

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

October 17, 2024

The Honorable Kathy Hochul
Governor of New York State
New York State Capitol Building
Albany, NY 12224

The Honorable Eric Adams
Mayor of New York City
City Hall
New York, NY 10007

Dear Governor Hochul & Mayor Adams:

The House Committee on Natural Resources (Committee) continues to investigate¹ the Biden-Harris administration's decision to house migrants on National Park Service (NPS) land at Floyd Bennett Field (FBF), a portion of Gateway National Recreation Area.² As part of this ongoing investigation, the Committee seeks to determine why New York State (NYS) and the City of New York (NYC) proactively sought an extension of the FBF lease with the National Park Service, despite vocal, local opposition.³

As you are aware, the original terms of the lease, which expired on September 14, 2024, provided for the enactment of a permanent demobilization plan for the migrant camp at FBF as well as multiple site improvement projects.⁴ Instead, on September 5, 2024, NYC requested that DOI and NPS amend the lease to end on September 14, 2025, and punt the required improvement projects to a to-be-determined date in the distant future.⁵

¹ For example, the Committee has sent numerous letters with requests for documents and information to the U.S. Department of the Interior, the U.S. Department of Homeland Security, and the White House, hosted information briefings, coordinated a site visit to FBF, conducted three transcribed interviews, and issued a subpoena during the course of our investigation.

² See National Park Service, *Lease Between U.S. Dept. 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*, DEPT. OF THE INTERIOR (Sep. 15, 2023), <https://www.nps.gov/aboutus/foia/upload/FINAL-Lease-Floyd-Bennet-Field-09-15-2023-2.pdf>.

³ See, Brooklyn Eagle Staff, *Rally against Floyd Bennett Field migrant shelter held Sunday*, (September 9, 2024) <https://brooklyneagle.com/articles/2024/09/09/rally-against-floyd-bennett-field-migrant-shelter-held-sunday/>

⁴ The terms of the FBF lease require that the City of New York provide NPS a demobilization plan and complete improvement projects at the Floyd Bennett Field site that not only counteract but dwarf the negative impacts of the migrant camp. See National Park Service, *Lease Between U.S. Dept. 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*, DEPT. OF THE INTERIOR (Sept. 15, 2023), <https://www.nps.gov/aboutus/foia/upload/FINAL-Lease-Floyd-Bennet-Field-09-15-2023-2.pdf>; National Park Service, *Categorical Exclusion Documentation Form*, DEPT. OF THE INTERIOR (Sept. 12, 2024), <https://www.nps.gov/aboutus/foia/upload/Categorical-Exclusion-Documentation-Form.pdf>.

⁵ *Id.*

To be clear, the grave consequences of the FBF lease predicted by the Committee,⁶ government officials, local stakeholders, and members of the public have come to pass. The community, Gateway National Recreation Area, and migrants encamped at the site have all suffered due to increased crime, inadequate infrastructure, and inappropriate use of NPS lands, impacting public safety and the community's well-being.⁷ Both NYC and the Biden-Harris administration chose to ignore countless voices opposed to leasing FBF for the unprecedented action of turning National Park land into a migrant camp. Now, NYC and the administration have chosen to double down on this failed experiment.⁸

The original lease between the NPS and NYC noted that the lessee (NYC) "is facing a humanitarian crisis associated with migrants and has requested the assistance of the NPS, Gateway National Recreation Area (Park Area) to provide temporary shelter and services during an emergency declared by the State of New York."⁹ Over the course of the last year, various entities within the federal government, including the Council on Environmental Quality, the Department of the Interior, and the Department of Homeland Security, have cited the State of New York's disaster declaration as a reason to avoid basic environmental compliance when building and maintaining the camp at FBF. A year later, the executed amended lease notes, "the Lessee (NYC) continues to face a humanitarian crisis associated with migrants and has requested the continued assistance of the NPS, Gateway Recreation Area to provide temporary shelter

⁶ See, e.g., *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; *Destroying America's Best Idea: Biden's Border Crisis, Desecrating National Park Lands and Damaging Communities*, Hearing Before the H. Comm. on Natural Resources, 118th Congress (June 13, 2023) (Hearing Memorandum from Subcomm. on Oversight and Investigations Republican staff), https://naturalresources.house.gov/uploadedfiles/hearing_memo_-_sub_on_o_i_ov_hrg_on_biden_border_crisis_06.13.24.pdf.

⁷ See, e.g., Georgett Roberts and Emily Crane, *Migrants at NYC's Floyd Bennett Field are begging for money, food at furious locals' doorsteps: 'Invasion'*, NEW YORK POST (Dec. 22, 2023), <https://nypost.com/2023/12/22/metro/migrants-at-nycs-floyd-bennett-field-are-begging-nearby-residents-for-money-food/>; Carl Campanile et al., *Migrants' pricey cars towed outside controversial NYC shelter in same area where they begged door to door*, NEW YORK POST (Jan. 6, 2024), <https://nypost.com/2024/01/06/metro/at-least-five-unregistered-vehicles-used-by-migrants-parked-outside-floyd-bennet-field-shelter-towed/>; Georgia Worrell et al., *Fear and loathing at Brooklyn's Floyd Bennett Field: Neighbors fuming over migrants' 'lawlessness'*, NEW YORK POST (Jan. 13, 2024), <https://nypost.com/2024/01/13/metro/brooklyn-residents-fuming-over-migrants-lawlessness/>; Sarah Goodman et al., *City Hall vows to probe 'lawlessness' following Post report on spike in crime around Floyd Bennett Field migrant shelter*, NEW YORK POST (Jan. 14, 2024), <https://nypost.com/2024/01/14/metro/city-will-probe-any-lawlessness-by-migrants-at-bennett-floyd-field/>; Steven Vago et al., *NYC students forced to go remote as city houses nearly 2K migrants at their school, and one mom goes off: 'Does it feel good?'*, NEW YORK POST (Jan. 9, 2024) <https://nypost.com/2024/01/09/metro/migrants-evacuated-from-floyd-bennett-field-due-to-high-winds/>.

