

**DESTROYING AMERICA'S BEST IDEA:
EXAMINING THE BIDEN ADMINIS-
TRATION'S USE OF NATIONAL PARK
SERVICE LANDS FOR MIGRANT CAMPS**

OVERSIGHT HEARING

BEFORE THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

Wednesday, September 27, 2023

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**OVERSIGHT HEARING ON DESTROYING
AMERICA'S BEST IDEA: EXAMINING THE
BIDEN ADMINISTRATION'S USE OF NATIONAL
PARK SERVICE LANDS FOR MIGRANT CAMPS**

**Wednesday, September 27, 2023
U.S. House of Representatives
Committee on Natural Resources
Washington, DC**

The Committee met, pursuant to notice, at 10:24 a.m., in Room 1324, Longworth House Office Building, Hon. Bruce Westerman [Chairman of the Committee] presiding.

Present: Representatives Westerman, Lamborn, McClintock, Gosar, Radewagen, LaMalfa, Fulcher, Stauber, Tiffany, Carl, Bentz, Kiggans, Hunt, Collins, Duarte, Hageman; Grijalva, Sablan, Huffman, Neguse, Leger Fernández, Stansbury, Ocasio-Cortez, Hoyle, Kamlager-Dove, Magaziner, and Velázquez.

Also present: Representatives Lawler, Malliotakis, Pfluger, D'Esposito; and Espaillat.

Mr. WESTERMAN. The Committee will come to order.

Without objection that Chair is authorized to declare recess of the Committee at any time.

The Committee is meeting today to hear testimony on Destroying America's Best Idea: Examining the Biden Administration's use of National Park Service Lands for Migrant Camps.

I ask unanimous consent that all Members testifying today be allowed to sit with the Committee, give their testimony, and participate in the hearing from the dais. The gentlewoman from New York, Ms. Malliotakis, and the gentleman from New York, Mr. D'Esposito. Additionally, we have the gentleman from New York, Mr. Garbarino, Mr. Pfluger from Texas, and Mr. Espaillat from New York.

Without objection, so ordered.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. I therefore ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are admitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

Before we get into the testimony, I now recognize myself for an opening statement.

STATEMENT OF THE HON. BRUCE WESTERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. WESTERMAN. Good morning. Thank you for joining us here today. New York City's Democrat Mayor, Eric Adams, recently said that the endless flow of illegal migrants to his hometown will "destroy the city."

He is right. Last week, I saw that firsthand, and the numbers don't lie. In August of this year, 232,000 illegal immigrants flowed across our southern border. That adds to the 6 million that has flowed across the border since President Biden was inaugurated.

In the last 11 months of this fiscal year, this is an unbelievable fact, 25,000 pounds of fentanyl has been intradicted and 151 people on the Terrorist Watch List have been apprehended at our southern border.

And there is one more number. Eight. Eight Democrat mayors or governors have declared a state of emergency because illegal immigrants have flooded their cities and states.

The endless flow of illegal immigrants over our southern border is not only is destroying individual cities and states it is destroying our country.

Now, the Biden administration is looking to spread this chaos to one of America's greatest ideas, our national parks. Let me set the stage. Gateway National Recreational Area, a unit of the National Park System, is the lifeline to the outdoors in the middle of New York City. It provides space for the city's largest community guard, campgrounds, fishing and boating access, and even a unit of U.S. Sea Cadets Core.

Last year, Gateway had more than 9,000,000 visitors. Facing political pressure, the Biden administration rubber stamped a lease proposal to allow the construction of shelters for migrants inside the park boundaries.

The Committee first heard rumors of Biden's plan in late August. When I visited the area last week, the lease was signed and I would not be surprised if they are constructing migrant shelters as we speak.

National Park Service officials told me, verbatim, that they are shortcutting NEPA to build these camps. And then CEQ backed it up with a public statement, and I quote, "there is not time to complete an environmental assessment before action must be taken to address imminent threats."

Now, this is interesting in contrast of what CEQ Chair Brenda Mallory stated in May 2023 at a Senate DPW hearing, and I quote, "One of NEPA's key functions is to prevent the damage and costs that arise from rushed, biased, and incomplete environmental decision making."

In case you didn't catch that, I am going to say it again. Four months ago, the CEQ Chair said that, "One of NEPA's key functions is to prevent the damage and costs that arise from rushed, biased, and incomplete environmental decision making."

And then CEQ, last week, stated to the press, "There is not time to complete an environmental assessment before action must be taken to address imminent threats."

Our founders talked about our job as we the people. They said, in order to form a more perfect union, not a perfect union but a more perfect union, and to establish justice and ensure domestic tranquility, and the preamble goes on.

If you look at those first two things, establishing justice and ensuring domestic tranquility. How does two sets of standards establish justice?

How can one interpretation of the law 4 months before another interpretation, give anybody assurance that we are working toward a more perfect union by establishing justice? How does the actions that we are seeing across the country and at the southern border give us confidence that we are accomplishing domestic tranquility?

And furthermore, this action is on a piece of National Park Service land that in its enabling legislation specifically prohibits housing. It wouldn't matter if it were on a mountain top, but this land happens to be in a floodplain that flooded just this past weekend.

Isn't NEPA supposed to protect human life? How is building a migrant camp in a floodplain humane? I can't tell you how many times I sit right here in this room and listen to my colleague's pontificate on the sanctity of a bedrock environmental law, even as some of those conversations contribute to energy poverty for everyday Americans.

Yet, now that the President is facing public backlash from a border crisis unlike any this nation has ever seen, the Administration is suddenly reversing course, ignoring every environmental protection in the book.

Time and again, we have seen President Biden and his folks embrace these rules for thee and not for me. It is absolutely a shameful way to govern. And once again, there is no justice in a double standard.

Last week, I wrote a letter to DOI Secretary Deb Haaland and the National Park Service Director Charles Sams, demanding to know more about how their plan to house migrants in national parks came to be, including the role of CEQ on signing off on the so-called emergency action.

The Secretary has yet to respond, and her silence is deafening. We need answers.

Last week in New York City, I got kicked out of a processing facility and was refused a tour. I heard Park officials say they are bypassing our environmental laws to build migrant camps in a small park used by a million people a year who live nearby.

It is a rare green space in the midst of a city. Our national parks are some of America's most treasured places. And as I said earlier, they have been called our best idea. I won't sit back while President Biden takes them away to atone for a crisis of his own making.

Building camps on Park Service land in the middle of New York City is not addressing the real problem. It is putting another band aid on the bigger problem. Having 18,000 or 20,000 migrants in New York City is but a small amount of what is affecting the rest of our country. This Administration needs to own their mistakes and take the corrective actions to stop the flow of migrants.

And it is not just me saying that, it is not just Republicans saying that. President Biden and his disaster at the southern border is now affecting our national parks. Enough is enough, and I look forward to hearing the testimony.

I yield back and recognize the Ranking Member for an opening statement.

STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Thank you, Mr. Chairman.

Mr. Chairman, when you assumed the leadership of this Committee, I was cautiously optimistic.

It is no secret that the gap between our policy views is wide. But I have come to think of you as a reasonable and principled colleague. I hoped that these qualities will be reflected in the Committee's work, but today's hearing is neither reasonable nor principled. It is a dehumanizing political stunt.

The current influx of migrants is a humanitarian crisis, no doubt, that deserves meaningful, comprehensive solutions. Solutions that are rooted in upholding our basic values and human rights and solutions that would provide resources to respond to the crisis and to the humanitarian needs that we are confronting.

Solutions that are based on facts, not rhetoric from MAGA talking heads. Solutions that accept the reality that we are dealing with. Solutions that deal, yes, with security, nobody is denying that. No one, on our side, is saying let's open up the borders and see what happens.

That is the deal with security, but we also have to understand that we are dealing a global crisis. A crisis of major proportions affecting the Third World primarily across this globe.

A crisis built on poverty, repression, and oppression, political, and otherwise, undemocratic governments in all parts of the world, the violence, the collapse of civil society, organized criminal groups that infect and affect every decision for these countries and these communities.

The climate that is impacting our world in a very direct way. So, this impact of a global crisis and creating the challenges that we confront, not only in the southern border but across this nation, are driven by root causes and we are not dealing with those. That is part of the solution as well.

But we won't hear about any of that today, because it is not about solutions, this hearing. Today's hearing is not meant for solutions. Today's hearing is an excuse for Republicans to double down on the failed policies from the Trump administration.

It is an excuse to distract American people from the fact that Republicans are pushing us into a government shutdown that doesn't need to happen. A government shutdown that will actually slow down the processing of asylum applications, I might add.

And finally, this hearing is an excuse to use national parks and public lands as a political foil to fuel anti-immigrant rhetoric that creates division in our country and that the Republican party sees as the only political advantage heading into the 2024 elections.

So, of course, we are going to hear about it, and we are going to continue to hear about it. No solutions, we are just going to hear about it.

And for anyone that believes that this hearing is a sincere attempt to protect public lands, let me quickly relieve you of any misguidance you might have on that.

If my GOP colleagues actually cared about the parks, they would increase funding for the Park Service. Instead, they have done the opposite and passed an appropriations bill that cuts Park Services already underfunded budget by half a billion.

If my GOP colleagues actually cared about our public lands, they would make a real effort to hold oil, gas, and mining companies accountable for the messes that they leave on our public lands.

Instead, they do the opposite and continue pushing bill after bill to gut environmental laws like NEPA and give industry a cheap or even free pass to wreck our landscapes and stick taxpayers with the cleanup bill.

And if my colleagues actually cared about the American people, they wouldn't be pulling this stunt and would instead get to work to keep our government funded and open, our more basic responsibility in Congress.

But if my Republican colleagues are about migrant scapegoating, ginning up the political rhetoric on this issue, MAGA drum beats, Fox News shoutouts, Speaker McCarthy retweets, and dramatic distractions, then I would say they are right on track and on target in this hearing.

This is a serious issue and it is of crisis proportion, nobody denies that. What we had hoped, from the initiation of this Congress, this House of Representatives, was that there would be some response to the initiative by President Biden on comprehensive immigration reform and funding adequately what needed to be done to deal with the humanitarian crisis.

I suspect and no, I don't suspect, I believe that this is a self-fulfilling prophecy. You will not hear solutions from my colleagues, you will hear the rhetoric that we have been hearing over and over again. Hateful, sometimes, not fact based, all the time. And without a clear solution.

If there is a middle ground and a consensus to be reached, we want to work on that, but to say that this hearing is about protection? An epiphany has occurred to save our public lands is a mistake. It is an excuse.

And the self-fulfilling prophecy that Americans need to be aware of is that the worst that it gets, the better in the political calculations of the Republican party.

Has the Biden administration done everything? Has it responded the way it should every time? No. I have complaints about capacity, resource allocation, and being able to respond to this in an effective and efficient way. I have complaints about that.

But Congress has not done its job. This is a broken immigration law that we have been dealing with for decades and if the Republicans are serious, we are serious, to find solutions and common ground.

But if this is just about maintaining a political advantage or creating more division, or using this going into 2024 is the only issue that Republicans have, then we can't work with that.

So, as we go forward with this hearing, I can only say that this is not an opportunity to discuss, in some serious manner, solutions. This is a meeting to try to create the division and the rhetoric that is being pumped into this issue over and over again.

With that, I yield back, Mr. Chairman.

Mr. WESTERMAN. The gentleman yields back and I remind the Committee that it is fully under our authority and jurisdiction to have oversight over the National Park Service.

This is an issue that is imminently important to our Committee and, I believe, to the American public on the broader issue of immigration.

I will say that Republicans have acted. We passed H.R. 2, the Secure our Border Act, a comprehensive immigration reform bill. The first time that has been done definitely since I have been in Congress and any kind of memory that I have of laws being passed.

The Senate, unfortunately, has not taken that bill up. I hope we give them another opportunity to do that. Before I introduce the witnesses today, I will note that we planned on having two panels today.

The first panel would have included National Park Service Director Chuck Sams, DOI Solicitor Anderson, and DOI Principal Deputy Assistant Secretary Mooney, but they chose not to appear before us today.

All of these, we understand, played an intimate role, at the bequest of the White House, to rubber stamp the lease on Floyd Bennett Field.

While I realize that we provided a little over a weeks' notice, I expect that the DOI and National Park Service officials who signed off on a state of emergency would want to urgently discuss that matter with Congress and the American public.

We noticed this hearing on the first business day after the lease was signed. With that being said, we will use all available tools at the discretion of the Committee to compel them to discuss this matter with us and the American people in the near future.

I do want to thank the witnesses who agreed to testify before us today and I look forward to hearing your testimony.

Our witnesses are the Honorable Joann Ariola, New York City Council Member for the 32nd District, the Honorable Jaime Williams, New York State Assemblymember for the 59th District, Ms. Eleanor Acer, Senior Director of Refuge Protection at Human Rights First, and Mr. Kenneth Spencer, Chairman of the United States Park Police Fraternal Order of Police.

Let me remind the witnesses that under Committee Rules, you must limit your oral statements to 5 minutes, but your entire statement will appear in the hearing record.

To begin your testimony, please press the "on" button on the microphone. We use timing lights. When you begin, the light will turn green. At the end of 5 minutes, the light will turn red, and I will ask you to please complete your statement.

The Chair now recognizes Councilwoman Ariola for 5 minutes.

**STATEMENT OF THE HON. JOANN ARIOLA, NEW YORK CITY
COUNCIL MEMBER, OZONE PARK, NEW YORK**

Ms. ARIOLA. Thank you, Mr. Chair and thank you Mr. Ranking Member, as well as the members of the Committee.

The primary duty of the National Park Service is to protect the national parks and the national monuments under its jurisdiction and keep them as nearly in their natural state as this can be done in view of the fact that access to them must be provided in order that they may be used and enjoyed.

These words were written by Stephen Mather, the first director of the National Park Service, back in 1925. For much of the last century they have held true, until now.

With the offering and signing of the lease at Floyd Bennett Field, the Federal Government is going directly against what Mather and countless other officials through the decades have repeatedly said should be the primary duty of the National Park Service.

Rather than providing access to this national park space, the Federal Government is restricting the ability of the public to fully enjoy the 1,300 acres of park land on the shores of Jamaica Bay.

Instead of enabling public access, the National Park Service is instead agreeing to house 2,000 people on the former runway of this aviation landmark. Not only is this decision to house thousands of people a violation of the founding ideals of the National Park Service, but is also a violation of the agreement made to establish the Gateway National Recreation Area as well.

On September 26, 1972, then-Congressman Frank Brasco made it clear why this site is incompatible with any plans for housing at this location. There are no sewers, no sidewalks, no curbs, no streets. There are no schools, no medical facilities, or houses of worship.

Floyd Bennett Field is totally filled land with water 8 feet below the surface. Transportation facilities are virtually nonexistent and the nearest subway is 4 miles from the site.

A single bus route now serves the area. The Congressman also explained that New York City faces a serious lack of open recreation space and Floyd Bennett Field would provide that access to open green spaces for countless residents of Brooklyn, Queens, and beyond.

Thanks to Congressman Brasco's argument, a state proposal constructing housing at Floyd Bennett Field was removed and by a vote of 76 to 13, Floyd Bennett Field was made a part of the Gateway National Recreation Area.

Today, the situation is not much different than it was back in 1972. The closest subway station is still 4 miles away. The area still has no schools, medical facilities, houses of worship, and is still only served by one bus line.

What has changed, however, is that the park now welcomes as many as 1 million people per year to enjoy its open spaces and programmed events.

It also is home to specialized NYPD units, a training facility for the Department of Sanitation, and even a Marine Reserve Unit among other assets. All of these stand to be disrupted by the placement of 2,000 people or if the mayor's office is to be believed, as many as 7,500 people in the area.

The decision to house thousands of people at this site has also been done without following the proper protocols necessary for such an endeavor, namely the decision is being pursued without following the federally mandated NEPA process.

Pursuant to NEPA, the National Environmental Policy Act, Federal law requires agency decision makers to make informed decisions via a codified system of studies, assessments, and input sessions, and the NEPA handbook itself states clearly, "Actions taken in response to an emergency are not exempt to NEPA review."

Therefore, the NEPA process must be complete before any agency makes a final decision on the proposed action. This was not done. Additionally, there was no process of public notice, effectively shutting out the ability of local community to voice their concerns about this sudden and radical change to their local park land.

This has effectively turned our national parks, something Wallace Stegner once said was the best idea we ever had and absolutely American, absolutely Democratic, into something that is entirely undemocratic indeed.

Already, we have seen programming that should have taken place at Floyd Bennett Field be canceled to accommodate this base camp. Already an art festival from Jamaica Bay Rockaway Park Conservancy has been scraped and we can be sure that additional planned events will follow.

The placement of the migrant base camp at Floyd Bennett Field flies in the face of the founding ideals of the National Park Service and erodes the democratic underpinnings that have been the hallmark of our park since their inception.

For these reasons, it is vital that the Federal Government revoke the lease for Floyd Bennett Field and enable the public to fully use this space, just as they have continually done since 1972. Thank you for the time.

[The prepared statement of Ms. Ariola follows:]

PREPARED STATEMENT OF COUNCIL MEMBER JOANN ARIOLA, 32ND COUNCIL DISTRICT, NYC CITY COUNCIL

"The primary duty of the National Park Service is to protect the national parks and national monuments under its jurisdiction, and keep them as nearly in their natural state as this can be done in view of the fact that access to them must be provided in order that they may be used and enjoyed."

These words were written by Stephen Mather, the first director of the National Parks Service, back in 1925. For much of the last century, they have held true. Until now.

With the offering and signing of the lease at Floyd Bennett Field, the federal government is going directly against what Mather and countless other officials through the decades have repeatedly said should be the primary duty of the National Parks Service. Rather than providing access to this national park space, the federal government is restricting the ability of the public to fully enjoy the 1,300 acres of parkland on the shores of Jamaica Bay. Instead of enabling public access, the National Parks Service is instead agreeing to house 2,000 people on the former runway of this aviation landmark.

Not only is this decision to house thousands of people a violation of the founding ideals of the National Parks Service, but it is also a violation of the agreements made to establish the Gateway National Recreation Area as well. On September 26, 1972, then-Congressman Frank Brasco made clear why this site is incompatible with any plans for housing at the location: "there are no sewers, no sidewalks, no curbs, and no streets. There are no schools, medical facilities, or houses of worship. Floyd Bennett Field is totally filled land with water 8 feet below the surface . . .

transportation facilities are virtually non-existent . . . the nearest subway station is 4 miles from the site. A single bus route now serves the area.”

The Congressman also explained that New York City faces a serious lack of open recreation area, and Floyd Bennett Field would provide access to open green spaces for countless residents of Brooklyn, Queens, and beyond.

Thanks to Congressman Brasco’s argument, a state proposal to construct housing at Floyd Bennett Field was removed, and, by a vote of 76 to 13, Floyd Bennett Field was made a part of the Gateway National Recreation area.

Today, the situation is not much different than it was back in 1972. The closest subway station is still 4 miles away. The area still has no schools, medical facilities, or houses of worship, and it is still only served by one bus line. What has changed, however, is that the park now welcomes as many as one million people a year to enjoy its open spaces and programmed events. It is also home to specialized NYPD units, the training facilities for the Department of Sanitation, and even a Marine Reserve unit, among other assets. All of these stand to be disrupted by the placement of 2,000 people—or if the Mayor’s office is to be believed, as many as 7,500 people—in the area.

