

EXHIBIT 2

SECOND DECLARATION OF LOREN FLOSSMAN

I, Loren Flossman, declare as follows:

1. I am the Acquisition Program Manager for the Wall Program Management Office (Wall PMO), U.S. Border Patrol Program Management Directorate, U.S. Customs and Border Protection (CBP), an agency of the Department of Homeland Security (DHS). I have held this position since May 2018. Prior to this, I was the Director of the Border Patrol & Air and Marine Program (BPAM) Management Office within the Office of Facilities and Asset Management, CBP. BPAM is the office within CBP that historically was responsible for the construction and maintenance of facilities, tactical infrastructure, and border infrastructure such as barriers and roads that are required by the United States Border Patrol (Border Patrol) or CBP Air and Marine. Responsibility for border barrier projects was transferred from BPAM to Wall PMO. Therefore, Wall PMO is now responsible for border barrier projects, including the border barrier projects that are ongoing or being planned for the Rio Grande Valley sector.
2. The statements in this declaration are based on my personal knowledge and information that I have received in my official capacity.

Funding of Border Barrier Construction in the Rio Grande Valley Sector

3. CBP is a U.S. Government Agency responsible for securing the Nation's borders. CBP's mission is to prevent terrorists and terrorist weapons from entering the United States, and to detect, interdict, and apprehend those who attempt to enter illegally or smuggle any person or contraband across the Nation's borders. CBP is specifically responsible for patrolling nearly 6,000 miles of Mexican and Canadian international land

borders and over 2,000 miles of coastal waters surrounding the Florida Peninsula and the island of Puerto Rico.

4. CBP divides its enforcement zones along the southern border with Mexico into nine sectors. From west to east, the sectors are: San Diego, El Centro, Yuma, Tucson, El Paso, Big Bend, Del Rio, Laredo, and Rio Grande Valley (RGV).
5. The RGV covers more than 34,000 square miles of southeast Texas and includes the following Texas counties: Cameron, Willacy, Hidalgo, Starr, Brooks, Kenedy, Kleberg, Nueces, San Patricio, Jim Wells, Bee, Refugio, Calhoun, Goliad, Victoria, DeWitt, Jackson, Matagorda, Brazoria, Galveston, Chambers, Jefferson, Wharton, Fort Bend, Colorado, Austin, Waller, Montgomery, Liberty, Hardin, Orange, Harris, Aransas, and Lavaca. Border Patrol in the RGV is responsible for securing approximately 300 river miles along the Rio Grande River separating the United States and Mexico as well as approximately 300 miles of coast along the Gulf of Mexico.
6. The RGV currently has approximately 54.9 miles of border barrier. This mileage is predominantly steel bollard, levee wall systems but also includes steel bollard, pedestrian wall systems.
7. The barrier projects, both planned and ongoing, in the RGV are for levee and pedestrian barrier systems. The wall system includes steel bollards, a 150-foot enforcement zone on the river side of the wall system, detection and surveillance technology, vehicle and pedestrian gates, lighting, and an all-weather road running parallel to the barrier.
8. All barrier construction projects currently ongoing or planned in the RGV are or will be funded from one of three sources: (1) CBP's Fiscal Year 2018 appropriations (Public Law No. 115-141, § 230); (2) CBP's Fiscal Year 2019 appropriations (Public Law No.

116-6, § 230); or (3) funds received from the Treasury Forfeiture Fund pursuant to 31 U.S.C. § 9705. CBP will not use funds transferred pursuant to authorities invoked in the President's February 15, 2019 national emergency proclamation, including 10 U.S.C. § 2808, or pursuant to 10 U.S.C. § 284 for any ongoing or planned barrier construction in the RGV.

CBP's Use of Treasury Forfeiture Funds

9. On December 26, 2018, DHS submitted a request to the United States Department of the Treasury (Treasury) to use Treasury Forfeiture Funds (TFF) in order to enhance border security infrastructure and operations in support of CBP's law enforcement efforts. Treasury approved DHS' request and, on February 15, 2019, notified Congress of this action.
10. TFF are being made available to CBP in two tranches. The first tranche of \$242 million was made available to CBP for obligation on March 14, 2019. The second tranche of \$359 million is expected to be made available for obligation at a later date upon Treasury's receipt of additional anticipated forfeitures.
11. CBP's Fiscal Year 2019 appropriation provided \$1.375 billion for the construction of primary pedestrian fencing in the RGV. CBP intends to start obligating these funds in the near future, but may not finish obligating the entirety of these funds before it begins to obligate TFF funds. Although CBP has not made any decisions about when it will begin obligating TFF funds, CBP intends to obligate all available TFF funds before the end of Fiscal Year 2019 or, if not, before the end of the 2019 calendar year.
12. With respect to funding barrier construction along the southern border, CBP will use TFF funds exclusively for projects in the RGV. CBP will not use TFF funds to build

barrier construction projects in the other eight sectors along the southern border. CBP may use some TFF funds for planning related to barrier construction projects in other sectors, but no decisions have been made to use TFF funds for that purpose.

This declaration is made pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct to the best of my current knowledge.

Executed on this 1 day of April, 2019.

**Loren
Flossman**

Digitally signed by Loren Flossman
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U.S. Customs and Border Protection