⁸ See Charles F. Sams III, *Approval to Amend Lease Between the National Park Service and the City of New York*, DEPT. OF THE INTERIOR (Sept. 12, 2024), <https://www.nps.gov/aboutus/foia/upload/Lease-Determination-Memo-for-Amendment.pdf>.

⁹ See National Park Service, *Lease Between U.S. Dept. 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*, DEPT. OF THE INTERIOR (Sept. 15, 2023), <https://www.nps.gov/aboutus/foia/upload/FINAL-Lease-Floyd-Bennet-Field-09-15-2023-2.pdf>.

during the emergency declared by the Mayor of the City of New York and the State of New York.”¹⁰ The Committee would like to understand how both NYC and NYS are accounting for the need to declare a disaster declaration in light of the arrival of noncitizen migrants and what, if any, increased federal funding or reduced permitting timelines this may bring to bear. In addition, it is the Committee’s understanding that Gov. Hochul personally advocated for the lease at Floyd Bennett Field despite the lack of running water or electricity at the site. As such, the Committee is interested in learning more about both her and Mayor Adams’ interest in this clearly deficient site.¹¹

As you know, Section 8 of the FBF lease outlines five required improvements, at least some of which were to be completed before the original lease expired.¹² Yet, to the Committee’s knowledge, NYC has not completed any of the five improvement projects, or provided plans for doing so.¹³ In fact, although the improvement projects are a critical aspect of the original FBF lease, NPS and DOI now claim that timely improvement of the FBF site “is not inherently tied to the lease extension.”¹⁴ That NPS has now “determined that the associated NEPA and other compliance for these [improvement] projects will be completed separately once they are more fully developed”¹⁵ effectively admits that neither NPS nor NYC has given any serious consideration to the legal requirements of the lease.

The FBF lease requires NYC to return the areas of the park currently occupied by the migrants to their original condition. By extending the FBF lease for another year, DOI and NPS double the length of the migrant camp’s negative impact on the FBF site. That these negative impacts are temporary is speculative at best, especially given the superficial analysis completed and published immediately prior to the lease’s extension.¹⁶ Accordingly, the Committee expects the restoration of all impacted areas in and around the FBF site. Additionally, the Committee insists that NYC carry out the improvements required by the lease immediately so that all may once again enjoy full access to FBF.

Moreover, while spending \$640.9 million in taxpayer dollars for Fiscal Year 2024 alone to assist local and state governments in managing a self-inflicted migrant crisis, the Department of Homeland Security (DHS) allocated the largest single award to the City of New York. As part of its Shelter and Services Program, DHS allocated over \$59 million from the program for the NYC Office of Management and Budget to “off-set allowable costs incurred for services

¹⁰ See *Amendment to Lease*, DEPT. OF THE INTERIOR (Sept 13, 2023), <https://www.nps.gov/aboutus/foia/upload/Amendment-to-the-Floyd-Bennett-Field-Lease.pdf>

¹¹ See *Statement From Governor Kathy Hochul on Negotiations with Biden Administration on Floyd Bennett Field*, (Aug 21, 2023) <https://www.governor.ny.gov/news/statement-governor-kathy-hochul-negotiations-biden-administration-floyd-bennett-field>

¹² See National Park Service, *Lease Between U.S. Dept. 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*, DEPT. OF THE INTERIOR (Sept. 15, 2023), <https://www.nps.gov/aboutus/foia/upload/FINAL-Lease-Floyd-Bennet-Field-09-15-2023-2.pdf>.

¹³ See National Park Service, *Categorical Exclusion Documentation Form*, DEPT. OF THE INTERIOR (Sept. 12, 2024), <https://www.nps.gov/aboutus/foia/upload/Categorical-Exclusion-Documentation-Form.pdf>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

associated with noncitizen migrant arrivals.”¹⁷ The Committee seeks to ensure this funding is fully accounted for, including the potential transfer of funds to unauthorized accounts, and therefore seeks information on how NYC allocated funding from the Shelter and Services Program.

The Committee requests that you produce the following items in your possession, custody, or control in complete, unredacted, and electronic format as soon as possible, but no later than October 24, 2024:

1. All documents and communications among or between NYC, NYS, DOI, NPS, the Department of Homeland Security (DHS), the White House (WH), or the Executive Office of the President (EOP) related to the expiration, termination, extension, or renewal of the FBF lease.
2. All documents and communications among or between NYC, NYS, DOI, NPS, DHS, WH, or EOP related to the planned or ongoing implementation of any FBF demobilization plan.
3. All documents and communications among or between NYC, NYS, DOI, NPS, DHS, WH, or EOP related to the five improvement projects for FBF required by the FBF lease.
4. All documents and communications sufficient to show a detailed account of how NYC Office of Management and Budget allocated the \$59.3 million provided through the DHS Shelter and Services Program.

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 all matters concerning the programs, operations, and management of the U.S. Department of the Interior and the National Park Service 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.

¹⁷ *Id.*

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources



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



Cliff Bentz
Member of Congress



Mike Collins
Member of Congress



John Curtis
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Anthony D'Esposito
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Garret Graves
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Harriet M. Hageman
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