

December XX, 2021

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

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

The Honorable Chris Murphy
Chair
Subcommittee on Homeland Security
128 Senate Dirksen Office Building
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Subcommittee on Homeland Security
135 Senate Dirksen Office Building
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
1036 Longworth House Office Building
Washington, DC 20515

The Honorable Lucille Roybal-Allard
Chair
Subcommittee on Homeland Security
House Committee on Appropriations
2006 Rayburn House Office Building
Washington, DC 20515

The Honorable Chuck Fleischmann
Ranking Member
Subcommittee on Homeland Security
House Committee on Appropriations
1036 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 have witnessed first-hand the devastating impacts of border wall construction on border communities and the environment, we write to thank you for including language to rescind past border wall funding and to provide resources and direction to mitigate damage from border wall construction in both the House and Senate FY 2022 Homeland Security appropriations bills. We commend both chambers for recognizing the importance of addressing the profound harms from border wall construction

and urge you to adopt the most robust provisions in the final FY 2022 Homeland Security appropriations bill.

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 previous Secretary of Homeland Security waived eighty-four cornerstone federal laws, along with countless state and other laws and regulations (without even actually identifying them), created to protect the environment, wildlife, religious freedom, historic and cultural sites, and taxpayers' interest in responsible procurement.

We recognize that the Biden Administration has taken an important step in cancelling 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 the 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.

We appreciate that both House and Senate FY 2022 Homeland Security appropriations bills have begun to take these needed steps and urge Congress to include the following provisions in the final FY 2022 bill:

- Rescind any remaining and all previously appropriated funding for the construction of border wall, border barriers, and related infrastructure as included in both House and Senate bills. Unless and until this happens, more walls will be built even under this administration. Indeed, the Department of Homeland Security (DHS) continues to file eminent domain actions in the Rio Grande Valley in Texas in anticipation of construction if outstanding funds remain.
- Both House and Senate bills include statutory language authorizing the transfer of funding from DHS to the land management agencies to begin mitigation activities, including land acquisition, for damage from border wall construction on federal lands. The House bill authorized the transfer of up to \$100 million, the Senate up to \$50

million for these purposes. We support no less than the House level of \$100 million as a first step for these crucial activities.

- The reports accompanying both House and Senate bills include strong language directing a multi-agency process to develop a remediation plan. While we greatly appreciate the recognition of the need for such direction by both House and Senate Appropriations Committees, we believe the House language would be more effective as it places the effort at the Secretarial level of both the Departments of Homeland Security and Interior with a more co-equal role for the Secretary of the Interior and also contemplates decommissioning of wall segments as part of the remediation plan.

The massive and needless damage to the border region and its people must be addressed as swiftly as possible. Again, we greatly appreciate the advancements in both House and Senate FY 2022 Homeland Security appropriations bills and urge the retention of the strongest possible funding levels and language.

Sincerely,