



Border Barrier Funding Report

Fiscal Year 2024, Quarters 1 and 2

September 19, 2024

Fiscal Year 2024 Report to Congress



**Homeland
Security**

U.S. Customs and Border Protection

Message from the Acting Deputy Commissioner of CBP

September 19, 2024

U.S. Customs and Border Protection (CBP) respectfully submits the “Border Barrier Funding Report” for the first and second quarters of Fiscal Year (FY) 2024 as directed by Senate Report 118-85 accompanying the FY 2024 Department of Homeland Security Appropriations Act (P.L. 118-47).

This report outlines the status and plans during FYs 2024 and 2025 for the unobligated balances for border barrier previously funded in the FY 2020 DHS Appropriations Act (P.L. 116-93) and the FY 2021 DHS Appropriations Act (P.L. 116-260).

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable Mark Amodei
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Lauren Underwood
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy
Chair, Senate Appropriations Subcommittee on Homeland Security

The Honorable Katie Britt
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

I would be pleased to respond to any questions you may have. Please do not hesitate to contact my office at (202) 344-2001.

Sincerely,



Pete R. Flores
Acting Deputy Commissioner
U.S. Customs and Border Protection



Executive Summary

In FY 2021, CBP started executing FY 2017 – 2021 barrier appropriations in accordance with the DHS Plan for Use of Border Barrier Funds pursuant to Presidential Proclamation 10142; the Plan was subsequently amended on July 11, 2022.

As of March 1, 2024, DHS and CBP had approved nearly \$2.4 billion in projects, in accordance with the Plan and appropriations, and placed an operational priority for closing border barrier gaps and replacing dilapidated border barrier. This included approval for 129 gate and gap locations along the border, of which CBP has closed 118 gates and gaps to date. Additional work included remediation/make-safe work in locations where barrier had been installed but not completed by the Department of Defense (DOD) and installation of barrier system where physical barrier had been constructed. Also approved was the construction of approximately 17 miles of new border barrier system in the Rio Grande Valley Sector, utilizing existing steel bollard panels placed in concrete jersey barriers.

On March 8, 2024, an injunction was issued by the U.S. District Court for the Southern District of Texas, as part of the *Gen. Land Off. V. Biden*, No. 7:21-cv-00272, litigation (S.D. Texas Mar. 8, 2024). The injunction prohibits CBP from using FY 2020 and FY 2021 border barrier funding for anything other than new physical barrier construction and related associated costs. The injunction also prohibits CBP from utilizing this funding for previously approved or future projects to install barrier system attributes, including detection technology, cameras, lighting, remediation and make-safe work in the former DOD project areas, replacement of barrier that no longer meets CBP's operational needs, and environmental mitigation. To date, CBP has suspended multiple contracts and interagency agreements, in whole or part, in order to comply with the injunction.

As of March 31, 2024, CBP had approximately \$674 million in unobligated FY 2020-2021 border barrier funding and is working to identify priority projects for execution of the remaining funding.



Border Barrier Funding Report Fiscal Year 2024, Quarters 1 and 2

Table of Contents

I. Legislative Language.....	1
II. Background.....	2
III. Financial Report.....	3
IV. Conclusion	7
Appendix: Abbreviations.....	8

I. Legislative Language

This document was compiled pursuant to the legislative language set forth in Senate Report 118-85 which accompanies the Fiscal Year (FY) 2024 Department of Homeland Security (DHS) Appropriations Act (P.L. 118-47).

Senate Report 118-85 states:

Border Barrier Reporting.—The Committee directs CBP to provide within 60 days of the date of enactment of this act, and quarterly thereafter, a report on the status and plans during fiscal year 2024 and fiscal year 2025 for the unobligated balances for border barrier system previously funded in Public Law 116–93 and Public Law 116–260. The report shall include: (1) total funds obligated since January 2021 by project and Border Patrol sector; and (2) total funds planned for obligation by project and Border Patrol sector. Additionally, the report shall provide a description of the type of project, to include, at a minimum, the amounts obligated and outcomes for each of the following: construction of new barriers, replacement of existing barriers, closure of gaps; installation of gates; linear ground detection capabilities; and remediation activities necessary to address life, safety, environmental and remediation requirements.

II. Background

Since FY 2021, U.S. Customs and Border Protection (CBP) has been executing FY 2020 – 2021 barrier appropriations in accordance with the Plan for Use of Border Barrier Funds pursuant to Presidential Proclamation 10142; the Plan was subsequently amended on July 11, 2022. CBP has awarded construction contracts and interagency agreements for approved projects with this funding, and the data in this report has been pulled from SAP, CBP’s financial system of record.

On March 8, 2024, an injunction was issued by the U.S. District Court for the Southern District of Texas, as part of the *Gen. Land Off. V. Biden*, No. 7:21-cv-00272, litigation (S.D. Texas Mar. 8, 2024). The injunction prohibits CBP from using FY 2020 and FY 2021 border barrier funding for anything other than new physical barrier construction and related associated costs. The injunction also prohibits CBP from utilizing this funding for previously approved or future projects to install barrier system attributes, including detection technology, cameras, lighting, remediation and make-safe work in the former DOD project areas, replacement of barrier that no longer meets CBP’s operational needs, and environmental mitigation. To date, CBP has suspended multiple contracts and interagency agreements, in whole or part, in order to comply with the injunction.

