

United States Senate

Subcommittee on Government Operations and Border Management

Committee on Homeland Security and Governmental Affairs

U. S. Senator James Lankford, Ranking Member

President Biden is Wasting Billions by Not Building the Border Wall

Interim Minority Staff Report



Executive Summary

President Biden's efforts to suspend or terminate border wall construction have cost taxpayers between **\$1.837 billion to \$2.087 billion** since January 20, 2021. This amount continues to increase by *at least \$3 million per day*, according to records and data obtained by the Minority Staff of the Government Operations and Border Management (GOBM) Subcommittee of the Homeland Security and Governmental Affairs Committee (HSGAC).

By the end of the Trump Administration, \$10 billion had been transferred to U.S. Department of Defense (DOD) accounts for border wall construction and related projects. As of June 2021, the Biden Administration has wasted **roughly 20 percent** (\$2 billion) of that \$10 billion on suspension and termination costs related to border wall contracts. This waste of taxpayer resources threatens military readiness and national security.

The Biden Administration is paying contractors *at least* \$3 million per day to guard steel, concrete, and other materials in the desert. At the same time, U.S. Customs and Border Protection (CBP) has encountered over 1.1 million migrants along the Southwest border this fiscal year – a 20 year high.¹ This policy decision raises significant concerns about the Biden Administration's immigration agenda and requires both Congressional oversight and legislative action.

On January 20, 2021, President Biden ordered his Administration to “study” the border wall construction for 60 days and report back to him with recommendations. It has been 180 days since the 60-day study commenced. As of the drafting of this report, no study findings have been released by the U.S. Department of Homeland Security (DHS) or the Biden Administration. With costs mounting to *not* construct the border wall or install the infrastructure's technology, the public needs to have access to the findings, data, and methodology of the Biden Administration's border wall study.

This report provides additional context around these findings and raises additional questions about the Biden Administration's waste of taxpayer resources on its efforts to terminate contracts for border wall construction.



Figure 1. Incomplete Border Wall in Arizona

Taken March 14, 2021

¹ U.S. Customs and Border Prot.: Southwest Land Border Encounters Report (last updated July 16, 2021).

Background

Between 1960 and 1996, roughly 36 miles of fencing were built along the Southwest border. In 1996, in response to rising levels of illegal immigration, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) on a bipartisan basis, which directed the Attorney General to construct 14 miles of fencing along the U.S. Southwest border.² In 2006, Congress passed the Secure Fence Act on a bipartisan basis to amend IIRIRA and authorize the construction of 75 miles of reinforced fencing and the installation of camera systems along the fencing.³ Between 2006 and 2017, more than 590 miles of fencing were built along the Southwest border.⁴

Shortly after taking office, President Trump issued Executive Order 13767 to instruct Federal agencies to build a wall along the U.S.-Mexico border to secure the Southwest border and “prevent illegal immigration, drug and human trafficking, and acts of terrorism.”⁵ Since issuing Executive Order 13767, the Federal government has constructed 453 miles of new primary and secondary border wall system within the U.S. Border Patrol’s San Diego, El Centro, Yuma, Tucson, El Paso, Del Rio, and Rio Grande Valley (RGV) sectors.

As of January 8, 2021, 211 miles of new primary and secondary border wall system were under construction in the San Diego, El Centro, Yuma, Tucson, El Paso, Del Rio, Laredo, and RGV sectors. 74 miles of new primary and secondary border wall system were in the pre-construction phase in the San Diego, El Centro, El Paso, and Laredo sectors.

New Primary Wall	New Secondary Wall	New Primary Wall	New Secondary Wall	Total
<i>In place of dilapidated or outdated designs</i>		<i>In locations where no barriers previously existed</i>		
~375 miles	~25 miles	~281 miles	~57 miles	~738 MILES FUNDED
~351 miles	~22 miles	~47 miles	~33 miles	~453 MILES COMPLETED

Source: U.S. Customs and Border Protection and U.S. Army Corps of Engineers, *Border Wall Status Report*, January 08, 2021⁶

During the Trump Presidency, roughly \$16.4 billion was allocated toward border wall construction and maintenance. Of the \$16.4 billion total, \$10 billion was allocated from DOD 2808 (military construction) and 284 (counter-narcotics) accounts, \$5.8 billion was directly appropriated from Congress, and \$0.6 billion was allocated from the U.S. Department of

² U.S. Congressional Research Service. DHS Border Barrier Funding (R45888; Jan. 29, 2020), by William L. Painter and Audrey Singer.

³ *Supra* note 2.

⁴ *Supra* note 2.

⁵ Exec. Order No. 13,767, 82 Fed. Reg. 8793 (Jan. 25, 2017).

⁶ Appendix 2.

Treasury Asset Forfeiture accounts.⁷ When President Biden took office, roughly \$1.9 billion of funds appropriated to DHS remained available for obligation for border wall construction and \$4.75 billion of DOD funding for border wall construction remained available for obligation and disbursement.⁸

On January 20, 2021 President Biden issued Presidential Proclamation 10142 to pause all construction of and obligation of funds toward construction projects for the Southern border wall. This Proclamation also ordered an assessment of all contracts the Federal government had awarded for wall construction and redirected transferred funds from DOD accounts to the original projects toward which those funds had been appropriated.⁹

President Biden's FY 2022 Budget Request to Congress proposes the cancellation of all unobligated border barrier construction funds from the previous year, and the Biden Administration has begun reverting any funds transferred from DOD accounts back to DOD-related projects. On April 30, 2021, DHS released a press release, entitled "DHS Announces Steps to Protect Border Communities from Wall Construction."¹⁰ The Biden Administration requested again on May 29, 2021 that Congress cancel all prior year funding for the border wall.¹¹

President Biden stated that "building a massive wall that spans the entire southern border [...] is a waste of money that diverts attention from genuine threats to our homeland security."¹² But, since taking office, President Biden has overseen the worst border crisis in the past 20 years. More than 1.1 million migrants have been encountered at the Southwest border this fiscal year, and DHS has apprehended more than 95,000 unaccompanied minors this fiscal year.¹³ This situation has overwhelmed CBP's capacity and the Federal government's ability to manage the flow of migrants across the U.S.-Mexico border. CBP has begun releasing migrants without charging documents and asking them to report to U.S. Immigration and Customs Enforcement (ICE) within 60 days of arriving in their final destination in the U.S. interior.

