



SIERRA CLUB

LONE STAR CHAPTER

November 10, 2023

To; The Honorable Dr. Bonnen, Chair, House Committee on Appropriations

Members, House Committee on Appropriations

From: Cyrus Reed, Conservation Director, Lone Star Chapter Sierra Club, 512-888-9411,

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The Sierra Club Opposes HB 3

The Sierra Club is opposed to HB 3 (Jetton), *Relating to making an appropriation for the construction, operation, and maintenance of border barrier infrastructure*. As filed, the short bill would allow Governor Greg Abbott to spend an additional \$1.54 billion of taxpayer dollars for border barriers (and some additional funds for TDPS agents). The bill as introduced does not have any guidelines or guardrails on how that money could be spent by a politician who may be considering a run for the Presidency in 2028. Unlike surplus money that was appropriated for parks (\$1 billion), water infrastructure (\$1 billion), electric grid and power plants (\$5 to \$10 billion), broadband (\$800 million) and tax relief (\$18 billion), there is no accompanying constitutional amendment to see if taxpayers support their money being used to build fences, walls and barriers, most of which will have to be located on private land. It is poor public policy to grant \$1.54 billion with no string attached to the Governor, and without voter approval.

Because we recognize that this bill is likely to move forward, we have suggested a few amendments to improve the legislation though that does not change our opposition.

Wait, the Sierra Club has a position on border security? Aren't you a conservation organization?

The Sierra Club as an organization does not purport to be experts on border security, but we as an organization have consistently favored comprehensive immigration reform, to provide more paths to residency and citizenship for the millions of immigrants who currently reside in the US, as well as legal paths for the thousands of migrants who seek to arrive at the border. Many of these immigrants are escaping political and economic situations that are exacerbated by climate change.

In addition, we have opposed physical barriers, whether in Texas, New Mexico, Arizona or California. For more than two decades, the United States has stubbornly pursued a path to failure in our borderlands: militarize and build walls. These walls are ineffective, costly, and harmful to people and the environment. Construction of border walls has not curbed migration but has cost taxpayers millions of dollars per mile to construct and maintain, and billions of dollars overall.

Today, barriers and walls cover nearly 700 miles of the U.S.-Mexico border. Walls cause flooding, destroy habitat, disturb historic and cultural sites, and block migration corridors necessary for the survival of wildlife. Former President George W. Bush disregarded the rule of law in constructing the border wall, using an obscure provision of the Real ID Act to waive federal laws along the border. Many of the walls, roads, and military infrastructure harming our borderlands were imposed without regard for environmental protection or public health and safety.

Indeed, since Bush, both Trump, and most recently, President Joe Biden have used these same provisions to build walls, often in direct opposition to the Americans living in the area. The Sierra Club has opposed the use of the Real ID Act consistently during both Republican and Democratic Administrations. A copy of our most recent pronouncement on October 6th, following Biden's plan to waive 26 federal laws to build an expensive wall in the Rio Grande Valley

can be found here :

<https://www.sierraclub.org/texas/blog/2023/10/biden-administration-waives-26-federal-laws-bui-lid-new-border-wall-texas-rio>.

The unprecedented power granted to the Secretary of Homeland Security (DHS) by Section 102 of the Real ID Act has been used multiple times to "waive in their entirety" dozens of federal laws. Although the Secretary of DHS is an unelected appointee, with the stroke of a pen one individual has the ability to dismiss decades of protective laws passed by Congress and signed by presidents, all to circumvent local, state, and federal laws when constructing border walls. The waiver provision of the Real ID Act is a grave threat to the checks and balances within the United States Constitution. Furthermore, continuing to allow this type of precedent to stand is a threat to environmental protection across the country, not only on the border.

Border walls and barriers harm American wild lands, including wildlife refuges, wilderness areas, and national forest lands, among others. Studies show that, while people are clever and go over, under or around the walls, wildlife and natural water flows are stopped dead in their tracks.

The border wall has also had devastating consequences for communities along the border. In Nogales, Sonora the wall contributed to severe flooding that buried downtown homes and businesses underneath six feet of water, drowning two people and costing millions of dollars in damages. Condemnation proceedings against border municipalities and landowners in Texas led to a wall that blocks people and animals from access to the Rio Grande River. Thousands of migrants have lost their lives as the border wall funnels them deeper and deeper into harsh and remote terrain.

The Sierra Club takes a strong stance against policies that promote environmental degradation. We are seeking to restore and protect the borderlands that have been damaged by failed border policies. Along with allies in Congress, we are seeking the reinstatement of the rule of law, so that borderlands resources and residents can depend on the same protections, such as the Clean Water Act and the Endangered Species Act, that most Americans take for granted.

It is clear that undocumented immigration is not a problem that can be solved at the border. Without a comprehensive effort to address the root causes of immigration, migrants will continue risking their lives to cross the borderlands. Wildlife and wildlands found along the border will continue to suffer the impacts of border walls and militarization.

For these and other reasons, the Sierra Club supports comprehensive immigration reform that includes a just and equitable path to citizenship for residents of the United States who lack official documentation. America's undocumented population should be able to earn legalization and all the rights to fully participate in our democracy.

HB 3 continues this failed policy and worse would grant money to the current Governor without guardrails to assure that any border barrier would not lead to more harm than effectiveness. We urge you to vote no on HB 3, and if it moves forward, to put guardrails in how the money can be used, and assure accountability. We also believe the voters should be given a say in whether they want \$1.5 billion spent in their name.

Some potential Amendments that the House Might Consider to improve HB 3

- Subject the money used for physical barriers, walls and fences to voter approval;
- Clarify that the money can not be used for eminent domain;
- Require the Governor to submit any proposed additional fences, walls or border barriers to the Legislature for input;
- Subject the building of physical fences and walls to an analysis by the TPWD to assure that it does not impact endangered and threatened species, habitat, or recreational access, and require mitigation strategies or alternative locations if it does;
- Subject the building of physical fences, barriers and walls to an analysis by the TCEQ and TWDB on potential impacts on water rights, water quality and flooding, and require mitigation strategies, or alternative location if it does.

The Sierra Club would be happy to provide language for any of these amendment strategies as requested.

