

September 19, 2023

Chair Kay Granger
U.S. House Appropriations Committee
1026 Longworth House Office Building
Washington, DC 20515

Ranking Member Rosa DeLauro
U.S. House Appropriations Committee
1036 Longworth House Office Building
Washington, DC 20515

Chair Patty Murray
U.S. Senate Appropriations Committee
154 Russell Senate Office Building
Washington, DC 20510

Vice Chair Susan Collins
U.S. Senate Appropriations Committee
413 Dirksen Senate Office Building
Washington, DC 20510

RE: Remove § 219 of the House FY 24 appropriations bill

Dear Chair Granger, Ranking Member DeLauro, Chair Murray, and Vice Chair Collins,

We write to urge you to remove language in [§ 219](#) of the House FY24 CJS Appropriations Bill for the Departments of Commerce and Justice, Science, and Related Agencies that would fast-track approval to construct a new 1,408-bed federal prison in Letcher County, Kentucky and shield the Bureau of Prisons (BOP) from liability for its treatment of people incarcerated in the facility. § 219 bypasses the environmental review process by relying on an outdated environmental impact study from 2017; strips citizens of their constitutional and statutory rights to provide public comment; divests citizens of our right to seek judicial review of the proposed construction of an unneeded \$500 million federal prison; and prevents incarcerated people from enforcing their Constitutional and statutory rights.

As currently drafted in the House appropriations bill, [219](#) directs a final decision on the construction of Federal Correctional Institution (FCI) Letcher to be made within 30 days, effectively terminating the federally mandated environmental review process, pre-empting the required public comment periods and barring public input on the project. These processes provide essential checks on the prison's potential environmental impacts on endangered bat habitat, wetlands, and old growth forest, as well as public health consequences of arsenic and radon exposure for both incarcerated people and correctional staff.

Furthermore, § 219 strips federal courts of jurisdiction to hear legal challenges to the prison's construction or operation, including challenges brought under the essential environmental protection laws that, [until recently](#), applied to every other federal construction project in the country. Echoing the recent move to exempt the Mountain Valley Pipeline from judicial review, §219 creates a dangerous precedent for future carve outs to exempt federal projects from environmental protection laws. § 219's bar on litigation for the operation of FCI Letcher would

also deprive incarcerated people of their Constitutional and statutory rights. If Congress enacts § 219, incarcerated people would have no redress for unlawful conditions of confinement, deprivations of medical care, First Amendment infringements, violations of the Rehabilitation Act, and more. § 219 would leave prisoners at FCI Letcher – already isolated hundreds of miles from their loved ones – uniquely vulnerable to maltreatment and abuse.

§ 219 also requires the Bureau of Prisons to rely on an outdated environmental study that is over six years old. The 2017 site study does not reflect scientific advancements in the understanding of climate change and environmental injustice. It fails to account for extreme weather events like the [devastating flood in Letcher County last year](#), which washed out roads and submerged the small bridge in Roxana, Kentucky where the prison is slated to be built. According to the [Wall Street Journal](#), Letcher County has “the largest hidden flood risk in the U.S.”

All communities that stand to be impacted by the construction of FCI Letcher should have the ability to exercise their right to comment on the proposed prison, but § 219 forecloses those rights in its acceleration of the prison’s construction. Letcher County community members and other stakeholders from across the country should have a say when it comes to such a significant change in the community, particularly given the price tag of over \$500 million taxpayer dollars and the [false promises](#) of [prison-based economic development](#). In addition to disregarding the voice of the local community, the construction of the prison has consequences that reach far beyond Letcher County. FCI Letcher would fall within the Bureau of Prison’s [Mid-Atlantic Region](#), housing federal prisoners from as far away as Washington, DC, Baltimore, MD, and Memphis, TN, and leaving many incarcerated people disconnected from their local support systems.

We urge you to oppose § 219 and any appropriations language that would limit citizens’ democratic right to participate in the regulatory process and to seek judicial review of any agency decision concerning this prison. Please be in touch with Emily Posner, General Counsel at Voice of the Experienced (emily@voiceoftheexperienced.org), if you have any questions or would like additional information. Thank you for your consideration.