As of July 8, 2021, the Biden Administration had released 35,090 migrants with "notices to report to ICE."¹⁴ As of July 8, 2021, only 16 percent, or 5,672 migrants, have reported to ICE.¹⁵ The number of migrants receiving Notices to Report to ICE grew by over 12,000 between June 8, 2021 and July 8, 2021.¹⁶ Border Patrol agents have regularly called for additional resources for

⁷ U.S. Congressional Research Service. An Update on Military Funding for the Border (IN11675; May 21, 2021), by Christopher T. Mann.

⁸ *Supra* note 7.

⁹ Termination of Emergency With Respect to the Southern Border of the United States and Redirection of Funds Diverted to Border Wall Construction, 86 Fed. Reg. 7225-27 (Jan. 20, 2021).

¹⁰ Press Release, Dep't of Homeland Sec., DHS Announces Steps to Protect Border Communities from Wall Construction (Apr. 30, 2021).

¹¹ Office of Mgmt. & Budget, Exec. Office of the President, Budget of the U.S. Government, Fiscal Year 2022.

¹² *Supra* note 10.

¹³ *Supra* note 1.

¹⁴ Telephone Interview with U.S. Immigration and Customs Enforcement (July 14, 2021).

¹⁵ Email from U.S. Immigration and Customs Enforcement (July 19, 2021) (sent to the Minority of the Subcommittee on Government Operations and Border Management, U.S. Senate Committee on Homeland Security and Governmental Affairs).

¹⁶ Telephone interview with U.S. Immigration and Customs Enforcement (June 10, 2021).

wall construction and have told members of Congress and the public that border walls work. Rather than carrying out contracts for border wall construction and working to enforce the law along the Southwest border by stopping this crisis, President Biden has let this crisis continue unabated and instead focused his efforts on stopping construction on the border wall. These efforts, as documented in the next section, represent an egregious waste of taxpayer dollars.



Figure 2. Incomplete Border Wall in the Rio Grande Valley Sector
Taken March 26, 2021

Interim Findings

President Biden's efforts to suspend or terminate border wall construction have cost taxpayers between **\$1.837 billion to \$2.087 billion** since January 20, 2021. This amount continues to increase by *at least* **\$3 million per day**, according to records and data collected by the Minority Staff of the Government Operations and Border Management (GOBM) Subcommittee of the Homeland Security and Governmental Affairs Committee (HSGAC).

By the end of the Trump Administration, \$10 billion had been transferred to U.S. Department of Defense (DOD) accounts for border wall construction and related projects. By now, the Biden Administration has wasted **roughly 20 percent** (\$2 billion) of that \$10 billion on suspension and termination costs related to border wall contracts. This waste of taxpayer resources threatens military readiness and national security.

Importantly, this estimate includes only a small portion of the overall costs the Biden Administration has incurred in its implementation of Presidential Proclamation 10142. These estimates do not include an analysis of DHS accounts and therefore do not represent the full extent of waste by the Biden Administration, nor do they include the ongoing daily costs related to DOD's suspension of projects funded by its 284 accounts. Given these caveats, President Biden is likely wasting significantly more taxpayer resources than estimated in this report on his efforts to stop building the border wall.

On January 20, 2021, President Biden ordered his Administration to "study" the border wall construction for 60 days and report back to him with recommendations. It has been 180 days since the 60-day study commenced. As of the drafting of this report, no study findings have been released by DHS or the Biden Administration. With costs continuing to increase to *not* construct the border wall or install the infrastructure's technology, it is essential for the public to have access to the findings, data, and methodology of the Biden Administration's border wall study.

Analysis of Interim Findings

Estimate of Costs for Seven Border Wall Projects Funded by DOD 2808 Accounts

Through interviews and written communication with DOD officials, GOBM minority staff were told that DOD was initially incurring **\$6 million per day** in total daily costs during the suspension period for the seven projects receiving funds from DOD 2808 accounts. (DOD 2808 accounts fund military construction projects.) Eventually, those contractors began laying off employees. As a result of those layoffs, DOD is now spending **\$3 million per day** on daily suspension costs for the seven projects funded by DOD 2808 accounts. DOD declined to share with the GOBM minority the total number of contractors who were laid off from these projects.

These costs are considered part of "suspension costs" for the contracts supporting these seven projects. DOD informed GOBM minority staff that DOD is paying these contractors for "make safe and site security" projects. This means that the Federal government is paying contractors on these seven projects \$3 million per day to drive out to project sites and guard the unused pallets of steel and other construction materials.

Between January 20, 2021 and July 15, 2021, GOBM minority staff estimates that DOD has paid contractors on the seven projects receiving 2808 funds between **\$618 million and \$708 million**. These costs will continue to accrue until the contracts are terminated. DOD estimates that termination of contracts will take roughly 12 to 18 months.¹⁷ As a result, these costs will continue to increase for the foreseeable future.

According to documents filed in *Biden v. Sierra Club*, DOD estimates that the Federal government will pay **roughly \$180 million in termination costs** for the seven projects funded by 2808 accounts. DOD also estimates that they will spend roughly **\$160 million on suspension costs** for these seven projects.¹⁸

It is unclear whether DOD's estimate of \$160 million was calculated to include the ongoing costs accrued during the suspension period. If the daily accrual of \$3 million was included within DOD's estimate, then DOD *significantly* undercounted their total suspension costs. If the daily accrual of \$3 million represents a separate cost not accounted in the broader DOD estimate of termination costs, then the total suspension costs will still be significantly higher than the estimate DOD provided to the Biden Administration and to the courts.

Based on information provided by DOD officials and court filings in *Biden v. Sierra Club*, the Federal government is on track to spend at least **\$798 million and \$1.048 billion** by the end of CY 2022 to exit the seven remaining projects receiving 2808 funds.

Estimate of Costs for Projects Funded by DOD 284 Accounts

Court filings in *Biden v. Sierra Club* include estimates from DOD regarding the suspension and termination costs for projects funded by DOD 284 accounts. (DOD 284 accounts fund counter-drug and counternarcotic activities.) DOD estimates that they will spend a minimum of **\$624 million** in contract claims and termination costs for these projects, and they estimate that they will spend another **\$415 million** in suspension costs.

Similar to the estimates for the projects funded by 2808 accounts, it is unclear whether there are additional suspension costs that DOD has not reported. If there are such additional costs and if those costs are accruing, DOD has likely underreported the amount of taxpayer resources it will be allocating to exit the projects funded by its 284 accounts. Similar to the 2808 projects, DOD also noted that it will take roughly 12 to 18 months to fully terminate the ongoing projects that are receiving 284 funds.¹⁹

In total, based off of court filings in *Biden v. Sierra Club*, DOD estimates that it will spend **\$1.039 billion** in suspension and termination costs for projects funded by DOD 284 accounts.²⁰

¹⁷ Appendix 1.

