counties, Texas. Val Verde and Maverick Counties have been identified by the ONDCP as HIDTAs. The Del Rio Sector is used by multiple TCOs to conceal and transport narcotics into the United States. In addition to larger TCOs such as Cartel del Noreste, the Del Rio Sector is host to many alien smuggling organizations and smaller TCOs that are responsible for the smuggling of narcotics and aliens through the Del Rio Sector. These smaller, lesser known TCOs are known to have smuggled thousands of pounds of marijuana through the Del Rio Sector over the past several years. Additionally, gangs within the Del Rio Sector range from local street gangs to nationally organized gangs. Their activities involve crimes ranging from illegal entry/reentry into the United States, alien smuggling, assault, and scouting for smuggling of aliens and/or drugs. In fiscal year 2019, there were over 146 drug-related events between border crossings in the Del Rio Sector, through which Border Patrol seized over 40 pounds of marijuana, over 15 pounds of cocaine, over 24 pounds of heroin, and over 195 pounds of methamphetamine.

The Del Rio Sector is also an area of high illegal entry. Border Patrol's own experience with apprehensions between border crossings in the Del Rio Sector bears this out. In fiscal year 2019, there were over 57,000 apprehensions of illegal entrants attempting to enter the United States between border crossings in the Del Rio Sector.

The current pedestrian fencing in the Del Rio Sector lacks the ability to provide the level of impedance necessary to effectively secure the border in those areas. TCOs frequently defeat and exploit the existing dilapidated fencing for narcotics and human smuggling by simply using unassisted climbing techniques, an indication of the fencing's inferior design and current state. Additionally, the Eagle Pass Station's area of responsibility experiences the highest volume of assaults on agents, border violence, and rescues in the Del Rio Sector. Construction of new steel bollard fencing to replace the dilapidated existing fencing that is easily scaled will allow the Del Rio Sector to secure the area and more effectively leverage resources in adjacent areas leading to a safer, more secure border environment.

[REDACTED]

Subject: Request for Assistance Pursuant to 10 U.S.C. § 284
Page 15

The specific Project Areas are as follows:

Del Rio Project A:

- o The project includes approximately 2 miles of primary pedestrian replacement fencing beginning approximately 1 mile north of the Eagle Pass Port of Entry continuing south in Maverick County.
 - Start Coordinate: (28.702032, -100.504759);
 - End Coordinate: (28.71969, -100.504983)

Del Rio Project B:

- o The project includes approximately 2 miles of primary pedestrian replacement fencing beginning approximately 2 miles northwest of the Del Rio Port of Entry continuing southeast in Val Verde County.
 - Start coordinate: (29.345863, -100.945134);
 - Stop coordinate: (29.33107, -100.913086)

III. Technical Specifications

As set forth above, DHS requires road construction, installation of lighting, and the construction of new or replacement of existing vehicle barrier or dilapidated pedestrian fencing with new pedestrian fencing within the Project Areas. DHS will provide DoD with more precise technical specifications as contract and project planning moves forward.

Given DHS's experience and technical expertise, DHS plans to coordinate closely with DoD throughout project planning and execution, to include review and approval of design specifications, fencing alignment and location, and other aspects of project planning and execution.

IV. Sequencing

The DHS request for assistance includes approximately 271 miles in which DHS requires road construction, the installation of lighting, and the construction of new pedestrian fencing or the replacement of existing vehicle barrier or dilapidated pedestrian fencing with new pedestrian fencing within the Project Areas. DHS requests that DoD's support under 10 U.S.C. § 284 address the requirements in order of priority as DoD resources allow. The DHS order of priority is as follows:

1. El Centro Project A
2. El Paso Project A
3. El Paso Project B
4. Del Rio Project A
5. Yuma Project A
6. Tucson Project A
7. Tucson Project B
8. El Paso Project C
9. Del Rio Project B



Subject: Request for Assistance Pursuant to 10 U.S.C. § 284
Page 16

- 10. San Diego Project A**
- 11. El Paso Project D**
- 12. Yuma Project B**
- 13. Tucson Project C**

V. Funding

DHS requests that DoD provide the above-referenced border fences, roads, and lighting on a non-reimbursable basis as support to block drug smuggling corridors.

