



Written by [David Kelly](#) on October 5, 2023

## Biden Admin Approves Building New Border Wall

Citing that the Rio Grande Valley Sector in southern Texas is an area of “high illegal entry,” Homeland Security Secretary Alejandro Mayorkas issued a [waiver](#) on Wednesday of over 25 federal laws, including environmental protection laws, to expedite the construction of barriers and roads along the border.

Mayorkas quietly filed the Department of Homeland Security (DHS) waiver with the [Federal Register](#), taking executive action under the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) as there “is presently an acute and immediate need” to build barriers to prevent unlawful entry into the United States.



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The waiver was prompted by the increasing numbers of illegal alien encounters. “As of early August 2023, Border Patrol had encountered over 245,000 such entrants attempting to enter the United States between ports of entry in the Rio Grande Valley Sector in Fiscal Year 2023,” said Mayorkas in the filing. “Therefore, I must use my authority under section 102 of IIRIRA to install additional physical barriers and roads in the Rio Grande Valley Sector.”

The statement listed numerous areas targeted for the “expeditious construction of barriers and roads” along the border in Starr County, Texas. According to [The Associated Press](#), Starr County, “sitting between Zapata and McAllen, Texas, is home to about 65,000 residents sparsely populating about 1,200 square miles (3,108 square kilometers) that form part of the Lower Rio Grande Valley National Wildlife Refuge.”

Coming as pure hypocrisy from an administration that is all about “environmental justice,” Mayorkas waived 26 federal laws “in their entirety, with respect to the construction of roads and physical barriers ... in the project areas.” The waiver covers all federal, state, or other laws and regulations, including the National Environmental Policy Act, the Endangered Species Act, the Clean Air Act, the Clean Water Act, the Antiquities Act, and the Native American Graves Protection and Repatriation Act.

The DHS statement cited that construction was “funded by a fiscal year 2019 appropriation through which Congress appropriated funds for the construction [of a] border barrier in the Rio Grande Valley, and DHS is required to use those funds for their appropriated purpose.”

Wednesday’s announcement is a complete about-face by the Biden administration, which had focused on stopping new border-wall construction in early 2021. According to [WIBC](#), Biden “had promised as a presidential candidate that there would ‘not be another foot of wall constructed on my administration.’ Biden’s administration doubled down by saying the wall construction under the Trump administration was ‘just one example of the prior administration’s misplaced priorities and failure to manage migration in a safe, orderly and humane way.’”



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[Fox News](#) highlighted Biden defending the waiver:

President Biden, speaking after his administration announced border wall construction in Texas, said at the White House Thursday that he tried to “redirect” the money for the project.

“I’ll answer one question on the border wall, the border wall where money was appropriated for the border wall. I tried to get them to reappropriate, to redirect that money,” Biden said. “They didn’t. They wouldn’t. And in the meantime, there’s nothing under the law other than they have to use the money for what it was appropriated. I can’t stop that.”

When asked by a reporter if he believes a border wall works, Biden said “no.”

The Federation for American Immigration Reform (FAIR) reacted to the waiver by [stating](#) that after “more than two and half years and some 9 million illegal entries..., the Biden administration is now acknowledging that we have a very serious problem along our southern border.”

“After years of denying that a border wall and other physical barriers are effective, the DHS announcement represents a sea change in the administration’s thinking: A secure wall is an effective tool for maintaining control of our borders. Having made that concession, the administration needs to immediately begin construction of wall across the border to prevent the illegal traffic from simply moving to other areas of the border,” said Dan Stein, president of FAIR.

The DHS waiver could also assist Texas Governor Greg Abbott in the ongoing river-barrier lawsuit that [The New American](#) reported on last month. The 5th U.S. Circuit Court of Appeals held hearings on the case Thursday, as Texas appealed District Court Judge David Ezra’s original ruling seeking the barrier’s removal. The river barrier is no different than what the DHS plans to implement with their announced “new” border-wall construction. The court had not released a statement or ruling at press time.



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