

Rep. Cuellar Fights Border Wall Construction

Includes Funding Prohibitions and Protects South Texas Landmarks

White House Bipartisan Meeting

Rep. Cuellar attends bipartisan meeting with President Donald Trump at the White House on Wednesday, Sept. 13, 2017.

- Rep. Cuellar tells the President of the reasons why the border wall is ineffective and a wasteful use of taxpayer dollars.
- Rep. Cuellar explains that Congress should allocate funding towards technology, equipment, border personnel, ports of entry infrastructure, as well as security and economic development in Central America and Southern Mexico, in order to secure our border in a sensible, cost-efficient manner.

[Click here](#) to view the full video of Rep. Cuellar discussing with President Trump alternatives to constructing a border wall.

[Click here](#) to view the highlights from this meeting at the White House.

Letter in Opposition to Border Wall Negotiations

Rep. Cuellar Led Democratic Letter to Senate Leader Schumer Opposing Funding for a Border Wall.

- In November 2018, Rep. Cuellar was joined by Rep. Gonzalez and ten other Democratic members in a letter expressing their opposition to Leader Schumer's comments establishing Senate Democrats' started negotiating position of \$1.6 billion for a border wall.
- In the letter, the members made clear that the Democrats should not accept any border wall funding in the FY 2019 Homeland Security Appropriations bill, stating "we will not negotiate when it comes to a border wall."

[Click here](#) to read Rep. Cuellar's letter to Senate Leader Schumer opposing funding for a border wall.

Legislative Opposition

Rep. Cuellar Voted NO on H.R.6061, the "Secure Fence Act of 2006."

- Authorized the Secretary of Homeland Security to take appropriate actions to achieve operational control over U.S. international land and maritime borders.
- This included physical infrastructure enhancements to prevent unlawful border entry and facilitate border access by U.S. Customs and Border Protection.
- The bill passed the U.S. House on September 14, 2006. [Click here](#) to see the voting record.
- The bill passed the U.S. Senate on September 29, 2006. [Click here](#) to see the voting record.

Fiscal Year 2021 Appropriations Provisions

FY21 Homeland Security Subcommittee:

Rep. Cuellar’s Adopted Bill Language Prohibiting Funding for Border Wall:

“Notwithstanding any other provision of law, no Federal funds may be used for the construction of physical barriers along the southern land border of the United States during fiscal year 2021.”

Rep. Cuellar’s Adopted Bill Language Protecting South Texas Landmarks:

“Federal funds may not be made available for the construction of fencing—

- (1) within the Santa Ana Wildlife Refuge;*
- (2) within the Bentsen-Rio Grande Valley State Park;*
- (3) within La Lomita Historical park;*
- (4) within the National Butterfly Center;*
- (5) within or east of the Vista del Mar Ranch tract of the Lower Rio Grande Valley National Wildlife Refuge;*
- (6) within historic cemeteries;*
- (7) within any site on the National Register of Historic Places;*
- (8) within any real property owned by the Sacred Heart Children’s Home in Laredo, Texas;*
- (9) within the Lower Rio Grande Valley National Wildlife Refuge; or*
- (10) within 1 mile of historic sites along the Los Caminos del Rio Heritage Corridor.”*

Rep. Cuellar’s Adopted Bill Language Requiring DHS to Submit a Comprehensive Risk-Based Plan:

“(a) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a risk-based plan for improving security along the borders of the United States, including the use of personnel, fencing, other forms of tactical infrastructure, and technology, to include—

- (1) A statement of goals, objectives, activities, and milestones for the plan.*
- (2) A detailed implementation schedule for the plan with estimates for the planned obligation of funds for fiscal years 2019 through 2027 that are linked to the milestone-based delivery of specific—*
 - (A) capabilities and services;*
 - (B) mission benefits and outcomes;*
 - (C) program management capabilities; and*
 - (D) lifecycle cost estimates.*
- (3) A description of the manner in which specific projects under the plan will enhance border security goals and objectives and address the highest priority border security needs.*
- (4) An identification of the planned locations, quantities, and types of resources, such as fencing, other physical barriers, or other tactical infrastructure and technology, under the plan.*
- (5) A description of the methodology and analyses used to select specific resources for deployment to particular locations under the plan that includes—*
 - (A) analyses of alternatives, including comparative costs and benefits;*
 - (B) an assessment of effects on communities and property owners near areas of infrastructure deployment; and*
 - (C) a description of other factors critical to the decision-making process.*
- (6) An identification of staffing requirements under the plan, including full-time equivalents, contractors, and detailed personnel, by activity.*
- (7) A description of performance metrics for the plan for assessing and reporting on the contributions of border security capabilities realized from current and future investments.*

(8) A description of the status of the actions of the Department of Homeland Security to address open recommendations by the Office of Inspector General and the Government Accountability Office relating to border security, including plans, schedules, and associated milestones for fully addressing such recommendations.

