

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

January 22, 2024

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The House Committee on Natural Resources (Committee) is continuing to conduct oversight¹ on the decision² to house migrants at Floyd Bennett Field (FBF), a portion of Gateway National Recreation Area, on National Park Service (NPS) land. Media reports, Department of the Interior (DOI) and NPS officials, and yourself have repeatedly described the integral role that the Department of Homeland Security (DHS) played in the Biden administration's response to the migrant crisis in New York City and the decision to use FBF as a migrant encampment. As a result, and to ensure the effective management of America's public lands, the Committee seeks information from DHS to better understand the Biden administration's unprecedented decision to utilize NPS land for migrant housing.

As you are aware, since President Biden took office, illegal immigration has surged, with more than 7 million unlawful encounters at the southern border of the United States.³ In July 2023 alone, the month before the Biden administration decided to lease FBF for a migrant encampment, there were 183,503 unlawful encounters at the southern border, a 27 percent increase from June 2023.⁴ Since then, President Biden's migrant crisis has continued unabated and, in December 2023, migrant encounters along the southern border reached 302,000—the highest monthly total ever recorded.⁵

¹ See Letter from Rep. Bruce Westerman, Chairman of H. Comm. on Natural Resources, et al., to Deb Haaland, Secretary, Dep't of the Interior, and Charles F. Samms III, Director, National Park Service (Sep. 15, 2023), https://naturalresources.house.gov/uploadedfiles/hnr_letter_to_doi_nps_on_migrant_shelters.pdf.

² Melissa Russo, *Feds approve migrant shelter at Floyd Bennett Field as other new sites fill up*, NBC NEW YORK (Aug. 22, 2023), <https://www.nbcnewyork.com/investigations/migrant-crisis/feds-approve-migrant-shelter-at-floyd-bennett-field-as-other-new-sites-fill-up/4578459/>.

³ *Southwest Land Border Encounters*, U.S. CUSTOMS AND BORDER PROTECTION, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (last visited Jan. 12, 2024).

⁴ *Id.*

⁵ Luke Barr, *Migrant encounters reach all-time high along southwest border with over 300K encounters last month*, ABC NEWS (Jan. 2, 2024), <https://abc7.com/us-mexico-border-crossings-all-time-high-immigration-news/14261305/>.

The disastrous impact of President Biden’s immigration policies on communities across America is perhaps best exemplified by the migrant crisis in New York City. From the spring of 2022 through December 2023, New York City received over 160,000 migrants, with roughly 70,000 currently remaining in New York City’s care.⁶ According to local news reports and elected officials, the overwhelming influx of migrants has pushed New York City to a breaking point.⁷ As a result, for nearly a year, the Mayor of New York City, Democrat Eric Adams, and the Governor of New York State, Democrat Kathy Hochul, have pleaded with the Biden administration for federal help. In fact, as early as May 9, 2023, Gov. Hochul declared a state of emergency in the State of New York due to the border crisis and its impact on the state.⁸ Likewise, Mayor Adams asked the Biden administration to declare a state of emergency regarding the migrant crisis.⁹

However, the Biden administration did not declare a state of emergency, nor has the Biden administration pursued policy reforms—such as securing the border or reducing abuse of America’s immigration system by asylum seekers—to stem the tide of migrants.¹⁰ Due to the Biden administration’s inaction and failed immigration policies, Mayor Adams stated the migrant issue will “destroy New York City.”¹¹

Instead of the Biden administration working for structural immigration reforms or “granting the most pressing requests for assistance” from the city and state, the New York Times and Politico reported that you blamed New York for the migrant crisis in separate letters you sent Mayor Adams and Governor Hochul.¹² In doing so, you defended the purported actions of the Biden administration and the work of DHS to alleviate the migrant crisis in New York City.¹³ Specifically, you cited the work of DHS to coordinate with local officials and how DHS sent an “assessment team that spent four days visiting city shelters and meeting with local officials” in early August 2023.¹⁴ You also described how, in early August 2023, DHS identified potential federal sites in and around New York City for migrant housing.¹⁵

⁶ Jeffery C. Mays & Dana Rubinstein, *As Migrant Arrivals Surge, Adams Sets Controls on Bus Arrivals*, N.Y. TIMES (Dec. 27, 2023), <https://www.nytimes.com/2023/12/27/nyregion/mayor-adams-migrants-bus.html>.

⁷ Camilo Montoya-Galvez, *As cities struggle to house migrants, Biden administration resists proposals that officials say could help*, CBS NEWS (Aug. 22, 2023), <https://www.cbsnews.com/news/migrant-crisis-nyc-chicago-biden-administration-proposals/>.

⁸ Exec. Order No. 28: Declaring a Disaster Emergency in the State of New York, NEW YORK STATE (May 9, 2023), <https://www.governor.ny.gov/executive-order/no-28-declaring-disaster-emergency-state-new-york>.