¹⁸ *Supra* note 17.

¹⁹ *Supra* note 17.

²⁰ *Supra* note 17.

Total Estimation of Costs for Border Wall Projects Funded by DOD Accounts

In light of the findings discussed above, GOBM minority staff estimates that DOD will spend – at a minimum – **\$1.837 to \$2.087 billion to suspend and terminate border wall contracts.** During the Trump Administration, DOD had obligated roughly \$10 billion toward border wall construction projects. This means that the Biden Administration will have likely wasted **20 percent** of the DOD funding that had been allocated toward border wall construction.

GOBM minority staff believes this estimate is likely quite low, given 1) the Biden Administration's unwillingness to answer questions about its plans for contracts and lands acquired by DHS, 2) the unresolved questions around DOD's estimation of suspension costs, and 3) the 12- to 18-month timeline it will take for DOD to exit these contracts.

Status of Land Acquired for Border Wall

Court filings in *Biden v. Sierra Club* note that the U.S. Army Corps of Engineers (USACE) is in the process of transferring all land that was acquired by the Federal government for border wall projects from the Department of Interior's administrative jurisdiction to DHS or to the U.S. Department of the Army. It is likely that some of the Federal agencies involved in this process will incur additional costs related to upkeep and the administrative transfer of these lands.

Court filings show that all lands transferred to the Army will enter the Army's land inventory as part of Fort Bliss, Texas.

Status of DHS Contractors

Very little information is available about the status of DHS contractors; however, GOBM minority staff have become aware of at least one subcontractor in Texas who has been ordered to remain in "standby" status for an indefinite period by DHS. The subcontractor informed GOBM minority staff that they were initially ordered to remain in "standby" status for roughly 60 days; however, as of the date on which the subcontractor made contact with GOBM minority staff, the subcontractor had remained in standby status for at least 109 days.

Due to DHS' standby order, the subcontractor has incurred carrying costs for two \$700,000 concrete plants and seven concrete trucks. This subcontractor is unable to sell off and unwind these investments, because of USACE's mandate to remain in standby status. As a result, the subcontractor is nearing insolvency and may soon go out of business. GOBM minority staff have repeatedly asked DHS for information about its plans to review and terminate border wall contracts pursuant to Presidential Proclamation 10142, but has declined to respond to the GOBM minority as of the drafting of this report.

Next Steps

These interim findings show that the Biden Administration's efforts to stop border wall construction constitute significant waste of taxpayer resources. As of the drafting of this report, the Biden Administration has paid border wall contractors at least **\$2 billion and counting** to not build the border wall. This \$2 billion comes directly from DOD's budget, and the Biden Administration's continued waste of these funds poses risks to national security and border security.

During FY 2021, CBP has encountered more than 1.1 million migrants along the U.S.-Mexico border, and CBP has apprehended over 95,000 unaccompanied minors.²¹ By the end of FY 2021, the Biden Administration will have set a 20-year record in the number of migrants encountered at the U.S.-Mexico border. This ongoing crisis continues to overwhelm the capacities of the Federal government and place significant strains on border states and communities.

In light of the findings above, Senator Lankford will continue to work toward holding the Biden Administration accountable through oversight and legislation. Senator Lankford will focus his efforts on getting answers from DHS regarding the contracts funded by DHS appropriations that Federal government has entered for border wall construction. Senator Lankford will also pursue legislation to force the Biden Administration to end this waste and abuse and finish the border wall contracts that the Federal government has already entered. Finally, Senator Lankford will use every resource afforded to him to press HSGAC to hold oversight hearings over the Biden Administration's efforts to terminate border wall construction.



Figure 3. Incomplete Border Wall in Arizona

Taken March 14, 2021

²¹ *Supra* note 1.

Appendices

1. Government Filings (April 28, 2021) in *Biden v. Sierra Club*, 20-138, 2021 WL 2742775 (U.S. July 2, 2021).
2. U.S. Customs and Border Protection and U.S. Army Corps of Engineers, “Border Wall Status Report,” January 8, 2021.

Appendix 1

Government Filings (April 28, 2021) in *Biden v. Sierra Club*,
20-138, 2021 WL 2742775 (U.S. July 2, 2021)

ACTION MEMO

DSD HAS SEEN

APR 28 2021

A/USDP/AC

Prepared by:

Phone Number:

FOR: DEPUTY SECRETARY OF DEFENSE

FROM: Robert G. Salesses, Performing the Duties of the Assistant Secretary of Defense (Homeland Defense & Global Security)

SUBJECT: Department of Defense Actions Implementing Presidential Proclamation 10142

PURPOSE: Approve the cancellation of all border barrier projects and direct actions by the Acting Secretary of the Army (SecArmy) and the Senior Official Performing the Duties of Under Secretary of Defense (Comptroller)/Chief Financial Officer (PTDO USD(C)/CFO) to effectuate the plan.

COORDINATION: Department of the Army/USACE, USD(A&S), USD(C)/CFO, and OGC.

BLUF: Proclamation 10142 terminated the national emergency on the southern border and directed the Secretary of Defense and the Secretary of Homeland Security to develop a plan for redirecting funding and repurposing contracts for border barrier projects. The memorandum at TAB A directs the cancellation of all border barrier construction projects authorized under Sections 2808(f) and 284 of Title 10, U.S. Code. The memorandum at TAB B informs the Secretary of DHS of the actions you have taken to fulfill the direction in Proclamation 10142.

DISCUSSION (more detailed explanation is provided at TAB E):

Presidential Proclamation 10142

- On January 20, 2021, the President “declare[d] that the national emergency declared by Proclamation 9844...is terminated and that the authorities invoked in that proclamation will no longer be used to construct a wall at the southern border.” Proclamation 10142 also directed further actions related to construction of border barriers, including the development of a plan for redirecting funding and repurposing contracts for border barrier construction (TAB C).
- On January 23, the Deputy Secretary of Defense directed actions to implement Proclamation 10142, including directing the Under Secretary of Defense for Policy (USD(P)), in coordination with the USD(C)/CFO, to develop DoD’s plan required by the Proclamation (TAB D).