DHS will accept custody of the completed infrastructure and account for that infrastructure in its real property records.

DHS will operate and maintain the completed infrastructure.

VI. Conclusion

DHS requests DoD assistance under 10 U.S.C. § 284 to construct fences, roads, and to install lighting in order to block drug smuggling corridors in the Project Areas set forth above. The Project Areas set forth above are areas of high illegal entry under IIRIRA § 102(a), and the requested fences, roads, and lighting will assist in deterring illegal crossings in the Project Areas.

FOR OFFICIAL USE ONLY (FOUO)

TAB

E

F

THE WHITE HOUSE

WASHINGTON

April 4, 2018

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

SUBJECT: Securing the Southern Border of the
United States

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

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

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

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



OSD004781-18/CMD006122-18

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

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

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

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

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

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

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

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

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

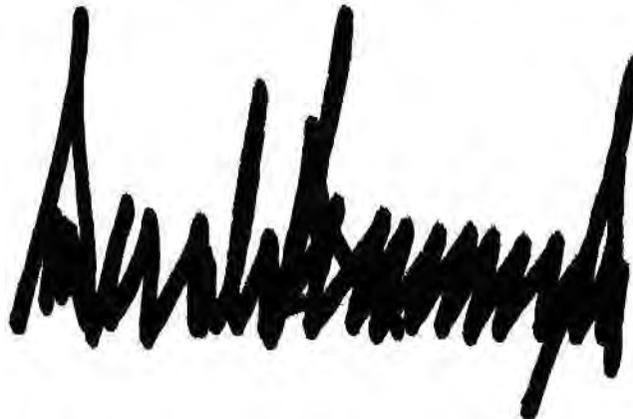
Sec. 5. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

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

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

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

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

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

WASHINGTON, DC 20502



04/11/18

United States Senate
USPS United States Postal Service
TP2 - 041118

Priority: Premium
Letter
1 of 1

WHS Executive Services Director...
Correspondence Management Divis...
703-695-9717

3C843
FLOOR 3

3C8

3C843



666333
BearTracks / Bear River Associates, Inc

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

DATE RECD APR 10 2018 AFR 102318

OFFICE OF THE
SECRETARY OF DEFENSE
2018 APR 11 AM 11:43

TAB

F



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

FEB - 1 2020

MEMORANDUM FOR CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARY OF DEFENSE (COMPTROLLER)/CHIEF
FINANCIAL OFFICER OF THE DEPARTMENT OF DEFENSE

SUBJECT: Assessing the Department of Homeland Security Request for Department of
Defense Support to Block Drug-Smuggling Corridors in FY 2020 pursuant to 10
U.S.C. § 284

This is amplifying guidance to my January 17, 2020, memorandum at Attachment 1.

I have been informed that the U.S. Army Corps of Engineers can support \$3.8B in construction of fencing and roads and installation of lighting pursuant to 10 U.S.C. § 284 in response to the January 14, 2020, Department of Homeland Security request for assistance (Attachment 2). As such, the Acting Under Secretary of Defense (Comptroller)/Chief Financial Officer will provide to the Chairman of the Joint Chiefs of Staff a list of potential funding sources totaling \$3.8B to fund such construction.

The Chairman of the Joint Chiefs of Staff will use this list of funding sources and provide to me, no later than Monday, February 3, 2020, his military advice as to whether, consistent with 10 U.S.C. § 276, using these sources and the associated transfer authority to undertake \$3.8B in construction pursuant to 10 U.S.C. § 284 will adversely affect the military preparedness of the United States.

