The Honorable Lucille Roybal-Allard                        The Honorable Chuck Fleischmann
Chairwoman                                                                Ranking Member
Subcommittee on Homeland Security                        Subcommittee on Homeland Security
Committee on Appropriations                                     Committee on Appropriations
2083 Rayburn House Office Building                        2410 Rayburn House Office Building
Washington, D.C. 20515                                            Washington, D.C. 20515

April XX, 2021

Dear Chair Roybal-Allard and Ranking Member Fleischmann,

As you begin the process of crafting the Fiscal Year 2022 (FY22) appropriation bill to fund the Department of Homeland Security (DHS), we strongly urge you to put an end to the border wall construction by not providing additional funding for constructing a wall, rescinding or redirecting unobligated border wall construction funds from previous fiscal years, and providing new funding for mitigation of the damages caused by previous border wall construction.

Border wall construction has had devastating impacts on the environment and wildlife, border communities, and Native American sacred sites. Walls along the southern border separate and intimidate communities, encroach on landowner rights, harm wildlife, and serve as an un-American symbol of hatred toward immigrants who contribute so much to our country. To build the wall, hundreds of private landowners and municipalities have had their property condemned and lawsuits continue in federal courts. In addition, the Secretary of Homeland Security under the Trump administration repeatedly used and abused its authority to waive “all laws and legal requirements” when constructing the wall and accompanying roads.[[1]](#footnote-1) These laws included not only our environmental bedrock laws like the National Environmental Policy Act and the Endangered Species Act, but also the laws that protect our basic rights, like the Clean Air Act, Clean Water Act, and the Native American Graves Protection and Repatriation Act. Crucial water sources have been fouled or blocked. Lands set aside by the Federal government for conservation and protection, from the Otay Mountain Wilderness Area to Organ Pipe Cactus National Monument to the Lower Rio Grande National Wildlife Refuge, have also been torn apart by border barriers. Endangered species such as the jaguar, Sonoran pronghorn, and Mexican wolf have been walled off from vital migration routes.

For FY22, Congress must provide no new funding for border wall construction. All funds designated for border barrier construction in FY2021 and any unobligated border barrier, border wall or border pedestrian fencing funds from prior Acts, should also be rescinded or redirected. It is time to stop wasting the money of American taxpayers on this expensive, ineffective and racist vanity project.

However, simply halting the construction of the border wall that has caused so much harm is insufficient. We must commit to funding the restoration and repair of border communities and lands to mitigate the harms done. During the FY2021 appropriations process, we very much appreciate that your committee provided $75 million for transfer from DHS to the U.S. Fish and Wildlife Service for mitigation activities related to the construction of border wall and barriers. We urge you to again make this commitment to funding mitigation and urge you to significantly increase the amount of funding provided. One initial first step could be redirection of unspent wall construction funds to mitigation.

Congress should provide funding for a multi-agency process to identify the harmful consequences from border walls and other border barriers to the environment, wildlife, communities, and tribes, as well as fund the measures identified to rectify these harms, including decommissioning existing walls and other border barriers. The mitigation process and funding levels should be developed in consultation with impacted border communities, tribes, land management agencies and environmental organizations and should be initiated as expeditiously as possible.

Thank you for considering our requests for the FY22 Homeland Security appropriations bill.

Sincerely,

1. The REAL ID Act of 2005 amended section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 by expanding the authority of the Secretary of Homeland Security to waive all legal requirements, as determined to be necessary, in the Secretary’s sole discretion, to ensure expeditious construction of barriers and roads along the border. Pub. L. No. 104-208, div. C, tit. I, subtit. A, § 102(c), 110 Stat. 3009, 3009-555, as amended by Pub. L. No. 109-13, div. B, tit. I, § 102, 119 Stat. 231, 306 (classified, as amended, at 8 U.S.C. § 1103 note). [↑](#footnote-ref-1)