Many laws were waived from 2005-2008 and 2017-present in specific stretches of border to expedite construction of border barriers. These waivers are proclaimed by the U.S. Secretary of Homeland Security and include “all federal, state, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following statutes, as amended.” Although the focus is border barriers, the reach of these waivers includes, but is not limited to “accessing the project areas, creating and using staging areas, the conduct of earthwork, excavation, fill, and site preparation, and installation and upkeep of physical barriers, roads, supporting elements, drainage, erosion controls, safety features, lighting, cameras, and sensors” (wordings from 5/15/20 waiver as published in the Federal Register).

Authority for these waivers is provided by the Real ID Act of 2005 and is codified in Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (8 U.S.C. 1103 note).

https://www.law.cornell.edu/uscode/text/8/1103

Amount of border covered by a waiver, by state*:
- California – 104 out of 141 miles (74%)
- New Mexico – 114 out of 180 miles (63%)
- Arizona – 323 out of 377 miles (86%)
- Texas – 174/233^ out of 1,280 miles (18%)

Total border-wide not including duplication = 716 miles (covering 39% of the border).

Total including duplicate proclamations = 909 miles.

* Waivers of 10/1/19 and later not yet included in these calculations, although mileage for some individual waivers can be found on the next page.

^ Waiver distance in Texas is greater when accounting for coverage of the actual river boundary. Many Texas waivers are described in terms of levees or other features some distance away and which do not strictly parallel the border. This frequently covers multiple bends along the Rio Grande River. Based on coverage as estimated by the shortest line from the end of each waiver to the river, 174 miles of waiver descriptions cover approximately 233 miles or 18% of the border. Waiver segments along the Colorado River in Arizona are to-date all described in terms of the actual river and do not present the same issue.

Disclaimer: The document was prepared with great care and a focus on accurate representation. Nonetheless, it is meant for academic research and general reference rather than definitive legal purposes. Factors that impact the final layout and accuracy of measurements include (for example): base map, data layers, judgement calls and interpretations when conflicts or unclear data was encountered, rounding, level of source detail, technical expertise, and map projection. Map projection used for these calculations was adapted from USA Contiguous Equidistant Conic with a focus on the border region and a central meridian of 107° 08’ W. Not responsible for omissions or errors. Feel free to contact me if you have questions or note any mistakes, typos, or errors. Suggestions welcome.
Waiver proclamations:

George W. Bush / DHS Secretary Chertoff
SD1 = 9/22/05; San Diego, CA; 14.0 miles
BGR = 1/19/07; Goldwater Range, AZ; 38.1 miles
SPR = 10/26/07; San Pedro River, AZ; 7.3 miles
H1 = 4/8/08; Hidalgo Co., TX; 21.4 miles (orig. 4/3/08‡)
i1 = 4/8/08; intermittent border-wide; 559.9 miles (orig. 4/3/08‡)
Donald J. Trump / various DHS Secretaries
SD2 = 8/2/17; San Diego, CA; 16.2 miles; Kelly
Cal = 9/12/17; Calexico, CA; 3.0 miles; Duke*
ST = 1/22/18; Santa Teresa, NM; 23.5 miles; Nielsen
Cam = 10/10/18; Cameron Co., TX; 6.6 miles; Nielsen
H2 = 10/11/18; Hidalgo Co., TX; 17.7 miles; Nielsen
SD3 = 2/8/19; San Luis, AZ; 15.2 miles; Nielsen
SL = 4/24/19; San Luis, AZ; 21.8 miles; McAleenan*
LD = 4/24/19; Luna & Doña Ana Cos., NM; 51.1 miles; McAleenan*
Yu = 4/24/19; Yuma Co., AZ; 7.6 miles; McAleenan*
CP = 5/15/19; Cochise & Pima Cos., AZ; 68.4 miles; McAleenan*

Im1 = 5/15/19; Imperial Co., CA; 15.9 miles; McAleenan*
TC = 5/15/19; Tecate & Calexico, CA; 17.8 miles; McAleenan*
St1 = 7/19/19; Starr Co., TX; 4.1 miles; McAleenan*
SH = 8/30/19; Starr & Hidalgo Cos., TX; 13.0 miles; McAleenan*
HC = 10/11/19; Cameron & Hidalgo Cos., TX; mileage TBD; McAleenan*
SHC = 10/31/19; Starr, Hidalgo, Cameron Cos., TX; mileage TBD; McAleenan*
VM = 3/16/20; Val Verde & Maverick Cos., TX; mileage TBD; Wolf*
SD4 = 3/16/20; San Diego, CA; 27.6 miles; Wolf*
Im2 = 3/16/20; Imperial Co., CA; 3.0 miles; Wolf*
LDE = 3/16/20; Luna & Doña Ana Cos., NM & El Paso Co., TX; mileage TBD; Wolf*
Y1 = 3/16/20; Yuma Co., AZ & Imperial Co., CA; mileage TBD; Wolf*
St2 = 4/15/20; Starr Co., TX; 16.9 miles; Wolf**
i2 = 5/13/20; intermittent border-wide; mileage TBD; Wolf** (orig. 2/20/20‡)
PSC = 5/13/20; Pima, Santa Cruz, Cochise Cos., AZ; mileage TBD; Wolf** (orig. 3/16/20‡)
WZ = 5/15/20; Webb & Zapata Cos., TX; 75.4 miles; Wolf**
St3 = 7/17/20; Starr Co., TX; mileage TBD; Wolf** [for roads only, not for barriers]
i3 = 1/4/21; intermittent border-wide; 71.5 miles; Wolf**