Sincerely,

NATIONAL ORGANIZATIONS:

1Hood Power (Pittsburgh, PA)

350.org (Vancouver, WA)

Abolitionist Law Center (Philadelphia, PA)

Advancement Project (Washington, DC)

American Civil Liberties Union (ACLU) National (Washington, DC)

Black Alliance for Peace-Chicago (Aurora, IL)

Black and Pink National (Dallas, TX)
Center for Biological Diversity (Tucson, AZ)
Center for Constitutional Rights (New York, NY)
Civil Liberties Defense Center (Eugene, OR)
Critical Resistance (Oakland, CA)
CURE (Citizens United for Rehabilitation of Errants) - National (Washington, DC)
Dream.org (Oakland, CA)
Equal Justice USA (San Francisco, CA)
Farm Transition Academy (Lexington, KY)
Forward Justice (Durham, NC)
Forward Justice Action Network (Durham, NC)
Forward Midwifery (Washington, DC)
Hampton Institute (Albany, NY)
HEARD (Austin, TX)
Human Rights Coalition (Philadelphia , PA)
Institute to End Mass Incarceration (Cambridge, MA)
Jailhouse Lawyers Speak (Charlotte, NC)
Justice Strategies (Brooklyn, NY)
Leonard Peltier Official Ad Hoc Comm (Gainesville, FL)
Mutual Aid Disaster Relief (Tampa, FL)
MXGM (Detroit, MI)
National Jericho Movement (Richmond, VA)
National Lawyers Guild, International Committee (New York, NY)
National Lawyers Guild, Mass Incarceration Committee (Miami, FL)
National Police Accountability Project (New Orleans, LA)
Natural Resources Defense Council (NRDC) (New York, NY)
NETWORK Lobby for Catholic Social Justice (Washington, DC)
Operation Restoration (New Orleans, LA)
People Over Plastic (Raleigh, NC)
Prison Law Office (Berkeley, CA)
Prison Policy Initiative (Easthampton, MA)
Project South (Atlanta, GA)
Public Justice (Washington, DC)
Release Aging People in Prison (RAPP) (New York, NY)
Rocs House (Mercer, PA)
Rural Youth Catalyst (Westford, VT)
Safiya Bukhari-Nuh Washington Foundation (Bronx, NY)
Showing Up for Racial Justice (SURJ) (Washington, DC)
Shriver Center on Poverty Law (Chicago, IL)
Spirit of Mandela Coalition (Atlanta, GA)

Straight Ahead Organization (Philadelphia, PA)
Spirit of Mandela Coalition (Atlanta, GA)
The Campaign to Fight Toxic Prisons (Lexington, KY)
The Sentencing Project (Washington, DC)
UCLA Behind Bars Data Project (Los Angeles, CA)
Vera Institute of Justice (Washington, DC)
Veterans Service Corps (Charlottesville, VA)
VISIONS Inc. (Louisville, KY)
VOCAL (Queens Village, NY)
Voice of the Experienced (New Orleans, LA)
Voiceless Behind Bars (Vestavia Hills, AL)
Washington Lawyers' Committee for Civil Rights and Urban Affairs (Washington, DC)
Women on the Rise (Atlanta, GA)

KENTUCKY ORGANIZATIONS:

Concerned Letcher Countians, LLC (Blackey, KY)
Abolish Slavery KY (Berea, KY)
American Civil Liberties Union (ACLU) of Kentucky (Louisville, KY)
BBPLS (Louisville, KY)
Big Sandy LGBT Safe Zone, Inc. (Pikeville, KY)
Black Lives Matter Louisville (Louisville, KY)
Clean4changeKY (Louisville, KY)
Cornbread and Collards LLC (Guston, KY)
Evergreen (Lexington, KY)
Green Streets (Louisville, KY)
Kentuckians For The Commonwealth (Berea, KY)
Kentucky Center for Economic Policy (Berea, KY)
Kentucky Heartwood (Berea, KY)
Kentucky Resources Council, Inc. (Frankfort, KY)
Kentucky Student Environmental Coalition (KSEC) (Louisville, KY)
KY Tenants (Lexington, KY)
KY Tenants (Lexington, KY)
Pulaski County Community Coalition (Somerset, KY)
Sierra Club Kentucky (Louisville, KY)
Square Dance Farms (Blackey, KY)
The Alliance for Appalachia (London, KY)
The Berry Center (Port Royal, KY)
The Revolution KY (Campbellsburg, KY)

