



COMMITTEE ON HOMELAND SECURITY

FOR IMMEDIATE RELEASE

Hearing Statement of Border Security, Facilitation, and Operations Subcommittee Chairwoman Kathleen Rice (D-NY)

Examining the Effect of the Border Wall on Private and Tribal Landowners

February 27, 2020

To our witnesses, your unique perspectives on the southern border are critical to our understanding of this issue, and we appreciate you sharing your important insight with us. Over the past year, this Subcommittee has sought to bring attention to the Administration's misguided and dangerous border wall policy.

We know the construction of a border wall will not stop the influx of drugs into our country, will be an unnecessary cost to taxpayers, and—as we will discuss today— will have an irreversible impact on the rights of U.S. citizens and Native Americans.

For those of us who do not live in Texas, New Mexico, Arizona, or California, it can be easy to forget that the policy decisions we make in Washington have a tremendous impact on the everyday lives of those who live along the southern border.

Two-thirds of the land along the southern border is owned by private citizens or the border States. In order to construct barriers across this land, the Administration has used eminent domain, a process by which the government can forcibly seize privately-owned land for public use in exchange for compensation. Often, this compensation is minimal, and landowners are left to fight the government in court for years. And under this Administration, eminent domain will be used at a historically high level to strip landowners of their property, and in many cases, cause damage to their livelihoods.

In addition to this land seizure, the Administration has doubled down on its use of the Department of Homeland Security's waiver authority – waiving important environmental and preservation laws – for border wall construction. No Secretary, no matter the purpose or intent, should have the ability to waive every law "in their entirety" with the stroke of a pen.

In the past three years, the Trump Administration has used this waiver authority 16 times to ignore laws designed to protect the environmental and cultural integrity of communities. For comparison, the Bush Administration used this waiver authority only five times over the course of his entire presidency.

But this should not come as a surprise. President Trump has shown that he will stop at nothing to deliver on his campaign promise to build a wall. The Trump Administration does not listen to

the experts, they don't pay attention to border residents or local officials, and they ignore the consequences that come along with abusing the waiver authority.

The Administration has waived critical public health and safety laws including the Endangered Species Act, the National Environmental Policy Act, the Safe Drinking Water Act, and the Clean Water Act for wall construction. These laws ensure that border communities have the same rights and protections as any other community in the United States.

The Tohono O'odham Nation, whose lands cross the southern border, have faced particularly harmful consequences as a result of these laws being waived. The Administration's decision to repeatedly use this waiver authority puts the lives of the Members of the Nation at risk, destroys habitats for numerous at-risk species, and undermines trust in our government.

Earlier this Congress, this Committee recognized the damage that the Administration could do with its use of waivers and responded by passing my bill, H.R. 1232, the "Rescinding DHS' Waiver Authority for Border Wall Act," which would strike the law that granted the Secretary of Homeland Security with this unchecked waiver authority.

This bill, should it become law, would not prohibit DHS from constructing or repairing border barriers—it would simply require the Department to follow any and all applicable local, state, and federal laws before beginning construction. The reckless waiving of crucial federal laws puts the people who live along our southern border at unnecessary risk and does not enhance our border security.

The witnesses who have joined us today will speak to this issue from personal experience, and I am proud today's hearing will help provide a platform for them to make their voices heard.

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