(9) A plan to consult State and local elected officials on the eminent domain and construction process relating to physical barriers;

(10) An analysis, following consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, of the environmental impacts, including on wildlife, of the construction and placement of physical barriers planned along the Southwest border, including in the Santa Ana National Wildlife Refuge; and

(11) Certifications by the Under Secretary of Homeland Security for Management, that—

(A) the plan has been reviewed and approved in accordance with an acquisition review management process that complies with capital planning and investment control and review requirements established by the Office of Management and Budget, including as provided in Circular A– 11, part 7; and

(B) all activities under the plan comply with Federal acquisition rules, requirements, guidelines, and practices.

(b) The Secretary shall concurrently submit the plan required in subsection (a) to the Comptroller General of the United States, who shall evaluate the plan and report to the Committees on Appropriations of the Senate and the House of Representatives on the strengths and weaknesses of such plan not later than 120 days after receiving such plan.”

[Click here](#) to view the video of Rep. Cuellar speaking during the hearing.

FY21 Military Construction Subcommittee:

Rep. Cuellar’s Adopted Bill Language Prohibiting Funding for Border Wall:

“Notwithstanding any other provision of law, none of the funds appropriated in this or any other Act for a military construction project, as defined by section 2801 of title 10, United States Code, for any of fiscal years 2016 through 2020 or for fiscal year 2021 may be obligated, expended, or used to design, construct, or carry out a project to construct a wall, barrier, fence, or road along the Southern border of the United States.”

[Click here](#) to view the video of Rep. Cuellar speaking during the hearing.

FY21 Department of Defense Subcommittee:

Rep. Cuellar’s Adopted Bill Language Prohibiting Funding for Border Wall:

"None of the fund appropriated or otherwise made available by this Act or any prior appropriations Acts may be used to construct a wall, fence, border barriers, or border security infrastructure along the southern land border of the United States."

[Click here](#) to view the video of Rep. Cuellar speaking during the hearing.

FY21 Energy & Water Subcommittee:

Rep. Cuellar’s Adopted Bill Language Prohibiting Funding for Border Wall:

“Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act or any prior appropriations Acts for the Civil Works Program of the United States Army Corps of Engineers may be committed, obligated, expended, or otherwise used to design or construct a

wall, fence, border barriers, or border security infrastructure along the southern border of the United States.”

FY21 Financial Services Subcommittee:

Rep. Cuellar’s Adopted Bill Language Prohibiting Funding for Border Wall:

“Notwithstanding any other provision of law, none of the funds available in the Department of the Treasury Forfeiture Fund established by section 9705 of title 31, United States Code, may be obligated, expended, or used to plan, design, construct, or carry out a project to construct a wall, barrier, fence, or road along the southern border of the United States, or a road to provide access to a wall, barrier, or fence constructed along the southern border of the United States.”

Fiscal Year 2020 Appropriations Provisions

FY20 Homeland Security Subcommittee:

Rep. Cuellar’s Adopted Bill Language Prohibiting Funding for Border Wall:

“No funding is provided in the bill for new physical barriers along the southwest border.”

Rep. Cuellar’s Adopted Bill Language Protecting South Texas Landmarks:

“Federal funds may not be made available for the construction of fencing—

- (1) within the Santa Ana Wildlife Refuge;*
- (2) within the Bentsen-Rio Grande Valley State Park;*
- (3) within La Lomita Historical park;*
- (4) within the National Butterfly Center;*
- (5) within or east of the Vista del Mar Ranch tract of the Lower Rio Grande Valley National Wildlife Refuge; or*
- (6) within historic cemeteries.”*

[Click here](#) to view the video of Rep. Cuellar speaking during the hearing.

FY20 Military Construction Subcommittee:

Rep. Cuellar’s Adopted Bill Language Prohibiting Funding for Border Wall:

“Notwithstanding any other provision of law, none of the funds appropriated in this or any other Act for a military construction project, as defined by section 2801 of title 10, United States Code, for any of fiscal years 2015 through 2019 or for fiscal year 2020 may be obligated, expended, or used to design, construct, or carry out a project to construct a wall, barrier, fence, or road along the Southern border of the United States or a road to provide access to a wall, barrier, or fence constructed along the Southern border of the United States.”

