

**AMENDMENT TO DHS BORDER WALL PLAN PURSUANT TO PRESIDENTIAL
PROCLAMATION 10142**

I. PURPOSE

On June 9, 2021, DHS issued its Border Wall Plan Pursuant to Presidential Proclamation 10142 (the Plan). Since that time, DHS has executed projects and expended appropriated funds in accordance with the terms of the Plan and its fiscal year (FY) 2018-2021 barrier system appropriations. During that time, DHS has also continued to assess how to best utilize the FY 2018-2021 barrier system appropriations, in accordance with the purposes of those prior year appropriations. Since the release of the Plan, and through that continued assessment, DHS has found that the remediation and mitigation requirements from past barrier construction are more substantial than anticipated and can be addressed through the lawful expenditure of DHS funds. Additionally, DHS has determined that the installation of barrier system attributes, which may include, as appropriate to each location, lighting, cameras, and detection technology, in areas where physical barrier has already been constructed, is consistent with the purpose of the FY18-2021 appropriations, will enhance the functionality of previously constructed barrier and can be implemented in a manner that is consistent with the planning criteria and other principles of the Plan. In light of these considerations, this Amendment describes additional actions that DHS may undertake using its FY18-2021 appropriations. It also sets forth policy guidance for the prioritization of those appropriated funds going forward. As set forth below, DHS intends to prioritize the expenditure of the FY18-2021 appropriations to continue to address the remediation and mitigation requirements from past barrier construction and to install barrier system attributes in those locations where physical barrier has already been constructed. Decisions about future expenditure of FY18-2021 funds for these purposes will be made on an individualized project-by-project basis.

II. FY18 and FY19 APPROPRIATIONS

In FY18 and FY19, DHS received appropriations to construct levee barrier system and non-levee barrier system in the U.S. Border Patrol's Rio Grande Valley Sector. Section III of the Plan outlines proposed uses of FY18 and FY19 appropriations.

Consistent with Section III of the Plan, DHS has prioritized and is executing projects with the FY18 and FY19 appropriations that address life, safety, environmental, and other remediation requirements. DHS also has worked with interagency partners, such as the Department of the Interior (DOI) and its Bureaus, to identify actions that may be undertaken to remediate or mitigate environmental damage caused by past barrier construction. DHS intends to continue to prioritize the expenditure of the FY18 and FY19 appropriations to address remediation and mitigation requirements from past barrier construction.

After continuing to assess the permissible uses of the FY18 and FY19 appropriations, along with remediation and mitigation, DHS also intends to prioritize its FY18 and FY19 appropriations to

complete the installation of barrier system attributes, which may include, as appropriate to each location, lighting, cameras, and detection technologies, in the areas where physical barrier was constructed previously with FY18 and FY19 appropriations. Installation of barrier system attributes will be subject to and carried out in a manner that is consistent with the planning criteria set forth in Section III of the Plan.

III. FY20 APPROPRIATION

In FY20, DHS received an appropriation to construct barrier system along the southwest border. Section III of the Plan outlines proposed uses of the FY20 appropriation. After continuing to assess the permissible uses of the FY20 appropriation, DHS intends to prioritize the expenditure of the FY20 appropriation for the following actions:

- A. Close out/remediate in areas where the Department of Defense (DoD) previously constructed barrier with military construction or counter-drug funding

This would include the types of close out or remediation actions set forth in Section IV. B. of the Plan that have been prioritized for expenditure of the FY2021 appropriation to date. Additionally, working with its interagency partners, such as DOI and its Bureaus, DHS has identified actions that may be undertaken to remediate or mitigate environmental damage caused by past barrier construction. DHS intends to use the FY20 appropriation to implement such actions in coordination with its interagency partners. Close out, remediation, and mitigation of the barrier projects turned over to DHS by DoD shall be carried out in a manner that is consistent with the planning criteria set forth in Section III the Plan.

- B. Installation of barrier system attributes in areas where DoD previously constructed barrier with military construction or counter-drug funding

This would include completing the installation of barrier system attributes, which may include, as appropriate to each location, lighting, cameras, and detection technologies, in those areas where DoD previously constructed physical barrier with military construction or counter-drug funding. The installation of barrier system attributes in such areas shall be subject to and carried out in a manner that is consistent with the planning criteria set forth in Section III the Plan.

IV. FY21 APPROPRIATION

In FY21, DHS received an appropriation to construct barrier system along the southwest border. Section IV of the Plan outlines proposed uses of the FY21 appropriation. After continuing to assess the permissible uses of the FY21 appropriation, DHS intends to use the FY21 appropriation for remediation and mitigation requirements at existing barrier sites as well as the installation of barrier system attributes in those areas where DoD previously constructed physical barrier. The following actions are priorities to be funded by the FY21 appropriation:

A. Close out/remediate in areas where the Department of Defense (DoD) previously constructed barrier with military construction or counter-drug funding

This would include the types of close out or remediation actions that are already authorized under Section IV. B. of the Plan that have been prioritized for expenditure to date. Additionally, working with its interagency partners, such as DOI and its Bureaus, DHS has identified actions that may be undertaken to remediate or mitigate environmental damage caused by past barrier construction. DHS will use the FY21 appropriation to implement such actions in coordination with its interagency partners. Close out, remediation, and mitigation of the barrier projects turned over to DHS by DoD shall be carried out in a manner that is consistent with the planning criteria set forth in Sections III of the Plan.

B. Installation of barrier system attributes in areas where DoD constructed border barrier with military construction or counter-drug funding

This would include completing the installation of barrier system attributes, which may include, as appropriate to each location, lighting, cameras, and detection technologies, in those areas where DoD previously constructed physical barrier with military construction or counter-drug funding. The installation of barrier system attributes in such areas shall be subject to and carried out in a manner that is consistent with the planning criteria set forth in Section III Plan.