⁹ America Reports, *NYC mayor urges Biden to declare ‘state of emergency’ for New York amid migrant ‘crisis’*, FOX NEWS (Aug. 22, 2023), <https://www.foxnews.com/video/6335295852112>.

¹⁰ See *Destroying America’s Best Idea: Examining the Biden Administration’s Use of National Park Service Lands for Migrant Camps*, Hearing Before the H. Comm. on Natural Resources, 118th Congress (Sep. 27, 2023) (Hearing Memorandum from Subcomm. on Oversight and Investigations Republican staff), https://naturalresources.house.gov/uploadedfiles/hearing_memo_-_fc_ov_hrg_on_migrant_camps_09.27.23.pdf.

¹¹ Emma G. Fitzsimmons, *In Escalation, Adams Says Migrant Crisis ‘Will Destroy New York City’*, N.Y. TIMES (Sep. 7, 2023), <https://www.nytimes.com/2023/09/07/nyregion/adams-migrants-destroy-nyc.html>.

¹² Luis Ferré-Sadurní, *Biden Administration Questions New York’s Handling of Migrant Crisis*, N.Y. TIMES (Aug. 28, 2023), <https://www.nytimes.com/2023/08/28/nyregion/migrants-crisis-mayorkas-nyc.html>; Katelyn Cordero, *Biden administration knocks New York for issues with migrant influx*, POLITICO (August, 28, 2023), <https://www.politico.com/news/2023/08/28/biden-administration-new-york-migrant-influx-00113178>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

In interviews with Committee staff, officials from DOI and NPS also detailed the integral role DHS played in responding to New York City's migrant crisis and the Biden administration's decision to use Floyd Bennett Field as a migrant encampment.¹⁶ According to the officials from DOI and NPS, in early August, DHS instructed DOI to evaluate its facilities, authorities, and identify how DOI could help the Biden administration alleviate the migrant crisis in New York City.¹⁷ Specifically, DHS asked DOI about the possibility and feasibility of using Floyd Bennett Field for migrant housing.¹⁸ DOI then went to work and "did what DHS asked us to do" by determining if DOI and NPS could use Floyd Bennett Field for migrant housing.¹⁹ DHS continued to stay involved, often serving as an intermediary between DOI and NPS on the one hand, and New York City and New York State on the other.²⁰

On August 21, 2023, DOI and NPS agreed to lease Floyd Bennett Field to New York City for a migrant encampment.²¹ In response, Governor Hochul described it as a "significant development" because she was working with the Biden administration for "many many many months" to house migrants on Floyd Bennett Field after DOI and NPS initially said they "do not allow" using NPS land for migrant housing.²² On September 15, 2023, the parties executed the lease.²³

Despite establishing a migrant encampment at Floyd Bennett Field, the migrant crisis in New York City has continued unabated. The continued crisis led Mayor Adams to state that "we cannot continue to do the federal government's job" as New York City buckles under the failed immigration policies of President Biden.²⁴ Meanwhile, to help NYC stay afloat, Mayor Adams issued an executive order to control when bus companies could deliver migrants to the city and requiring bus companies to provide advance notice of migrant arrivals.²⁵

¹⁶ Notes and transcript on file with Committee.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Eyewitness News, *Floyd Bennett Field to be used to house asylum seekers in Brooklyn, Hochul announces*, ABC NEWS (Aug. 21, 2023), <https://abc7ny.com/nyc-migrants-asylum-seekers-floyd-bennett-field/13680120/>; Jon Campbell, *White House approves migrant shelter at Brooklyn's Floyd Bennett Field, Gov. Hochul says*, GOTHAMIST (Aug. 21, 2023), <https://gothamist.com/news/white-house-approves-migrant-shelter-at-brooklyns-floyd-bennett-field-gov-hochul-says>.

²² *Id.*

²³ National Park Service, *Lease Between U.S. Dep't of the Interior, National Park Service and the City of New York for the Premises known as Portions of Floyd Bennett Field, in the Jamaica Bay Unit of Gateway National Recreation Area*, DEP'T OF THE INTERIOR (Sep. 15, 2023), <https://www.nps.gov/aboutus/foia/upload/FINAL-Lease-Floyd-Bennet-Field-09-15-2023-2.pdf>.

²⁴ *Transcript: Mayor Adams Holds Virtual Media Briefing with Chicago Mayor Johnson and Denver Mayor Johnston to Discuss Asylum Seeker Crisis with Coalition of Cities*, CITY OF NEW YORK (Dec. 27, 2023), <https://www.nyc.gov/office-of-the-mayor/news/992-23/transcript-mayor-adams-holds-virtual-media-briefing-chicago-mayor-johnson-denver-mayor>.

²⁵ Jeffery C. Mays and Dana Rubinstein, *As Migrant Arrivals Surge, Adams Sets Controls on Bus Arrivals*, N.Y. TIMES (Dec. 27, 2023), <https://www.nytimes.com/2023/12/27/nyregion/mayor-adams-migrants-bus.html>.