Section 2808 of Title 10, U.S. Code, Border Barrier Construction

- Background. The then-Secretary of Defense authorized 11 border barrier military construction (MILCON) projects pursuant to Section 2808, as made available in the declaration of national emergency first declared in Proclamation 9844, and continued on February 13, 2020, (85 Fed. Reg. 8715), and January 15, 2021 (86 Fed. Reg. 6557).
- Legal Considerations and Justification for Cancellation. In light the President's termination of the national emergency on January 20, 2021, and as specified in Section 2808(F), the authority provided to the Secretary of Defense in Section 2808 is no longer available, and no further construction may be undertaken pursuant to it. Therefore, the 11 projects must be cancelled.
- Unobligated/Deobligated Funds. In addition to approximately \$2.1B associated with unawarded contracts for four Section 2808 projects that may be released back to the relevant DoD Components immediately, the U.S. Army Corps of Engineers (USACE) expects to deobligate approximately \$261M from the termination or de-scoping of awarded contracts. After termination/de-scoping, USACE will expend funds to pay contractor invoices for termination

DSD CA		DSD SA	
DSD SMA		DSD SMA	
DSD MA		DSD MA	
CoS		DSD CA	
DSD Action Grp		ESB RVW	PM 4/28
ES			

1. The first step in the process of developing a business plan is to conduct a thorough market research. This involves identifying the target market, understanding their needs and preferences, and analyzing the competitive landscape. Market research can be conducted through various methods, including surveys, interviews, and focus groups.

2. Once the market research is complete, the next step is to develop a clear and concise business plan. This plan should outline the company's mission, vision, and goals, as well as the strategies and tactics for achieving them. It should also include financial projections and a detailed description of the products or services being offered.

3. After the business plan is developed, the next step is to secure funding. This can be done through various sources, including banks, venture capitalists, and angel investors. It is important to have a solid business plan in place when seeking funding, as it will demonstrate the viability of the business and the potential for return on investment.

4. Once funding is secured, the next step is to launch the business. This involves setting up the necessary infrastructure, including a website, social media presence, and distribution channels. It also involves hiring staff and establishing a strong customer base.

5. Finally, the business should be monitored and evaluated regularly. This involves tracking key performance indicators (KPIs) and making adjustments as needed. It is important to stay flexible and adapt to changes in the market and customer needs.

OSD003734-21/CMD005243-21

costs (approximately \$180M) and suspension costs (estimated to be \$160M), although the precise amounts are subject to negotiation with contractors, which could take 12-18 months to complete.

- Next Steps.

- Acting SecArmy, through the Commanding General, USACE, will take immediate action to cancel the 11 Section 2808 projects, including congressional notification, and USACE will execute the necessary contract actions.
- The Department of the Army will coordinate with the Department of the Interior to relinquish all withdrawn lands and coordinate with the Department of Homeland Security (DHS) to transfer administrative jurisdiction over other Federal property.
- As funds become available, PTDO USD(C)/CFO will release the MILCON funds to the relevant Military Departments and Defense Agencies for use on deferred MILCON projects.

Section 284 of Title 10, U.S. Code, Border Barrier Construction

- Background. Prior Secretaries of Defense authorized 38 projects and segments of border barrier construction pursuant to Section 284(b)(7) based on multiple DHS requests for assistance. USACE has awarded 13 contracts for Section 284 construction projects. USACE has expended approximately \$4.88B on the 13 contracts.
- Justification for Cancellation. Cancelling Section 284 border barrier projects is consistent with the President's determination that "building a massive wall that spans the entire southern border is not a serious policy solution" to the security challenges at the southern border. Although not legally required by the termination of the national emergency, cancelling Section 284 projects is consistent with the policy intent of Proclamation 10142 to end construction on a border wall.
- Status of DoD Funds. Funds transferred for Section 284 construction were available for obligation only during the fiscal year in which they were transferred, and thus have expired. Any unexpended expired funds will remain in the Operation and Maintenance, Army, account, and are available to liquidate obligations properly chargeable to the fiscal year during which the funds were available for obligation (e.g., contract termination costs, including suspension costs), and, after 5 years, the account will be closed and remaining balance in the account will be cancelled.
- Next Steps. Acting SecArmy will take immediate action to cancel Section 284 projects, demobilize contractors, and undertake those activities necessary to make permanent any urgent measures that were needed to avert immediate physical dangers during the pause directed by Section 1(b) of Proclamation 10142.

RECOMMENDATION 1: Based on the above and TAB E, sign TAB A, directing Acting SecArmy and PTDO USD(C)/CFO to take actions to cancel all border barrier projects authorized under Sections 284 and 2808, and release unobligated MILCON funds back to relevant DoD Components.

RECOMMENDATION 2: Based on the above and TAB E, sign TAB B informing the Secretary of DHS your decision to cancel all projects and segments authorized pursuant to Sections 284 and 2808.

Attachments:

TAB A: Memorandum to Acting SecArmy and PTDO USD(C)/CFO

TAB B: Memorandum to Secretary of Homeland Security

TAB C: Presidential Proclamation 10142

TAB D: DepSecDef Memorandum

TAB E: Background Information Paper

TAB F: Coordination

TAB

A



4
DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

APR 30 2021

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

SUBJECT: Department of Defense Actions Implementing Presidential Proclamation 10142

In Proclamation 10142, the President “declare[d] that the national emergency declared by Proclamation 9844 ... is terminated and that the authorities invoked in that proclamation will no longer be used to construct a wall at the southern border.” The Proclamation also directed the Secretary of Defense and the Secretary of Homeland Security to develop a plan for redirecting funding and repurposing contracts for all border barrier projects. This memorandum directs actions for the Department of Defense in furtherance of Proclamation 10142 regarding those projects authorized pursuant to title 10, U.S. Code, sections 284 and 2808.

Section 2808 of Title 10, U.S. Code, Border Barrier Construction

As specified in section 2808(c) the termination of the national emergency with respect to the southern border in Proclamation 10142 made the authority provided in section 2808 no longer available. I have also determined, based on the termination of the national emergency, that projects authorized pursuant to section 2808 are no longer necessary to support the use of the armed forces.

The Secretary of the Army will take immediate action to: (1) cancel all section 2808 border barrier construction projects, including providing any requisite congressional notification; (2) relinquish any lands withdrawn by the Department of the Interior for such construction; and (3) transfer administrative jurisdiction of any lands purchased for such construction or transferred from other Federal departments or agencies pursuant to the Federal Property Act, to the Department of Homeland Security. The Department of the Army may expend military construction funds made available for section 2808 border barrier construction only to pay contract termination costs, including suspension costs. Such costs may include expenses of activities necessary for contractor demobilization, but may not include costs associated with any further construction or construction-related activities of any kind.

