

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

September 15, 2023

The Honorable Debra Haaland
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

The Honorable Charles F. Sams, III
Director
National Park Service
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Haaland and Director Sams:

The House Committee on Natural Resources (the “Committee”) seeks information from the Department of the Interior (“DOI”) and the National Park Service (“NPS”) on the recent announcement¹ of a proposed lease to house unsheltered migrants at Floyd Bennett Field, a portion of Gateway National Recreation Area.

As you are aware, NPS manages 424 individual units covering more than 85 million acres in all 50 states, the District of Columbia, and multiple U.S. territories.² Its mission is to “preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations.”³ More specifically, with reference to the Jamaica Bay Unit of Gateway National Recreation Area, the Secretary is directed to “administer and protect the islands and waters within the Jamaica Bay Unit with the primary aim of conserving the natural resources, fish, and wildlife located therein and shall permit no development or use of this area which is incompatible with this purpose.”⁴

Recent reports⁵ describe how the Floyd Bennett Field at the Jamaica Bay National Recreational Area has been under consideration for several months for use as an area to shelter

¹ 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/>.

² *About Us*, NATIONAL PARK SERVICE, <https://www.nps.gov/aboutus/index.htm>.

³ *Id.*

⁴ 16 U.S.C. 460cc-2(a)

⁵ 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>.

migrants. The Mayor of New York (“the Mayor”) has reported assisting over 100,000 persons seeking asylum,⁶ and the influx in migrants has strained local resources,⁷ encouraging the Mayor to call on the Biden Administration to declare a state of emergency.⁸

Regardless of personal or political beliefs on immigration or migrant policy, there is common ground in keeping our national parks—some of America’s most treasured spaces—out of this debate. All national parks, whether in rural or urban areas, exist for visitors to experience wonder, to recreate and find joy, or to simply learn more about the great history of our nation. National parks are not, however, a place to temporarily or permanently encamp persons experiencing a lack of housing options. The Governor of New York (“the Governor”) has gone on the record about the DOI’s reluctance to accommodate the request, due to statutory restraints.⁹ We agree that the use of NPS lands to house unsheltered migrants is outside of the NPS statutory authority.

The Committee is deeply concerned with reports of pending leases on NPS lands for use as migrant shelters, 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.¹⁰

In an effort to assist the Committee with ensuring effective management of America’s public lands, particularly compliance of the laws within the National Park System, please provide the following documents and information by September 29, 2023:

1. What are the positions of the DOI and NPS on the use of NPS lands for housing asylum seekers on a temporary or permanent basis? Please include a legal analysis.
2. All documents and communications between the DOI, NPS, Executive Office of the President, and Office of Management and Budget regarding use of federal lands, including but not limited to, national park service lands, for migrant shelters.
3. All documents and communications to show the consultation with stakeholders, small businesses, tribal entities, state, and local government officials consulted with regarding the potential lease of Floyd Bennett Field, as well as any other potential sites under consideration, for use as migrant shelters.
4. All documents and communications 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.

⁶ 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>.

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 America Reports, *supra* note 6.

⁹ *Id.*

¹⁰ Campbell, *supra* note 5.

5. All documents and communications, including legal memoranda, between 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.
6. All documents and communications associated with the proposed lease of Floyd Bennett Field as a potential migrant shelter.
7. All documents and communications between the City of New York, State of New York, their respective agents, and the National Park Service, Department of the Interior, Department of Homeland Security, Office of Management and Budget, Executive Office of the President, and/or Executive Office of the President regarding sheltering migrants on public lands in the New York metro region.

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. Under House Rule X, the Committee on Natural Resources has "general oversight" of any matter relating to its jurisdiction, including the management of 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



Cliff Bentz
Member of Congress



Lauren Boebert
Member of Congress



Jerry Carl
Member of Congress



Mike Collins
Member of Congress



John Curtis
Member of Congress



Anthony D'Espostio
Member of Congress



Russ Fulcher
Member of Congress



Andrew Garbarino
Member of Congress



Harriet Hageman
Member of Congress



Wesley Hunt
Member of Congress



Nick LaLota
Member of Congress




Anna Paulina Luna
Member of Congress



Nicole Malliotakis
Member of Congress



Tom McClintock
Member of Congress



Matt Rosendale
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Member of Congress



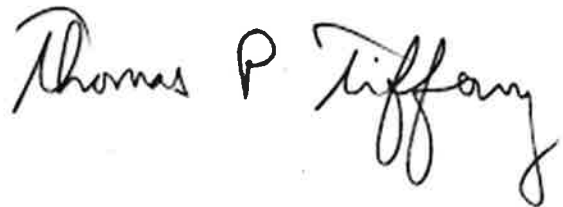
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Enclosure