



August 29, 2021

To: The Honorable Jane Nelson, Chair
Members, Senate Committee on Finance
Re: SB 89, Relating to making supplemental appropriations relating to border security and giving direction regarding those appropriations.
From: Cyrus Reed, Conservation Director, Lone Star Chapter, Sierra Club,
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The Lone Star Chapter of the Sierra Club is opposed to SB 89, which would appropriate more than \$1.8 billion for border security. As an organization we have routinely opposed the building of physical barriers along the US-Mexico border by the Bush, Obama, Trump and Biden Administration, and in particular, the failure to respect basic environmental, cultural and other health and safety regulations in the construction of physical barriers. SB 89 is an attempt by Texas to take on some of these federal obligations for border security, focused in a narrow way that seeks to criminalize immigration against those who are largely political and economic refugees. SB 89 represents a near tripling of the previous levels of funding for border security, at a time when there are many other needs in Texas, including environmental and water conservation and supply needs, not to mention the devastating impact of COVID-19.

While the Sierra Club recognizes the complex crisis that is impacting local communities along the border, and does not object to an increase in funding to help local communities in Texas be able to better serve populations with services, including indigent defense and translation services, such as in Section 1 of the bill, our concern is that this funding appears in part to cover costs that are the result of Texas deciding to prosecute undocumented immigrants on “criminal trespass” grounds, essentially criminalizing immigration. Thus, as an example, extra resources for the Department of Criminal Justice appears to be a result of the political decision to put immigrants in jail as criminals, rather than in federal detention centers for processing for resettlement or deportation.

Our main concern, however, is our understanding that hundreds of millions of these dollars could be used for Texas to build its own wall or fence, irrespective of any federal plans for physical barriers. Fences and walls have been ineffective in changing the ebbs and flows of immigration, and have devastated communities, by destroying farmland, habitat and impacting native species and migratory corridors. Walls have also caused massive flooding and even impacted water supply.

This is based on testimony in the House by Sarah Hicks from the Office of the Governor, who stated that \$750 million of this fund will go to funding the barrier. \$3.8 million is needed for the Board of Prosecution. and \$170 million will fund 3 intake centers. The words barrier, fence or wall are not actually contained in the bill itself, but presumably that is the intent of the large amount associated with the Office of the Governor.

Assuming that some version of this bill does move forward, we would strongly suggest that it not be used for Texas to build its own border barrier, wall or fence which would be taking over a federal obligation, and would undermine private property rights and environmental laws. In the alternative we would suggest adding some provision such as:

- Specific language that any proposed physical construction must include some sort of an environmental impact study, consultation with Indigenous Tribes, and the Texas Parks and Wildlife Department to assure that construction did not impact important habitats, wildlife or cultural artifacts; and
- A requirement that a study be conducted by the Texas Water Development Board and TCEQ on any proposed construction of barriers to assess flooding, water quality and water quantity impacts.

Texas experience with border walls has been negative, whether built under Republican or Democratic administrations. Private land has been seized, floods have arose and habitats devastated. We should not be repeating those mistakes.

Tens of thousands of immigrants are arriving in Texas seeking a better life and this has overwhelmed our border communities. The vast majority of these immigrants are not criminals and treating them as such is wasting our resources and not resolving issues. Ultimately, we need plans to help the economies of other countries, and comprehensive immigration reform, not jails and walls. Texas should reject these short-sighted “solutions” to the humanitarian crisis.