As funds become available, the Under Secretary of Defense (Comptroller)/Chief Financial Officer will take immediate action to release the unobligated military construction funds to the relevant Military Departments and Defense Agencies and ensure they are used in an appropriately prioritized manner to carry out military construction projects that were deferred to finance section 2808 border barrier construction.

Section 284 of Title 10, U.S. Code, Border Barrier Construction

Cancelling section 284 border barrier projects is consistent with the President’s determination that “building a massive wall that spans the entire southern border is not a serious policy solution” to the security challenges at the southern border. Although not legally required

by the termination of the national emergency at the southern border, cancelling section 284 projects is consistent with the policy intent, described in Proclamation 10142, to end construction of a border wall. The Secretary of the Army therefore will take immediate action to cancel all section 284 construction projects. The Department of the Army may use funds transferred for section 284 border barrier construction projects to pay contract termination costs, including suspension costs. Such contract termination and suspension costs may include costs associated with activities necessary for contractor demobilization. The Department of the Army also may use such funds for activities necessary to make permanent any measures that were taken to avert immediate physical dangers during the pause directed by section 1(b) of Proclamation 10142.

I have informed the Secretary of Homeland Security that DoD will no longer undertake the construction of fences and roads and installation of lighting at the southern border pursuant to title 10, U.S. Code, section 284, and that consistent with previous approvals of section 284 construction, DHS will accept custody of border barrier infrastructure constructed pursuant to section 284, account for such infrastructure in its real property records, and operate and maintain the infrastructure (including undertaking any necessary further construction, consistent with applicable law).

A handwritten signature in black ink, appearing to read "Keith H. Huel". The signature is fluid and cursive, with a large initial "K" and a distinct "H" and "H" in the middle.

cc:

Chairman of the Joint Chiefs of Staff

Under Secretary of Defense for Acquisition and Sustainment

Under Secretary of Defense for Policy

General Counsel of the Department of Defense

Commander, U.S. Army Corps of Engineers

TAB

B



7
DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

MEMORANDUM FOR THE SECRETARY OF HOMELAND SECURITY

SUBJECT: Department of Defense Actions Implementing Presidential Proclamation 10142

In Proclamation 10142, dated January 20, 2021, the President "declare[d] that the national emergency declared by Proclamation 9844, and continued on February 13, 2020 (85 *Fed. Reg.* 8715), and January 15, 2021, is terminated and that the authorities invoked in that proclamation will no longer be used to construct a wall at the southern border." The Proclamation also directed further actions related to construction of border barriers, including directing the Secretary of Defense and Secretary of Homeland Security to develop a plan for redirecting funding and repurposing contracts for all border barrier projects. This memorandum communicates the actions for the Department of Defense in furtherance of Proclamation 10142 regarding those projects authorized pursuant to title 10, U.S. Code, sections 284 and 2808.

I have directed the Secretary of the Army to take immediate action to cancel all section 284 border barrier construction projects approved in response to the Secretary of Homeland Security requests for assistance of January 14, 2020 and February 25, 2019. The Department of the Army will demobilize contractors and carry out only limited activities necessary to make permanent any urgent measures that were needed to avert immediate physical dangers during the pause directed by section 1(b) of Proclamation 10142. Consistent with communications in prior memoranda approving support under section 284 provided to the Department of Homeland Security (DHS), DHS will accept custody of border barrier infrastructure constructed pursuant to section 284, account for such infrastructure in its real property records, and operate and maintain the infrastructure (including undertaking any necessary further construction, consistent with applicable law).

With respect to border barrier military construction authorized pursuant to title 10, U.S. Code, section 2808, in light of the termination of the national emergency with respect to the southern border in Proclamation 10142, and the fact that the authority provided in section 2808 is no longer available as a result of this termination, I have directed the Secretary of the Army to take immediate action to cancel all section 2808 border barrier construction projects, relinquish any lands withdrawn by the Department of the Interior for such construction, and transfer administrative jurisdiction of any lands purchased for such construction or transferred from other Federal departments or agencies pursuant to the Federal Property Act, to DHS. DHS must coordinate with the Department of the Interior to secure the rights it requires to operate the border infrastructure constructed pursuant to section 2808.

The Secretary of the Army, acting through the Commander, U.S. Army Corps of Engineers, as necessary, is authorized to coordinate directly with DHS to undertake expeditiously the above actions.

cc:

Secretary of the Army

Chairman of the Joint Chiefs of Staff

Under Secretary of Defense for Acquisition and Sustainment

Under Secretary of Defense for Policy

Under Secretary of Defense (Comptroller)/Chief Financial Officer

General Counsel of the Department of Defense

Commander, U.S. Army Corps of Engineers

TAB

C

Proclamation on the Termination Of Emergency With Respect To The Southern Border Of The United States And Redirection Of Funds Diverted To Border Wall Construction

January 20, 2021

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Like every nation, the United States has a right and a duty to secure its borders and protect its people against threats. But building a massive wall that spans the entire southern border is not a serious policy solution. It is a waste of money that diverts attention from genuine threats to our homeland security. My Administration is committed to ensuring that the United States has a comprehensive and humane immigration system that operates consistently with our Nation's values. In furtherance of that commitment, I have determined that the declaration of a national emergency at our southern border in Proclamation 9844 of February 15, 2019 (Declaring a National Emergency Concerning the Southern Border of the United States), was unwarranted. It shall be the policy of my Administration that no more American taxpayer dollars be diverted to construct a border wall. I am also directing a careful review of all resources appropriated or redirected to construct a southern border wall.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 202 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*), hereby declare that the national emergency declared by Proclamation 9844, and continued on February 13, 2020 (85 *Fed. Reg.* 8715), and January 15, 2021, is terminated and that the authorities invoked in that proclamation will no longer be used to construct a wall at the southern border. I hereby further direct as follows:

Section 1. Pause in Construction and Obligation of Funds. (a) The Secretary of Defense and the Secretary of Homeland Security, in consultation with the Director of the Office of Management and Budget, shall direct the appropriate officials within their respective departments to:

(i) pause work on each construction project on the southern border wall, to the extent permitted by law, as soon as possible but in no case later than seven days from the date of this proclamation, to permit:

(A) assessment of the legality of the funding and contracting methods used to construct the wall;

(B) assessment of the administrative and contractual consequences of ceasing each wall construction project; and

(C) completion and implementation of the plan developed in accordance with section 2 of this proclamation;

(ii) pause immediately the obligation of funds related to construction of the southern border wall, to the extent permitted by law; and

(iii) compile detailed information on all southern border wall construction contracts, the completion status of each wall construction project, and the funds used for wall construction since February 15, 2019, including directly appropriated funds and funds drawn from the Treasury Forfeiture Fund (31 U.S.C. 9705(g)(4)(B)), the Department of Defense Drug Interdiction and Counter-Drug Activities account (10 U.S.C. 284), and the Department of Defense Military Construction account (pursuant to the emergency authorities in 10 U.S.C. 2808(a) and 33 U.S.C. 2293(a)).