The decision to house thousands of people at this site has also been done without following the proper protocols necessary for such an endeavor. Namely, the decision is being pursued without following the federally mandated NEPA processes. Pursuant to NEPA, the National Environmental Policy Act, federal law requires agency decision makers to make informed decisions via a codified system of studies, assessments, and input sessions, and the NEPA handbook itself states clearly “actions taken in response to an emergency are not exempt from NEPA review.”

Therefore, the NEPA process must be completed before an agency makes a final decision on a proposed action. This was not done. Additionally, there was no process of public notice, effectively shutting out the ability of local communities to voice their concerns about this sudden and radical change to their local park land. This has effectively turned our national parks—something Wallace Stegner once called “the best idea we ever had. Absolutely American, absolutely democratic” into something entirely undemocratic indeed.

Already, we have seen programming that should have taken place on Floyd Bennett Field be canceled to accommodate this base camp. Already, an art festival from the Jamaica Bay Rockaway Parks Conservancy has been scrapped, and we can be sure that additional planned events will follow.

The placement of a migrant base camp at Floyd Bennett Field flies in the face of the founding ideals of the National Parks Service, and erodes the democratic underpinnings that have been the hallmark of our parks since their inception. For these reasons, it is vital that the federal government revoke the lease at Floyd Bennett Field, and enable the public to fully use this space, just as they have continually since 1972.

The following document was submitted as an attachment to Ms. Ariola’s testimony.

The document is available for viewing at:

<https://docs.house.gov/meetings/II/II00/20230927/116399/HHRG-118-II00-Wstate-AriolaJ-20230927-SD001.pdf>

Mr. WESTERMAN. The gentlelady yields back.

The Chair now recognizes Assemblywoman Williams for 5 minutes.

STATEMENT OF JAIME WILLIAMS, ASSEMBLYMEMBER, NEW YORK STATE ASSEMBLY, BROOKLYN, NEW YORK

Ms. WILLIAMS. Good morning, Chair and Ranking Member.

In recent weeks, the Governor of New York State and the Mayor of New York City proposed a plan to use our national park, Floyd Bennett Field, via the Biden administration, to temporarily house migrants have become a great concern for our community.

Please let me share some of these concerns. This past weekend, there were almost 5 inches of water covering Runway 19, the exact location proposed for housing the migrants. This is not an isolated event, but rather a frequent occurrence.

This serves as a stark reminder to the potential dangers of Floyd Bennett Field. In addition, it is a transit desert and has no infrastructure, no plumbing, no electricity, no sewage system.

As you may know, SEQR mandates a rigorous review of environmental, social, and economic impacts for any project. However, in this particular case, it is evident that due diligence was not executed in compliance with SEQR's multi-step decision process.

This noncompliance not only negates the law, but also risks unforeseen detrimental consequences on multiple fronts, including the socio-economic well-being of the local residents and the environmental sanctity of the area.

The failure to adhere to NEPA regulations further illuminates the glaring shortcomings in evaluating the proposed plan. NEPA's binding regulations are designed to safeguard against environmentally detrimental proposals, ensuring the preparation of environmental impact statements. The absence of these critical assessments raises grave concerns about the underlying environmental sustainability and safety of relocating migrants to this area.

Floyd Bennett Field, a national park, is a treasure of natural beauty and biodiversity. Housing individuals here is equivalent to tarnishing the sanctity of Yellowstone National Park.

The irreversible damage of flora and fauna and the destruction of our natural beauty are contrary to the ethos of conservation and preservation that national parks symbolize.

The 1972 decision by Congress against the housing plan in Floyd Bennett Field based on its inadequacy for residents must not be overlooked. This historical precedence serves as a legislative evidence of the sustainability of the area.

Revisiting and overturning such well-founded decisions without adequate reassessment suggests a lack of prudence and disregard for established legislation.

Migrants, many of whom have already faced immense suffering, are entitled to a safe and secure living environment. Placing them in a flood prone area during an active hurricane season, as well as colder months ahead, is neither humane or ethical.

The proposal not only risks the safety of the migrants but also impacts the welfare and quality of life of the local residents around Floyd Bennett Field. It is crucial to consider the cumulative implications to the community, which will have to bear the brunt of the socio-economic and environmental disruptions.

In conclusion, on behalf of every resident of the 59th Assembly District, I ask the dedicated members of this Committee of Natural Resources to take these points into consideration and reject this proposal.

Please reflect on our commitment to uphold the principals of our environmental stewardship, legislative compliance, ethical responsibility, and humanitarian compassion.

Together with your support, we will continue to ensure that our national park and its historic sites will be preserved for future generations to come. Thank you.

[The prepared statement of Ms. Williams follows:]

PREPARED STATEMENT OF JAIME WILLIAMS, NYS ASSEMBLYWOMAN,
59TH ASSEMBLY DISTRICT

Good morning, Chairman Westerman, Chair of Natural Resources and to all House Committee Members of Congress. Thank you for inviting me to appear before you today.

In recent weeks, the Governor of NYS and the Mayor of NYC proposed a plan to use our National Park Floyd Bennett Field via the Biden Administration to temporary house migrants have become a great concern for our community.

Please let me share some of our concerns:

1. **Concrete Evidence of Danger and Unsuitability:** This past weekend, there was almost 5 inches of water covering Runway 19—the exact location proposed for housing the migrants. This is not an isolated event but rather a frequent occurrence. This serves as a stark reminder to the potential dangers of Floyd Bennett Field. In addition it's a transit desert and has no infrastructure! No plumbing, no electricity, no sewage system.
2. **State and Federal Environmental Guidelines were not followed:** As you may know SEQRA (State Environmental Quality Review Act) mandates a rigorous review of environmental, social, and economic impacts for any project. However, in this particular case it is evident that due diligence was not executed in compliance with SEQRA's multi-step decision process. This non-compliance not only negates the law but also risks unforeseen detrimental consequences on multiple fronts, including the socio-economic well-being of the local residents and the environmental sanctity of the area.
3. **Federal Oversight and Responsibilities:** The failure to adhere to NEPA (National Environmental Policy Act) regulations further illuminates the glaring shortcomings in evaluating the proposed plan. NEPA's binding regulations are designed to safeguard against environmentally detrimental proposals, ensuring the preparation of environmental impact statements. The absence of these critical assessments raises grave concerns about the underlying environmental sustainability and safety of relocating migrants to this area.
4. **Devastating Impact on National Park's Ecosystem:** Floyd Bennett Field, a National Park, is a treasure of natural beauty and biodiversity. Housing individuals here is equivalent to tarnishing the sanctity of Yellowstone National Park. The irreversible damage to flora and fauna and the destruction of natural beauty are contrary to the very ethos of conservation and preservation that National Parks symbolize.
5. **Historical Precedence and Legislative Prudence:** The 1972 decision by Congress against the housing plan on Floyd Bennett Field based on its inadequacy for residences must not be overlooked. This historical precedence serves as a legislative evidence of the unsuitability of the area for residential purposes. Revisiting and overturning such well-founded decisions, without adequate reassessments, suggests a lack of prudence and disregard for established legislation.
6. **Ethical and Humanitarian Considerations:** Migrants, many of whom have already faced immense suffering, are entitled to a safe and secure living environment. Placing them in a flood-prone area during an active hurricane season, as well as the colder months ahead, is neither humane nor ethical.
7. **Local Residents Welfare and Community Impact:** The proposal not only risks the safety of the migrants but also impacts the welfare and quality of life of the local residents surrounding Floyd Bennett Field. It is crucial to consider the cumulative implications to the community, which will have to bear the brunt of the socio-economic and environmental disruptions.

Conclusion:

In conclusion on behalf of every resident of the 59th Assembly district I ask the dedicated committee members of the Natural Resources Committee to take these points into consideration and reject this proposal. Please reflect on our commitment to uphold the principles of environmental stewardship, legislative compliance, ethical responsibility, and humanitarian compassion. Together, and with your support, we will continue to ensure that our National Parks and its historic sites are well preserved for future generations to come.

Mr. WESTERMAN. Assemblywoman Williams, thank you for your testimony as well as Councilwoman Ariola, thank you for your testimony.

The Chair now recognizes Ms. Acer for 5 minutes.

**STATEMENT OF ELEANOR ACER, SENIOR DIRECTOR,
REFUGEE PROTECTION, HUMAN RIGHTS FIRST, NEW YORK,
NEW YORK**

Ms. ACER. Thank you. Chairman Westerman, Ranking Member Grijalva, and distinguished members of the Committee, thank you for the opportunity to testify before you today.

My name is Eleanor Acer, and I am Senior Director for Refugee Protection at Human Rights First. My testimony today is going to focus on some of the key steps that the Biden administration and Congress should take to ensure and sustain humane, legal, and orderly processes as U.S. communities, both at the border and across the country, receive migrants and people seeking asylum.

Key steps include: to significantly improve access to work permits; to increase critical funding to support reception in border and destination communities; to properly resource humanitarian aid for settlements, safe shelter, asylum and immigration, court adjudications in the United States; and to reject and counter dangerous rhetoric painting migrants and asylum seekers as threats or invaders.

In recent years, the human rights situation in many countries in the Americas have deteriorated pushing people to flee in search of protection, safety, and stability.

In reality, though, the vast majority of the world's refugees are hosted by countries other than the United States. Six million of the 7.3 million, now, I think, 7.7 million, that have fled from Venezuela are in other countries, in Colombia, Brazil, Peru, Costa Rica, and other places in Latin America and the Caribbean.

The United States is more than capable of humanely receiving and fairly processing the claims of people seeking asylum. The steps outlined in my testimony today are crucial to doing so.

First, the prompt provision of work permits is critical to supporting U.S. communities, as well as for migrants and asylum seekers to support themselves and their families.

The reality is that immigrants have always been and always will be a boom to New York City and the nation. In a letter to President Biden and congressional leaders, over 100 executives of major corporations explain that there are labor shortages in many U.S. industries and there is a compelling need for expedited processing of asylum applications and work permits.

Last week, the Biden administration announced important steps to improve work authorization processing, as well as to designate and extend TPS for Venezuelans, moves that will help more people to work, house, and support themselves more quickly, but more action is needed, as outlined in my written testimony.

Second, Congress should increase shelter and support program funding, and increase funding to all cities receiving migrants and asylum seekers through the Aspire Act, which we will urge you all to support.

Third, the Biden administration should also double down on some of the effective humane and legal policies that it has already initiated or announced, and reject those that punish, ban, and block people seeking asylum.

I have laid out some key steps along these lines in my testimony and I am happy to talk about this later further.

Congressional support is essential to assure the appropriations needed to implement effective solutions. By contrast, the failure of Congress to appropriate necessary resources, including via a government shutdown, is sure to thwart orderly migration management and adjudications.

It is deeply concerning to see many of the most harmful and ineffective policies from recent years included in legislation passed by the House, called the Secure Border Act of 2023.

It is a patchwork of extreme anti-immigrant proposals that would shut down the U.S. asylum system and target families and children. Policies that ban, block, and turn away people seeking asylum are not a solution. They are actually part of the problem.

The crisis we are facing is a global humanitarian crisis. Other nations, including those with far less resource, are welcoming and hosting the overwhelming majority of the world's refugees.

We can and must do better, and I look forward to discussing this with you further.

[The prepared statement of Ms. Acer follows:]

PREPARED STATEMENT OF ELEANOR ACER, SENIOR DIRECTOR FOR REFUGEE PROTECTION, HUMAN RIGHTS FIRST

Chairman Westerman, Ranking Member Grijalva, and distinguished Members of the Committee, thank you for the opportunity to testify before you today. My name is Eleanor Acer, and I serve as Human Rights First's Senior Director for Refugee Protection. I have over twenty-five years of experience monitoring and advocating for adherence to human rights and refugee law. Human Rights First is an independent, non-profit organization that, for more than four decades, has pressed the United States to take a lead role in promoting, defending and upholding human rights. It has partnered with human rights defenders in Cuba, El Salvador, Hong Kong, Russia, Saudi Arabia, Ukraine and elsewhere around the world and, here at home, with attorneys, veterans and many others.

Human Rights First also works with volunteer lawyers at many of the nation's leading law firms through our offices in New York City, Los Angeles and Washington DC to provide pro bono legal representation to refugees seeking asylum, helping thousands to receive protection in this country. These have included pro-democracy advocates and victims of religious persecution from China, journalists forced to flee Guatemala, Ethiopia, Honduras, Iran, and Nigeria, LGBTQ+ people seeking protection from persecution, victims of political repression from Venezuela, Syria, Egypt and Nicaragua, and Indigenous and other families targeted due to their opposition to brutal armed groups with transnational reach in Honduras, El Salvador, and Guatemala.

My testimony will focus on some of the key steps that the Biden administration and Congress should take to ensure and sustain humane, legal and orderly

processes as U.S. communities—both at the border and across the country—receive migrants and people seeking asylum. These include steps to significantly improve access to work permits, increase critical funding to support reception in border and destination communities, properly resource humanitarian aid, resettlement, safe shelter in Mexico and adjudications, and to reject and counter dangerous rhetoric painting migrants and asylum seekers as threats or “invaders.”

Upholding Asylum is Morally Right and Politically Popular Across Party Lines

The right to seek asylum is a fundamental human right enshrined in the Universal Declaration of Human Rights. In the wake of World War II, the United States helped lead efforts to draft the Refugee Convention, which along with its Protocol, prohibits the return of people to persecution. United States law specifically provides for people in search of refuge to seek asylum at ports of entry and after entering the United States.

The majority of American voters, across party lines, believe that the United States should provide asylum to people fleeing persecution or violence in their home countries.¹ Many Americans are the children, grandchildren, and great-grandchildren of people who fled political, religious and other persecution. Moreover, lawmakers of both parties also believe the right to asylum should be protected.

Over recent years, the human rights situations in many countries in the Americas have deteriorated, pushing people—including people from Cuba, Haiti, Nicaragua and Venezuela—to flee in search of protection, safety and stability.

Contrary to anti-immigrant rhetoric, the reality is that the vast majority of the world’s refugees are hosted by countries other than the United States. In fact, of the 7.3 million people who have fled Venezuela in search of safety and stability, about 6 million are hosted in Colombia, Ecuador, Peru and other countries in Latin America and the Caribbean. Costa Rica is hosting over 200,000 or more Nicaraguans, and experienced a five-fold increase in total asylum claims in the first six months of 2022, as compared to the year before. Mexico hosts about 500,000 refugees and asylum seekers, though many face grave threats to their safety there. The United States is more than capable of humanely receiving and fairly processing the asylum claims of the portion of people seeking refuge here from repression, violence and persecution. But the steps identified in my testimony today are crucial to doing so.

Migrants and Asylum Seekers Should be Provided Prompt Work Authorization

The prompt provision of work permits is critical to supporting U.S. communities receiving asylum seekers and migrants, as well as for migrants and asylum seeker to be able to work to support themselves and their families. Swift access to work permits is a top concern to both asylum seekers themselves and the communities hosting new arrivals.

The reality is that immigrants have always been, and will continue to be, a great benefit to New York City. In a letter to President Biden and Congressional leaders, New York City business community leaders stressed that “there is a compelling need for expedited processing of asylum applications and work permits for those who meet federal eligibility standards” and explained that “[t]here are labor shortages in many U.S. industries, where employers are prepared to offer training and jobs to individuals who are authorized to work in the United States.” One hundred executives of major corporations signed the letter. The Speaker of the New York City Council and the Executive Director of the New York Immigration Coalition also explained that providing work permits and TPS would “help alleviate our overburdened shelter and social service systems, delivering necessary relief to our social infrastructure.” Mayor Eric Adams of New York repeatedly urged the Biden administration to issue work permits to asylum seekers more quickly.

Last week, the Biden administration announced important steps to improve work authorization processing, as well as to redesignate and extend TPS for Venezuelans. These moves will help enable more people to work, house and support themselves more quickly—and were welcomed by New Yorkers, including the Mayor and non-profit organizations. The steps include important action to address work permit processing delays and to lengthen the validity period of certain work permits to five years.

But more action is urgently needed to address work permit delays. The Biden administration should take additional steps, and work with Congress to ensure, prompt provision of work authorization for asylum seekers.

For example, the Biden administration should advance additional key reforms including to immediately act to permanently expand the automatic extension of

work authorization for immigrants with pending work permit renewal applications by issuing an interim final rule. In addition, the administration should support, and Congress should enact, statutory reforms to reduce the 180 day waiting period for work authorization and eliminate the two-year renewal schedule which prevents many people seeking asylum from working to support themselves and their families, and deprives host communities of much needed workers.

The Biden administration should also move ahead with other necessary and warranted redesignations, extensions, and designations of TPS which will enable migrants and people seeking asylum from these countries to apply for work authorization and will benefit U.S. communities. The administration should redesignate and extend TPS for Cameroon, Sudan, South Sudan, El Salvador, Honduras, Nicaragua and Nepal, and provide new designations for countries, that meet the program's statutory requirements, including the Democratic Republic of the Congo, Guatemala, Mali, Mauritania and Nigeria. The Biden administration should also provide quick access to work authorization for parolees by providing it on arrival as was done for Ukrainian nationals who were paroled into the United States.

Leverage Faith-Based and Refugee Aid Organizations, and Increase SSP Funding

To enhance arrival and reception efforts, the Biden administration should redouble efforts to leverage and coordinate with the network of humanitarian organizations, including faith-based groups, legal nonprofits, and refugee assistance agencies with offices across the country. Many have substantial experience assisting new arrivals and long track records of working with CBP and other U.S. agencies. Some provide refugee assistance and management around the world. Congress should strongly support these initiatives which are critical to U.S. communities, CBP operations, and the migrants and asylum seekers they assist.

The Biden administration should develop and continue to pursue increased funding for the Shelter and Support program to disburse funds as needed (rather than on a reimbursement model), remove limitations on the use of funds for transportation and shelter costs and safeguard the program's humanitarian funding structure. Congress in turn should increase SSP funding. It should also continue to express concern that the funds are routed through CBP given its track record of misusing humanitarian funds, and provide rigorous oversight to ensure problems with the distribution and coordination of funds are immediately addressed. We urge that transmission of actual funds that have been awarded through this program are transferred to the receiving organizations without delay so as to ensure this vital work is not impacted by any potential government shutdown.

In addition, the Biden administration should work with Congress to increase funding to all cities receiving migrants and asylum seekers, including by supporting the ASPIRE Act. That bill would provide an additional \$10 billion for EFSP and SSP funding, helping to lay the foundation for the robust coordination that border and interior communities urgently need.

Real, humane, legal and effective asylum policies and border strategies

The Biden administration should double down on some of the effective, humane and legal policies that it has already initiated or announced, and reject those that punish, ban and block people seeking asylum. Key steps include to redouble efforts to expand regional refugee resettlement, strengthen the administration's pivotal parole initiatives, increase critical humanitarian aid to help remedy the regional protection gaps that have been pushing many to flee north, urgently increase support for safe shelter and other dire needs of people waiting in northern Mexico, maximize access to asylum at ports of entry, properly staff asylum and immigration court adjudications, and improve and restart use of the Biden administration's new asylum processing rule to help adjudicate more asylum cases more efficiently.

