

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

February 9, 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, located 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, on January 22, 2024, the Committee sent you an oversight letter to begin to better understand the role DHS played in the Biden administration's unprecedented decision to use national park land for migrant housing (Committee Letter).³

The Committee Letter requested information, documents, and records critical to our ongoing oversight efforts on the decision to establish a migrant encampment at Floyd Bennett Field. The deadline for information, documents, and records requested in the Committee Letter was February 8, 2024. To date, DHS has not even acknowledged the Committee Letter, let alone provide a substantive reply or production responsive to our requests.

Your silence and lack of response to the Committee Letter suggest that DHS is deliberately engaging in obstruction to frustrate the oversight power of Congress and this Committee's obligation to ensure the effective management of America's public lands and better understand the

¹ See Letter from Rep. Bruce Westerman, Chairman, 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 Letter from Rep. Bruce Westerman, Chairman, H. Comm. on Natural Resources, Rep. Paul A. Gosar, Chairman, Subcomm. on Oversight and Investigations, H. Comm. on Natural Resources, to Alejandro Mayorkas, U.S. Department of Homeland Security (Jan. 22, 2024), https://naturalresources.house.gov/uploadedfiles/2024.01.22_hnr_letter_to_dhs_on_fbf_migrant_encampment.pdf.

role DHS played in the Biden administration's unprecedented decision to use national park land for migrant housing. This is unacceptable. The American public deserves transparency, the Committee will use every tool at its disposal, including compulsory powers, to administer effective oversight and fulfill the Committee's responsibility to the American people.

For reference, below are the specific requests from the Committee Letter. We expect to receive the following records, documents, and communications, in electronic format, as soon as possible, but no later than February 23, 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.
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.

As you are aware, the Supreme Court has long recognized that Congressional oversight power is broad and far-reaching. *Barenblatt v. United States*, 360 U.S. 109 (1959). The Supreme Court has also established that Congress has a duty “to look diligently into every affair of government” and “use every means of acquainting itself with the acts and the disposition of the administrative agents of the government.” *Doe v. McMillan*, 412 U.S. 306 (1973). Hence, a “legislative inquiry may be as broad, as searching, and as exhaustive as is necessary.” *Townsend v. United States*, 95 F.2d 352, 361 (D.C. Cir. 1938). Moreover, 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.

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 Oversight and Investigations Subcommittee at (202) 225-2761 or HNRR.Oversight@mail.house.gov with any questions. We look forward to your cooperation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources



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

Enclosure