

FUNDING A DAMAGING BORDER WALL AND WAIVING RULE OF LAW

Rejected: 39-60

SUMMARY:

The Senate rejected a motion to limit debate on an amendment that would have provided \$25 billion for border security including a damaging wall that would have irreversibly harmed sensitive lands and imperiled wildlife along the southwest border, waived 36 environmental and cultural laws for construction of the wall and other border enforcement activities on federal lands within 100 miles of both the northern and southern borders, and addressed various immigration issues. (*February 15, 2018, Roll Call No. 36*)

BACKGROUND:

Nearly one-third of the 1,953-mile U.S.-Mexico border lies within military, tribal, and public lands, including federally-designated wilderness areas, National Wildlife Refuges, National Forests, National Monuments, State Parks and hundreds of miles within the National Park System. Much of this country's imperiled wildlife, including Mexican wolves, jaguars, ocelots, bighorn sheep, Sonoran pronghorn and hundreds of bird species, depend on protected public lands along the border for intact habitat and survival. Since 2006, nearly 700 miles of the U.S.-Mexico border has been blocked by walls, fences and other barricades, impeding the movement of wildlife in search of food and mates, cutting off migration routes and damaging public lands and other special places. These barriers also sever and harm human borderland communities. President Trump has placed a top priority on securing funding for additional border wall construction along the U.S.-Mexico border and has already received some funding in several recent appropriations bills for new wall, primarily in sensitive wildlife habitat in the Lower Rio Grande Valley in Texas. The wall's construction, maintenance and enforcement operations will continue to have significant consequences for affected human communities, pristine wildlands and wildlife, including potential impacts to at least 89 endangered or threatened species and 108 species of migratory birds. Numerous studies have also found the wall to be to be ineffective in its stated purpose. Border construction can be exempted from all federal, state or local laws by waivers under the 2005 REAL ID Act. Since the act was passed, the Department of Homeland Security has waived dozens of laws on 11 different occasions under both Presidents George W. Bush and Donald Trump, including the Endangered Species Act, the National Environmental Policy Act and the National Wildlife Refuge Improvement Act.

Legislation was offered as an amendment to an underlying bill to overhaul parts of the U.S. immigration system. In addition to revisions to immigration law, the legislation included \$25 billion for border wall construction. This significant multi-year allocation of billions of dollars in additional funding would have resulted in devastating and irreversible damage to wildlife and the ecosystems that support them along the entire length of the U.S.-Mexico border. The legislation would have inflicted further damage to sensitive habitat by specifically waiving 36 environmental and cultural laws for construction of the wall and other border enforcement activities on national wildlife

refuges, forests, parks, wilderness areas, and other federal lands within 100 miles of both the northern and southern borders.

OUTCOME:

On February 15, 2018, the House rejected the motion to limit debate on the amendment. “No” was the pro-conservation vote.