Congressional support is essential to assure the appropriations needed to implement effective solutions, including to properly ramp up resettlement, regional humanitarian aid, and U.S. reception and adjudication capacities. By contrast, the failure of Congress to appropriate necessary resources—including a government shutdown—is sure to thwart orderly migration management and adjudications.

The Biden administration should bring its harmful asylum ban policy, which it pledged would only be temporary, to its end now and honor his campaign promise to end such restrictions. A federal district court ruled in July that the asylum ban is unlawful, but it remains in place on appeal. Not only does the policy violate both U.S. and international law, but it has generated strong and diverse opposition from faith-groups, Holocaust survivors, major unions, civil rights organizations, members of the president's political party and other key Biden administration allies. Every

day that it is left in place, it continues to endanger refugees and subvert refugee law.

Congress must also reject attempts to codify into law policies that ban, block or turn away people seeking refuge without providing asylum hearings or interviews that comply with U.S. and international refugee law. Like the Biden and Trump asylum bans, the Trump administration's Title 42 and Remain in Mexico policies were also failed policies that violated and evaded immigration law, inflicted disorder and dysfunction at the border, and led to massive human rights abuses. These dysfunctional policies also spurred repeat entries, led to family separations, pushed people seeking asylum to cross outside ports of entry, and inflated border statistics. Human Rights First tracked at least 1,544 publicly reported cases of kidnappings, murder, torture, rape and other violent attacks against people returned to Mexico under MPP during the Trump administration, and over 13,480 kidnappings, torture, and other attacks against asylum seekers and migrants impacted by the Title 42 policy during the first two years of President Biden's administration.

It is deeply concerning to see many of the most harmful and ineffective policies from recent years included in legislation passed by the House. The "Secure the Border Act of 2023" is a patchwork of extreme anti-immigrant proposals that would shut down the U.S. asylum system and target families and children for the cruelest forms of mistreatment.

Counterproductive policies such as Title 42 and Remain in Mexico have also benefited the criminal cartels that control extensive territories. As Human Rights First detailed in a February 2022 report, cartels adapted to turnback policies by targeting the very asylum seekers turned away by CBP—kidnapping them, purporting to charge them for the right to remain in Mexico, torturing them and demanding ransom payments from their U.S. family members. Some of these organizations worked to actively prevent asylum seekers from approaching ports of entry, as the restoration of port of entry processing for asylum seekers threatens the cartels' control and extortion efforts. Now they are actively targeting people who wait to seek asylum in northern Mexico, driving some to cross in urgent search for safety.

Ending the failed Title 42 policy does not mean that the U.S. border is "open." It means that U.S. immigration and refugee law can no longer be evaded by the spurious invocation of "public health" authority. Policies that ban, block and turn away people seeking asylum are not a solution, they are part of the problem.

The last thing that Congress or the Biden administration should do is to attempt to force, prolong, codify, or resurrect policies that violate U.S. law and obligations under international refugee law and inflict disorder, family separation and massive human rights abuses on people seeking refuge.

Anti-Immigrant Narratives Endanger Communities and Drive Harmful Policies

Anti-immigrant fear-mongering that paints migrants and people seeking asylum as threats and "invaders" fuels white supremacist conspiracy theories and violence targeting Black, brown, immigrant, Jewish and other people, as Human Rights First's experts on extremism and antisemitism have detailed in a recent fact sheet. By portraying immigrants as an existential threat to native-born Americans, this type of rhetoric makes violence more likely, as we have seen in recent years. Eleven people in Pittsburgh and 23 people in El Paso were murdered by white supremacists animated by fears of supposed immigrant "invaders." As these horrifying attacks demonstrate, we cannot divorce this "invasion" rhetoric from its violent and racist origins.

These narratives often rely on a vitriolic combination of disinformation and bigoted stereotypes. For example, immigrants are often portrayed as criminal or violent, even when extensive research shows native-born Americans are much more likely to commit crimes than are immigrants. In recent years, immigrants have been increasingly blamed for the devastating growth of fentanyl usage across the country, despite the reality that fentanyl is most likely to enter the United States through legal points of entry by U.S. citizens.

Lawmakers must refuse to provide a platform for this rhetoric and must swiftly call out racist fearmongering and counter disinformation with reliable and accurate data. To prevent Congressional hearings from serving as vehicles to further popularize extremist rhetoric, lawmakers must effectively challenge the disinformation, bigoted stereotypes, and conspiracy theories on which these narratives rely. For example, 115 Members of Congress co-sponsored H. Res. 413, which condemns the white supremacist "great replacement" conspiracy theory and the terrorist attack targeting the Black community it inspired in Buffalo, New York. Representative Raskin, Ranking Member of the Committee on Oversight and Accountability,

publicly called on his fellow Committee members to denounce white supremacism. Lawmakers, especially those in positions of leadership, can and must proactively and repeatedly counter such statements on the public record, ensure the voices of targeted communities have representation, and support efforts to protect the rights of migrants and asylum seekers.

Recommendations for Upholding Refugee Law

Instead of seeking to prolong, use or resurrect inhumane and counterproductive policies that were part of the Trump administration's agenda, the Biden administration and Congress should work together to:

- Increase support for human rights and refugee hosting capacity in other countries in the Americas, addressing gaps in regional protection, including through efforts to support development of strong asylum systems, reception capacities, access to employment, and protection of rights and safety of refugees and migrants in Mexico and other countries in the Americas. Urgently enhance aid for safe shelter, humane reception and dire needs of people waiting in northern Mexico to seek asylum.
- Ramp up, speed up, support and strengthen regional and global refugee resettlement, improve parole and other safe migration pathways in the Americas, but never use the existence of such pathways to deny access to asylum.
- Uphold refugee law at U.S. borders without discrimination, including to maximize (rather than restrict or “meter”) asylum at ports of entry, and ensure people seeking asylum have prompt access to ports of entry—not limited to CBP One, but also assured to people approaching ports of entry to seek asylum. Maximizing asylum at ports of entry after years of blockage is essential not only to uphold refugee law, but also to end the counterproductive consequences of Trump policies that, by restricting and blocking access to asylum at ports of entry, have long pushed populations that previously sought asylum at ports of entry to instead attempt to cross the border.
- Immediately rescind the Biden administration's asylum ban, which punishes refugees and bars them from asylum. Stop subjecting asylum seekers to expedited removal which diverts adjudication resources and is being used to alter the credible fear standard, including through dangerously fast-tracked screenings in CBP custody where asylum seekers do not have meaningful access to counsel.
- Implement a humanitarian, rather than a punitive and attempted deterrence-based, approach to refugee protection through effective, sustainable, humane refugee reception agency structures, coordination, funding mechanisms, and case support to address the lack of dedicated humanitarian and refugee protection structures that has long hampered the U.S. response to people seeking refuge at its own borders.
- Upgrade asylum adjudication processes so they are accurate, fair, properly staffed, and prompt, including: improve the new asylum rule process so it leads to efficiency rather than rushed and counterproductive inaccurate adjudications, fund sufficient asylum adjudication capacities to address asylum backlogs and ensure timely adjudication of new cases, and support and champion funding for legal representation.
- Stand firm against anti-immigrant rhetoric and efforts, and unequivocally reject attempts to exploit Congressional hearings as opportunities to platform dangerous anti-immigrant conspiracy theories. Reject and oppose anti-asylum Congressional proposals, including efforts to force continuation or enactment into law of the Trump administration's cruel, racist, and counterproductive policies. Draconian policies will not appease perpetrators of xenophobic, racist rhetoric, but will inflict massive human suffering, create more dysfunction, and subvert refugee law globally.

Human Rights First has detailed these steps in its comprehensive recommendations paper issued in January 2023. These strategies lay out a more humane and effective approach.

Let's be clear: we are not, by any stretch of the imagination, an “open borders” nation. Any such assertion is patently false. For example, CBP conducts security checks of people seeking entry at ports of entry or otherwise encountered, and puts people into removal proceedings, expedited removal, and/or refers them to ICE for check-ins. Too often they send people seeking refugee protection to immigration jails. Human Rights First has issued countless reports documenting past and

present asylum bans and the horrifying impact of Title 42. Unfortunately, our government has repeatedly focused on harsh, rights-violating policies that attempt to deter and punish people seeking to migrate or request asylum at the border, only exacerbating bottlenecks and dangerous conditions along the Southwest border and in detention.

Instead of prolonging, codifying, using, or resurrecting unjust, inhumane, and dysfunctional policies aimed at decimating asylum that were initiated under the Trump administration, the Biden administration and Members of Congress should uphold U.S. refugee law, the human right to seek asylum, and U.S. commitments under international refugee law. This includes abandoning efforts to ban or deny asylum to refugees who are otherwise eligible for asylum under U.S. law.

The crisis we are facing is a *global humanitarian crisis*; people are fleeing their home countries due to a rise in political instability, authoritarianism, human rights abuses, climate change, and more. The United States is not meeting the moment, nor is it leading by example; other nations, including those with far less capacity than ours, are welcoming and hosting the overwhelming majority of the world's refugees. We can and must do better to uphold refugee law at home.

Mr. WESTERMAN. Ms. Acer, thank you for your testimony.
The Chair now recognizes Mr. Spencer for 5 minutes.

STATEMENT OF KENNETH SPENCER, CHAIRMAN, UNITED STATES PARK POLICE FRATERNAL ORDER OF POLICE, WASHINGTON, DC

Mr. SPENCER. Thank you. Good morning, Chairman Westerman, Ranking Member Grijalva, and members of the Natural Resources Committee.

My name is Kenneth Spencer and my testimony this morning is delivered in my capacity as Chairman of the United States Park Police Fraternal Order of Police.

Simply put, our organization represents the interests of approximately 350 sworn law enforcement officers of the United States Park Police. I am honored to be here today and very thankful for this opportunity to share officer safety concerns regarding the proposed migrant shelter facilities on Floyd Bennett Field.

On average, U.S. Park Police officers protect 160,000 daily visitors to our national parks in Washington, DC, San Francisco, and New York City. Patrolling a geographic area of over 30,000 acres and more than 75 miles of highway.

Notably, we are the world's leading law enforcement agency when it comes to supporting large-scale special events and other First Amendment activities.

Despite our sweeping law enforcement jurisdiction across Floyd Bennett Field and the surrounding communities, the September 15, 2023 lease agreement between the Interior Department and the City of New York, 61 pages in all, includes only one reference to the United States Park Police, which restates our role as the primary entity responsible for law enforcement issues outside of the camp perimeter within the boundaries of the park area.

Tellingly, the National Park Service never consulted with our agency or our officers to collaborate on law enforcement concerns or operational implementation. Let me be perfectly clear, even without the migrant shelter on Floyd Bennett Field, we are at least 300 officers short of our required minimum level.

Our capacity to serve and protect the public today is literally bursting at the seams. The idea that the U.S. Park Police is

prepared to address 2,000 new migrants left under tents with nothing to do and no ability to communicate is not only imprudent, but it is also perilous.

The proposed migrant's shelter on Floyd Bennett Field falls under the jurisdiction of our Jamaica Bay Station Unit. As of today, there are 25 sworn officers assigned to this unit.

Typically, there are only two officers on duty per shift. I think that is worth restating. Under the officer staffing levels that exist today, just two police officers will be responsible for all the law enforcement matters outside of the tent.

The impact of this staffing reality undeniable, the surrounding public, our officers, and the migrants themselves will face significant safety risks 24/7.

In addition to the extreme shortages of our officers, the Jamaica Bay Unit does not have any of the modern facilities that would be needed to provide law enforcement services surrounding the migrant camp.

For example, we have one holding cell for prisoner processing. Our station phones and computers are at best unreliable, and the station is left unstaffed most of the day.

Windows to the station are unsecured and accessible on the ground level from the outside of the station. To my knowledge, the National Park Service has no plans to address or fix any of this in advance of the migrants moving in.

In fact, the NPS superintendent of Gateway National Recreation Area refused to request any funds for the United States Park Police under the terms of this lease agreement.

Even if one were to ignore the officer staffing shortages, and the dilapidated station facilities, as New York City and the Park Service have done, I have many grave concerns about our agency readiness to protect the public and the migrants themselves.

For example, will the Park Service provide us full time translators to facilitate communications? What will be the processing protocols for arrests? How can we protect migrants from the dangerous currents of Jamaica Bay, the toxic areas containing discarded radioactive materials, and abandoned buildings where homeless are known to congregate?

What protections are in place for the adjacent youth sports center, bird watching sanctuaries, fishing areas, and children's petting zoo. I am not a lawyer, but under these knowingly dangerous conditions, I can only imagine the number of lawsuits the Park Service might face.

Our officers are truly passionate about serving the public throughout the communities under our three jurisdictions. Unfortunately, the National Park Service appears all too willing to erect these migrant camps in a region that is entirely unprepared to mitigate against the safety risks.

My testimony this morning is not one of politics or public policy regarding migrants. Indeed, the law enforcement concerns I speak of today are all too real, dangerous, and irresponsible.

Regrettably, I fear for the safety of our officers, the public, and the migrants themselves. Thank you again for the opportunity to present this testimony today on behalf of United States Park Police Officers, and I welcome any questions the Committee may have.

[The prepared statement of Mr. Spencer follows:]

PREPARED STATEMENT OF KENNETH SPENCER, CHAIRMAN, UNITED STATES PARK
POLICE FRATERNAL ORDER OF POLICE

Good morning Chairman Westerman, Ranking Member Grijalva, and Members of the Natural Resources Committee, my name is Kenneth Spencer and my testimony this morning is delivered in my capacity as the Chairman of the United States Park Police Fraternal Order of Police (“USPPFOP”). Simply put, our organization represents the interests of the approximately 350 sworn law enforcement officers of the United States Park Police (“USPP”). I am honored to be here today and very thankful for this opportunity to share the USPPFOP’s serious safety concerns regarding the proposed migrant shelter facilities on Floyd Bennett Field in south-east Brooklyn.

By way of background, in addition to my capacity as the Chairman of the USPPFOP, I serve as a Master Patrol Officer for the USPP. In my 13 years with the USPP, with the help from my brothers and sisters at the USPP and in other law enforcement departments, I have survived first-hand experiences with several serious and large-scale matters where crowd control was difficult and public safety was in jeopardy. My experience with these matters enables me to predict, with a high degree of certainty, that law enforcement related to the Floyd Bennett migrant camps will be extremely hazardous.

Before my time with the USPP, I proudly served in the United States Air Force as a Law Enforcement Area Supervisor and Nuclear Weapons Security Escort Team Leader with the United States Air Force Security Forces. During these years, I was deployed in support of Operation Enduring Freedom and Iraqi Freedom, completing tours in multiple locations throughout Iraq and Kuwait. I firmly believe my background and experience with such “powder keg” environments involving large populations with almost no ability to communicate between one another is directly relevant to the discussion here today.

United States Park Police

The United States Park Police was created by President George Washington in 1791. The Force functions as a unit of the National Park Service (“NPS”) with jurisdiction in urban federal parks, including all federal lands throughout the District of Columbia, San Francisco, and New York City. Our mission is to provide quality law enforcement to safeguard lives, protect our national treasures and symbols of democracy, and preserve the natural and cultural resources entrusted to us.

On average, USPP officers protect 160,000 daily visitors to our parks, patrols a geographic area of over 30,000 acres across 3 urban metropolitan regions, and more than 75 miles of highway. Notably, we are the world’s leading law enforcement agency when it comes to supporting large scale special events and other First Amendment activities.

Despite our sweeping law enforcement jurisdiction across Floyd Bennett Field and the surrounding community, the September 15, 2023 lease agreement between the Interior Department and the City of New York, 61 pages in all, includes only one reference to the USPP which restates our role as the “primary entity responsible for law enforcement issues [outside of the camp perimeter] within the boundaries of the Park Area.” Tellingly, the National Park Service never consulted with our agency or our officers to collaborate on law enforcement concerns or operational implementation.

Moreover, despite the tens of millions of dollars being allocated to the NPS for rent and park maintenance improvements, not a single penny, according to the signed lease, is assigned to offset the new demands the migrant shelter will put upon the USPP’s New York Field Office. Adding insult to injury, just last week our new Chief circulated an email to all officers, sharing with us that she has been directed by NPS to formulate a budget that anticipates law enforcement cuts in FY24. I struggle to understand NPS thinking when they accept the role of law enforcement oversight of 2,000 migrants one minute, and force budget cuts the next.

United States Park Police Fraternal Order of Police

The United States Park Police Fraternal Order of Police, for the last 30 years, serves as the exclusive representative for bargaining unit employees of the USPP. We negotiate collective bargaining agreements as necessary and administer the labor-management agreement between the officers and the National Park Service. On a day-to-day basis, the USPPFOP communicates the challenges facing USPP officers to the public and their elected representatives with the goal of improving the operational readiness of the Force. Membership in the USPPFOP is voluntary

and we represent all members of the bargaining unit regardless of membership status. We do not have a political action committee, we do not make political donations, and we do not endorse candidates for public office.

Most recently, the USPPFOP has focused on issues related to officer retention and recruitment as the consequences from decades of NPS neglect (across administrations from both political parties) has come to roost. Law enforcement experts who have studied our agency have suggested that the minimum number of officers needed to accomplish our essential missions (without new migrant shelters) is at least 639 and some estimates are as high as 1,400. As of today, we have 528 sworn officers across all three jurisdictions. It is not an overstatement to suggest that, at current staffing levels, our agency is unsustainable.

Let me be perfectly clear, even without the migrant shelter on Floyd Bennett Field, we are at least 300 officers short of our required minimum levels. Our capacity to serve and protect the public today is literally bursting at the seams. The idea that the USPP is prepared to address “law enforcement issues within the boundary of the park area” with 2,000 new migrants left under tents with nothing to do and no ability to communicate is not only imprudent but it is also perilous.

Some in Congress have stepped forward to address the USPP’s recruitment and retention crisis, leading to the introduction of the United States Park Police Modernization Act (H.R. 3924) in the 117th Congress. The bill withered in committee. The officers are hoping that my testimony today might stimulate a bipartisan congressional coalition to revisit that legislation and push for swift enactment before the end of this year.

USPP New York Field Office/Jamaica Bay Unit

The New York Field Office (“NYFO”) is responsible for the law enforcement functions in the Jamaica Bay and Staten Island Units of the Gateway National Recreation Area (“GNRA”), as well as at the Statue of Liberty/Ellis Island National Historic Site. Headquartered on Fort Wadsworth in Staten Island, the USPP has served at the GNRA since its inception in 1974. Additionally, the USPP has full concurrent jurisdiction in New York State and Hudson, Monmouth, Ocean, Essex and Middlesex Counties in New Jersey.

Annually, more than 9.4 million people visit the GNRA, with an additional 4.2 million people visiting the Statue of Liberty National Monument.

As stated above, officer staffing levels is a major concern across the agency, and the NYFO’s Jamaica Bay Unit Station (“JBU”) is certainly no exception. As of today, there are 25 sworn officers assigned to the JBU (which will be tasked with the work surrounding the migrant shelter). Typically, there are only 2 officers on duty per shift.

