



DHS Issues Waiver to Expedite Border Construction Project in Hidalgo County, Texas

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WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws to ensure the expeditious construction of barriers and roads near the international border in the state of Texas, in the county of Hidalgo. The waiver was published in the Federal Register on Oct. 11, 2018.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws. Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS’s border security mission. One of these authorities is found at section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended (“IIRIRA”). Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in Secretary’s sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department exercised the waiver authority in Section 102 (c) of IIRIRA on five occasions from 2005 to 2008 and on two occasions in 2017.

The geographic scope of this waiver covers an approximate 14-mile long wall project located in the Rio Grande Valley, Texas. This is within the [Border Patrol’s Rio Grande Valley Sector](https://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors/rio-grande-valley-sector-texas) (<https://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors/rio-grande-valley-sector-texas>). The

Rio Grande Valley Sector remains an area of high illegal alien activity and marijuana seizures. In fiscal year 2017, the United States Border Patrol apprehended over 137,000 illegal aliens and seized approximately 260,000 pounds of marijuana and approximately 1,192 pounds of cocaine in the [Rio Grande Valley Sector](https://www.cbp.gov/sites/default/files/assets/documents/2017-Dec/USBP%20Stats%20FY2017%20sector%20profile.pdf) (<https://www.cbp.gov/sites/default/files/assets/documents/2017-Dec/USBP%20Stats%20FY2017%20sector%20profile.pdf>). In order to achieve operational control of the border in the RGV Sector, DHS will implement a border infrastructure project that will focus on an area consisting of multiple segments of border wall that will start near the intersection of Abram road and the IBWC levee and extend eastward to the intersection of Rio Rico Road and the IBWC levee. The new segments of wall construction will augment the existing wall infrastructure by closing a substantial amount of border gaps along the border in Hidalgo County that were not previously completed during the 2008 wall construction.

While the waiver eliminates DHS' obligation to comply with various laws with respect to covered projects, DHS remains committed to environmental stewardship. DHS has been coordinating and consulting, and intends to continue doing so, with other federal and state resource agencies to ensure that impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

The Department of Homeland Security continues to implement President Trump's Executive Order 13767 - also known as Border Security and Immigration Enforcement Improvements - and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

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