(b) The pause directed in subsection (a)(i) of this section shall apply to wall projects funded by redirected funds as well as wall projects funded by direct appropriations. The Secretary of Defense and the Secretary of Homeland Security may make an exception to the pause, however, for urgent measures needed to avert immediate physical dangers or where an exception is required to ensure that funds appropriated by the Congress fulfill their intended purpose.

Sec. 2. Plan for Redirecting Funding and Repurposing Contracts. The Secretary of Defense and the Secretary of Homeland Security, in coordination with the Secretary of the Treasury, the Attorney General, the Director of the Office of Management and Budget, and the heads of any other appropriate executive departments and agencies, and in consultation with the Assistant to the President for National Security Affairs, shall develop a plan for the redirection of funds concerning the southern border wall, as appropriate and consistent with applicable law. The process of developing the plan shall include consideration of terminating or repurposing contracts with private contractors engaged in wall construction, while providing for the expenditure of any funds that the Congress expressly appropriated for wall construction, consistent with their appropriated purpose. The plan shall be developed within 60 days from the date of this proclamation. After the plan is developed, the Secretary of Defense and the Secretary of Homeland Security shall take all appropriate steps to resume, modify, or terminate projects and to otherwise implement the plan.

Sec. 3. Definition. Consistent with Executive Order 13767 of January 25, 2017 (Border Security and Immigration Enforcement Improvements), for the purposes of this proclamation, "wall" means a contiguous, physical wall or other similarly secure, contiguous, and impassable physical barrier.

Sec. 4. General Provisions. (a) Nothing in this proclamation 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 proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

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

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN JR.

TAB

D



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

JAN 23 2021

MEMORANDUM FOR 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
UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND
READINESS
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
UNDER SECRETARY OF THE ARMY
COMMANDER, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Department of Defense Actions Regarding the Proclamation of January 20, 2021,
Termination of Emergency with Respect to the Southern Border of the United States
and Redirection of Funds Diverted to Border Wall Construction

In the attached proclamation of January 20, 2021, "Termination of Emergency with Respect to the Southern Border of the United States and Redirection of Funds Diverted to Border Wall Construction," the President terminated the national emergency with respect to the southern border, declared in Proclamation 9844, and continued on February 13, 2020 (85 Fed. Reg. 8715), and January 15, 2021 (86 Fed. Reg. 6557), and the authorities based on that emergency, and directed further actions related to construction of border barriers. The termination of the national emergency eliminates the authority to issue orders for units and members under title 10, U.S. Code, section 12302, but does not otherwise affect the authority to continue supporting the Department of Homeland Security at the southern border outside the framework of the terminated national emergency.

To implement the President's direction, the following actions shall be initiated:

- The Under Secretary of Defense for Policy (USD(P)) shall undertake, in coordination with the Commander, U.S. Army Corps of Engineers, and the Under Secretary of Defense (Comptroller)/Chief Financial Officer (USD(C)/CFO), and in consultation with the Director of the Office of Management and Budget, the following actions:
 - An assessment of the administrative and contractual consequences of ceasing each border barrier construction project authorized pursuant to title 10, U.S. Code, sections 284 and 2808.
 - A compilation of detailed information on all southern border wall construction contracts authorized pursuant to title 10, U.S. Code, sections 284 and 2808, the completion status of each wall construction project, including any land acquisition, and the funds used for wall construction since February 15, 2019.
- The USD(P) shall develop, in coordination with the USD(C)/CFO, and in consultation with the Secretary of the Treasury, the Attorney General, the Director of



CSD000495-21/CMD000967-21

the Office of Management and Budget, and the heads of any other appropriate executive departments and agencies, and in consultation with the Assistant to the President for National Security Affairs, a "Plan for Redirecting Funding and Repurposing Contracts" required in section 2 of the President's proclamation for projects authorized pursuant to title 10, U.S. Code, sections 284 and 2808. The Plan must be completed within the timeframe established in the President's proclamation of January 20, 2021.

- With respect to the 11 border barrier military construction projects authorized under the Secretary of Defense memorandum, "Guidance for Undertaking Military Construction Projects Pursuant to Section 2808 of Title 10, U.S. Code," dated September 3, 2019, the Secretary of the Army shall cease exercising the authority provided by section 2808 to award contracts or options on existing contracts, incur new obligations that advance project performance, or incur new expenses unrelated to existing contractual obligations. This direction applies to land acquisition and to all aspects of construction.
- The Secretary of the Army shall direct the Commander, U.S. Army Corps of Engineers, to take immediate action to pause work on all border barrier military construction projects authorized by title 10, U.S. Code, sections 284 and 2808, to the extent permitted by law, as soon as possible, but in no case later than 1700 EST, Wednesday, January 27, 2021. The Secretary of the Army may authorize the Commander, U.S. Army Corps of Engineers, to approve exceptions to the pause for urgent measures needed to avert immediate physical dangers. Additionally, if the Commander, U.S. Army Corps of Engineers, believes an exception to the pause is required to ensure that funds appropriated by the Congress fulfill their intended purpose, he shall immediately ask the Secretary of the Army to submit a request through the USD(P) for my decision.
- The Commander, U.S. Army Corps of Engineers, shall cease exercising the authority provided by title 10, U.S. Code, section 284(b)(7), to award contracts or options on existing contracts, incur new obligations that advance project performance, or incur new expenses unrelated to existing contractual obligations. This direction applies to all aspects of construction and installation.
- The Commander, U.S. Army Corps of Engineers, shall take immediate action to pause work on all projects authorized by title 10, U.S. Code, section 284(b)(7), to the extent permitted by law, as soon as possible, but in no case later than 1700 EST, Wednesday, January 27, 2021. The Commander, U.S. Army Corps of Engineers, may approve exceptions to the pause for urgent measures needed to avert immediate physical dangers. If the Commander, U.S. Army Corps of Engineers, believes an exception to the pause is required to ensure that funds appropriated by the Congress fulfill their intended purpose, he shall immediately submit a request through the USD(P) for my decision.
- The Commander, U.S. Army Corps of Engineers, shall promptly seek direction from the Department of Homeland Security regarding border barrier projects undertaken by

the Department of Homeland Security for which the U.S. Army Corps of Engineers is the construction agent.