It’s worth restating . . . under the officer staffing levels as it exists today, just two police officers will be responsible for all law enforcement matters “outside the tent.” The impact of that staffing reality is undeniable . . . the surrounding public, the officers, and the migrants themselves will face significant safety risks 24/7/365.

Beyond the staffing crisis, I would urge Members of this Committee to also consider the JBU facilities and infrastructure environment (none of which, according to our conversations with NPS, will be addressed before—or after—the migrant shelter is opened). The JBU unit, tellingly, was opened in 1974 and has not been significantly refurbished since. More specifically:

- The JBU has one holding cell for prisoner processing. If there are multiple arrests or if a male and female or juvenile are in custody, there is no holding cell to safely process multiple prisoners. Prisoners are handcuffed to a bench or chairs in the hallway;
- The walls adjacent to the JBU holding cell door have shown structural integrity issues;
- The JBU computer and phone systems are unreliable, forcing officers to use personal cell phones for sensitive communications and transporting prisoners to Staten Island or Jersey City to be processed; and,
- Despite the presence of dozens of agency-issued rifles and shotguns, there is no station security at JBU, meaning that the station is frequently left unstaffed because both officers on shift are responding to calls or on patrol. Moreover, the windows to the station are unsecured and accessible on ground level from the outside of the station. Because the station is not HVAC equipped, many of the windows have air conditioners which could be easily discarded from the outside. Once inside the station, intruders would quickly find the lockers that house our issued rifles and shotguns.

None of these infrastructure problems, to our knowledge, are being addressed in anticipation of the migrant shelters on Floyd Bennett Field. In fact, NPS officials have indicated that no funds will be made available to improve or modernize the dilapidated JBU station conditions.

Floyd Bennett Field Migrant Camp: A Law Enforcement Nightmare & Public Safety Disaster in the Making

To begin, I want to acknowledge and thank our brothers and sisters in the New York Police Department (NYPD) who have been forced into the role of providing law enforcement services inside the camp itself. We wish them the best, knowing that they are also facing retention and recruitment issues that will only be exacerbated by their new, and dangerous, responsibilities on Floyd Bennett Field.

But the law enforcement challenges do not end at the tent's edge . . . and, in fact, they only become more taxing on the officers and threatening to the surrounding neighborhoods. Under the terms of the lease agreement, the NPS committed the USPP to be responsible "for the safety and security of [the migrants], including safety, security, and maintenance of their personal property."

It is important to keep in mind that the thousands of male migrants from Africa, the Middle East, Haiti, Venezuela, and other countries are not prisoners. They are free to come and go as they please. It is only to be expected that the migrants will cross the foot bridges and enter Riis Park, Fort Tilden or any other surrounding community where it become more difficult to anticipate policing needs.

Thinking through the surrounding area, we can easily anticipate a number of law enforcement concerns that were ignored or never considered by the parties to the lease agreement:

- As stated above, a typical JBU shift assigns 2 officers to patrol the entire jurisdiction. Two officers cannot possibly protect the safety of the public on the nearby trails, beaches, and residential communities with this added responsibility.
- Given the diversity of countries that the migrants are from, there are no on-site translators to help with violence that erupts or when migrants experience life-threatening medical situations. The lack of official translation services could be life threatening.
- Relatedly, what will be the processing protocol for arrests? Will migrants be processed through the state and central booking if they refuse to identify themselves? Are USPP officers to report criminal charges to immigration authorities?
- Floyd Bennett Field is surrounded by the waters of Jamaica Bay. The migrants will be a 5-minute walk to deep, fast-moving currents. There are no lifeguards on the Jamaica Bay beaches and drowning accidents are not uncommon.
- The Brooklyn community has long cared for Floyd Bennett Field and, in particular, the area *immediately adjacent* to the proposed migrant camp is home to dozens of community activities events, including:
 - A sports center for youth and high school athletics, summer camps, children's parties, playgrounds, rinks, rock climbing walls and other activities focused on families and children.
 - A migration area for birds, which attracts thousands of bird-watching visitors.
 - Summer bicycle races sponsored by local nonprofit groups.
 - A children's petting zoo with hay rides.
 - An archery range and multiple fishing areas.
- Areas of Floyd Bennett Field and Dead Horse Bay contain toxic residue from aviation fuel and radioactive materials. There is no effective way to protect the migrants from unknowingly wandering into these areas with just two officers on patrol.
- There are approximately 10 abandoned buildings on Floyd Bennett Field, none of which are fenced off from intruders. These buildings have structural concerns and USPP officers routinely witness homeless people enter and exit these properties.
- Given the lack of USPP officers, the NPS will undoubtedly face numerous lawsuits regarding any number of incidents that are predictable given the obvious inability for 2 USPP officers to supervise 2,000 migrants.

- There is already significant community opposition to the migrant shelter on Floyd Bennett Field. In the event activists enter the park, how can the USPP manage a large-scale protest, protecting the entire community including the migrants, with little or no notice?

Conclusion

Officers of the United States Park Police are truly passionate about serving the public within the communities under our three jurisdictions. We are humbled by our responsibility to protect the millions of park visitors, as well as the surrounding residents and businesses. But we are equally proud of the legacy we leave behind—protecting our parks and national monuments so that future generations can enjoy them safely and without impairment.

Unfortunately, the National Park Service does not share our view, or the view of the surrounding neighborhoods, of the urban parks and appears all-too-willing to erect migrant camps in a region that is entirely unable to mitigate the risks. Make no mistake, NPS along with the City of New York, sold out the safety of visitors to Floyd Bennett Field and the surrounding residents and neighborhoods, in order to erect the migrant shelters. They know full well that the US Park Police, thanks to decades of NPS neglect, is in no position to provide adequate law enforcement services to guard against the significant safety issues that are undeniably forthcoming.

My position on this matter is not one of politics or public policy regarding migrants. Indeed, this testimony is based solely on law enforcement concerns that are all-too-real, dangerous, and irresponsible. Regrettably, I fear for the safety of our officers, the public, and the migrants themselves.

Thank you again for the opportunity to present this testimony on behalf of the members of US Park Police Fraternal Order of Police. I welcome any questions you have.

Mr. WESTERMAN. Mr. Spencer, thank you for your testimony and for your service.

The Chair will now recognize Members for 5 minutes each for questions. We will begin with the gentleman from Colorado. Mr. Lamborn, you are recognized for 5 minutes.

Mr. LAMBORN. Thank you, Mr. Chairman. Thank you for having this hearing. Thank you for talking about the positive solutions the Republican Conference has put forward, like H.R. 2, addressing this serious problem.

Gateway National Recreation Area was created by Congress in 1972 with “the dream of bringing a national park experience to the New York Metropolitan area.” Think about that. Bringing a national park experience to the New York Metropolitan Area.

But what we have under the Biden administration is exactly the opposite. It is bringing a New York Metropolitan experience to the national parks. And I shouldn’t be surprised about the hypocrisy of the Biden administration.

The purpose of the Bureau of Land Management, for instance, is to maintain working land, but a few weeks ago, we found out that the Biden administration wants to lock up working land under conservation easements.

The purpose of a resource management plan is to manage public resources, but the BLM in Colorado, my state, has proposed a withdrawal of 1.6 million acres of land that was adequately planned and prepared under a resource management plan.

So, now to the topic at hand, the National Park Service in New York City wants to house thousands of migrants on park land.

Ms. Ariola, I have a question for you. Does the general management plan for Gateway National Recreation Area include provisions for migrant housing?

Ms. ARIOLA. At a recent hearing last Thursday, discussing the migrant crisis and different parks and shelters, I directly asked the Administration if there was a plan in place if the national park at Floyd Bennett Field should become a migrant base camp.

The first answer was, it is evolving. When I pushed further—

Mr. LAMBORN. So, no, they don't have an existing—

Ms. ARIOLA. Correct. When I pushed further, the answer was, no.

Mr. LAMBORN. Thank you. So, where do they get the authority to house migrants on Park Service land, not to mention the arbitrary waiving of an environmental regulation?

Ms. ARIOLA. Without a proper plan in place, this would never work. It is an ill-conceived plan and there are no measures that are taking place. This is an area that does not have any sewer system. Therefore, sewer and provisions have to be brought in. And it doesn't have any type of water source. So, you would have to bring water in, but you can't have propane tanks, so it would be cold water.

Mr. LAMBORN. OK. Thank you. I am going to move on to my next question. Section 8623 of the 2018 Farm Bill allows the Forest Service to lease Federal land for administrative functions.

We are wondering, in Colorado, if that includes temporary housing for agency employees.

Ms. Acer, I have a question for you, do you believe that administrative site leasing or employee housing should be construed to be open to housing migrants?

Ms. ACER. Thank you very much, Congressman. I am actually not an expert on parks or the law that governs them. I am here today to talk about solutions for leading to protecting people seeking asylum in the United States.

Mr. LAMBORN. OK. So, you can't speak as to whether this could become a template for other parks, all over the United States, and the other 49 states?

Ms. ACER. No. I really would like to stick to the areas that I know best because I am testifying in front of Congress and really do want to be completely accurate. Thank you, sir.

Mr. LAMBORN. OK. Well, thank you, but that is a big concern to us. I was hoping you might be able to shed some light on it.

My next question. In October 2021, Eric Adams, the Mayor of New York City stated, "We should protect our immigrants. Yes, New York City will remain a sanctuary city under an Adams Administration."

However, you see the quote behind me here, he said, "This issue will destroy New York City." So, a lot can change in 2 years.

Ms. Williams, I have a question for you. What do you think changed the Mayor's mind over the last 2 years?

Ms. WILLIAMS. I guess you are going to have to ask the Mayor himself. That is the problem at hand. As we come before you, it is about Floyd Bennett Field, our national park. The Mayor, he would have to answer that question. He said what he said, but on this day, we are here to talk about the misuse or the intent to house 2,000 plus single men at Floyd Bennett Field, our national park.

Mr. LAMBORN. My concern is that New York City, a wealthy part of our country, if it is having trouble with this housing crisis, what about all the other communities around the country? Either our border states or other states, how are they going to be able to cope?

Ms. WILLIAMS. Absolutely. I don't have the answer for that.

Mr. LAMBORN. Thank you so much. Thank you for being here.

Mr. Chairman, I yield back.

Mr. WESTERMAN. The gentleman's time has expired.

The Chair now recognizes the gentleman from California, Mr. Huffman for 5 minutes.

Mr. HUFFMAN. Thank you, Mr. Chairman.

I think a lot of folks at home, especially if they followed the work of this Committee for the last 9 months, are probably pretty confused.

Why are we here in the Natural Resources Committee talking about the migrant challenges we face? The asylum system being overwhelmed because of a complex set of issues that Ms. Acer talked about. Why is that happening here in the Natural Resources Committee?

Why do we have Republicans, who have spent the last 9 months and, in some cases, their entire careers slashing the budgets of the National Park System and the Interior Department suddenly today gravely concerned about the integrity of our National Park System?

Why do we have Republicans who have spent the last 9 months attacking our bedrock environmental laws trying to undermine them in every way possible, suddenly urging more aggressive enforcement of our environmental laws?

Why is all of this happening? Well, team extreme and the MAGA chaos agents that control this narrow dysfunctional Republican Majority are 3 days away from shutting down the government.

Welcome to the distraction. They don't want to talk about what that is going to do to the National Park System. They don't want to talk about what that is going to do to the border patrol agents, and asylum workers, and everyone else who is trying to deal with a really difficult challenge. They want to change the subject.

So, you see all of this stagecraft, and theater, and vitriol because it induces hyperventilation and internet clicks and distraction, like their favorite narrative.

Now, one week ago this hearing was supposed to be a markup. So, why are Interior Department officials not here? Because one week ago, they were busy filling up their calendars with real work.

But something changed. As we got closer to that MAGA government shutdown, a distraction was needed. So, this hearing was quickly repurposed to an oversight hearing about something that you have to stretch and strain the jurisdiction of this Committee to even be talking about.

That is why we are here. And it is oh so popular. We have Republican Members waving on to this Committee to be part of it. Isn't that interesting?

Now why New York City? I don't really think of most of my Republican colleagues as caring much about New York City most of the time, but the fact is this narrow dysfunctional Republican Majority runs through the state of New York.

And right now, because of a series of unfortunate events, some Republicans managed to get themselves elected to Congress and they are about to be held accountable for the chaos and dysfunction of this crazy Republican Majority and the government shutdown that we are 3 days away from bringing, and they need some air cover.

They need to distract. So, that is why we are here. That is why we are talking about this unlikely issue, and that is why it is centered in, of all places, New York City. It is about distraction and air cover.

So, Ms. Acer, I want to thank you for providing the broader context for this conversation. I want to thank you for the incredible work that you do for human rights. And I want to shed a little light on the issue that our Republican colleagues don't want to talk about, and that is all the stuff that is going to happen 3 days from now when they shut down the government.

Could you speak a little bit to the inevitable impacts of a government shutdown when it comes to the folks who are straining to deal with this overwhelming situation of providing humanitarian treatment of asylees? Processing asylum claims?

I mean, for goodness sake, all these folks, including the border patrol agents, that have the tough job of dealing with both legal and illegal border crossings, they are about to start going without pay because of this MAGA government shutdown.

Could you speak a little bit to what that means for the issues that you are working on?

Ms. ACER. Certainly. Thank you, Congressman.

A government shutdown would be disastrous, and would undermine the United States' ability to manage migration and refugee protection at home and regionally.

A shutdown will, in particular, wreak havoc on the immigration courts. Back when there was a government shutdown in 2019, some of you may know, 80,000 to 94,000 cases had to be canceled and put off for years.

And those cancellations and adjournments added to the backlog that have already been existing.

Mr. HUFFMAN. How about the national park unit we are talking about here today?

Ms. ACER. I think I would defer to Mr. Spencer on the details of how something like this would impact the national parks, but I did hear him talk about resource issues.

In addition to the immigration courts, we also have real concerns about the impact that a shutdown could have on many of the critical services that are conducted day in and day out by humanitarian organizations that are helping to welcome people seeking asylum.

We really urge that steps be taken to ensure that that does not happen, because that would really be a disaster for U.S. communities.

Mr. HUFFMAN. Thank you, Ms. Acer. I am out of time. I yield back.

Mr. WESTERMAN. The gentleman's time has expired and I was reminded, during that round of questioning, about how it was Republican-led initiative on the Great American Outdoors Act that

put \$6.5 billion into the National Park Service, signed by President Trump.

So, thank you for that reminder.

The Chair now recognizes the gentleman from California, Mr. McClintock.

Mr. McCLINTOCK. Thank you, Mr. Chairman.

First of all, for the record, the Constitution was America's best idea. The national parks were one of our better ideas, and the Democrats' open border policy is clearly unquestionably America's worst idea.

Since Biden took office, that policy has produced the deliberate release into our country, in direct violation of Federal law, 2.6 million illegal immigrants.

Our law requires that every asylum seeker be detained until their asylum claim has been adjudicated. That law is being ignored.

Now, by the way, that is the population of the state of West Virginia, and while the border patrol has been overwhelmed dealing with that, another 1.7 million known Gotaways have illegally entered our country as well.

That is an additional illegal population the size of New Mexico. So, in the last 34 months the Democrats have admitted two new states into the country, the size of West Virginia and New Mexico. Virtually all of them destitute, desperate, and dependent.

They have migrated to sanctuary cities like New York and the hypocrisy of declaring yourself a sanctuary city where illegal immigration is welcomed and encouraged and then protesting the result of that, is the ultimate comic tragedy.

Now, Mayor Adams has complained that the 110,000 migrants in his city will destroy it, and he blames Texas. Well, Texas is responsible for sending about 15,000 illegal immigrants, with their consent, to New York, but as Governor Abbott just pointed out, all the rest were sent by Joe Biden, once Biden allowed all of them into the country in the first place.

And, of course, we have the same problem in California. New York and California voters overwhelming voted for Biden and the Democrats. So, folks, sorry, but you get the government you vote for.

And when you voted for the Democrats, this is exactly what you voted for, and if you are surprised by this, you weren't paying any attention.

As Abraham Lincoln said, the voters are everything. If they get their backsides too close to the fire, they will just have to sit on the blisters a while. That might be painful, but hopefully it is a learning experience, or as Cicero put it, I don't blame Caesar, I blame those who cheered for Caesar.

So, the issue is not where this unprecedented illegal mass migration is being settled. The issue is that this Administration, the people that have been elected to it, and have not only allowed it but have actively encouraged it, not as a matter of incompetence, or as the Chairman called it, a mistake, they have done it methodically and deliberately and this is going to continue until the people responsible for these policies have been turned out of office, and you have already heard from a few of them today.

The issue goes far beyond the decision to turn our national parks into migrant camps. Explain to me how we make our communities safer by making it all but impossible to deport criminal illegal aliens and instead release them back into our communities?

This is the central function of sanctuary cities, which New Yorkers have happily voted themselves to be. How do we protect our citizens by inviting the criminal cartels to set up shop in our communities and then flood them with fentanyl and other lethal drugs?

How do we make our schools better by packing our classrooms with non-English speaking students? How do we strengthen the social safety net for Americans by admitting millions of impoverished, homeless, and destitute people into our country?

How do we make our hospitals more accessible by cramming them with illegals demanding uncompensated care? How do we improve the wages for working Americans by flooding the labor market with cheap illegal labor?

History is screaming this warning at us that countries that either cannot or will not secure their borders simply aren't around very long.

Without borders, we have no country. We have simply become a vast, lawless, plundered international territory between Canada and Mexico.

We had finally secured our borders during the Trump administration. Trump's Remain in Mexico Policy all but brought phony asylum claims to a standstill. The border wall was nearing completion and court ordered deportations were being enforced.

On his first day in office, Biden reversed those policies and has produced the worst illegal mass migration in history. The bill passed by the House of Representatives, H.R. 2 would restore our borders, but the Democrats are blocking it in the Senate and Biden has vowed to veto it.

And that is the real issue and that is the issue at the center of this hearing. Mr. Huffman made it clear that the Democrats consider this crisis a mere distraction. I wonder if the people might have a different opinion.

I yield back.

Mr. WESTERMAN. The gentleman yields back.

The Chair now recognizes the gentlelady from New York, Ms. Velázquez, you are recognized for 5 minutes.

Ms. VELAZQUEZ. Thank you, Mr. Chairman.

Today, the Committee is holding a disingenuous hearing under the guise of protecting National Park Service land.

This is ironic considering that the Republican party is currently fighting to cut the NPS budget by approximately half a billion dollars in the Interior Appropriations Bill and is pushing our country toward a disastrous government shutdown that will furlough many NPS employees and disrupt the maintenance of parks across the country.

This politically charged stunt to distract from the fact that Republicans have no solution to avoid a shutdown just as they have no real solutions to the situation in New York City.

Please don't come here and kid ourselves. This is not about national parks. This is about their inability to govern. Politicians

from states like Texas and Florida have fueled this emergency and manufactured a crisis that local state and Federal officials will be forced to solve.

Instead of bickering about what the demand of the day is, to fund the government and avoid a shutdown, we need Republicans in Congress to come to the table and work with us to fix this through real substantive immigration reform.

And to not do so is basically looking for a political talking point to attack cities like New York. Not simply yelling and screaming over a lack of border security.

As one of the two New Yorkers on this Committee, I am deeply disturbed by this hearing, because I know firsthand that the situation in New York City is a humanitarian crisis and not a partisan issue.