Attachment:
As stated

cc:
Under Secretary of Defense for Policy
General Counsel of the Department of Defense
Assistant Secretary of Defense for Legislative Affairs
Assistant Secretary of Defense for Homeland Defense and Global Security
Assistant to the Secretary of Defense for Public Affairs
Chief, U.S. Army Corps of Engineers





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

1/17/2020

MEMORANDUM FOR SECRETARY OF THE ARMY
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARY OF DEFENSE FOR POLICY
UNDER SECRETARY OF DEFENSE (COMPTROLLER)/CHIEF
FINANCIAL OFFICER OF THE DEPARTMENT OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Assessing the Department of Homeland Security Request for Department of
Defense Support to Block Drug-Smuggling Corridors in FY 2020

On January 15, 2020, the Department of Defense received the attached request from the Department of Homeland Security (DHS), dated January 14, 2020, to provide support to U.S. Customs and Border Protection pursuant to 10 U.S.C. § 284, for construction of fences and roads and installation of lighting to block drug-smuggling corridors across specific sections of the southern border with Mexico.

The Secretary of the Army will review the list of projects provided by DHS for border-barrier construction and provide to the Under Secretary of Defense for Policy (USD(P)), no later than January 24, 2020, a prioritized list of projects for which the U.S. Army Corps of Engineers is capable of obligating funds during this fiscal year, including the anticipated timeline (both commencement and completion) and the estimated costs for each project.

The Chairman of the Joint Chiefs of Staff (CJCS) will provide to me, no later than January 24, 2020, military advice on whether, consistent with 10 U.S.C. § 276, providing the requested support will adversely affect the military preparedness of the United States. In this assessment, the CJCS will consider the funding sources identified by the Acting Under Secretary of Defense (Comptroller)/Chief Financial Officer (USD(C)/CFO) and other factors regarding the requested support.

The Acting USD(C)/CFO will identify potential funding sources and provide funding recommendations, in consultation with the CJCS, to the USD(P) no later than January 24, 2020.

The USD(P) will evaluate the effects, if any, on DoD's counterdrug program. The USD(P) will also, by January 30th, 2020, consolidate the above information and recommendations from components in coordination with the General Counsel and other appropriate DoD officials, for my decision.

Attachment:
As stated

cc:
Assistant Secretary of Defense for Legislative Affairs
Assistant Secretary of Defense for Homeland Defense
and Global Security
Assistant to the Secretary of Defense for Public Affairs
Chief, U.S. Army Corps of Engineers



TAB

G



**SECRETARY OF THE ARMY
WASHINGTON**

4 FEB 2020

MEMORANDUM FOR Under Secretary of Defense for Policy

SUBJECT: Prioritized List of Projects for which the U.S. Army Corps of Engineers (USACE) is Capable of Executing During FY20

1. The Army received a copy of the Department of Homeland Security (DHS) Request for Assistance (RFA) project list on 15 January 2020, and USACE conducted a preliminary risk analysis on the ability to execute the proposed projects. The project list comprises 38 projects at an estimated cost of \$5.5B. USACE anticipates it is capable of executing 31 of the 38 projects estimated at \$3.8B in FY20.

2. In accordance with the current process for the execution of Section 284 projects, the Secretary of the Army is required to provide the Under Secretary of Defense for Policy a list of DHS requested projects for which USACE is capable of executing during FY20, including the anticipated timeline and estimated costs for each project (enclosure).

3. Executing these projects in FY20 would be in addition to approximately \$1.4B in DHS appropriations for DHS border projects that USACE will execute under the Economy Act.

4. To mitigate the inherent risk of executing projects in support of the current DHS RFA, USACE requests the following actions to ensure delivery on this very aggressive request. Without these mitigating actions in place, the risk to deliver increases significantly to the potential of not being able to obligate current year Section 284 funds before the end of FY20.

a. USACE must receive the environmental waiver for each project from DHS through its unique authority under Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended. Execution of the waiver authority by DHS is required prior to any construction work occurring and thus must be received on an expedited basis. USACE estimates it will require all waivers by 15 March 2020 or timely delivery is at high risk. Additionally, USACE will require DHS to confirm that all necessary access to project areas has or will be obtained to meet project timelines.

b. USACE estimates it will require increased resourcing at headquarters for program administration to support this increased workload. Final requirements will be based on the actual workload to support the current national emergency.

c. USACE will require additional FY21 funding to support construction oversight, contract administration, and contingencies. USACE is not able to obligate FY20 funds to support these requests in future years.

d. USACE requires confirmation from DHS Customs and Border Protection (CBP) on the border barrier design by 8 March 2020. USACE plans assumes the "standard 30-foot bollard barrier" with anti-climb feature currently being constructed along the Southwestern border. Incorporation of a new design will be problematic and greatly increase the risk of not obligating funding in FY20.