- The General Counsel of the Department of Defense shall undertake an assessment of the legality of the funding and contracting methods used to construct border barriers pursuant to title 10, U.S. Code, sections 284 and 2808.
- The Under Secretary of Defense for Personnel and Readiness shall issue guidance to ensure there is no further exercise of authority pursuant to title 10, U.S. Code, section 12302, related to the emergency along the southern border.

A handwritten signature in blue ink, appearing to read "D. W. L. M. T.", is centered on the page.

Attachment:
As stated

TAB

E

INFORMATION PAPER

Subject: Background and Next Steps on Border Barrier Project Termination

Section 2808 of Title 10, U.S. Code, Border Barrier Construction

- Background. The then-Secretary of Defense authorized 11 border barrier military construction (MILCON) projects pursuant to Section 2808, as made available in the declaration of national emergency first declared in Proclamation 9844, and continued on February 13, 2020, (85 Fed. Reg. 8715), and January 15, 2021 (86 Fed. Reg. 6557).
 - The then-Secretary of Defense directed the USD(C)/CFO to make available to the Secretary of the Army \$3.6B in unobligated MILCON funds for these projects.
 - The U.S. Army Corps of Engineers (USACE) has awarded construction contracts for 7 of the Section 2808 construction projects, obligating approximately \$1.5B, and to date expending \$1.0B.
 - Lands required for these MILCON projects have either been withdrawn for military purposes on an emergency basis by the Department of the Interior (DOI) for a three-year period, transferred to the administrative jurisdiction of the SecArmy pursuant to the Federal Property Act (Federal property), or purchased from private parties. The land upon which the projects are being constructed is currently under the administrative jurisdiction of the Department of the Army and reflected in its inventory as part of Fort Bliss, Texas.
- Legal Considerations and Justification for Cancellation. On January 20, 2021, President Biden terminated the national emergency at the southern border on January 20, 2021. As a result, pursuant to Section 2808(c), the authority provided to the Secretary of Defense in Section 2808 is no longer available, and no further construction may be undertaken pursuant to it. The Department must, therefore, cancel the 11 Section 2808 border barrier construction projects.
 - Among the activities DoD may no longer undertake are actions to mitigate immediate threats to life, health, and safety; actions to prevent future safety hazards; and environmental restoration of construction sites.
 - The termination of Section 2808 authority does not preclude DoD from expending MILCON funds made available through Section 2808 (and obligated on the construction contracts) to pay the contractors for those 11 Section 2808 border barrier construction projects for contract termination costs, including suspension costs, negotiated pursuant to the terms of those contracts.
 - Cancellation of Section 2808 projects is consistent with the President's determination that the declaration of national emergency at the southern border was "unwarranted" and that "no more American taxpayer dollars be diverted to construct a border wall." It is also consistent with the rescission of the Presidential Memorandum of April 4, 2018, directing the Secretary of Defense to support the Department of Homeland Security (DHS) in securing the southern border (*See Executive Order 14010, February 2, 2021*).

- The 11 border barrier construction projects, therefore, are no longer necessary to support the use of the armed forces in connection with the now-terminated national emergency at the southern border.
- Unobligated/Deobligated Funds. In addition to approximately \$2.1B associated with unawarded contracts for 4 Section 2808 projects that may be released back to the relevant DoD Components immediately, USACE expects to deobligate approximately \$261M from the termination or de-scoping of awarded contracts. After termination/de-scoping, USACE estimates that approximately \$180M will be expended to pay for termination costs and approximately \$160M will be expended to pay for suspension costs, although the precise amounts are subject to negotiation with contractors, which could take 12-18 months to complete.
- Next Steps. The Acting Secretary of the Army (SecArmy), through the Commanding General, USACE, will take immediate action to cancel the 11 Section 2808 projects, and USACE will execute the necessary contract actions. As funds become available as a result of project cancellation, PTDO USD(C)/CFO will take immediate action to release the MILCON funds to the relevant Military Departments and Defense Agencies to be used for deferred MILCON projects.
 - Further, the Department of the Army will:
 - Coordinate with DOI to relinquish all withdrawn lands. DHS must coordinate with DOI to secure the rights it requires to operate the completed areas of border infrastructure constructed pursuant to Section 2808;
 - Coordinate with DHS to transfer administrative jurisdiction to DHS over other Federal property, including that acquired from private land owners.
 - The DHS portion of the plan for border barrier construction required by Proclamation 10142 is not yet finalized. OUSD(P) understands that DHS is seeking to account for any further construction activities necessary to address life, safety, or environmental needs for cancelled Section 2808 projects in this plan, consistent with DHS authorities.

Section 284 of Title 10, U.S. Code, Border Barrier Construction

- Background. Prior Secretaries of Defense authorized 38 projects and segments of border barrier construction pursuant to Section 284(b)(7) based on multiple DHS requests for assistance.
 - USD(C)/CFO transferred a total of \$6.4B pursuant to DoD's General Transfer Authority and Special Transfer Authority for Section 284 construction.
 - USACE has awarded 13 contracts for Section 284 construction projects. USACE has expended approximately \$4.874B on the 13 contracts.
- Justification for Cancellation. Cancelling Section 284 border barrier projects is consistent with the President's determination that "building a massive wall that spans the entire southern border is not a serious policy solution" to the security challenges at the southern border. Cancellation is also in accordance with the President's directive that "no more American taxpayers dollars be diverted to construct a border wall" and Executive Order 14010. All of the funds transferred in furtherance Section 284 border wall construction were

originally appropriated by Congress for other purposes. Although not legally required by the termination of the national emergency, cancelling Section 284 projects is consistent with the President's determination that no more American taxpayers dollars be diverted to construct a border wall at the southern border.