ALABAMA ORGANIZATIONS:

Alabama Justice Initiative (Birmingham, AL)

ARKANSAS ORGANIZATIONS:

Arkansas Community Organizations (Little Rock, AR)

ARIZONA ORGANIZATIONS:

Death Penalty Alternatives for Arizona (Phoenix, AZ)

Duncan Trade Works (Tucson, AZ)

CALIFORNIA ORGANIZATIONS:

Carceral Ecologies, UCLA (Los Angeles, CA)

CURE (Citizens United for Rehabilitation of Errants) - California (Long Beach, CA)

Empowering Women Impacted by Incarceration (Rancho Cucamonga, CA)

Metta Center for Nonviolence (Tomales, CA)

National Lawyers Guild, SF Bay Area chapter (San Francisco, CA)

Oakland Jericho Movement (Berkeley, CA)

SIREN Action (Oakland, CA)

COLORADO ORGANIZATIONS:

Colorado Criminal Justice Reform Coalition (Denver, CO)

CONNECTICUT ORGANIZATIONS:

National Organization for Rights Protection and Advocacy (West Hartford, CT)

Rad Little Library (Willimantic, CT)

WASHINGTON, DC ORGANIZATIONS:

Church of Scientology National Affairs Office (Washington, DC)

Free Minds Book Club & Writing Workshop (Washington, DC)

Free Words Prison (Washington, DC)

Grassroots DC (Washington, DC)

Students Against Mass Incarceration @ Gallaudet University (Washington, DC)

The Community Garden at American University (Washington, DC)

The Law Office of Deborah M. Golden (Washington, DC)

Voices For A Second Chance (Washington, DC)

DELAWARE ORGANIZATIONS:

Methodist Action Program (Wilmington, DE)

FLORIDA ORGANIZATIONS:

Mass Incarceration Must End Inc. (Lake Worth, FL)

Raise Up (Gainesville, FL)
Restorative Justice Coalition (Tampa, FL)

IOWA ORGANIZATIONS:

Iowa Citizens for Community Improvement (Des Moines, IA)

ILLINOIS ORGANIZATIONS:

Illinois Alliance for Reentry & Justice (Chicago, IL)
National Lawyer Guild: Chicago (Chicago, IL)
Uptown People's Law Center (Chicago, IL)

INDIANA ORGANIZATIONS:

Restore the Meadow (Chelsea, IN)

LOUISIANA ORGANIZATIONS:

American Civil Liberties Union (ACLU) of Louisiana (New Orleans, LA)
Emily Posner Attorney at Law LLC (New Orleans, LA)
Formerly Incarcerated Transitions (FIT) Clinic Initiative (New Orleans, LA)
Grow Dat Youth Farm (New Orleans, LA)
Harvest LLC (New Orleans, LA)
Imagine Water Works (New Orleans, LA)
Kindred Investigations (New Orleans, LA)
Louisiana Center for Children's Rights (New Orleans, LA)
Loyola University New Orleans NLG Chapter (New Orleans , LA)
NOLA Investigates, LLC (New Orleans, LA)
Power Coalition for Equity and Justice (Baton Rouge, LA)
Promise of Justice Initiative (New Orleans, LA)
Schmelly's (New Orleans, LA)
SPROUT nola (New Orleans , LA)
Voters Organized to Educate (New Orleans, LA)

MASSACHUSETTS ORGANIZATIONS:

Ug2msg (Brighton, MA)

MARYLAND ORGANIZATIONS:

Helping Ourselves to Transform (Laurel, MD)
Jamaat al-Muslimeen DC (Ellicott City, MD)
March On Maryland (Annapolis, MD)
Maryland Communities United (Baltimore, MD)
Prince George's County Food Equity Council (Largo, MD)

MAINE ORGANIZATIONS:

After the Fall Farm (Montville, ME)
Lynn Tree Care LLC (Monroe, ME)
Maine Inside Out (Brunswick, ME)
Maine Prisoner Advocacy Coalition (Lisbon Falls, ME)

MICHIGAN ORGANIZATIONS:

Detroit Jericho Movement (Detroit, MI)
Detroit Justice Center (Detroit, MI)
Feedom Freedom Growers (Detroit, MI)
Goodman Hurwitz & James PC (Detroit, MI)
National Lawyers Guild, Detroit & Michigan Chapters (Detroit, MI)
Russell Woods Sullivan Area Association (Detroit, MI)

MISSISSIPPI ORGANIZATIONS:

Cooperation Jackson (Jackson, MS)

NEW HAMPSHIRE ORGANIZATIONS:

NHPANTHERS (Campton, NH)

NEW YORK ORGANIZATIONS:

Mobilization4 Mumia (Ozone Park, NY)
NEW ABOLITIONIST MOVEMENT (Brooklyn, NY)
Yoga For Peace, Justice, Harmony With the Planet
 Amazing Amy: Eccentric Yoga Entertainer (New York, NY)

OHIO ORGANIZATIONS:

Borealis Biological (Athens, OH)
Bowling Green Student Rights Union (Worthington, OH)
InterReligious Task Force on Central America (Cleveland, OH)
Jail Coalition to Stop Inhumanity in Cuyahoga County (Cleveland, OH)
No New Jails Cleveland (Cleveland, OH)

OREGON ORGANIZATIONS:

CURE (Citizens United for Rehabilitation of Errants) - Oregon (Keizer, OR)
Willamette Valley Abolition Project (Eugene, OR)

PENNSYLVANIA ORGANIZATIONS:

American Civil Liberties Union (ACLU) of Pennsylvania (Philadelphia, PA)

RHODE ISLAND ORGANIZATIONS:

Farmacy (Providence, RI)

SOUTH CAROLINA ORGANIZATIONS:

MILPA Collective (Bennettsville, SC)

SCPJN/Prisonsouth (Florence, SC)

TENNESSEE ORGANIZATIONS:

Knoxville's Black Mama Bailout Action (Knoxville, TN)

Southerners on New Ground Nashville Chapter (Nashville, TN)

TEXAS ORGANIZATIONS:

Be Frank 4 Justice (San Antonio, TX)

Green Goddess Revival (Denton, TX)

Hays County Jail Advocates (San Marcos, TX)

Maria Hinds Design Studio (San Antonio, TX)

Queers Bash Back DFW (Fort Worth, TX)

Texas Jail Project (Cypress, TX)

TX Death Penalty Abolition Movement (Houston, TX)

United Fort Worth (Fort Worth, TX)

VIRGINIA ORGANIZATIONS:

American Civil Liberties Union (ACLU) of Virginia (Richmond, VA)

Friends of Buckingham (Buckingham, VA)

Justice Forward Virginia (Earlsville, VA)

Preserve Montgomery County VA (Blacksburg, VA)

Protect Our Water, Heritage, Rights (POWHR) (Newport, VA)

Roanoke Group, Sierra Club (Roanoke, VA)

Southern Appalachian Mountain Stewards (Big Stone Gap, VA)

The Clinch Coalition (Wise, VA)

The Humanization Project (Christiansburg, VA)

The STAY Project (Big Stone Gap, VA)

Virginia Community Rights Network (Buckingham, VA)

Virginia Justice Alliance (New Holland, VA)

WEST VIRGINIA ORGANIZATIONS:

Coal River Mountain Watch (Naoma, WV)

Mountain State Justice (Charleston, WV)

cc: Members of the House Appropriations Committee, Problem Solvers Caucus, and Second Chances Task Force

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