Ryan D. McCarthy

Encl



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON DC 20314-1000

CECG

AS
3 February
~~30 January~~ 2020

MEMORANDUM FOR Honorable Ryan McCarthy, Secretary of the Army, 101 Army Pentagon, Washington, DC 20310-0101

SUBJECT: USACE's Project Execution Evaluation of DHS' RFA Project List

1. The Army received a copy of the DHS Request for Assistance (RFA) project list on 15 JAN 20, and USACE conducted a preliminary risk analysis of its ability to execute the proposed projects. The project list comprises 38 projects at an estimated cost of \$5.5B. USACE anticipates it is capable of executing 31 of the 38 projects estimated at \$3.8B in FY20.
2. In accordance to the current process for the execution of Section 284 projects, the Secretary of the Army is required to provide the Under Secretary of Defense an evaluation, informed through USACE, on the Department's ability to execute the projects requested by DHS.
3. Executing these projects in FY20 would be in addition to projects funded with approximately \$1.4B in DHS appropriations, which USACE will execute under the Economy Act.
4. To mitigate the inherent risk of executing projects in support of the current DHS RFA, USACE requests the following actions to ensure we can deliver on this very aggressive request. Without these mitigating actions in place, the risk to deliver increases significantly to the potential of not being able to obligate the current year Section 284 funds before the end of FY20.
 - a. USACE must receive the environmental waiver for each project from DHS through DHS' unique authority under Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended. Execution of the waiver authority by DHS is required prior to any construction work occurring and thus must be received on an expedited basis. USACE estimates it will require all waivers before 15 MAR 20 or timely delivery is at high risk. Additionally, USACE will require DHS to confirm that all necessary access to project areas has or will be obtained to meet project timelines.
 - b. USACE estimates it will require increased resourcing at Headquarters USACE for program administration to support this increased workload. Final requirements will be based on the actual workload to support the current National Emergency.

SUBJECT: USACE's Project Execution Evaluation of DHS' RFA Project List

c. USACE will require additional FY21 funding to support construction oversight, contract administration, and contingencies. USACE is not able to obligate FY20 funds to support these requirements in future years.

a. USACE requires confirmation from DHS/CBP on the border barrier design NLT 8 MAR 20. USACE plans assume construction of the "standard 30 foot bollard barrier" with anti-climb feature currently being constructed along the Southwestern Border. Incorporation of a new design will be problematic and greatly increase the risk of not obligating funding this fiscal year.

5. My point of contact for information in this memorandum is BG Glenn Goddard, Glenn.A.Goddard@usace.army.mil or (202) 761-1940.

Attachment:
FY20 284 Planning Matrix


TODD T. SEMONITE
Lieutenant General, USA
Commanding
MG, USA
DEP COE

Attachment: FY20 284 Planning Matrix

FY20 Future Project Planning Matrix

(organized by priority & project)