‡ Re-published due to inadvertent omissions in initial appearance in the Federal Register. * Acting DHS Secretary. + Signing authority delegated to Mizelle/Brekke.
For poster-sized table with full description of statutes and regulations as waived and maps of some of the areas covered by these waivers, visit my website.
LINKS below: # = government agency, prof. assoc., or academic article ; law name = Cornell Law School Legal Info. Institute ; first waiver = Wikipedia or US Code on GovInfo.gov these are general reference information sources and may not cover precise legal aspects of laws waived; see also blog of the Friends of the Sonoran Desert

1) Nat'l. Env. Policy Act: SD1
2) Endangered Species Act: SD1
3) Clean Water Act: SD1
4) Nat'l. Historic Pres. Act: SD1
5) Migratory Bird Treaty Act: SD1
6) Migratory Bird Cons. Act: SD1
7) Clean Air Act: SD1
8) Archeological Resources Prot. Act: SD1
9) Paleontological Resources Pres. Act: SD1
11) Nat'l. Trails System Act: SD2
12) Safe Drinking Water Act: SD2
13) Noise Control Act: SD2
14) Solid Waste Disp. Act: SD2
15) Comp. Env. Resp., Comp., & Liab. Act: SD2
16) Archaeological & Historic Pres. Act: SD2
17) Antiquities Act: SD2
18) Historic Sites, Bldgs., & Antiq. Act: SD2
20) Wild & Scenic Rivers Act: SD2

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Kenneth D. Madsen
21) Farmland Protection Policy Act:

22) Coastal Zone Manag. Act: SD1,

23) Wilderness Act: BGR,


27) Reclamation Proj. Act 1939 [part]:

28) Nat’l. Fish & Wildlife Act 1956:

29) Fish & Wildlife Coord. Act:

30) Wild Horse & Burro Act:


32) Adm. Procedure Act: SD1,

33) Otay Mountain Wilderness Act:

34) California Desert Prot. Act [part]:

35) Pres. Procl. Organ Pipe Cactus NM:

36) Nat’l. Park Service Organic Act:

37) Nat’l. Park Service Gen’l. Auth. Act:


39) Arizona Desert Wilderness Act [part]:

40) Rivers & Harbors Act 1899:

41) Eagle Prot. Act:

42) Native Am. Graves Prot. & Rep. Act:

43) Am. Indian Religious Freedom Act:

44) Religious Freedom Restoration Act:


46) Multi. Use & Sustained Yield Act 1960:

47) Fed. Grant/Coop. Agreement Act 1977:

48) Military Lands Withdrawal Act 1999:

49) Sikes Act:

50) authoriz. for Pres. Procl. Coronado NM:

51) Establishment Coronado NM:

52) Contracts: competition req.: i2,

53) Task & delivery order contracts:

54) Cost/pricing data:

55) Contracts:

56) Lowest Price Tech. Acceptable Source:

57) Consolidation of contract req.:

58) Documentation:

59) Exercise of options:

60) Design-build selection procedures:
61) Exp. of project wage determinations:  
62) bonds, etc. (formerly Miller Act 1935):  
63) Arizona Wilderness Act 1984 [part]:  
64) Laws affecting nat’l forest lands:  
65) Protection of nat’l forests:  
66) Full and open competition:  
67) Req. for multiple award contracts:  
68) Use of noncompetitive procedures:  
69) Planning and solicitation requirements:  
70) Design-build selection procedures:  
71) Req. cost/pricing data & certification:  
72) General authority (Contracts):  
73) Guidance on use of contracts:  
74) Orders:  
75) Advertising req. for purchases/sales:  
76) Contractor past performance:  
77) Procurement notice:  
78) Lowest price technically acceptable:  
79) Awards or contracts:  
80) Contract bundling:  
81) Additional powers:  
82) Government Contracting Programs:  
83) Multiple award preference:  
84) Ordering:  

Border wall east of San Luis, Arizona (Jan. 2013).

Border wall in San Diego County, California (April 2019).

Levee wall in Hidalgo County, Texas (May 2019).