III. Financial Report

The table below includes the total funds obligated since January 2021 by project and Border Patrol Sector, and total funds planned for obligation by project and Border Patrol Sector. Additionally, the table includes a description of the type of project, to include the amounts obligated, along with the type of work such as: construction of new barriers to include gap closures; replacement of existing barriers; installation of gates; linear ground detection system capabilities; and make-safe and remediation activities necessary to address life, safety, and environmental requirements.

FY 2020 Funding										
Project Title	Sector	New Barrier/ Gap Closure	Replace.	Gates	Linear Ground Detection System	Make-Safe/ Remediation	Contract Type	Obligation Amount	Date(s) of Award(s)	Status
Laredo Border Wall System Projects U.S. Army Corps of Engineers (USACE) (~26.3 miles & ~13.4 miles)	Laredo Sector, Texas						USACE Interagency Agreement	\$ 51,661,869	Jun-2020	In termination - No construction
Laredo Border Wall System Project (~14.2 miles)	Laredo Sector, Texas						CBP Contract	\$ 55,605,054	May-2020	Terminated - No construction
Laredo Border Wall System Project (~17 miles)	Laredo Sector, Texas						CBP Contract	\$ 16,774,942	Aug-2020	Terminated - No construction
Tucson Make-Safe & Attributes Project Tucson Sector, Arizona ((TCA) 3/9/10-28 Attributes) (former Department of Defense (DOD) 284)	TCA				X	X	CBP Contract	\$ 234,840,000	Jul-2023	Suspended to comply with injunction
El Centro Train Gate Replacement Project	El Centro Sector, California			X			CBP Contract	\$ 149,715	Jun-2023	Suspended to comply with injunction (base portion of contract funded with FY 2018 continuing)
El Paso Make-Safe & Attributes Project (EPT 1, 11-1) (former DOD 284)	EPT				X	X	CBP Contract	\$ 23,225,600	Apr-2023	Suspended to comply with injunction
San Diego, El Centro & Yuma Sector Attributes Project (former DOD 284)	Various				X		CBP Contract	\$ 261,783,923	Sep-2023	Suspended to comply with injunction
El Paso Sector, Texas (EPT) Attributes Project (former DOD 284)	EPT				X		CBP Contract	\$ 183,009,415	Sep-2023	Suspended to comply with injunction
Tucson Make-Safe & System Attributes Project (TCA 1&2) (former DOD 284)	TCA				X	X	CBP Contract	\$ 300,000,000	Sep-2023	Suspended to comply with injunction

FY 2020 Funding										
Project Title	Sector	New Barrier/ Gap Closure	Replace.	Gates	Linear Ground Detection System	Make-Safe/ Remediation	Contract Type	Obligation Amount	Date(s) of Award(s)	Status
Tucson Attributes Project (TCA 9) (former DOD 284)	TCA				X		CBP Contract	\$ 126,875,875	Sep-2023	Suspended to comply with injunction
Mesh Fence Studies (Indefinite Delivery, Indefinite Quantity)	Various						CBP Contract	\$ 570,063	Jul-2023	Completed
San Diego Friendship Circle Fence Replacement Project (Contract #3)	San Diego Sector, California (SDC)		X	X			CBP Contract	\$ 1,603,367	May-2023	Completed
San Diego Drainage Grates Project	SDC						CBP Contract	\$ 365,886	Dec-2022 & Nov-2023	Suspended to comply with injunction
Tucson System Attributes Project (TCA 2) (former DOD 284)	TCA			X	X		CBP Contract	\$ 795,544	May-2023	Suspended to comply with injunction
Yuma Morelos Dam Gaps Closure Project (Gaps 3&4) (former DOD 2808)	Yuma Sector, Arizona (YUM)					X	CBP Contract	\$ 332,071	Apr-2022	Completed
San Diego Erosion Control Measures at Tin Can Hill (partial)	SDC	X	X				CBP Contract	\$ 222,530	Aug-2023	Completed
El Paso Train Gate Solar Project	EPT			X			CBP Contract	\$ 3,488	Apr-2023	Underway
Various programmatic support to include project oversight, environmental, legal, engineering, communications, travel, etc.	Various						CBP Contracts	\$ 35,824,286	Multiple: May-2020 - Mar-2024	On-going
<i>Planned Obligations - for vertical barrier and gates projects and associated support in accordance with the March 8, 2024 injunction.</i>	<i>To Be Determined</i>	<i>X</i>		<i>X</i>			<i>CBP Contracts</i>	<i>\$ 12,606,372</i>		<i>In Planning</i>
							TOTAL	\$ 1,306,250,000		

