



DHS Issues Waiver to Expedite Border Wall Projects in Yuma & El Paso

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The Department of Homeland Security (DHS) issued two waivers, which will ensure expeditious construction of new bollard wall within the U.S. Border Patrol's Yuma and El Paso sectors in Arizona and Texas. The projects covered by the waivers include up to approximately 53 miles of new bollard wall in place of dilapidated and outdated designs, in addition to, road construction and improvement and lighting installation. The waivers were published in the Federal Register on April 24, 2019.

To support DHS's actions under Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended (IIRIRA), DHS requested that the Department of Defense (DoD), pursuant to its authority under 10 U.S.C. § 284(b)(7), assist with the construction of fences, roads, and lighting within specified locations of the border in order to block drug-smuggling corridors across the international boundary between the United States and Mexico. The Acting Secretary of Defense determined that the projects covered by these waivers meet the statutory requirements of 10 U.S.C. § 284(b)(7). As such, these projects will be funded by appropriations available to DoD.

DoD, in close coordination with DHS/Customs and Border Protection (CBP), will plan and execute these projects in coordination with the U.S. Army Corps of Engineers (USACE). USACE awarded the contracts for these projects on April 9, 2019. The Yuma projects were awarded to Barnard Construction Co. Inc. for approximately \$187 million and the El Paso project was awarded to SLSCO Ltd. in the amount of \$789 million.

These waivers are pursuant to authority granted to the Secretary of Homeland Security by Congress and cover 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. 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 mandated 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 geographic scope of the Yuma waiver covers the areas defined below. These projects will total approximately 7 miles of bollard wall within these areas.

1. Starting at the Morelos Dam and extending south and generally following the Colorado River for approximately five and one-half (5.5) miles.
2. Starting two and one-half (2.5) miles east of Border Monument 198 and extending east to Border Monument 197.

The geographic scope of the El Paso waiver covers the areas defined below. These projects will total up to approximately 46 miles of bollard wall within these areas:

1. Starting at Border Monument 31 and extending east to Border Monument 23.
2. Starting at approximately one (1) mile west of Border Monument 20 and extending east to Border Monument 9.

While the waivers eliminate DHS's 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 greatest extent possible.

The Yuma & El Paso Sectors are areas of high illegal entry and are experiencing large numbers of individuals and narcotics being smuggled into the country illegally. The construction of border infrastructure within these project areas will support DHS's ability to impede and deny illegal border crossings and the drug and human smuggling activities of transnational criminal organizations.

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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