Let me just make sure that people fleeing violence and persecution, regardless of nationality or other demographics, can access functioning asylum and Refugee Resettlement System in this country.

New York City is doing all it can to accomplish this, but they cannot do it alone. Asylum seekers deserve to be treated with respect and dignity, not treated as political pawns to taut anti-immigration rhetoric, which is deeply rooted in racism and xenophobia.

At every step, Republicans have made this crisis worse. It is time for us to put politics aside and address this issue head on.

Ms. Acer, in a podcast conversation with reporter Errol Louis, a New York City Republican candidate for mayor suggested housing migrants at Rikers Island, the city's central jail.

Can you explain the dangers of ostracizing asylum seekers in a facility normally used to contain individuals who have broken the law?

Ms. ACER. Thank you very much, Congressman for that question.

Over many, many years of doing this work, both as an individual lawyer representing asylum seekers and since then, I visited many of the immigration jails in this country where we send people seeking asylum.

I have been to the detention centers where families are held and heard about how difficult it was for them to be held in these facilities.

I have spoken to people who came to this country because they believed in freedom, because they believed in what this country stood for and they were shocked again and again to find themselves handcuffed and shackled when they asked for protection, sent to immigration jails and left in prison uniforms, often for long periods of time, denied release, even if they have family members or friends in this country sometimes.

Sending people seeking refuge to immigration jails or Rikers Island is definitely not an answer. I outlined in my paper many solutions that really are effective.

Ms. VELÁZQUEZ. Thank you for that answer. I yield back the balance of my time.

Mr. WESTERMAN. The gentlelady yields back.

The Chair now recognizes the gentlelady from American Samoa, Ms. Radewagen, for 5 minutes.

Ms. RADEWAGEN. Thank you to the Chairman and Ranking Member for holding this hearing today.

I want to start by saying that, by no means should we turn a blind eye to refugees in need. Despite some of the rhetoric that gets thrown around when discussing this sensitive issue, I am sure none of my colleagues are suggesting anything so cold hearted.

However, I say this as someone from a culture of hospitality, charity, and service. If your own house isn't in order, you are no help to anyone.

In addition to the very real and very practical concerns over the camp site in question, I want to point out that our colleagues over in the Judiciary Committee have been struggling with DHS over their ability, or perhaps it is better to say inability, to process migrant paperwork.

The people who come to this country deserve dignity and a fair chance at the American dream, but some of the Administration's policies are proving to be counterproductive to that goal.

A mismanaged house quickly becomes rundown and provides no shelter to anyone. President Biden's reckless border policies are turning every city in America into a border city and the impacts are undeniable in New York City.

Today, we gave the Administration an opportunity to come before the Committee and answer to the American people regarding their failed immigration policies and fortunately, as you can see, President Biden is not interested in transparency and accountability when it comes to the southern border and the migrant crisis in New York City.

Council Member Ariola and Assemblywoman Williams, if we had an administration official here today, what would be your message to them?

Ms. WILLIAMS. I would say that the use of our national park is not up for grabs and I am saying this to you right now, that this Floyd Bennett Field is located in the southeast side of Brooklyn.

It is a bipartisan fight that you are seeing here. I am sorry that we are in the crossfire between what the Republicans are doing and the Democrats, but that is not the purpose of why we are here.

We are here to protect our national park that has become a place of interest to house 2,000 plus migrants into our backyard that is used by our constituents and throughout the state.

It has become a very local issue. So, I would say, there was no public hearing and I would ask, on behalf of every one of my constituents, and every American citizen that believe and visit our national park, to please withdraw this lease. Thank you.

Ms. RADEWAGEN. Ms. Ariola?

Ms. ARIOLA. Thank you.

What I would say is New York is in trouble. When you have a Democratic mayor who was welcoming migrants only a year ago saying that it is going to destroy New York City and a Democratic governor saying, if you are leaving your country, go somewhere else, they are not Republicans. Those are Democrats.

This is a bipartisan issue that is happening in New York City. We have 206 shelters. It costs us \$383 per day, per migrant to

house them. We are now looking at national parks, which means we are at our borders here.

We cannot sustain it anymore. All of our hotels, any available housing are full. They are full to capacity. It is 120,000 plus migrants that have come into New York without the Walkaways.

We are seeing more and more people living on the streets. This is not humanitarian. We need to do something. So, what is happening now?

Our governor has asked for the use of our natural resources, our parks, the things that we all, in this Committee, stand to protect. That is why this Committee is here.

We talk about protected lands. We talk about endangered species. We talk about climate change. But none of that matters at Floyd Bennett Field, or Fort Wadsworth, or Fort Tilden, or at any of the Gateway Recreational Areas.

This is not about crossfire, as my colleague said, this is about putting 2,000 to 7,500 human beings on a property that floods regularly and is covered when we do have a climate incident like Sandy.

It is not a place that can house long-term residents and it cannot house short-term residents. It doesn't have any type of police force. We talked about NPS and their inability to provide services.

So, does the NYPD have a less headcount as the FDNY. The Mayor's management report stated that both those agencies have had higher response times. What will happen if we do get hit with a hurricane?

We have to evacuate the entire Rockaway Peninsula, all of the Brooklyn portion of the burrow, and we have to pass by Floyd Bennett Field. Floyd Bennett Field isn't even an option for the residents to go to for safety when there is a climate emergency.

So, it is not about politics today. It is about our national resources; it is about opening a door to our national parks that can then set a precedent to happen in each and every one of the national parks in each and every one of your states.

And it is also placing migrants in a place where they would not be safe. And we are in agreement on that. and that is a bipartisan agreement. Thank you.

Ms. RADEWAGEN. Thank you.

Mr. WESTERMAN. The gentlelady's time has expired.

The Chair now recognizes the gentlelady from New York, Ms. Ocasio-Cortez, you are recognized for 5 minutes.

Ms. OCASIO-CORTEZ. Thank you so much, Mr. Chairman.

And I would like to emphasize some of the remarks that Ranking Member Grijalva made in the opening of this hearing, which is really lining out the differences between the folks who are identifying solutions and those who are not.

I would like to submit to the record two statements from what is known as the Commonsense Caucus in the New York City Council, I believe of which Council Member Ariola is a member.

The first is a statement on the migrant crisis and the second is a statement on Secretary Mayorkas as well.

Mr. WESTERMAN. Without objection.

Ms. OCASIO-CORTEZ. Councilmember Ariola, it says here that this statement is in opposition to work permits and work authorizations for newly arrived asylees, is that correct?

Ms. ARIOLA. That is correct.

Ms. OCASIO-CORTEZ. So, you are in opposition and in this letter, it says, “the migrants who have recently arrived in New York should follow the lawful immigration process,” does that sound familiar to you?

Ms. ARIOLA. Yes, it does.

Ms. OCASIO-CORTEZ. Are you aware that seeking asylum is a lawful immigration process?

Ms. ARIOLA. When it is deemed to be asylum.

Ms. OCASIO-CORTEZ. Yes.

Ms. ARIOLA. It has not yet been deemed to be asylum seekers.

Ms. OCASIO-CORTEZ. And are you aware that for application, you have to arrive in the United States in order to apply for asylum, correct?

Ms. ARIOLA. That is correct.

Ms. OCASIO-CORTEZ. So, arrival is also part of that lawful process. I would like to highlight that.

So, when we opposed work authorization, we have folks who are opposing the ability for people who are seeking a lawful process to support themselves who don’t want to be a strain on public systems, and we have folks who want to block people from being able to follow the same American dream that almost every person here, their family comes from.

Folks coming here with nothing but the shirt on their back and getting a job and supporting a family. We have folks who want to deny that. On a Federal level, we have folks who oppose comprehensive immigration reform.

We are cutting funding, not just to our National Park Service, but to our overall supportive services. We are on a brink of shut-down right now so that none of these things can get processed in the first place.

And then, while we are in this process of opposing work authorizations, I think it is important to note that these systems are being overwhelmed in the first place because of large parts of contributions to solve this problem.

If we are serious about addressing this issue, we need to also make sure that we are opening and allowing people to be documented. And I can’t, for the life of me, understand why there is such partisan opposition to doing this.

I mean, truly and in addition to that, we also need to be assessing the foreign policy decisions that we are making that are driving people to our southern border in the first place.

There is so much rhetoric out there blaming other countries and their dysfunctions for why people are coming to the United States, when we are engaging in interventionist policy abroad and when our sanctions in Latin America are part of the picture here.

So, we are either going to agree to those things and take on the responsibility of the consequences or we are going to reassess our policy. It is outrageous to be using the City of New York, where by the way these asylum seekers, their kids are enrolling in school, those who can seek work are doing it right away, that by the way

they are trying to fill labor needs that we have long had as a city and state.

We should be paving the pathways to make this as easy as possible and perhaps we wouldn't need and perhaps there wouldn't be a Floyd Bennett Field situation if people were actually supporting a smooth system here.

Assemblymember Williams, I didn't hear, in your testimony, I understand the concerns you are raising about the field. I didn't hear in your testimony the alternative sites you have advocated for. Could you remind me of which those are?

Ms. WILLIAMS. The alternative sites to house migrants?

Ms. OCASIO-CORTEZ. The alternative site to Floyd Bennett Field?

Ms. WILLIAMS. Well, in the conversation, as we—

Ms. OCASIO-CORTEZ. I am sorry. I only have 18 seconds. Which are the sites that you propose as an alternative?

Ms. WILLIAMS. I don't have a proposal of another site.

Ms. OCASIO-CORTEZ. So, you don't have a proposed alternative? No proposed alternative. No solutions here. No ideas here, but Democrats, we are authorizing 500,000 work permits so people can get on their feet and support themselves.

Democrats, we are proposing comprehensive immigration reform. Democrats, we are talking about saying, let's reassess our foreign policies so that people aren't fleeing and making sure that we aren't participating in the destabilization of what is happening abroad.

And all I am hearing right now is that we are not being met in the middle. No support, no path to citizenship, no identified alternatives, just grievances. We need to get it together and make sure that we are getting on the right page.

And if the ideas being presented here in this Committee are being disagreed with, I would like to see some actual functional alternatives that center and preserve the dignity of both people who are coming here to fulfill the American dream and the American citizens here who want to support them.

And with that, I yield back to the Chair. Thank you.

Mr. WESTERMAN. The gentlelady's time has expired. The Chair now recognizes—

Ms. ARIOLA. Chair, may I just respond with permission, please?

Mr. WESTERMAN. Maybe the next person asking a question will yield you time.

The Chair now recognizes the gentleman from Idaho. Mr. Fulcher, you are recognized for 5 minutes.

Mr. FULCHER. Thank you, Mr. Chairman. And I will just right out of the chute agree with my colleague from New York. We need to get it together on the border where it starts.

Mr. Chairman, I want to thank you for doing this today. For your leadership on this. Just for the public record, point out that it is a Republican Chair of Natural Resources that is the one bringing this forward.

I am going to guess that the Mayor of New York, Mr. Adams wasn't thinking that Chairman Westerman was going to be his ally within the last year, but here we are. So, thank you for your leadership, Mr. Chairman.

Whether we like it or not we are in a war, and we are in a war on the southern border with the cartels. I am from Idaho. Not exactly a border state, southern border anyway. We have a northern border. But in the state of Idaho, for the first time in our state's history, fentanyl convictions have surpassed convictions related to methamphetamine.

I don't have the numbers in front of me for fentanyl related deaths, but it is off the charts, comparatively speaking. Last year, local police in Idaho, in the central part of state, small town recovered 30,000 fentanyl pills from one person, and that is in central Idaho.

That is a long way from the southern border, but that is where they came from. Not only is the fentanyl epidemic impacting cities across the country, but it is killing our next generation.

But this is not a priority for this Administration. And, Ms. Williams, I was looking at your testimony and listening to you and welcome to our world. The Administration is from your party.

This is what we are struggling with. For the month of September, we are about to break an all-time record of apprehensions on the southern border, and we wonder why this is a problem.

Ms. Ariola, in your testimony you spoke out against using Floyd Bennett Field as a shelter for migrants. Not only does it violate your sovereignty, but it, certainly in my opinion, placates the problem we have on the southern border.

How many constituents do you represent in New York? About? Ms. ARIOLA. Just shy of 170,000 constituents in my district.

Mr. FULCHER. 170,000. This month alone we are looking at approximately 210,000 apprehensions on the southern border. Just this month. And that is just apprehensions.

Compared to the population of your constituency, that is a huge number of people. So, as a New York City Council Member, and I apologize for not being here on the front end of your testimony, but have you heard significant pushback using Floyd Bennett Field from your constituency?

Ms. ARIOLA. Oh, yes. We are. And just to speak to the work authorization and the giving any other type of alternatives. We have done that.

All City Council Members were asked to give alternatives and alternatives were given, and I do have shelters, within my district, that we work well with.

We are hearing from our constituents that we only have one police force on the Brooklyn side, the other is the 63rd Precinct, on the Queens side is the 100th Precinct. Each are down in numbers. We have no more than four cars in patrol of the entire command at any given time on the Queen's side. They can never get over to Floyd Bennett Field and patrol that area as well.

Fire Department. If you look, the Mayor put out his management report and response times for both the NYPD and the FDNY are significantly higher. So, now you are thinking about having FDNY then cover Floyd Bennett Field, which has fire hydrants that are not all operational, but are currently being checked today.

Mr. FULCHER. Ms. Ariola, because I am just about out of time, I am going to, from your comments, make the assumption that

your constituents agree that we have a problem on our southern border.

Ms. ARIOLA. Yes.

Mr. FULCHER. And they probably lost their sense of humor on accommodating more migrants until we deal with that problem. Is that correct?

Ms. ARIOLA. That is absolutely correct.

Mr. FULCHER. Thank you.

Mr. Chairman, once again, it was you that took the initiative on this. And I just can't emphasize strongly enough that I appreciate you being willing to do it. All of us need to eventually come together to solve this thing, but I appreciate your leadership in taking the right step in Natural Resources. I yield back.

Mr. WESTERMAN. The gentleman's time has expired.

I know there has been a lot of talk about funding of the Park Service. Since Fiscal Year 2013, the National Park Service budget had increased about 26 percent, the largest percentage of which was in 2018, under the Trump administration.

And I will also note and enter into the record the Biden administration requested a decrease, a decrease in Fiscal Year 2024 in their budget request, a 19.9 percent cut, which is \$1.23 billion and as my colleagues have mentioned, the Interior markup only cuts it half a billion.

So, without objection, I will enter that into the record.

The Chair now recognizes the gentlelady from New Mexico. Ms. Stansbury, you are recognized for 5 minutes.

Ms. STANSBURY. Thank you, Mr. Chairman.

And I want to welcome all of our witnesses who are here today and especially those of you who traveled to be here.

And I really do genuinely welcome the opportunity to hear from our communities, to hear from our local officials, but I do have to note that it is very odd to be having what appears to be a New York City County and City Council meeting in the chambers of the House Natural Resources Committee.

I think it is notable as well that all of the Members who sit on this Committee from New York did not ask for this hearing and actually support the city and the state's request to use this space.

And I do want to clarify, because there has been some misinformation propagated on the other side of the aisle this morning that it was, in fact, the city of New York that requested this lease.

It was not the Federal Government. So, I understand we have a Federal oversight role here, but it was the city of New York and the state of New York that have asked to use this emergency space, which, by the way, has been used previously as emergency shelter and for other emergency purposes, including during Superstorm Sandy.

So, I think it is very disingenuous for folks this morning to be representing this as somehow something other than it is. There has also been a lot of misrepresentation of the Mayor of New York statements and a sense put forward, including this ridiculous sign back here that the Mayor made these comments with respect to the use of this emergency site, and that is just factually untrue.

But I think we all know here that this is not what this hearing is about. It is being held the week that our colleagues, unfortunately, across the aisle have been unable to pass a Federal budget and in 4 days will shut our government down.

And this really is a publicity stunt. I mean, look at the posters in the room. When I walked in here this morning, the staff were putting up these posters. This is not about the people of New York.

I have great respect for the people of Brooklyn and the people of New York. This is a humanitarian crisis. This is a serious immigration issue. We do have a humanitarian crisis happening right now.

There are thousands of people coming to the United States right now. I represent a border state. I represent the people of New Mexico. And we know that we have to search for real solutions, but if this was an actual Federal oversight hearing on immigration solutions, we would be in a different committee for one, and two, we would be talking about actual policies that would solve the problem.

But that is not what we are talking about here. In fact, the budget that is going to be brought to the Floor in the coming days would slash the very programs that help address asylum.

I mean, it is ridiculous. It truly is ridiculous. And it is not even a real budget. It is not even going to pass. They are bringing a budget to the Floor that is not going to pass and then they are going to shut the government down.

I mean, it is truly outrageous. It really boggles the mind. So, I do want to say to my colleagues, if you want to work on immigration reform, let's work on immigration reform. We need bipartisan immigration reform.

We need a pathway to citizenship. We need an asylum system that works. We need border security that is humane and appropriate. We need to address this crisis. We need you to act, but you have to keep the government open first.

And we need you to come to the table and actually work on bipartisan immigration reform. Stop blocking it. Stop bringing false solutions forward and stop using the people of New York for a publicity stunt.

And stop demonizing the people who are coming to this country to seek asylum. New York has always been a place of immigrants. Every single country in the world has a community in the city of New York. It is the most international city.

My own family came through New York City in the 1850s to escape famine in Ireland, like many of your families did. So, if you want to be serious about immigration reform, you want to be serious about the people of New York, you want to be serious about helping people across the world who are struggling with violence, with famine, and economic desperation, then come to the table and be serious, but don't use this Committee as a political stunt. Don't use this Committee to dehumanize people coming to this country, and don't use this Committee as a farce to try to make the people of New York think that you actually care about them, because that is not what this is about.

I thank you for the opportunity to speak this morning and with that, I yield back.

Mr. WESTERMAN. The gentlelady yields back.

The Chair now recognizes the gentleman from Wisconsin. Mr. Tiffany, you are recognized for 5 minutes.

Mr. TIFFANY. Thank you, Mr. Chairman.

Mr. SPENCER, did I hear correctly that you are going to have two officers for that entire encampment if you are not authorized to have more people?

Mr. SPENCER. Thank you for the question, Congressman. We actually only have two officers currently on duty at any given time there. So, it is not for the encampment, that is for our day-to-day operations.

Mr. TIFFANY. So, if there is an encampment and if you are not provided more security, you are going to have two officers?

Mr. SPENCER. Correct.

Mr. TIFFANY. Ms. Williams, I think I heard you say that what is going on is not humane and not ethical. Did I hear you correct in your testimony?

Ms. WILLIAMS. Yes, you did.

Mr. TIFFANY. Ms. Ariola, did I hear you say you want the lease revoked?

Ms. ARIOLA. I think that the lease should never have been signed. Never should have been offered. Never should have been asked for. It is a National Federal Park. Yes.

Mr. TIFFANY. So, should this Committee, which has jurisdiction, if we can do this, should we revoke that lease?

Ms. ARIOLA. I believe you should.

Mr. TIFFANY. Mr. Chairman, I think this Committee should take a look at the possibility of doing this because it is clearly not in the interest of New Yorkers.