Fiscal Year 2021 Funding

Project Title	Sector	New Barrier / Gap Closure	Replace	Gates	Linear Ground Detection System	Make-Safe/ Remediation	Contract Type	Obligation Amount	Date(s) of Award(s)	Status
RGV Rio Grande Valley Sector, Texas Make-Safe Projects (USACE)	Rio Grande Valley Sector, Texas					X	USACE Interagency Agreement	\$ 38,972,174	Apr-2023 & Sept-2023	Partially suspended
San Diego Friendship Circle Fence Replacement Project (Contract #1)	SDC		X				CBP Contract	\$ 777,495	May-2023	Suspended to comply with injunction
San Diego Friendship Circle Fence Replacement Project (Contract #2)	SDC		X				CBP Contract	\$ 1,349,137	Aug-2023	Suspended to comply with injunction
Yuma Morelos Dam Gaps Closure Project (Gaps 1&2) (former DOD 2808)	YUM	X	X				CBP Contract	\$ 9,904,438	Sep-2022	Completed
San Diego Erosion Control Measures at Tin Can Hill (partial)	SDC					X	CBP Contract	\$ 1,960,540	Sep-2022	Completed
Yuma Hill Gap Closure Project (former DOD 284)	YUM	X					CBP Contract	\$ 3,150,640	Sep-2022	Completed
El Paso Gap Closure & Train Gate Project	EPT	X		X			CBP Contract	\$ 3,217,776	Sept-2022 & May-2023	Completed
Yuma San Luis Gate Operators (former DOD 284)	YUM					X	CBP Contract	\$ 982,720	Sep-2022	Completed
Tucson Make-Safe Project (TCA 10-28/9/3) (former DOD 284)	TCA	X		X	X	X	CBP Contract	\$ 175,137,967	Jun-2022 & Aug-2023	Partially suspended to comply with injunction
Tucson Make-Safe Project (TCA 2) (former DOD 284)	TCA					X	CBP Contract	\$ 16,850,020	Jun-2022	Completed
El Paso Make-Safe Project (EPT 1, 11-1, 6-6) (former DOD 284)	EPT					X	CBP Contract	\$ 93,153,478	Aug-2022 & Jun-2023	Completed
El Paso Make-Safe Project (EPT 16-3 & 5) (former DOD 284)	EPT			X		X	CBP Contract	\$ 22,631,000	Sept-2022 & Sept-2023	Suspended to comply with injunction
San Diego & El Centro Make-Safe Project (former DOD 284)	Various					X	CBP Contract	\$ 81,675,217	Sept-2022 & Nov-2023	Suspended to comply with injunction
Yuma Morelos Dam Gaps Closure Project (Gaps 3&4) (former DOD 2808)	YUM	X	X				CBP Contract	\$ 3,999,999	Sep-2022	Completed
San Diego Friendship Circle Fence Replacement Project (Contract #4)	SDC		X				CBP Contract	\$ 2,500,000	Sep-2023	Suspended to comply with injunction
El Paso Attributes Project (former DOD 284)	EPT				X		CBP Contract	\$ 75,990,585	Sep-2023	Suspended to comply with injunction

Fiscal Year 2021 Funding

Project Title	Sector	New Barrier / Gap Closure	Replace	Gates	Linear Ground Detection System	Make-Safe/ Remediation	Contract Type	Obligation Amount	Date(s) of Award(s)	Status
USACE Programmatic Support to include project oversight, environmental, legal, engineering, etc.	Various						USACE Interagency Agreement	\$ 18,634,588	Sept-2021 & July-2022	Partially suspended to comply with injunction
Various programmatic support to include project oversight, environmental, legal, engineering, communications, travel, etc.	Various						CBP Contracts	\$ 91,683,593	Multiple: Sept-2021 - March 2024	On-going
Planned Obligations	To Be Determined	X		X			CBP Contracts	\$ 663,678,632		In Planning
							TOTAL	\$ 1,306,250,000		

NOTE: CBP has reprogrammed \$68.8 million from each FY 2020 and FY 2021 funding year, for a total of \$137.6 million.

NOTE: Totals may be slightly off due to rounding.

IV. Conclusion

DHS and CBP had approved projects for the remaining FY 2020-2021 barrier system appropriations, in accordance with the Plan and FY 2020-2021 appropriations language; however, an injunction issued by the U.S. Southern District of Texas on March 8, 2024, prohibits CBP from using its FY 2020-2021 barrier appropriations for anything not related to new physical barrier construction. As a result of the injunction, CBP has suspended previously approved barrier system attributes projects, remediation and make-safe work in the former DOD project areas, priority barrier replacement projects, and environmental mitigation.

As of March 31, 2024, CBP had approximately \$674 million in unobligated FY 2020-2021 border barrier funding and is working to identify priority projects for execution of the remaining funding.

Appendix: Abbreviations

Abbreviation	Definition
CBP	U.S. Customs and Border Protection
EPT	El Paso Sector, Texas
DHS	Department of Homeland Security
DOD	Department of Defense
FOUO	For Official Use Only
FY	Fiscal Year
SDC	San Diego Sector, California
TCA	Tucson Sector, Arizona
The Plan	Presidential Proclamation 10142
USACE	U.S. Army Corps of Engineers
YUM	Yuma Sector, Arizona