as of 03 FEB 2020

RFA Project List From DHS	Project Name (Approved RFA)	CSP Priority (RFA)	Type of Barrier	General Location	RFA Miles	Est. Cost (\$M) (\$20M/mile)	Reusement Easement (CSP Product)	Current/Planned Project/Deconfliction	General Accessibility (ground reason)	Access Ownership	Adjacent Project to segment	Construction Difficulty Level	Tranche Miles	Cumulative Dollars
Projected FY 20 Tranche 1 DOD Sec. 284 (Counter-Drug)	Yuma A (segment 1)	5	Vehicle Barrier Replacement	Yuma	7	\$ 140	G	G	G	A	* Yuma 1	E	94.3 Miles	\$2.0B
	Yuma A (segment 2)	5	Replacement Secondary	San Luis	9	\$ 180	G	G	G	G	* Yuma 1	E		
	El Centro A	1	New Primary Pedestrian	El Centro	10.2	\$ 204	G	G	A	G*	* El Centro 2	A, T		
	Tucson A (segment 1)	5	Replacement Primary Pedestrian	Naco	9	\$ 180	G	G	G	G	* Tucson 1	E		
	Tucson A (segment 2)	5	Replacement Primary Pedestrian	Naco	14	\$ 280	G	G	G	G	* Tucson 3	E		
	Tucson A (segment 3)	5	Replacement Primary Pedestrian	Douglas	1	\$ 20	G	G	G	G	* Tucson 3	E		
	Tucson A (segment 4)	5	Replacement Secondary	Naco	1	\$ 20	G	G	G	G	* Tucson 3	E		
	Tucson A (segment 5)	6	New Primary Pedestrian	Douglas	4.5	\$ 90	G	G	A	A	* Tucson 3	A, T		
	Tucson B (segment 5)	7	New Primary Pedestrian	Nogales	4.1	\$ 82	G	G	A	G		H, T		
	Tucson B (segment 6)	7	New Primary Pedestrian	Sierra Vista	2.1	\$ 42	G	G	Access Thru T3	G	* Tucson 3	A, T		
	El Paso A	2	Replacement of Pedestrian	El Paso	20	\$ 400	R	G	G	G		A, W		
	El Paso B (segment 6)	3	New Primary Pedestrian	Columbus	2.4	\$ 48	G	G	G	G	* El Paso 1	A, T		
	El Paso C (segment 1)	8	Replacement Primary Pedestrian	Columbus	3	\$ 60	G	G	G	G	* El Paso 2	E		
El Paso C (segment 2)	8	Replacement Primary Pedestrian	Santa Teresa	7	\$ 140	G	G	G	A		E			
Projected FY 20 Tranche 2 DOD Sec. 284 (Counter-Drug)	Tucson C (segment 1)	13	Replacement Primary Pedestrian	Sasabe	7	\$ 140	G	G	G	G		E	82.5 Miles	\$1.8B
	Tucson C (segment 3)	13	New Primary Pedestrian	Sasabe	2.6	\$ 52	G	G	A	G		A, T		
	Tucson C (segment 4)	13	New Primary Pedestrian	Sasabe	5.7	\$ 114	G	G	A	G		H, T		
	Tucson B (segment 1)	7	Replacement Primary Pedestrian	Nogales	2.1	\$ 42	G	G	G	G		E		
	Tucson B (segment 3)	7	New Primary Pedestrian	Sasabe	21	\$ 420	G	G	A	G		H, T		
	Tucson B (segment 4)	7	New Primary Pedestrian	Nogales	0.2	\$ 4	G	G	G	G		A, W		
	Yuma B (segment 1)	12	Replacement Primary Pedestrian	Yuma	0.3	\$ 6	R	G	A	A	* Yuma 6	E		
	Yuma B (segment 2)	12	Replacement Primary Pedestrian	Yuma	0.3	\$ 6	R	G	A	A	* Yuma 6	E		
	San Diego A (segment)	10	Replacement Primary Pedestrian	Tecate	13.7	\$ 274	G	G	G	G		E		
	San Diego A (segment)	10	New Primary Pedestrian	Tecate	2	\$ 40	G	G	G	G		E		
	San Diego A (segment)	10	New Primary Pedestrian	Tecate	2	\$ 40	G	G	G	G		E		
	Del Rio A	4	Replacement Primary Pedestrian	Eagle Pass	2	\$ 40	R	G	A	A		E		
	Del Rio B	9	Replacement Primary Pedestrian	Del Rio	2	\$ 40	R	G	A	A		E		
El Paso D (segment 1)	11	Replacement Secondary	El Paso	3	\$ 60	R	G	G	R		E			
El Paso D (segment 2)	11	Replacement Primary Pedestrian	El Paso	1	\$ 20	G	G	A	G		A, T			
El Paso D (segment 3)	11	Replacement Primary Pedestrian	El Paso	17	\$ 340	R	G	A	G		H, W			
El Paso D (segment 4)	11	Replacement Primary Pedestrian	El Paso	0.6	\$ 12	G	G	A	A		A, T			
El Paso B (segment 1)	3	Replacement Pedestrian	Antelope Wells	6	\$ 120	G	G	A (2808)	R	* El Paso 2/B	E			
El Paso B (segment 2)	3	New Primary Pedestrian	Antelope Wells	5.2	\$ 104	G	G	A (2808)	R	* El Paso 2/B	A, T			
El Paso B (segment 3)	3	New Primary Pedestrian	Antelope Wells	4.1	\$ 82	G	G	A (2808)	R	* El Paso 2/B	A, T			
El Paso B (segment 4)	3	New Primary Pedestrian	Antelope Wells	1.9	\$ 38	G	R	A (2808)	R	* El Paso 2/B	A, T			
El Paso B (segment 5)	3	New Primary Pedestrian	Antelope Wells	48.6	\$ 972	G	G	A	A	* El Paso 2	A, T, W			
FY19 Duplicate	Tucson C (segment 2)	13	Vehicle Replacement	Sasabe	2	\$ 40	G	G	A	G		A, T		
	Tucson B (segment 2)	7	Vehicle Replacement	Tucson	26	\$ 520	G	G	A	G		E		
Totals					271	\$ 5,412							176.8 Miles	\$3.8B

