



**Fact Sheet for *Sierra Club v. Biden* / *State of California v. Biden*:
Global Case Settlement for Border Wall Cases on Illegal Transfer of Military
Construction Funds**
([View full press release](#))

About the Settlement:

- On July 17, 2023, the Sierra Club and the Southern Border Communities Coalition (SBCC), represented by ACLU, filed documents in federal court successfully settling two long-running lawsuits challenging the Trump Administration's illegal transfer of Defense and Treasury Department funds to build parts of the border wall that Congress had explicitly refused to fund via the Department of Homeland Security (DHS).
- The 49-page global settlement agreement totaling nearly \$1.2 billion in remediation related funding also includes nearly \$430 million in funding restored to DOD projects impacted by Trump's illegal move. The settlement, which also settles related cases brought by California, New Mexico, and other states, includes crucial funds to help mitigate extensive damage caused by the illegal construction.
- This settlement is about holding the U.S. government accountable for abuse of power and upholding the human right of all border residents to be equal under the law. Border residents should never have been subjected to harmful border wall construction that destroyed natural and cultural resources and put communities at risk of flooding, unsafe drinking water and more.
- When Congress refused to fund more border walls, President Trump declared a fake national emergency in order to take funds from the Defense Department to build. SBCC and Sierra Club sued. Two federal courts declared Trump's moves illegal, and the cases reached the Supreme Court. Before settlement, the cases returned to the lower courts.
- While nothing can undo the permanent harms of years of wall construction across the southwest, this settlement takes important steps toward remediation that include:
 - A requirement for consultation and an evaluation of environmental impact:
 - This could open the door to eliminating blanket DHS waivers that have made border communities a sacrifice zone for decades.
 - Committing to better consultation with our communities is a significant step forward by the U.S. government toward better governance.
 - An **estimated \$1.62 billion** in remediation related funding and restoration of DOD funds encompassing:
 - Nearly \$430 million in restored funds illegally taken from Defense Department accounts to their original purposes in 8 states (CA, HI, MD, NM, NY, OR, VA and WI)
 - \$45 million for mitigation of wall harms, including for protection of wildlife



- \$25 million for California to purchase 1,291 acres for conservation
- \$1.1 million for studies on the wall's impact on endangered and at-risk species, with \$500,000 of this for existing California Peninsular Bighorn Sheep study
- \$300,000 for study on impact of DHS border lighting (if used by DHS)
- Ending wall construction using challenged funds and certain congressionally appropriated funds for DHS in areas impacted by the illegal fund transfers
- Providing for the creation of dozens of crucial Wildlife Passages through the border wall and opening of Stormwater Gates for sensitive species
- Addressing impacts from DHS lighting and road construction
- Creating a process for advocates to monitor remediation and be notified about any future plans for wall construction with opportunities for input

Statement by the Southern Borders Communities Coalition:

“This settlement is not only about holding the U.S. government accountable for abuse of power but also about upholding the human right of all border residents to be equal under the law,” said **Ricky Garza, Border Policy Counsel for Southern Border Communities Coalition**. “While nothing can undo the permanent harms of years of wall construction across the southwest, this settlement takes important steps toward remediation that includes a requirement for consultation and an evaluation of environmental impact — a move that could open the door to eliminating blanket DHS waivers that have made border communities a sacrifice zone for decades. Committing to better consulting with our communities is a significant step forward by the U.S. government toward better governance. However, this fight isn’t over and the government has a long way to go before it recognizes the humanity and dignity of all border residents and provides us with the respect we deserve.”

Background on the Case:

- [SBCC, ACLU, Sierra Club Comment On Supreme Court Hearing Arguments In Border Wall Case](#)
- [Supreme Court Allows Trump To Continue Wasteful Wall Construction](#)
- [ACLU, Sierra Club, and SBCC Respond To The Biden Administration’s Request To Delay Border Wall SCOTUS Arguments](#)
- [Trump Steals And Cheats Again In Latest Effort To Divert Funds For Border Wall](#)
- [Federal Court Rules Trump Border Wall Illegal](#)
- [ACLU, Sierra Club, and SBCC Ask Court To Block Construction Of Trump’s Border Wall](#)
- [Southern Border Communities Coalition Files Lawsuit To Fight Fake ‘National Emergency’](#)