

May 10, 2022

The Honorable Patrick Leahy  
Chair  
Committee on Appropriations  
United States Senate  
S-128 The Capitol  
Washington, DC 20510

The Honorable Richard Shelby  
Vice Chair  
Committee on Appropriations  
United States Senate  
S-146A The Capitol  
Washington, DC 20510

The Honorable Rosa L. DeLauro  
Chair  
Committee on Appropriations  
United States House of Representatives  
H-307 The Capitol  
Washington, DC 20515

The Honorable Kay Granger  
Ranking Member  
Committee on Appropriations  
United States House of Representatives  
1016 Longworth House Office Building  
Washington, DC 20515

Dear Chairs and Ranking Members:

On behalf of the undersigned organizations dedicated to environmental protection, civil and human rights, and community uplift, including groups that continue to witness first-hand the devastating impacts from construction of border wall and related infrastructure on border communities and the environment, we write again to urge you to provide funding and guidance in the FY 2023 Department of Homeland Security (DHS) and Commerce, Justice, Science (CJS) appropriations bills to remediate the immense harms that border wall construction and militarization have inflicted on communities and wildlife in the borderlands.

We very much appreciate that the initial FY 2022 House and Senate Homeland Security appropriations bills would have rescinded remaining border wall funds and authorized the transfer of funds to the federal land management agencies to begin to address damage from wall construction, and we were extremely disappointed that these provisions were not retained in the final FY2022 omnibus bill. We thank you for language in the final joint explanatory statement that directs DHS and the Department of the Interior to conduct an assessment of impacts from wall and infrastructure construction and to develop a plan to address those impacts. We write to urge you to redouble your efforts to address all of these concerns in the FY 2023 bill.

As we have previously written, the prior administration's insistence on unnecessary, wasteful, and harmful border wall construction wreaked destruction on the borderlands and the millions who call the border region home, including damaging lands sacred to the O'odham, Carrizo-

Comecrudo, and Kumeyaay peoples; desecrating Native American burial sites; dynamiting pristine mountain wilderness; erecting walls in floodplains; separating imperiled wildlife populations; destroying fragile resources in national wildlife refuges, forests, monuments and other public lands; depleting ancient water sources in sensitive desert ecosystems; seizing ranches, farms, and backyards from families; risking lives by forcing migrants to cross into more remote regions; and fomenting dangerous racial hatred against migrants and Indigenous peoples.

To expedite wall construction, the Secretary of Homeland Security under the previous administration waived eighty-four cornerstone federal laws, along with countless unnamed state and other laws and regulations, created to protect the environment, wildlife, religious freedom, historic and cultural sites, and taxpayers' interest in responsible procurement. To date, those waivers of law have not yet been rescinded, thus continuing to deny equal protection under the law to the borderlands and the millions who call the border region home.

We recognize that the Biden Administration has taken an important step by canceling border wall projects slated for construction using funds that the previous administration had diverted from the Pentagon's budget. But simply halting the construction of additional border wall, while important, is insufficient. Congress must rescind any remaining funding for construction of the border wall and related infrastructure and provide the resources necessary to restore and repair border communities and lands to mitigate the harms done. Indeed, without rescission of those funds, DHS proposes to construct 86 more miles of wall, thus completely walling off the Rio Grande Valley, an area of considerable cultural and ecological value. Moreover, we are concerned that the Biden Administration has undertaken certain construction projects in South Texas under the current waivers of law, including the conversion of preexisting earthen flood control levee into concrete levee-border wall, and elsewhere along the border that are presented as "remediation" and "make-safe" projects, but have similarly harmful impacts as the border wall.

To achieve these goals and address these concerns, we urge the House and Senate FY 2023 Homeland Security appropriations bills to include the following provisions:

- Rescind any remaining and all previously appropriated funding for the construction of border wall, border barriers, and related infrastructure – including for lights and enforcement zone development. Unless and until this happens, more walls and related damaging infrastructure will be built even under this administration.
- The president's FY 2023 budget request proposes statutory language authorizing the transfer of up to \$225 million in funding from DHS to the land management agencies for environmental and other mitigation activities, including land acquisition, related to

border wall construction. We strongly support no less than this amount in the FY 2023 Homeland Security bill.