Patrol Road	Public	Existing Contra	E Easy
No Patrol Road	Private/Private/Tribal	Proposed Project	A: Medium
No Current Access	Refusal		T: Terrain
			L: Liability
			W: Water Crossings
			H: Difficult



**SECRETARY OF THE ARMY
WASHINGTON**

30 JAN 2020

MEMORANDUM FOR Under Secretary of Defense for Policy

SUBJECT: Prioritized List of Projects for which the U.S. Army Corps of Engineers (USACE) is Capable of Executing During FY20

1. The Army received a copy of the Department of Homeland Security (DHS) Request for Assistance (RFA) project list on 15 January 2020, and USACE conducted a preliminary risk analysis on the ability to execute the proposed projects. The project list comprises 38 projects at an estimated cost of \$5.5B. USACE anticipates it is capable of executing 31 of the 38 projects estimated at \$3.8B in FY20.
2. In accordance with the current process for the execution of Section 284 projects, the Secretary of the Army is required to provide the Under Secretary of Defense for Policy a list of DHS requested projects for which USACE is capable of executing during FY20, including the anticipated timeline and estimated costs for each project (enclosure).
3. Executing these projects in FY20 would be in addition to approximately \$1.4B in DHS appropriations for DHS border projects that USACE will execute under the Economy Act.
4. To mitigate the inherent risk of executing projects in support of the current DHS RFA, USACE requests the following actions to ensure delivery on this very aggressive request. Without these mitigating actions in place, the risk to deliver increases significantly to the potential of not being able to obligate current year Section 284 funds before the end of FY20.
 - a. USACE must receive the environmental waiver for each project from DHS through its unique authority under Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended. Execution of the waiver authority by DHS is required prior to any construction work occurring and thus must be received on an expedited basis. USACE estimates it will require all waivers by 15 March 2020 or timely delivery is at high risk. Additionally, USACE will require DHS to confirm that all necessary access to project areas has or will be obtained to meet project timelines.
 - b. USACE estimates it will require increased resourcing at headquarters for program administration to support this increased workload. Final requirements will be based on the actual workload to support the current national emergency.

c. USACE will require additional FY21 funding to support construction oversight, contract administration, and contingencies. USACE is not able to obligate FY20 funds to support these requests in future years.

d. USACE requires confirmation from DHS Customs and Border Protection (CBP) on the border barrier design by 8 March 2020. USACE plans assumes the "standard 30-foot bollard barrier" with anti-climb feature currently being constructed along the Southwestern border. Incorporation of a new design will be problematic and greatly increase the risk of not obligating funding in FY20.



Ryan D. McCarthy

Encl

TAB

H



COMPTROLLER

UNDER SECRETARY OF DEFENSE

1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

FEB 04 2020

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR POLICY

SUBJECT: Assessing the Department of Homeland Security Request for Department of Defense Support to Block Drug-Smuggling Corridors

As directed by the Secretary of Defense on January 17, 2020, I am providing an assessment of the fiscal considerations and funding recommendations of the Department of Homeland Security (DHS) request for assistance, dated January 14, 2020, to provide counter-drug support pursuant to 10 U.S.C. 284(b)(7).