Ms. ACER, do you support the Floyd Bennett lease?

Ms. ACER. Yes, Congressman. Actually, I explained earlier that I am not an expert on national parks or the legal system overseeing it, so I am going to restrict my comments to the areas of my expertise.

Mr. TIFFANY. Did the Minority tell you about what you were going to be testifying in regards to here today, because it is about the Floyd Bennett lease.

Ms. ACER. Yes. I was asked to come to speak about real solutions to addressing the challenges that we face at the border and in our major cities, as we have received people seeking asylum and migrants.

Mr. TIFFANY. Mr. Chairman, real interesting. They do not send anyone; the Administration doesn't send anyone to testify at this hearing and then it is almost like there is a bait and switch that went on here with Ms. Acer. She knows what she wants to testify on, but it is not on the subject that is before us in regards to the Floyd Bennett lease.

Before I comment on that, Ms. Acer, you said in your written testimony that we need to do what is humane and morally right. Do you think what is going on with fentanyl across our country is humane and morally right?

Ms. ACER. Thank you very much, Congressman. I think that it is probably at this point pretty well-known, from all the fact checking that fentanyl, which is absolutely disastrous, comes primarily in through ports of entry.

Mr. TIFFANY. Yes. I would just correct you on that. That is incorrect and I would urge you to go meet with someone who testified under oath before the Judiciary Committee, Sheriff Mark Dannels from Cochise County who is south of Tucson on the Mexico border, who has testified under oath that it is a direct result of January 20, 2021, when President Biden adopted open borders policies that the fentanyl that was coming into America skyrocketed.

And I don't think it is humane or morally right to see the No. 1 killer of young people in America, at this point, being fentanyl poisonings, not overdoses, poisonings. I don't think that is right.

Ms. ACER, do you think there are other national parks that, if need be, if we continue on the pace that we are at with millions of people coming into America, that we should turn any other national parks into encampments?

Ms. ACER. Thank you very much, Congressman. Again, I am not an expert on national parks, but I do think that there are key steps—

Mr. TIFFANY. I have a real brief amount of time. I have the Apostle Island National Lakeshore in my district, if we continue to burst at the seams, should we turn that into an illegal immigration encampment?

Ms. ACER. I love to use national parks too and fully support national parks, but I am going—

Mr. TIFFANY. I am going to close. You are not answering my question, and it would be a really easy yes or no, should we use the national parks for this.

I am going to close, Mr. Chairman, by just saying, America, if you don't know yet, there is a party that refuses to acknowledge what happened on January 20, 2021, open borders were declared in America, and this is what we got.

And we hear from the other side, you are not talking about solutions. We gave you a solution. We vetted it. We marked it up in the Judiciary Committee. It is H.R. 2. It secures the border.

You can vote for it anytime. We gave you a solution. First, we secure the borders, and we could do that in a minute if we want to. Republicans are defending your national parks at this point, ladies and gentlemen.

The other side wants to turn them into homeless encampments. And the Ranking Member here admitted today that the Biden administration has failed. I think that is all we need to know. I yield back.

Mr. WESTERMAN. The gentleman yields back.

The Chair recognizes the gentlelady from California, Ms. Kamlager-Dove for 5 minutes.

Ms. KAMLAGER-DOVE. Thank you, Mr. Chair.

It has been a while for me since I have been held hostage in this circus, but here I am again and I want to welcome you to the circus.

I did not know in the Natural Resources Committee that we would be talking about New York instead of the Republican government shutdown that is upon us in just a matter of days.

Instead of talking about the fact that the House Republicans Interior Appropriations Bill cuts National Park Service funding by nearly half a billion dollars, in addition to the fact that the recent

CR includes more than \$2 billion for Trump's border wall, which has destroyed public lands and tribal cultural resources irreparably.

With no money for you. We are talking about New York City. This is an all-over-the-place hearing. It crosses all kinds of jurisdictional lines. We have been talking about addiction and substance abuse, asylum seekers, migrants, refugees, foreign policy, New York, laments from the local law enforcement, housing, and yes, a whiplash stance on NEPA.

And not anything that we would normally be talking about in this Committee. Last month, we heard from Republican witnesses who were here to talk about mining extraction, saying to us that the NEPA rules are just too long. It is too hard to read. Too many words on the pages. Why should we follow them?

And now here we are hearing manufactured umbrage about cities not following NEPA. NEPA that the Republicans gutted. Disingenuous is the kindest word I can use right now about what I am feeling and hearing in this Committee.

And Mr. Spencer, you are incorrect. It is all about politics today. In your testimony, you talked about wanting a bipartisan coalition to revisit H.R. 3924. This Congress can't even get it together to keep the government open.

You only have two staff people. You want more? Don't look to the Republicans, they are trying to shut it all down. You won't get a dime.

So, let's not kid ourselves. I am on the Foreign Affairs Committee; I wish we would be talking about some of these issues. Instead, we are talking about China and Russia, countries that the last president was kissing folks' behinds like nobody's business.

Is the issue an immigration policy that we don't have? Absolutely. Republicans don't have one, oh except hiding barbed wire in the river to maim and kill pregnant women migrants.

Give me a break. Migrants aren't voluntarily flooding into cities; Republican governors are flooding our cities with migrants, using people as pawns. Propaganda. This is a game, and we are talking about people's lives.

And by the way, it is not President Biden's fault. He is trying to fix manure dropped by the former president who had a reckless, feckless, racist, xenophobic non-foreign policy foreign policy.

So, please don't give me that. And Mr. Spencer, I am so sorry that you don't have the staffing that you need. You should talk to your Mayor and your City Council, but not to us.

You probably don't have it because of challenges with COVID, early retirement, injuries, a strong economy, and lawsuit settlements that your city is facing. Not what happens under the normal jurisdiction of this Committee.

Talk to the Mayor, talk to the City Council, talk to the Governor, talk to the State Assembly, talk to the State Senate. I am here to talk about what happens in this Committee and the fact that the Republicans can't even get it together to pass rules to talk about their own bills so that we can prevent a government shutdown.

And I just heard a colleague from the other side of the aisle bring me into a white-people only brigade. Non-English-speaking people don't deserve to get any support? I will end with this, in these late

nights getting on an elevator to go down to the House, there was a worker who comes here at night to clean our offices, to clean our offices and he doesn't speak very good English and do you know what he said, as the doors were closing? Because he is here at night cleaning all of our offices, Republicans and Democrats alike, he said, will there be any money? Because he needs his paycheck.

And my colleagues on the other side of the aisle don't seem to care about that.

Mr. WESTERMAN. The gentlelady's time is expired.

Ms. KAMLAGER-DOVE. Thank you, Mr. Chair.

Mr. WESTERMAN. The Chair now recognizes the gentleman from New York. Mr. Lawler, you are recognized for 5 minutes.

Mr. LAWLER. Thank you, Mr. Chairman.

I would just note, I think Mr. Spencer—

Mr. WESTERMAN. Mr. Lawler, I thought we waived you in early. I ask unanimous consent that we allow Mr. Lawler to join the dais?

Without objection, you are now recognized for 5 minutes.

Mr. LAWLER. Thank you, Mr. Chairman. I just noted it looks like Mr. Spencer works for the U.S. Park Police, so I don't know what Mayor or City Council he should be talking to. I think he should be speaking to Congress.

But look, we have a crisis in New York, and it is a crisis of the making of the elected officials in New York City and New York State. Our southern border has been wide open for years. Since Joe Biden took office nearly 6 million migrants have crossed the border, many illegally.

The asylum cases are taking 2 to 3 years to be heard. At minimum, when these cases are finally heard, nearly two-thirds are being rejected, and yet New York City's response is to enact sanctuary city policies, refuse to cooperate with ICE, right to shelter policies, and using taxpayer funds to provide free housing, free healthcare, free education, free food, free clothing, and then be shocked, shocked that people would want to come to New York.

My family came through Ellis Island over 100 years ago. New York is a beacon, and I believe in immigration. My wife is an immigrant. She came to this country in search of a better life, economic opportunity, and education.

I am proud of the fact that she became a U.S. citizen 2½ years ago. We have a 17-month-old daughter who will have a better life because her mother chose to come to the United States of America.

There is a reason people want to come here and we accept that. We embrace that. We are a nation of immigrants, but there must be a process. You cannot continue to have tens of thousands of migrants cross the southern border every week and be shocked that municipalities can't handle it.

Having sanctuary city policies has been one of the dumbest things I have ever seen for years and only now are Democrats in New York finally waking up and going, oh, this is a problem. You think?

Eric Adams and Kathy Hochul don't have the first clue how to handle this, because to handle it would be to acknowledge that these policies have failed. Would be to acknowledge that these policies don't work.

Yes, we need to reform our immigration system. Yes, we need to deal with the at minimum 11½ million who are here undocumented. Yes, we need to have a more merit-based system that deals with our employment shortages, doctors, nurses, engineers, home health aides.

We need immigrants in this country. They contribute to our economy. They contribute to our communities. They are good people. But there needs to be a process. And to allow this to continue in perpetuity, as my Democrat colleagues have for years, and immediately, the moment you raise a question? Oh, it is racist, it is xenophobic. Total nonsense. Total nonsense.

We are not only dealing with a humanitarian crisis at the border, we are dealing with human trafficking, women and children being raped, assaulted, sold, fentanyl pouring into our country killing 70,000 Americans a year.

And Joe Biden has done absolutely nothing. This is totally unsustainable. Eric Adams said that if this continues it will destroy New York City, they are talking about \$12 billion over 3 years, \$12 billion in taxpayer money to deal with this crisis.

The time for action is now. Hakeem Jeffries, the Democratic Leader, Chuck Schumer, the Senate Majority Leader, both from New York, both from Brooklyn. Silent. Pathetic. Grow a backbone, show some leadership, stand up and say we are not going to have a system like this anymore.

Secure the border. We need more border personnel. We need more court personnel to hear these asylum cases immediately. Remain in Mexico should be the policy of the United States, period.

Then deal with the undocumented. Deal with DACA and fix the legal immigration systems so that those people who want to come to the United States to participate in our economy, to have a better life for themselves and their children can do so, but do so legally.

That is all that needs to be done. This is not rocket science and all of my colleagues in New York City and New York State need to wake u, and speak out, and speak very clearly.

With that, Mr. Chairman, I yield back.

Mr. WESTERMAN. The gentleman's time has expired.

The Chair now recognizes the gentleman from Rhode Island, Mr. Magaziner, you are recognized for 5 minutes.

Mr. MAGAZINER. Well, thank you, Chairman.

I was excited to come over here because this hearing is supposed to be about national parks and I could not wait to have a conversation with my colleagues who are apparently so concerned about the state of our national parks.

Perhaps because they are so concerned, they will reconsider the budget bill that they are trying to move that would cut \$436 million from the National Park Service, a 13 percent cut from last year.

Because they care so deeply about national parks, perhaps they will rethink their stance on H.R. 21, a bill that would enable more than \$400 million of public land to be given to the oil and gas companies for drilling.

When we were debating that, the Ranking Member, Mr. Grijalva, put in an amendment that would prevent any new drilling in

national parks. My Republican colleagues voted that amendment down.

Perhaps now they will reconsider. Perhaps they will reconsider their support of President Trump's failed plan to remove 35 million acres from Federal protection, the only president in history to have removed more Federal land from protection than he added.

And maybe they will rethink the language that they put into the House Rules this year to value all Federal land at zero dollars. The sole purpose of which is to make it easier to discharge protected land from Federal protection.

So, slashing funding from public parks and the National Park Service, opening up protected land to oil and gas drilling, privatization. This is not how you protect national parks, which I am glad to hear my colleagues care so deeply about.

I hope that they will work with us, in a bipartisan way, on real policies to strengthen and support our National Parks Program. And I hope that they will show even a little bit of concern for the people who are unhoused in New York City.

To be clear, these are human beings, many of whom came to this country through a legal process, something that my colleagues often fail to acknowledge. In many cases, these are migrants fleeing cartel violence, human trafficking, persecution from their governments, and in many cases, came to legal points of entry at the border to apply for legal asylum through a legal process under our laws and are now waiting for their cases to be heard, unhoused in New York and other places.

So, let's be clear about what we are talking about here. We are talking about, in New York City, one former airport, it still has runways, being used for temporary housing for people who, in many cases, are using a legal process to attempt to immigrate to our country.

We are not talking about Yellowstone. We are not talking about the Rocky Mountains National. We are even not talking about iconic national parks. Although, unfortunately, if members of the public are interested in visiting those parks, they are not going to be able to do so next week because of the Republican government shutdown that is looming.

All we are talking about, though, when it comes to temporarily housing migrants, is an airport in Brooklyn. Come on. Let's get serious here about real immigration reform that improves security, that provides legal avenues for an orderly system, and let's talk about real policies to protect our national parks from budget cuts, from drilling.

Let's protect our national parks. That is what the work of this Committee is supposed to be about. With that, I will yield back. Thank you.

Mr. WESTERMAN. The gentleman yields back.

The Chair now recognizes the gentleman from Minnesota. Mr. Stauber, you are recognized for 5 minutes.

Mr. STAUBER. Thank you, Mr. Chair for convening this very important hearing today.

Under this Administration, every community has now become a border community. The failed policies of this Administration have

forced Americans to suffer the disastrous consequences, no matter how far they live from our borders.

It is shameful to see this has extended as far as our national parks and other lands. I proudly served my community as a member of the Duluth Minnesota Police Department for over two decades, 23 years.

I am very concerned that the Biden administration's migrant crisis has an impact to the safety of our law enforcement and our communities. Since the spring of 2022, over 100,000 migrants have arrived in New York City. And over the same time, the city manager describes the average response time for crimes in progress when people call the police, they are delayed, and sometimes it is violent crimes that are delayed.

Councilwoman Ariola, with the New York PD clearly overburdened with the increase in crime across your city, are you concerned that the growing migrant crisis will further overextend resources for the NYPD?

Ms. ARIOLA. Absolutely.

Mr. STAUBER. Are you concerned about response times for people that are calling for help?

Ms. ARIOLA. Yes.

Mr. STAUBER. So, what effect will this have on the safety of your constituents?

Ms. ARIOLA. It will absolutely adversely affect the safety of our constituents and any migrants that would be placed on Floyd Bennett Field.

Mr. STAUBER. As a victim of a violent shooting myself, I remember getting on the radio and calling for help and help arrived within 30 seconds, because I was in the downtown area.

In my mind, when I was interviewed, I thought it was several minutes. When you need help by law enforcement in critical times, you need it now, not 3 or 4 minutes. And I am sad that your constituents have to go through this because of this disastrous border policy.

What are you hearing from your constituents, regarding the increase in response time for those crimes in progress? For those small businesses, for those people that are walking and being assaulted and robbed on the street?

Ms. ARIOLA. Absent the migrant crisis, we are hearing great concern from our constituents for those very reasons. We are always asking for more police to be placed at our precincts, more patrols on our streets, more beat cops on our residential and our commercial strips, and that is just not able to be done because of manpower.

Mr. STAUBER. How is morale?

Ms. ARIOLA. Morale is extremely low.

Mr. STAUBER. Mr. Spencer, I imagine that hosting a camp for 2,000 migrants at Floyd Bennett Field in temporary housing will make it much more difficult for the Park Police and NYPD to do their job.

Can you explain the additional law enforcement challenges that will come with the migrant camp at Floyd Bennett Field?

Mr. SPENCER. Thank you, Congressman.

Well, basically right now, we are already struggling day-to-day to meet our mission requirements with what we do.

Mr. STAUBER. Speaking of that, tell us your day-to-day duties as a U.S. Park Police officer and does migrant and refugee population management fall into the regular duties of U.S. Park Police officers?

Mr. SPENCER. Not directly, sir, but anything that falls on our jurisdiction and the national parks and public lands that we patrol, will definitely be our responsibility, but our concern is our staffing level right now, for instance, over the last year we had 511 officers sworn total since last June.

Over that time, today, we have hired 68 officers. We have only yielded 15 total because of our attrition and our retention problem. So, to answer your question we have, like I said before, two officers usually patrolling that area.

To add 2,000 migrants in a camp is going to definitely strain our operations.

Mr. STAUBER. Do you think non-migrants, who wish to visit Floyd Bennett Field, do you think that number will be diminished once the migrant population enters?

Mr. SPENCER. I really don't know if that will happen or not, sir. I do know that there is a youth sports complex nearby. I do know that there is a children's petting zoo and a playground. I know they do hay rides for children in that area. We are concerned about that.

Mr. STAUBER. Finally, if the Biden administration secures our open southern border to reduce the number of migrants flooding communities across the country, including New York City, at a record pace, will it help alleviate some of the law enforcement issues facing the NYPD and Park Police?

Mr. SPENCER. I would agree the homeless problem, in general, if it was reduced in our parks would, definitely help out the law enforcement situation.

Mr. STAUBER. Real quick, Mr. Chair, we also have a northern border. Last year, we had an incident up north where five migrants came over. We don't know where they are. They came across a northern lake. And the reason we weren't able to apprehend them because our customs and border patrol agents were ordered to in process, in their offices, in process the illegal immigrants coming across our southern border. I yield back.

Mr. WESTERMAN. The gentleman's time has expired.

The Chair now recognizes the gentleman from New York, Mr. Espailat, for 5 minutes.

Mr. ESPAILLAT. Thank you, Mr. Chairman. Thank you, Ranking Member.

Mr. Chairman, words matter. Words can be used to bring about solutions to complicated problems or words can be used to throw gasoline on fire, to promote hate, violence, and habit.

So, it is always important that we distinguish rhetoric that is used for that purpose from facts. Let me give you some of the facts.

Fact, according to the conservative leading Cato Institute, 99 percent of fentanyl in the United States is smuggled into the United States by some of our own citizens. That is the Cato Institute saying that, not me, not you. An entity that you often rely on for facts.

Fact, although there has been a very low unemployment rate, perhaps the lowest in 60 years, 90,000 New Yorkers have left the labor force since the pandemic began.

Fact, 60,000 migrants have stayed in New York City. Out of those 60,000, 20,000 are children. And out of the remaining 40,000, 15,000 are Venezuelans that have already benefited from extended TPS and are now able to work.

So, what we have is 25,000 people, and by the way the children, they bring in Federal dollars through schools, through Title 1, which you must understand what it is, and Title 3, although, as we speak right now, the other side of the aisle is trying to gut Title 1 by 80 percent.

Fact, a total of the 25,000 migrants left are the ones that we are dealing with.

Fact, in 1907, over 1.25 million people came through New York City through Ellis Island, exactly when the city had a smaller infrastructure and a much smaller safety net.

Almost 1.3 million immigrants came to Ellis Island in 1907, right through New York City, and yet we were able to handle that. These are the facts.

The last fact that I want to point out is that back in 1986, that a very prominent leader from your party passed amnesty. His name was Ronald Reagan, not President Carter, not President Kennedy, not President Obama, Ronald Reagan.

Those are the facts. So, let's not engage in rhetoric that is volatile, that will lead to violence, that will pin us against each other.

I want to ask a question to the two representatives from New York at the state and local level, because this is personal to me.

I came to the United States back in 1964 with my family on a visitor's visa, overstayed my visa, had to get my green card later on, but I was here with no papers. What would you have done with me, as a 9-year-old? Would you have sent me to Rikers Island? Would you have sent me under a bridge? Where would you have placed me and my family, back in the 1960s if that was the case today?

