May 10, 2022

The Honorable Patrick Leahy
Chair
Committee on Appropriations
United States Senate
S-128 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 Richard Shelby
Vice Chair
Committee on Appropriations
United States Senate
S-146A The Capitol
Washington, DC 20510

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We very much appreciate that the initial FY 2022 House and Senate Homeland Security appropriations bills would have rescinded remaining border wall funds and authorized the transfer of funds to the federal land management agencies to begin to address damage from wall construction, and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
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 Consortium
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 Refugee 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