In order to support the DHS request for assistance, the Department would need to transfer funding into the Drug Interdiction and Counter-Drug Activities, Defense appropriation, using the general transfer authority (GTA) provided for under Section 8005 and special transfer authority (STA), which is provided in Section 9002 of the Department of Defense Appropriations Act, 2020. The Department can use these authorities to transfer funding if the funds are used for 1) a higher priority item, 2) the item is based on unforeseen military requirements, and 3) the item for which funds are requested has not been denied by Congress.

I recommend implementing the transfer of up to \$3.8 billion for the construction efforts resourced from various accounts that would minimize the risk to operations and readiness. This action would use GTA to transfer up to \$2.2 billion of base funding and use STA to transfer \$1.6 billion of funds designated for Overseas Contingency Operations.

Elaine McCusker
Elaine McCusker
Acting

Sources for Reprogramming Actions

Sources (\$ in Millions)	Cong Adds	Sources	Cum Total	Comments
National Guard Equipment (OCO)	790	790	790	Unrequested Annual Add with lagging obligations.
Reserve Equipment (OCO)	510	510	1,300	Unrequested Annual Add with lagging obligations.
LHA Replacement	650	650	1,950	Congressional add (+1). Fund in FY 23/24
Heavy Expanded Mobile Tactical Truck	101	101	2,051	Congressional add; old platform not needed by the Army
Expeditionary Fast Transport	261	261	2,312	Congressional add (+1); not requested
Army Guard HMMWV Modernization Program	100	100	2,412	Congressional add; old platform not requested by the Army
BMQ-9 (OCO)	215	160	2,572	Congressional add (+12); about to phase down in FY 21. Sources uses 8 A/C
C-130J (OCO) (Air Guard)	338	169	2,741	Congressional add (+4) Source uses 2 A/C
JSF STOVL	669	223	2,964	Congressional add +6 Bs; UPL +2Bs +4Cs. Source uses 2Bs
P-8A Poseidon	541	180	3,144	Congressional add (+3 Navy Reserve); +2 on UPL; met operational requirements. Source uses 1 A/C
C-130J (AF Reserve)	392	196	3,340	Congressional add (+4); AF expects annual adds for their modernization plan. Source uses 2 A/C
V-22	310	155	3,495	USMC has +2 on UPL but Congress added +4. Source uses 2 A/C
OA-X Light Attack	210	180	3,675	Congressional add
F-35 (AP)	156	156	3,832	AF requested long-lead items for an additional 12 A/C in FY21. AF is not requesting funds to procure the additional 12 A/C FY21. AP amount not required in FY20.
Total Sources		3,831		
F-STA		1,629		
GTA		2,202		

Source Criteria:
 - Congressional Adds
 - Not on or Above Unfunded Priority List (UPL); Exception: F-35 AP, which was on UPL, but is no longer required in FY20

TAB

I

UNCLASSIFIED

COPY



CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, DC 20318-9999

CM-0032-20
3 February 2020

COPY

INFO MEMO

FOR: SECRETARY OF DEFENSE

DepSec Info _____

FROM: General Mark A. Milley, CJCS

*Mark A. Milley
3 Feb 2020*

SUBJECT: Military Advice Assessing the Department of Homeland Security Request for Department of Defense Support to Block Drug-Smuggling Corridors in Fiscal Year 2020

- In response to your direction on January 17, 2020 (TAB), this memorandum provides my current assessment on the affects to the military preparedness of the United States in light of the Department of Homeland Security request for the Department of Defense (DoD) to block drug smuggling corridors.
- Presently, the Acting Under Secretary of Defense (Comptroller)/Chief Financial Officer has identified \$3.8B in funding sources all of which were above the Department's 2020 budget request.
- Reprogramming of these funds into the Defense Drug Interdiction and Counter-Drug Activities account will have no significant immediate negative impact on joint force readiness. If these funds are not reprogrammed they likely would be used to address other unfunded DoD requirements and additions in excess of the DoD programmed budget 2020 submission including unfunded National Guard requirements. Accordingly, I assess that this proposed reprograming will not seriously compromise the military capability of the DoD to defend the United States at a strategic level.
- I will continue to evaluate and advise on potential impacts to the military preparedness of the United States as future reprogramming decisions are made.