- Additionally, cancelling Section 284 projects, and returning any existing border infrastructure to DHS, allows DHS, the Federal department with statutory responsibility for securing the border, to develop an integrated border security strategy consistent with the President's direction.
 - The decisions by the prior Secretaries of Defense to provide border wall construction support to DHS were made at a time when a then-existing memorandum from the President directed DoD to support DHS in securing the southern border. *See* Presidential Memorandum (April 4, 2018). The President recently revoked that memorandum in Executive Order 14010 (Feb. 2, 2021). In light of the revocation of that support directive, cancelation of the Section 284 contracts is appropriate.
- Status of DoD Funds. Funds transferred for Section 284 construction were available for obligation only during the fiscal year in which they were transferred, and thus have expired and are no longer available for current requirements. Any unexpended expired funds will remain in the Operation and Maintenance, Army, account, and remain available to liquidate obligations properly chargeable to the fiscal year during which the funds were available for obligation (e.g., contract termination costs, including suspension costs), and, after five years, the account will be closed and any remaining balance in the account will be cancelled.
 - After contract termination, USACE estimates that approximately \$624M will be expended to pay for outstanding contract claims and termination costs and that approximately \$415M will be expended to pay for suspension costs, although the precise amounts are subject to negotiation with contractors, which could take 12-18 months to complete.
- Next Steps. Acting SecArmy will take immediate action to cancel Section 284 projects, demobilize contractors, undertake those activities necessary to make permanent any urgent measures that were needed to avert immediate physical dangers during the pause directed by Section 1(b) of Proclamation 10142, and transfer all existing border infrastructure to DHS.

TAB

F

Policy Coordination Sheet

Subject: Department of Defense Actions Implementing Presidential Proclamation 10142
Control Number: USP001023-21

Title/Organization	Name	Coordination Requested	Coordination Received
SecArmy	Dr. Whitley	23Apr21	27APR21
USD(A&S)	Ms. Cummings	23APR21	26APR21
USD(C)/CFO	Ms. McAndrew	23APR21	26APR21
OGC	Mrs. George	23APR21	27APR21
USACE	LTG Spellmon	23APR21	26APR21

Appendix 2

U.S. Customs and Border Protection and U.S. Army Corps of Engineers, “Border Wall Status Report,” January 8, 2021



Border Wall Status – January 8, 2021

Current State of the Border

- U.S. Customs and Border Protection (CBP) has ~**701** miles of primary barriers and ~**70** miles of secondary barriers on the southwest border:
 - ~**197** miles of pedestrian fencing, ~**106** miles of vehicle barrier and ~**15** miles of secondary fencing constructed *prior to* January 2017;
 - ~**398** miles of new primary and ~**55** miles of new secondary border wall system constructed *since* January 2017.

Overview of Progress- ~\$15 billion (~738 total miles)

- Since January 2017, ~\$15 billion has been identified to construct ~**738** miles of new border wall system through a combination of Department of Homeland Security (DHS) and Department of Defense (DoD) funding and the Treasury Forfeiture Fund (TFF). Funding received supports planning, design, real estate, environmental, construction and oversight activities.
 - ~**453** miles of new primary and secondary border wall system have been constructed, in place of dilapidated and outdated designs and in locations where no barriers previously existed, within the U.S. Border Patrol's (USBP) San Diego, El Centro, Yuma, Tucson, El Paso, Del Rio, and Rio Grande Valley (RGV) Sectors.
 - ~**211** miles of new primary and secondary border wall system are under construction, in place of dilapidated and outdated designs and in locations where no barriers previously existed, within the San Diego, El Centro, Yuma, Tucson, El Paso, Del Rio, Laredo and RGV Sectors.
 - ~**74** miles of new primary and secondary border wall system are in the pre-construction phase, in locations where no barriers currently exist, primarily within the San Diego, El Centro, El Paso and Laredo Sectors.

New Primary Wall	New Secondary Wall	New Primary Wall	New Secondary Wall	Total
<i>In place of dilapidated and/or outdated designs</i>		<i>In locations where no barriers previously existed</i>		
~375 miles	~25 miles	~281 miles	~57 miles	~738 miles FUNDED
~351 miles	~22 miles	~47 miles	~33 miles	~453 miles COMPLETE

Breakdown by Funding Type

- CBP Fiscal Year (FY) 2017 - \$341 million (~40 miles)
 - \$292 million funded ~40 miles of new primary and secondary border wall system, in place of dilapidated and outdated designs, in the San Diego, El Centro, and El Paso Sectors.
 - \$49 million funded 34 border wall gates in the RGV Sector. 10 gates are complete.
 - ~40 miles (~100%) have been completed to date. The final panel was installed August 9, 2019.

- **CBP FY 2018 - \$1.375 billion (~78 miles)**
 - \$1.375 billion funds ~78 miles of new primary and secondary border wall system, in place of dilapidated and outdated designs and in locations where no barriers currently exist, in the San Diego, El Centro, Yuma and RGV Sectors.
 - *~56 miles have been completed to date in multiple locations.*
- **CBP FY 2019 - \$1.976 billion (~85 miles)**
 - CBP's FY 2019 funding includes \$1.976 billion (\$1.375 billion appropriated and \$601 million TFF) for ~85 miles, including ~11 miles of new levee wall system and ~74 miles of new primary border wall system in the RGV Sector. Construction is taking place in locations where no barriers previously existed.
 - *~14 miles have been completed to date.*
- **CBP FY 2020 - \$1.375 billion (~69 miles)**
 - CBP's FY 2020 funding includes \$1.375 billion for ~69 miles of new primary border wall system, in locations where no barriers currently exist, within Webb and Zapata Counties in the Laredo Sector.
 - *Panels are anticipated to begin in early 2021, assuming real estate is cleared.*
- **DoD 10 U.S.C. § 284 Counter-Narcotics Funding - ~\$6.3 billion (~291 miles)**
 - In FY 2019, DoD identified \$2.5 billion in 10 U.S.C. § 284 Counter Narcotic Funding to assist DHS/CBP with ~129 miles of new primary border wall system, in place of dilapidated or outdated barriers, in the Yuma, El Paso, El Centro, and Tucson Sectors.
 - *~129 miles have been completed to date in multiple locations.*
 - In FY 2020, DoD identified \$3.8 billion in 10 U.S.C. § 284 Counter Narcotic Funding to assist DHS/CBP with the construction of up to ~162 miles of new primary and secondary border wall system, in place of dilapidated and outdated designs and in locations where no barriers currently exist, in the San Diego, El Centro, Yuma, Tucson, Del Rio and El Paso Sectors.
 - *~127 miles have been completed to date in multiple locations.*
- **DoD 10 U.S.C. § 2808 Military Construction Funding - \$3.6 billion (~175 miles)**
 - In FY 2019, DoD identified \$3.6 billion in 10 U.S.C. § 2808 Military Construction funding totaling up to ~175 miles of new primary and secondary border wall system in the San Diego, El Centro, Yuma, El Paso, and Laredo Sectors.
 - *~87 miles have been completed to date in multiple locations.*

For media inquiries, please contact CBP Media Relations at cbpmediarelations@cbp.dhs.gov