

November 28, 2022

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 providing resources to mitigate damage from border wall construction and for including language to add remediation as an additional use for remaining border wall funding in both the House and Senate FY 2023 Homeland Security appropriations

bills. We commend both chambers for recognizing the importance of addressing the profound harms that border wall construction and militarization have inflicted on communities and wildlife in the borderlands and urge you to retain these provisions and the highest possible level of mitigation funding in the final FY 2023 Homeland Security appropriations 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, previous Secretaries of Homeland Security, under the authority provided by the REAL ID Act of 2005, 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. And while the administration has undertaken some remediation projects, unfortunately, however, it also has continued construction of wall using funds previously appropriated for that purpose. The Department of Homeland Security (DHS) continues to construct additional wall through the Rio Grande Valley, an area of considerable cultural and ecological value including the conversion of preexisting earthen flood control levee into the most harmful type of wall for wildlife – concrete levee-border wall. The administration also is proposing to close so-called “gaps,” openings remaining in the wall, many of which are in crucial wildlife corridors and should be left open. This ongoing wall construction is being carried out using the waivers of law issued by prior administrations. The most effective means to prevent this continuing harm would be the rescission of remaining border wall funding, but, at the very least, uses of these funds should be expanded to allow remediation. In addition, it is imperative that Congress provide the resources necessary to restore and repair border communities, lands, and wildlife to mitigate the harms done.

We appreciate that both House and Senate FY 2023 Homeland Security appropriations bills have begun to take these needed steps and urge Congress to include the following provisions in the final FY 2023 bill:

- **Both House and Senate bills include statutory language authorizing the transfer of unobligated balances of border wall funding from DHS to the land management agencies to begin mitigation activities, including acquisition of land and scientific studies, for damage from border wall construction on federal lands. The House bill authorized the transfer of up to \$100 million, the Senate up to \$200 million for these purposes. We support no less than the Senate level of \$200 million as a first step for these crucial activities.**
- **Both House and Senate bills also include language expanding the use of unobligated wall construction balances from FY 2018-FY 2021 to allow “remediation and environmental mitigation, including scientific studies, related to border barrier construction, including barrier construction undertaken by the Department of Defense....” We urge inclusion of this language in the final FY 2023 bill.**

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 2023 Homeland Security appropriations bills and urge the retention of the strongest possible funding levels and language.

Sincerely,

Advocates for Snake Preservation
American Friends Service Committee (AFSC)
Animal Welfare Institute
California Wilderness Coalition
Center for Biological Diversity
Christian Council of Delmarva
Church World Service
Coalición de Derechos Humanos
Coastal Plains Institute
Colorado Voters for Animals
Communities United for Status & Protection (CUSP)
Comunidad Maya Pixan Ixim
Cuenca Los Ojos
Defenders of Wildlife
Difference Makers Media

Eagle Pass Border Coalition
EarthAction
Earthjustice
Eastern Coyote/Coywolf Research
Endangered Habitats League
Endangered Species Coalition
Environmental Protection Information Center
Environmental Protection Information Center- EPIC
Friends of the Earth
Friends of the Sonoran Desert
Friends of the Wildlife Corridor
Great Old Broads for Wilderness
Great Old Broads for Wilderness
GreenLatinos
Hia Ced O'odham Alliance
Hispanic Access Foundation
Hispanic Federation
Howling For Wolves
Illinois Humane
International Fund for Animal Welfare
International Marine Mammal Project of Earth Island Institute
Izaak Walton league of America- Allegheny County chapter
Kettle Range Conservation Group
Klamath Forest Alliance
Living Rivers & Colorado Riverkeeper
Madrean Archipelago Wildlife Center
Maine Audubon
Mennonite Central Committee U.S.
National Immigration Law Center
National Network for Immigrant and Refugee Rights
National Parks Conservation Association
National Wildlife Refuge Association
National Wolfwatcher Coalition
Natural Areas Association
NETWORK Lobby for Catholic Social Justice
No Border Wall Coalition Laredo
North Central Washington Audubon Society
Northern California Council, Fly Fishers International

NY4WHALES
NYC Plover Project
Plan B to Save Wolves
Predator Defense
Project Eleven Hundred
Resource Renewal Institute
RESTORE: The North Woods
Rewilding Institute
San Xavier District, Tohono O'odham Nation
Seven Circles Foundation
Sierra Club
Sky Island Alliance
Southern Border Communities Coalition
T'ruah: The Rabbinic Call for Human Rights
Tahoma Audubon Society
Tennessee Citizens for Wilderness Planning
The Enviro Show
The Friends of Friendship Park
The Wilderness Society
Voices of Wildlife in NH
Washington Office on Latin America
Washington Wildlife First
Western Watersheds Project
Wild Arizona
WildEarth Guardians
Wilderness Watch
Wildlands Network
Wind of the Spirit Immigrant Resource Center
Wisconsin Wildlife Ethic
Zoo New England - Franklin Park Zoo & Stone Zoo