COORDINATION: NONE

Attachments:
As stated

Prepared by: Lieutenant General Andrew P. Poppas, U.S. Army; Director, J-3; 703-697-3702

UNCLASSIFIED

TAB

J

PDO ASD SOLIC



**Effects on the Counterdrug Program on Supporting the
FY 2020 DHS Southwest Border (SWB) Support Request**

**Suggested Paragraph for SecDef Action Memo (HD&GS OPR) Detailing Impacts to the
CD Program:**

A readout SOLIC received of a 29 January 2020 meeting, that included the Deputy Secretary and Comptroller, established that there are no current plans to use Fiscal Year 2020 funds appropriated to the Drug Interdiction and Counter-Drug Activities, Defense account to support this Department of Homeland Security (DHS) Request for Assistance (RFA). Based on this understanding, SOLIC projects no fiscal or operational impacts for DoD Counter-Drug programs in FY 2020 related to this specific DHS RFA.

TAB

K

S. 1790—602

(7) An assessment of logistical challenges that evacuations from the Arctic in connection with such operations entail, including potential rotary and fixed-wing aircraft trans-load locations and onward movement requirements.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

SEC. 1707. TRANSMITTAL TO CONGRESS OF REQUESTS FOR ASSISTANCE FROM OTHER DEPARTMENTS OF THE FEDERAL GOVERNMENT THAT ARE APPROVED BY THE DEPARTMENT OF DEFENSE.

(a) REQUESTS FOLLOWING APPROVAL.—Not later than seven calendar days after the Department of Defense approves a Request for Assistance from the Department of Homeland Security or the Department of Health and Human Services, the Secretary of Defense shall electronically transmit to the Committees on Armed Services of the Senate and the House of Representatives a copy of such Request for Assistance.

(b) OFFICIAL RESPONSES TO APPROVED REQUESTS.—At the same time the Secretary of Defense submits to the Secretary of Homeland Security or the Secretary of Health and Human Services an official response of the Department of Defense approving a Request for Assistance from the Department of Homeland Security or the Department of Health and Human Services, as applicable, the Secretary of Defense shall electronically transmit to the Committees on Armed Services of the Senate and the House of Representatives a copy of such official response.

SEC. 1708. REPORT AND BRIEFING ON IMPLEMENTATION OF NATIONAL DEFENSE STRATEGY.

(a) REPORT AND BRIEFING.—In addition to the assessment required under section 113(g)(1)(F) of title 10, United States Code, by not later than April 30, 2020, the Secretary of Defense shall submit to the congressional defense committees a report, and provide an accompanying briefing, on the implementation of the national defense strategy required under section 113(g) of title 10, United States Code. Such report and briefing shall include each of the following:

(1) An explanation of the joint operational concepts to deter and, if necessary, to defeat strategic competitors, including—

(A) an evaluation of the risks associated with the employment of such joint operational concepts;

(B) the ways of adapting innovative joint operational concepts to strategically significant scenarios;

(C) the ways that such joint operational concepts address operational challenges to achieve advantages against strategic competitors in the nuclear, space, and cyber domains; and

(D) the employment of the force in peacetime to dissuade strategic competitors from conducting malign activities below the threshold of open warfare, including an

TAB

L

Policy Coordination Sheet

Subject: Department of Homeland Security Request for Department of Defense Support to Block Drug-Smuggling Corridors

Control Number: *OSD000609-20* *CMD000722-20*

Title/Organization	Name	Coordination Requested	Coordination Received
USD(P)			
SecArmy	Hon McCarthy	January 30, 2020	January 31, 2020
USD(C)/CFO	Elaine McCusker	January 31, 2020	February 5, 2020
OGC	William Castle	January 30, 2020	February 5, 2020
Joint Staff	GEN Milley	January 31, 2020	February 3, 2020
ASD(SO/LIC)	Tom Alexander	January 30, 2020	January 31, 2020