I am a Member of Congress right now. Obviously, I haven't seen any bloody incident from the migrants; 100,000 of them and you can't point to one really reprehensible act of violence and you are saying that they are taxing the police department?

You grab out 100,000 people anywhere and you are going to have dozens of felonies perhaps, anywhere, on Park Avenue, anywhere in the city of New York, so my question, what would you have done with me and my family back in 1964 when I came in without any papers, and now I am a Member of Congress? Right here, walking the halls of Congress with all of these folks here, having the same vote that they have and having an impact on the future of this nation?

You are a city councilwoman, you are an assemblywoman, I served 14 years in the New York State Assembly, what would you have done with me back in 1964?

Ms. ARIOLA. I would have protected you just like I want to protect all the immigrants that came in as families prior to this influx of migrants—

Mr. ESPAILLAT. Thank you.

Ms. ARIOLA [continuing]. Who are now skipping the line while people like you were still waiting. People like your family who went through the proper process, got the green card and you applied for citizenship and you got citizenship.

And it may have taken you years, however, now they are skipping the line.

Mr. ESPAILLAT. The way to protect them is to give them a safe environment where they can be safe with their families. Women that have walked thousands of miles to get to the border. Believe me, they will never be late to work. They won't miss a day's work because they have the sniffles.

You walk 2,000 miles with three of your kids, you are going to be a force for our economy. We should give you the opportunity to bring us back.

Assemblywoman?

Ms. WILLIAMS. Thank you, Congressman, for the chance—

Mr. WESTERMAN. The gentleman's time has expired. If you can just briefly answer, Assemblywoman.

Mr. ESPAILLAT. Thank you, Mr. Chair.

Ms. WILLIAMS. Thank you for sharing. I too am an immigrant. I must state this here, but going back to what you just stated, I certainly would not put any family in an area that is isolated, no transit whatsoever, and have them in a flood zone for further implications down the road.

Mr. ESPAILLAT. But where you put them?

Ms. WILLIAMS. Where will I put them? This will be a conversation that we have to have with all parts of government.

Mr. ESPAILLAT. Where will you put them right now? Today?

Ms. WILLIAMS. Well, if they are—

Mr. ESPAILLAT. You don't have an answer.

Thank you, Mr. Chairman.

Ms. WILLIAMS. That is your opinion.

Mr. WESTERMAN. The gentleman's time has expired.

The Chair now recognizes the gentleman from Oregon.

Mr. BENTZ, you are recognized for 5 minutes.

Mr. BENTZ. Thank you, Mr. Chair.

And I thank the witnesses for being here.

The politically sensitive nature of this issue has been well discussed, and I want to make it clear, but I am curious, from the folks from New York, the two counselors.

Are you are happy that we are having this hearing today? Here at the congressional level, are you happy to be here today sharing with your constituents, of course, but the rest of America the need to discuss this issue?

Ms. ARIOLA. I am absolutely happy to be here today to discuss this issue because it really is a Federal issue.

This migrant crisis that we are facing in New York City should never be taken care of by the locality. Department of Homeland Services is not prepared to give services to over 120,000 migrants, and when you take—

Mr. BENTZ. We have a lot to cover. I am going to come back to you.

Ms. ARIOLA. OK.

Mr. BENTZ. Councilwoman Williams? Your thoughts? You are happy to be here today?

Ms. WILLIAMS. Absolutely happy, but I must say, for the record, I am very highly insulted that they would look at Floyd Bennett Field, our national park, that we treasure in the southeast side of Brooklyn, and deem it not as good as Yellowstone.

This is an insult on our community and using this platform on our natural resources to counteract with each other is insulting.

Mr. BENTZ. You are happy to be here today to be able to share your thoughts?

Ms. WILLIAMS. Yes, I am. Thank you for having me.

Mr. BENTZ. If New York, which is one of the most wealthy communities, cities, metropolises in our country, is this challenged to find places to put these folks, what does that mean about the rest of the cities across the United States?

What are they doing with the thousands upon thousands of people that are coming in each day? I don't want to ask you to hazard a guess, but this is not just New York's problem that we are facing, but it most assuredly is one that belongs before this Committee, and I must say I resent my colleagues from across the aisle suggesting that we manufactured this hearing today. That it is somehow fabricated and phony. Some sort of an opportunity to talk about one of the greatest problems that our nation now faces.

And one of things that we say back home is, if you are in a hole, stop digging. And that means, you have to address the flow of thousands, millions of people across the border first.

We heard today, not one person, I don't think, on the other side of the aisle, talked about the need to address border security first. Not one. A lot of talk about how we need a comprehensive system. A lot of talk about how unfeeling we Republicans are, but the truth of the matter is we have to address the border first, because otherwise what do we have to build upon when it comes to creating a comprehensive system?

And you folks in New York City are one of the best bully pulpits to talk about the challenge that your communities face.

So, at this point, someone in the community has decided that the national park is the place to go and thus it brings us, in this Committee, to talk about it. And you have been asked repeatedly, is there some other thing to do, if the answer is no, I agree that is what all of the communities are saying, the answer is no. We are out of space to put these thousands, these millions of people.

Yet, we did not hear that from the folks from the other side of the aisle. It amazes me because what we need to do is get control of the border.

Now, please, Ms. Ariola, do we need to control the border first so we can talk about comprehensive solutions second?

Ms. ARIOLA. Absolutely.

Mr. BENTZ. And would you be supportive of us focusing on ways of addressing asylum? Because as we all know about 1 out of 10 persons granted asylum are entitled to it, 1 out of 10, and the other 9 disappear.

The point of the matter is we are allowing in 90 percent more people than we should under the guise of asylum. We need to address it, yet, we did not hear a peep about that, instead there

are attacks upon Republicans for having the audacity to suggest that we should stop people at the border, but there is no other solution when there is no place for them to go, even in a place as wealthy as New York City.

That is why I am happy for this hearing today.

Ms. Williams, you were cut off a number of times. You have 28 seconds, add what you want to say?

Ms. WILLIAMS. Well, I just want to say. That is the whole thing. Asking all of these questions and wanting to get just a yes or no answer. I don't have a solution as to where to put them, but I am very sure if we had the conversation from the bottom up or the top down, including the state, the city, and the Federal, we may get to some other solution.

So, when you don't give me an opportunity to answer correctly and you then walk off, it really tells me that we are not really here based on the issue, again, of using our national park, which deemed as it is just an old airport runway. That is insulting to me and to the people that I represent in the southeast side of Brooklyn.

Mr. BENTZ. Thank you for your testimony. I yield back.

Mr. WESTERMAN. The gentleman's time has expired.

The Chair now recognizes the gentlelady from New Mexico. Ms. Leger Fernández, you are recognized for 5 minutes.

Ms. LEGER FERNÁNDEZ. Thank you so much, Mr. Chair, and thank you witnesses.

I have been following this from my office. We are just 4 days away from a government shutdown. The question on America's minds is will Congress pass legislation so that we can continue paying our Federal employees and all those who rely on them from the Head Start classes in my district to the Head Start classes in New York. But that is not why we are called here today.

Instead, we are having a hearing, with lots of posters, to talk about an issue that once again is on Congress' plate, because we have refused to address and pass immigration reform to fix a broken system.

Ms. Acer, thank you. Thank you for your recommendations to better serve the migrants seeking asylum, which is presently the law of the land. Is that correct?

Ms. ACER. Yes. U.S. law allows people, at ports of entry, or within the United States, to seek asylum.

Ms. LEGER FERNÁNDEZ. So, we have a law that needs to be addressed, and we have a migrant issue that needs to be addressed.

But let's talk about what is really happening. How would a government shutdown impact the ability of Federal, state, local agencies, and non-profits to provide shelter and humanitarian aid to these migrants?

Take us out a bit, and say what would a shutdown do to the ability of these wonderful humanitarians, people who want to serve those who need shelter, because they remember that proverb?

Ms. ACER. A shutdown could affect humanitarian organizations in quite a few ways, and the Biden administration really should take steps to minimize that.

The last thing we want to see are humanitarian organizations, faith-based groups, and others who are working on the front lines, not be reimbursed or reimbursed promptly for the very important critical assistance they are providing, which is essential to U.S. communities, and it is also essential by the way to the customs and border protection.

Ms. LEGER FERNÁNDEZ. Thank you so very much. Because if we do not actually provide the Biden administration with the funds, because we shut the Federal Government down, and that is going to be across our country, not just in New York, it is across our country where we are going to see this harm, this hurt.

Ms. ACER. This is across the country, and in addition, I just want to emphasize again the devastating impact this will have on the ability to actually resolve asylum claims by adding immeasurably to the immigration court backlog and delaying those cases for years.

People we represent, refugees seeking asylum in this country are waiting years to get their cases resolved. There is so much Congress can do to really make sure that the immigration courts are funded properly so that the cases move much more quickly and fairly. Thank you.

Ms. LEGER FERNÁNDEZ. So, when we have a budget that is proposed that would cut significantly from these cases, what we are actually doing is making this problem worse, rather than solving it, so that we could then have some political theater around it.

I want to move a bit to Mr. Spencer. In a recent letter, Secretary Haaland, a letter written by my Republican colleagues, they noted, and this is beautiful language, and I completely agree with the Republicans on that, that national parks are important for Americans, I quote, "To experience wonder, to recreate, and find joy or to simply learn more about the great history of our nation."

I am very concerned because, with the impending shutdown, but not just the impending shutdown, but with the proposed cuts in appropriations, Republicans are stealing Americans joy. Republicans are going to be stealing Americans joy in our parks.

But Mr. Spencer, there is a proposed cut in the appropriations of \$500 million to the National Park Service. That is going to absolutely cut park officers and rangers. With a \$500 million cut, that would impact the number of rangers and police officers.

What would that do to morale and your ability to actually protect those places of awe?

Mr. SPENCER. Thank you for the question, Congresswoman.

As far as we see it, from my level, from the members of the boots on the ground with the U.S. Park Police, we have been dealing with this for decades. So, our funding has been cut across both sides of the aisle.

I don't know where the money is going, but it certainly doesn't make it down to the U.S. Park Police through the National Park Service. So, that is the best I can answer for that.

I mean, we have had cuts across the board, we don't have the money to hire any more officers this next fiscal year and that was a direct conversation I had with our Chief of Police.

Ms. LEGER FERNÁNDEZ. So, we actually need more funding to make sure we can adequately protect the parks and the people who attend them.

And with at, Mr. Chairman, my time is up, and I yield back. Thank you so very much.

Mr. WESTERMAN. The gentlelady's time has expired.

The Chair recognizes the gentlelady from New York, Ms. Malliotakis. You are recognized for 5 minutes.

Ms. MALLIOTAKIS. Thank you, Mr. Chairman.

I want to thank you for coming to see Floyd Bennett Field, unlike our colleague from Rhode Island that wants to disparage our park in New York City, which is, as you said, Ms. Williams, very insulting.

That you would say it is OK to have a migrant encampment in the middle of Brooklyn because he feels the park is not as nice as some of the other national parks in the country. We invite him to come visit as well so he can learn something.

I would like to first start by saying, it is disappointing that the Department of the Interior and the National Park Service refused to come here to answer questions.

I wonder why they refused to come here? Maybe it is because they did something wrong, and I think we were going to get to the bottom of that. And I thank the Chairman for doing this.

I want to start by saying, in response to my colleague from New York, who said that everything is great in New York, there are no problems and, unlike the mayor, is saying that it is destroying New York and he said, well, has anyone gotten injured?

Well, you know what? They were on a tour at Roosevelt Hotel, that shelter, right? Remember that we have a lot of media coverage. Right after they left that tour, someone got stabbed in that hotel.

It was a migrant that stabbed another migrant. And there are dozens of arrests that have taken place at that hotel already for assault. In Staten Island, we saw unlicensed drivers without plates slamming into vehicles, totaling people's cars in the community.

In Brooklyn, there was a DUI bust of a migrant that led to an NYPD sergeant's finger being bitten off.

We have seen multiple crimes. One Venezuelan migrant actually, 14 crimes in 2 months. That is pretty much a record for New York. And in two upstate New York shelters, there were individuals arrested for rape, forcing that county, by the way, to say they are not going to accept any migrants and forcing our governor to say that they should go somewhere else.

So, Mr. Spencer, my question on public safety is to you first, being that you present the U.S. Park Police. Is your agency concerned about public safety?

Mr. SPENCER. Thank you for the question, Congresswoman.

Before I answer, thank you for your continued support with the U.S. Park Police FOP.

Is our agency concerned with the migrant situation that is proposed for Floyd Bennett Field? Yes, they are. And again, that is because of our staffing levels right now and our resources. We don't have the staffing or the resources to handle 2,000 migrants put into a tent on our property right now.

Ms. MALLIOTAKIS. So, you feel it is a bad idea for this encampment to be placed at Floyd Bennett?

Mr. SPENCER. It is certainly going to make our law enforcement duties much more difficult.

Ms. MALLIOTAKIS. OK.

Councilwoman Ariola, in your testimony and also Assemblywoman Williams, which I am happy you are both here because it is a bipartisan effort here that you want to stop this from happening in your community.

So, I applaud this. It is not Republican versus Democrat; it is two people coming together for the betterment of their community. So, what I want to say is, SEQR is a State Environmental Quality Review Act, we also have the NEPA, National Environmental Policy Act, those were violated, right?

They did not do anything to address any of environmental impact? It is so interesting because some of my colleagues from New York City want to shut everything down, because we don't follow NEPA, now all of a sudden want to see NEPA being completely bypassed. They have no regard for the environment all of a sudden.

Can you comment on that?

Ms. WILLIAMS. I think it is very insulting to not follow NEPA regulations, to not even have a public hearing for community input and this is why our citizens are forced to voice their concerns for their safety and our environment, and for everyone that utilizes Floyd Bennett Field.

I will remind you, it is a national park, whether you want to compare it to Yellowstone or a plain old airport field, I ask you, come out, take you around and you will see the phenomenal things that happen at Floyd Bennett Field, our national park.

Ms. MALLIOTAKIS. Thank you.

And Councilwoman Ariola, would you like to add to not following any of the laws?

Ms. ARIOLA. We recently asked for NPS to extend a soccer field at Fort Tilden, which is on my side of the Queens district, and we were flatly denied access and I believe that you do have an email from the NPS stating why, because it would not conform with what is regularly at that location.

And that it could impede other activities, it could impede protected property, protected species and all of that. All of this has been negated at Floyd Bennett Field. No NEPA, no SEQR, no EIS and an expedited EA without any community outreach.

Ms. MALLIOTAKIS. Thank you. And because I have run out of time, I just want to make a point to say, Chairman, I appreciate you looking into the fact that no environmental impact statement, no environmental assessment. They claim it is an emergency, but yet, the President says nothing is going on at the border. There is no emergency to see here, so how do they get away with this and that is what the Committee has to be tasked with looking into.

Thank you. With that, I yield back.

Mr. WESTERMAN. The gentlelady's time has expired.

The Chair now recognizes the gentleman from California, Mr. LaMalfa. You are recognized for 5 minutes.

Mr. LAMALFA. Thank you, Mr. Chairman.

What Committee are we in, Mr. Chairman?

Mr. WESTERMAN. The House Natural Resources Committee, Mr. LaMalfa.

Mr. LAMALFA. OK. And does it have jurisdiction over the National Park System?

Mr. WESTERMAN. It has jurisdiction over all of the Department of the Interior and national parks.

Mr. LAMALFA. So, today's hearing about the national parks, in this case in New York, is an appropriate venue for the conversation, yes?

Mr. WESTERMAN. We have a duty to have oversight over the National Park Service.

Mr. LAMALFA. OK. And there are 435 members of the House with many, many committees meeting. Some of them working on fiscal issues, such as funding the government today?

Mr. WESTERMAN. That is correct.

Mr. LAMALFA. Probably. Likely. So, it is possible to walk and chew gum at the same time on many issues in the U.S. Congress.

All right. Good. Well, then we are in an appropriate place to talk about these issues of the parks in New York and the overwhelming effect this is going to have upon them, and we sympathize and we thank those folks here today for traveling and being with us on this.

Well, I will just dive into a couple questions here for Assemblywoman Williams and Council Member Ariola. You may be aware of the New York Restoration Project, as it is called, I have been made aware of it, so I am certain you are.

Of course, it maintains community gardens and parks in the City. In 2019, the Project published a study which observed that the increase in park and general green space in the east Harlem neighborhood of New York resulted in over 200 fewer felonies committed per year, reduction of over 50 percent.

So, with the lease signed by the Department of the Interior, a substantial amount of recreational space will be taken away. Can you speak to what effect housing these illegal immigrants on Floyd Bennett Field will have on the local area and the loss of recreation, and increased crime possibilities, not only from the neighborhood having less park when we are seeing the crime of the neighborhood itself go down, but the crime that will be generated from these camps?

Ms. ARIOLA. Yes, thank you. We have a number of groups that go to Floyd Bennett Field regularly. We have the Jamaica Bay Rockaway Park Conservancy, which was made to postpone their public arts festival.

They also have a new project that we have all been working with, within EIS, with the community, and for outreach for the betterment of Floyd Bennett Field.

There are bird clubs, there are people who fish there, there are people who kayak there, there are people who have archery there, there is an aviator sports center. There are——

Mr. LAMALFA. I am sorry, but please focus on the crime aspect of what you would expect?

Ms. ARIOLA. Sure. So, if you have two police officers from NPS on any given tour and a depleted police force from the 63rd and

the 100th Precinct who would have oversight there, then absolutely it would be a crime issue.

Mr. LAMALFA. Because of the camp itself as well as now less park space that has been instrumental in lowering crime in the neighborhood, as statistically shown, right?

Ms. ARIOLA. Right. And because there would be upwards of 2,000 to 7,500 people living on that park space.

Mr. LAMALFA. Yes.

Ms. ARIOLA. And that really is a community. That is a community that deserves its own precinct, school board, and fire department and they wouldn't have that.

Mr. LAMALFA. Assemblywoman?

Ms. WILLIAMS. Thank you very much. As we have stated, Floyd Bennett Field is unsafe and unsuitable for anyone to live there. You talk about the crime. I think Mr. Spencer shared the burden that this will have on his force, having just two officers there, we are looking at 2,000 plus single migrant men.

I can't tell the future. I don't have a crystal ball in front of me to say what crime is going to be committed from what is not going to be committed, but we have to be prepared.

Mr. LAMALFA. Sure, thank you.

Mr. Spencer, would you weigh in on that, please? Because what I am wondering too is, the Department of the Interior, Department of Justice, Homeland Security, have they offered any kind of help to pay for the employees that it is going to take to do this job, if indeed you can get more than two?

Mr. SPENCER. Thank you for the question, Congressman. No. From everything I know, we have not been given any funding to supplement outside of normal operations on Floyd Bennett Field.

Mr. LAMALFA. As the Park Police, what is the interface between them and New York Police Departments for dealing with the crime that is expected?

Mr. SPENCER. I do know the NYPD is also severely understaffed, just as we are. They do work hand in hand with us on law enforcement functions, but primarily we are the servicing law enforcement agency for Floyd Bennett Field.