- Require any remediation or “make-safe projects” fully comply with all applicable laws and make clear that these projects are not subject to the waivers of law currently in place under the REAL ID Act waiver authority.
- While we very much appreciated the language in the final FY 2022 joint explanatory statement that directs an assessment of impacts and development of a plan to address those impacts, we urge this language be strengthened in the FY 2023 bill to emphasize the need for the involvement of the Secretaries of the Interior and Agriculture, along with Homeland Security, and that the plan should include the possibility of decommissioning of wall segments as necessary to achieve full remediation and restoration.

We also urge that the following be included in the FY 2023 Commerce, Justice, Science appropriations bill:

- Prohibit the use of funding by the Department of Justice for land condemnation proceedings for the planning or construction of border wall and related infrastructure.

There must be continued efforts to address the massive and needless damage to the border region and its people as swiftly as possible. We strongly urge you to include these requests in the FY 2023 appropriations bills.

Sincerely,

African American Ministers In Action

American Civil Liberties Union

American Friends Service Committee (AFSC)

American Humanist Association

Animal Welfare Institute

Arizona Justice For Our Neighbors

Austin Region Justice for Our Neighbors

Azul

Bend the Arc: Jewish Action

Bend the Arc: Jewish Action Cincinnati

Border Network for Human Rights

Born Free USA

Bridges Faith Initiative

Calexico Needs Change

Casa Familiar

Cascadia Wildlands

Center for Biological Diversity  
Center for Gender & Refugee Studies  
Center for Justice and Reconciliation, Point Loma Nazarene University  
Center for Victims of Torture  
Christian Council of Delmarva  
Church World Service  
Coastal Plains Institute  
Community Change Action  
Defenders of Wildlife  
Eagle Pass Border Coalition  
Earthjustice  
Endangered Habitats League  
Endangered Species Coalition  
Environmental Protection Information Center- EPIC  
Espacio Migrante  
Fair Immigration Reform Movement (FIRM) Action  
Fellowship Southwest  
Franciscan Action Network  
Friends Committee on National Legislation  
Friends of Friendship Park  
Friends of the Sonoran Desert  
Friends of the Wildlife Corridor  
Great Old Broads for Wilderness  
Heartwood  
Hispanic Federation  
Hope Border Institute  
Howling For Wolves  
Immigration Hub  
Imperial Valley Equity and Justice Coalition  
Interfaith Welcome Coalition - San Antonio  
International Marine Mammal Project of Earth Island Institute  
JAMAAT -- Jews and Muslims and Allies Acting Together  
Just Futures Law  
Justice Action Center  
Justice for Our Neighbors El Paso  
Latin America Working Group (LAWG)  
Leadership Conference of Women Religious  
League of Conservation Voters

Madrean Archipelago Wildlife Center  
National Education Association  
National Immigrant Justice Center  
National Justice for Our Neighbors  
National Network for Immigrant and Refugee Rights  
National Parks Conservation Association  
National Priorities Project at the Institute for Policy Studies  
National Wildlife Refuge Association  
Natural Resources Defense Council  
NETWORK Lobby for Catholic Social Justice  
New England Justice for Our Neighbors  
New York Immigration Coalition  
Northern Jaguar Project  
NY4WHALES  
Ocean Conservation Research  
OPAWL - Building AAPI Feminist Leadership  
Public Citizen  
Resource Renewal Institute  
RESTORE: The North Woods  
Rio Grande International Study Center  
San Diego Immigrant Rights Constortium  
San Pedro 100  
San Xavier District, Tohono O'odham Nation  
Save RGV  
Showing Up for Racial Justice  
Sierra Club  
Sisters of Mercy of the Americas Justice Team  
Sky Island Alliance  
South Bay People Power  
Southern Border Communities Coalition  
Southern California Immigration Project  
Texas Civil Rights Project  
The United Methodist Church General Board of Church and Society  
The Wilderness Society  
Trap Free Montana Public Lands  
Tucson Audubon Society  
UndocuBlack Network  
Union for Reform Judaism

Unitarian Universalist Refugee & Immigrant Services & Education

Universidad Popular

Voice for Refuge Action Fund

Washington Office on Latin America

Waterway Advocates

Western Watersheds Project

Wild Arizona

WildEarth Guardians

Wildlands Network

Win Without War

Wind of the Spirit Immigrant Resource Center