[Click here](#) to view the video of Rep. Cuellar speaking during the hearing.

FY20 Department of Defense Subcommittee:

Rep. Cuellar’s Adopted Bill Language Prohibiting Funding for Border Wall:

“None of the fund appropriated or otherwise made available by this Act or any prior appropriations Acts may be used to construct a wall, fence, border barriers, or border security infrastructure along the southern land border of the United States.”

[Click here](#) to view the video of Rep. Cuellar speaking during the hearing.

FY20 Energy & Water Subcommittee:

Rep. Cuellar’s Adopted Bill Language Prohibiting Funding for Border Wall:

“Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act or any prior appropriations Acts for the Civil Works Program of the United States Army Corps of Engineers may be committed, obligated, expended, or otherwise used to design or construct a wall, fence, border barriers, or border security infrastructure along the southern border of the United States.”

Fiscal Year 2019 Appropriations Provisions

FY19 Homeland Security Subcommittee:

Rep. Cuellar’s Adopted Bill Language Protecting Multiple South Texas Landmarks:

“None of the funds made available by this Act or prior Acts are available for the construction of pedestrian fencing—

- (1) within the Santa Ana Wildlife Refuge;*
- (2) within the Bentsen-Rio Grande Valley State Park;*
- (3) within La Lomita Historical park;*
- (4) within the National Butterfly Center; or*
- (5) within or east of the Vista del Mar Ranch tract of the Lower Rio Grande Valley National Wildlife Refuge. [SpaceX]”*

Rep. Cuellar’s Adopted Bill Language Protecting South Texas Communities:

“(a) Prior to use of any funds made available by this Act for the construction of physical barriers within the city limits of any city or census designated place described in subsection (c), the Department of Homeland Security and the local elected officials of such a city or census designated place shall confer and seek to reach mutual agreement regarding the design and alignment of physical barriers within that city or the census designated place (as the case may be). Such consultations shall continue until September 30, 2019 (or until agreement is reached, if earlier) and may be extended beyond that date by agreement of the parties, and no funds made available in this Act shall be used for such construction while consultations are continuing.

(b) Not later than July 1, 2019, the Secretary shall issue notices for public comment regarding construction of pedestrian fencing in the places identified in subsection (c). The notices shall afford the public not less than 60 days to submit comments on the location of proposed fencing in the affected areas. Not later than 90 days following the end of the comment period identified in this subsection, the Department shall publish in the Federal Register its responses to the comments received along with its plans for construction in the areas identified in the notice to which it is responding.

(c) The cities and census designated place described in this subsection are as follows:

- (1) Roma, Texas.*
- (2) Rio Grande City, Texas.*
- (3) Escobares, Texas.*
- (4) La Grulla, Texas.*
- (5) The census designated place of Salineno, Texas.”*

[Click here](#) to view the video of Rep. Cuellar speaking during the Conference Committee hearing.

[Click here](#) to view Rep. Cuellar speaking against border wall funding on the House Floor.

Rep. Cuellar’s Amendment during Full Committee Mark Up:

- Remove the nearly \$5 billion in funding for the border wall and instead redirect these funds to more effective border security items, such as increased personnel, technology, and equipment;
- Protect the property rights of private landowners;
- Provide funding to help private property landowners have legal representation;
- Prohibit any border barrier from being built in the Bentsen-Rio Grande Valley State Park and National Butterfly Center.
- **Amendment was rejected by Republicans during Full Committee Mark Up.**

[Click here](#) to view the video of Rep. Cuellar offering border wall amendment during full markup.

[Click here](#) to view the amendment text.

Fiscal Year 2018 Appropriations Provisions

FY18 Homeland Security Subcommittee:

Rep. Cuellar’s Adopted Language Protecting the Santa Ana National Wildlife Refuge:

“None of the funds provided in this or any other Act shall be obligated for construction of a border barrier in the Santa Ana National Wildlife Refuge.”

[Click here](#) to view video of Rep. Cuellar speaking on the House floor in opposition to adding nearly \$1.6 billion in federal taxpayer funds to begin construction of a wall on the U.S.-Mexico border.

Rep. Cuellar’s Amendment during Full Committee Mark Up:

- Redirected the \$1.6 billion in funding from the border wall to the acquisition of effective and efficient border security.
- Helped to enable the U.S. Department of Homeland Security (DHS) to secure our borders and facilitate trade.
- **Amendment was rejected by Republicans during Full Committee Mark Up.**

[Click here](#) to view the video of Rep. Cuellar speaking during the hearing.

[Click here](#) to view the amendment text.