Meanwhile, the Biden administration's decision to lease Floyd Bennett Field for migrant encampment has failed. Many migrants refused to stay in the isolated camp²⁶ and those there complain of "inhumane"²⁷ conditions and compare it to "hell."²⁸ Recently, the nearly 2,000 migrants housed in the tent encampment at Floyd Bennett Field were evacuated for safety reasons stemming from heavy rains and high wind in the area.²⁹

The Committee is deeply concerned with the Biden administration leasing NPS land for use as a migrant encampment, a use that is not only inconsistent with the National Park Service Organic Act (P.L. 64-235), but publicly recognized as legally perilous by DOI.³⁰ Moreover, the Committee is concerned with the role DHS played in the process, particularly as you described it in the letters to Mayor Adams and Governor Hochul and as described to Committee staff by DOI and NPS officials.

To assist the Committee with ensuring effective management of America's public lands and better understand the role DHS played in the Biden administration's unprecedented decision to use national park land for migrant housing, please provide the following documents and information by February 8, 2024:

1. What is the position of DHS on using federal lands for housing asylum seekers on a temporary or permanent basis? Please include a legal analysis.
2. All documents and communications – from May 9, 2023, to September 15, 2023 – between DHS and DOI regarding the use of federal lands, including but not limited to NPS lands, for migrant shelters.
3. All documents and communications – from May 9, 2023, to September 15, 2023 – between DHS and NPS regarding the use of federal lands, including but not limited to, NPS lands for migrant shelters.
4. All documents and communications – from May 9, 2023, to September 15, 2023 – between DHS and CEQ regarding the use of federal lands, including but not limited to NPS lands, for migrant shelters.

²⁶ Kevin Sheehan, et al., *First migrants arrive at NYC's Floyd Bennett Field — only to scoff and leave isolated site after just one look-around: 'Disaster waiting to happen'*, NY POST (Nov. 12, 2023), <https://nypost.com/2023/11/12/metro/first-migrants-arrive-at-floyd-bennett-field-only-to-scoff-and-leave-isolated-site-after-just-one-look-around/>.

²⁷ Gwynne Hogan, *Migrants are Begging in Brooklyn Neighborhoods That Voted for Trump, Sparking Hostility and Help*, THE CITY (Dec. 22, 2023), <https://www.thecity.nyc/2023/12/22/migrants-marine-park-floyd-bennett-begging/>.

²⁸ Gwynne Hogan, *Chaos at Floyd Bennett Field Tent Shelter as Heavy Winds and Rain Terrify Migrant Families*, THE CITY (Dec. 18, 2023), <https://www.thecity.nyc/2023/12/18/floyd-bennett-field-tent-shelter-storm-chaos/>.

²⁹ Liset Cruz, *Nearly 2,000 Migrants Are Evacuated From Brooklyn Tent Shelter Before Storm*, N.Y. TIMES (Jan. 12, 2024), <https://www.nytimes.com/2024/01/09/nyregion/migrant-families-floyd-bennett-tent-evacuation-rain.html>.

³⁰ Campbell, *supra* note 21.

5. All documents and communications – from May 9, 2023, to September 15, 2023 – between DHS and the Executive Office of the President regarding use of federal lands, including but not limited to NPS lands, for migrant shelters.
6. All documents and communications – from May 9, 2023, to September 15, 2023 – between DHS and the Office of Management and Budget regarding use of federal lands, including but not limited to NPS lands, for migrant shelters.
7. All documents and communications – from May 9, 2023, to September 15, 2023 – to show the consultation with stakeholders, small businesses, tribal entities, state, and local government officials DHS consulted with regarding the potential lease of Floyd Bennett Field for use as migrant shelters.
8. All documents and communications – from May 9, 2023, to September 15, 2023 – to show the potential economic costs of the closure (either temporary or permanent) of the Floyd Bennett Field due to the creation of a migrant shelter, and associated costs to stakeholders, small businesses, nonprofits, local governments, and tribal or state governments.
9. All documents and communications – from May 9, 2023, to September 15, 2023 – including legal memoranda, between CEQ, DOI, NPS, Homeland Security, Office of Management and Budget, and the Executive Office of the President outlining the legal case for use of NPS lands.
10. All documents and communications – from May 9, 2023, to September 15, 2023 – associated with the proposed lease of Floyd Bennett Field as a potential migrant shelter.

An attachment to this letter provides additional instructions for responding to the requests from the Committee on Natural Resources. Please contact the Majority staff for the Subcommittee on Oversight and Investigations at (202) 225-2761 or HNRR.Oversight@mail.house.gov with any questions. Under House Rule X, the Committee on Natural Resources has “general oversight” of any matter relating to its jurisdiction, including the management of national parks and federal lands. Thank you for your cooperation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources



Paul A. Gosar, D.D.S.
Chairman
Subcommittee on Oversight and Investigations

Enclosure