Mr. LAMALFA. So, it is a real recipe for disaster, isn't it?

Mr. SPENCER. It is going to overwhelm us.

Mr. LAMALFA. Thank you, Mr. Chairman. I yield back.

Mr. WESTERMAN. The gentleman's time has expired.

The Chair now recognizes the gentleman from Montana. Mr. Rosendale, you are now recognized for 5 minutes.

Mr. ROSENDALE. Thank you very much, Mr. Chair and Ranking Member Grijalva for holding the hearing today.

President Biden's harmful border agenda has been felt by states far from the border nearly since the day he took office.

Democrat leaders in sanctuary cities enacted President Biden's leftist immigration policies and the crisis quickly spilled into rural states hundreds of miles away. If President Biden, Secretary Mayorkas and other administration officials were serious about controlling immigration and securing our border, we would not have this hearing today about New York State and the National Park Service.

Our country's national parks are some of the greatest treasures. To allow illegal immigrants to set up camp in these parks and hamper everyday American's rights to visit and enjoy these parks is just another example of Biden and his Cabinet putting their leftist agenda above the need of Americans.

Just the other week, it was announced that over 100 migrants are going to be settled in Billings, Montana. What concerns me the most about this is that they are likely just the beginning of a process that will see many different states forced to accept these illegal immigrants and refugees.

Where will the rest of the 100,000 Afghan refugees go? I can assure you they will not be sent to sanctuary cities. Montana has many great and historic national parks. The last thing we need is the Federal Government coming in and telling us that the bedrock of our tourism and a significant factor in our economy will now be used against its intended purpose and instead for housing illegal immigrants.

I hope that this Committee can help shine some light on this issue and we can prevent the Administration from trying similar tactics in states such as mine.

Ms. Ariola, how long is the Department of the Interior proposing to house these illegal immigrants in or on Floyd Bennett Field?

Ms. ARIOLA. The current lease is for 1 year and then it has an option to extend for 2 years.

Mr. ROSENDALE. Two additional years, so a total of three or a total of two?

Ms. ARIOLA. No, for another year, an additional year.

Mr. ROSENDALE. One and one?

Ms. ARIOLA. Right.

Mr. ROSENDALE. OK, so the general public and the American taxpayers are only authorized to stay in Floyd Bennett Field for a maximum of 14 consecutive days, yet Interior wants to violate their very own rules and basically grant an unlimited duration of stay to these illegal immigrants?

Ms. ARIOLA. That would be correct.

Mr. ROSENDALE. You mentioned in your testimony that a million people a year enjoy Floyd Bennett Field. What kind of impact will housing these illegal immigrants have on the local economy, community safety, and the areas surrounding the national park?

Ms. ARIOLA. What we have seen in the areas where there have been asylum seekers and illegal immigrants, we have seen crime tick up. We have seen what Representative Malliotakis said. There have been violent crimes. Shoplifting has up ticked. We have seen a lot of different crimes: rape, muggings, assaults, robberies, burglaries. These are all up ticked since we have had this vast migration of illegal immigrants coming into our city.

Mr. ROSENDALE. Do you think that that type of activity is conducive to promoting tourism and economic development in your area?

Ms. ARIOLA. You can't have tourism when all your hotels are full of migrants.

Mr. ROSENDALE. Mr. Spencer, I would like to ask you a question. I don't have a law enforcement background, if you have 2,000 military age men that are contained in an area like that without tasks that will be performed each day, so they basically have a lot

of idle hands, as my father used to call it, what is the likelihood for more criminal element to take place? Crimes to take place?

Mr. SPENCER. I appreciate the question, Congressman.

We are definitely concerned. The fact that those premises are going to be put directly close to where there are going to be a lot of children is one of my primary concerns for the officers I represent.

Like I said, we are already so short staffed that it is going to be difficult to police 2,000 extra people. That takes away from more day-to-day operations and it is not even just the concerns of putting 2,000 men on Floyd Bennett Field, it is also the concerns that we have for their safety as well because if something happens to one of them, EMS typically in that area of New York City, they know how to get to Floyd Bennett Field, but if there is a specific area where one of these migrants are injured, they may not speak English, they could get hurt, one of our officers has to break away and escort them to that location just to make sure that they can be found. So, that leaves one officer available during that time.

Mr. ROSENDALE. It would be very, very susceptible to having something tragic happen?

Mr. SPENCER. Correct.

Mr. ROSENDALE. Very good. Thank you so much.

Mr. Chair, I do see my time has expired, I would yield back. Thank you.

Mr. WESTERMAN. The gentleman yields back.

The Chair now recognizes the gentlelady from Virginia, Ms. Kiggans. You are recognized for 5 minutes.

Ms. KIGGANS. Thank you, Mr. Chair. And I just wanted to start by thanking our witnesses who took time to be with us today when we had other witnesses not show up. I think this says a lot about how much you care about this issue.

So, thank you very much for being here. It also says a lot about the people who did not show up to speak to this issue.

The numbers are staggering and I don't think I need to repeat some of the headlines and words of my colleagues about human trafficking, drug trafficking, crime, the number of illegal immigrants crossing our border, 6 million. It is the size of the population of Denmark or Singapore.

It is really since Biden took office. I am a person that likes to think of the problem and take 10 steps back. How can we prevent this problem, and you all have presented so eloquently and been great advocates for your national park, but this is a problem in the park.

So, what can we do to prevent the problem? Well, I think step one it would be great if we could just acknowledge that there is a problem at the border. There is a crisis at the border.

But there is something that needs to be done at the border. I went to the border twice. I represent Virginia's 2nd Congressional District, so I am not a border state, but we all are becoming border states.

But just to see, in real life, and talk to those ranchers, and talk to those homeowners, and talk to the small businesses, talk to the border patrol, talk to law enforcement.

The stories were shocking, and to listen how few of them there were, the amount of problems they deal with on a daily basis. I cannot understand why our current Administration doesn't even acknowledge that there is a problem at the border.

So, now we are talking about how it has bled into places on the East Coast, like Virginia, like New York, like Floyd Bennett Field, costing \$12 billion over the next 3 years, 100,000 migrants coming to New York City since Spring of 2022.

You talked about the 2,000 migrants and some of the security concerns and I just want to know what the infrastructure and kind of quality of life looks like. I can't imagine it is real good there. It is like a tent city, I am imagining. I haven't seen it, but what are these children doing? What are the adults doing during the day? What is the plan of action? Is there one? What are we doing with these people?

Mr. SPENCER. Thank you, Congresswoman.

I am sorry, I don't follow your question. Are you asking about what the local community does there on a day-to-day basis?

Ms. KIGGANS. What do the people there do?

Mr. SPENCER. Right. It is a recreational area, so there are nature trails, there are bird watching areas, there are beaches and—

Ms. KIGGANS. The immigrants specifically. I am sorry.

Mr. SPENCER. The immigrants specifically? I mean, they are going to be part of that. They are going to be able to come and go as they please. I don't know exactly what the facility is going to look like, from what I hear it is going to be a tent and that is the way it is described in the lease.

But they are going to be able to come and go as they please, so they are going to be intermingling with the local community and being able to engage the park just like anyone else would.

Ms. KIGGANS. I can't imagine that everything is going to go super smoothly. And you talked about some of the crime issues. And again, security issues.

What will happen if there is an arrest or multiple arrests? Is there a place that we are going to house them? Is there a place that we are going to hold arrested migrants over other arrested people in your city? What are the plans for that?

Mr. SPENCER. That is part of what kind of baffled me with this lease agreement. As I stated before, we really weren't consulted on the operational plan, as far as the law enforcement aspect of it goes.

Every time we have a special event or some type of incident outside of normal day-to-day operations, our agency comes up with an operational plan, an ops plan to make sure that that special event or First Amendment activity, or whatever it may be, is handled appropriately.

Usually that makes canceling days off for the officers that are on their day off, to bring in extra officers to handle that kind of event. There has been no plan in place on what we are going to do with this.

Ms. KIGGANS. It is frustrating to hear you speak about your recruitment, your retention, and the quality of work that your officers do, so please thank them for us. I know they are doing heavy lifts right now.

Is the National Park Service or anyone else addressing any of the infrastructure problems to prepare for the migrant shelters at Floyd Bennett Field that we know of?

Mr. SPENCER. I am unaware of any.

Ms. KIGGANS. And will the migrant camp hurt or help the quality of the park and the services that are currently offered to visitors and, likewise, we talked a little bit about the migrant camp impact on the national park's ecosystem. I can't imagine that there is not going to be a big impact on that as well?

Ms. ARIOLA. There would absolutely be a major impact on the park's ecosystem.

Ms. KIGGANS. Thank you very much. I yield back.

Mr. WESTERMAN. The gentlelady yields back.

I realize our witnesses have been sitting at the table for a long time and speaking of facilities at Floyd Bennett Field, I am going to declare a 5-minute recess so that you can take a break and we will plan to start back promptly in 5 minutes.

[Recess.]

Mr. WESTERMAN. The Committee will come to order.

The Chair now recognizes the gentleman from California. Mr. Duarte, you are recognized for 5 minutes.

Mr. DUARTE. Thank you, Mr. Chairman and thank you to all of our guests here today testifying.

I wanted to talk to Ms. Ariola and Ms. Williams. Is this the first time that you ladies have had a chance to come to Capitol Hill and have our attention and explain what is happening in your districts?

Ms. ARIOLA. For me it has, yes.

Mr. DUARTE. And Ms. Williams, have you been able to find an opportunity to let us, in Congress, know how this influx of migration is impacting your district?

Ms. WILLIAMS. I am very thankful for the opportunity to be before you, to bring to the attention the misuse or the intent of our national park.

Mr. DUARTE. Thank you.

You represent districts there in New York. Please elucidate for us a little bit, beyond just the national park issue. I am reading reports about one of the reasons of these hearings is to get first-hand accounts from folks on the ground throughout the country.

What is happening to small businesses around the hotels where migrants are being housed and tourism is being displaced?

Ms. ARIOLA. Small businesses, both around and inside the hotels are closing.

Mr. DUARTE. On what scale? What are you seeing?

Ms. ARIOLA. I would say on a large scale. They have been reporting it on the local news that they just cannot function because of the lack of tourism and the fact that there are so many migrants on the street and in the hotels.

Mr. DUARTE. Thank you. And Ms. Williams, what are you seeing along those lines? What other social and community impacts are the large influxes of migrants having? I assume the national park wasn't our first option, in terms of where to put hordes of migrants. Where else have they been put and what have the community impacts been so far in your district?

Ms. WILLIAMS. Well, I heard this on the news and there was no prior communication from the powers that be and it was very concerning for our community.

I have to say that the 59th District is a very peculiar district. It is a residential area. It is a transit desert. We do not have a train going through our community. Period. Our community has some of the most green spaces in New York City, hence Floyd Bennett Field.

So, housing the migrants there? It is almost 2 to 3 miles from anything possible. And we have a mall there. And those people that run that mall, they are concerned because as the colder months come, darkness comes earlier.

So, people are very concerned. Small businesses are concerned, but again, the district that I represent is a very residential one, with many safety concerns at hand.

Mr. DUARTE. How about food outlets, services, jobs? Can you elucidate a few of those issues?

Ms. WILLIAMS. Well, as I said, it is a 2-mile radius from where they will be placed, or almost 3 miles. There are no jobs there. There is no food there. There is nothing there but institutions like Aviator and Fresh Meadow Farm for recreational purposes.

So, all these things will have to be brought in for them. For them to travel, they would have to travel out of Floyd Bennett Field to go into the bigger population where they can seek those amenities.

Mr. DUARTE. So, we have a food desert. We have a job's desert. SNAP cards and work visas won't remedy these factors easily.

We have a transportation problem. We don't have public transportation set up to move these folks to where they can be productive or participate in the economy. So, what is the end game? What do we do with, and I think this last month we had 230,000 new crossings documented on the southern border, plus Gotaways, so we assume it is a higher number than that.

What is the end game? How does this end? Because in my district, in Modesto, we have neighborhoods that were formed as, you can call them refugee camps or displaced camps around Modesto, California where the Model A's just came and parked and people started living there and now, we have neighborhoods that sprawled up that not quite 100 years later, 90 years later that still have no sidewalks. They have never been incorporated. There never was a solution and now we have these ongoing problems of these communities that were never planned. How do you see this ending?

Ms. WILLIAMS. I just want to add, as you said, end game? I don't know if there is an end in sight, however, what I do know that needs to happen that every part of government, Federal, state, and city have to be in communication.

You cannot ignore the local government, the local representatives that represent their constituency. These decisions cannot be made at such a level where the local electeds read about or hear about it over the news.

Mr. DUARTE. So, has anyone asked you, from the Federal Government, as they displace onto the Federal park here and other places throughout your community, how they are going to supplement the tax base that further demands have been put on?

Are they going to give you, as a city or state government, additional revenues to handle the public safety or the lack of tax base that is coming with these new demands?

Mr. WESTERMAN. The gentleman's time has expired. I will give you a brief moment to answer.

Ms. ARIOLA. There has been no commitment for financial support.

Mr. DUARTE. Well, thank you for coming here today. I yield back to the Chairman.

Mr. WESTERMAN. The gentleman's time has expired. The Chair now recognizes the gentlelady from Wyoming, Ms. Hageman. You are recognized for 5 minutes.

Ms. HAGEMAN. Thank you, Mr. Chairman and thank you for having this incredibly important hearing and for you being willing to come in today to talk about these serious issues.

Council Member Ariola, we are very interested in learning more about the public consultation process for migrant camp at Floyd Bennett Field.

Just 2 weeks ago, the Oversight and Investigations Subcommittee heard testimony from the Democratic witness about how important it was to "facilitate meaningful, public engagement in decision making," and especially in "communities of color" and "low-income communities" during the NEPA process because it will lead to "better decisions for the entire community."

Council Member Ariola, please briefly describe the public consultation process to host thousands of migrants at Floyd Bennett Field?

Ms. ARIOLA. There was no public consultation. There was a letter written to the President by our Governor asking for Floyd Bennett. We then asked for a meeting with the Governor's office. The Governor's office did comply. A meeting was held. The Governor was not present.

We sent questions beforehand, none of the questions were answered. We followed up 2 weeks later for another meeting, that was on a Thursday. They told us no changes have happened, we don't need another meeting and on Friday the lease was signed.

Ms. HAGEMAN. That does not sound to be very meaningful in terms of public engagement or decision making. Then, are there communities of color or low-income communities in the area around Floyd Bennett Field and Gateway National Recreation Area that were consulted?

Ms. ARIOLA. No. There were no areas at all, whether areas of color, low income, middle income, no areas, no communities, no elected officials. We found out like everyone else did.

Ms. HAGEMAN. So, across the board the Biden administration has totally failed at communicating and working with the community to address the crisis that the Biden administration has created. Is that fair?

Ms. ARIOLA. It is fair to say. He actually visited our city and flew in and out without meeting with the Mayor or visiting a shelter.

Ms. HAGEMAN. So, I would say that he is not engaged in a meaningful public engagement process. In the process, it seems to me that the Biden administration has also failed to engage with local communities of color, as we have already discussed, and other

groups that are impacted by this throughout the area. Is that also fair?

Ms. ARIOLA. That is correct.

Ms. HAGEMAN. As a result of the Biden administration not engaging in a meaningful consultation process, they reached a decision that harms your community and has caused great suffering for not only your community, but the people that they are bringing in. Isn't that true as well?

Ms. ARIOLA. Yes, it is.

Ms. HAGEMAN. Councilmember Ariola and Ms. Williams, you quoted the NEPA handbook where it says that "actions taken in response to an emergency are not exempt from NEPA review."

As a NEPA attorney, I don't agree that this is the way that it should be. I think that there are many situations in my home state of Wyoming where we could have prevented a catastrophic wildfire, if we had not been held up by the NEPA process. But I think it is worth highlighting the double standard that we are seeing here, in relation to the invasion on the southern border and the invasion of our cities, such as in New York.

If we want to respond to emergencies related to immediate risks of severe forest fires that devastate communities and people throughout my state, we can't expedite the process, yet when the politics of this situation is magnified enough for the world to see the disaster that has been created by the Biden administration, then what happens? Exactly what is happening with the National Park Service and what you are suffering through in New York.

How do you see the politics of this situation creating a double standard for the National Park Service, particularly as it relates to NEPA?

Ms. ARIOLA. I think that they have given it no thought, no cause, and they are talking about protecting people, but they are not protecting the people that they want to place on Floyd Bennett Field without having these safeguards in place.

Ms. HAGEMAN. One of things that I think has been so shocking to the American public is in watching the invasion on the southern border and the southern states, Arizona, Texas, California, and even in my area have been dealing with this crisis for quite some time.

It is now visiting upon other areas and it is exploding across our country. It isn't just affecting one national park, it is affecting every community, it is affecting every state, and it is affecting the nation as a whole.

It is tearing apart the fabric of our society because of these failed policies. I am sorry for what the Biden administration has done to you and I am sorry for what the Biden administration has done to our country.

They should be ashamed of themselves. I very much appreciate your willingness to come here and tell us about the crisis they have created. Thank you.

Mr. WESTERMAN. The gentlelady's time has expired. The Chair recognizes the gentleman from New York. Mr. D'Esposito, you are recognized for 5 minutes.

Mr. D'ESPOSITO. Thank you, Mr. Chairman. Thank you for allowing this proud New Yorker to waive on to your Committee

this afternoon, and thank you as well for your leadership and commitment to this issue that is so important.

There is no question, from everything we have heard today and hearings that we have had across Capitol Hill over the last months, that President Biden's failed immigration policies, his dereliction of duty, alongside Secretary Mayorkas, has led to an unprecedented crisis at our border.

And now that unprecedented crisis at our border is no longer at just our border, but is at states throughout this country, like the great state of New York.

And what baffles me the most is that during the campaigns of Mayor Adams and Governor Hochul, they praised the fact that certain areas were sanctuary cities. They were going to welcome everyone with open arms.

And now, we realized that there was actually no plan in place to be that sanctuary. It was just complete pandering for their base. There was no plan in place to have migrants sheltered correctly.

There is no chance that migrants leaving their homes, risking their lives, leaving their families, coming to this country for a better way of life, coming to this country to achieve the American dream that so many of our parents, and grandparents, and great grandparents have achieved.

They never thought they were going to come into this country and that American dream was going to be living in a vacant hangar at JFK Airport. That is not the American dream.

What we have seen is that there were no plans in plan and now panic has set in. Just a few weeks ago, and it is probably the first and last thing that Mayor Adams and I will ever agree on. He said that this issue, the migrants coming into New York City could "destroy New York."

In essence, the light is dimming on Broadway. And now what we see is you have a letter, that many of you have referenced, a letter from Governor Kathy Hochul to President Biden asking for the use of places, national parks.

There has also been talk of using military bases to house these migrants. Prior to becoming a Member of Congress, I was proud to serve as a member of the greatest police department in the world, the NYPD.

And I look back now on my brothers and sisters in blue who call Floyd Bennett Field essentially their office: aviation, some of Scuba, members of special operations, different specialized units within the NYPD who took an oath to protect and serve the Constitution, who took an oath to stand that line between good and evil.

Not only did New York State and the democratic policies in this country legitimately take the handcuffs off of criminals and put it on police, but now they want to cut the budget. And now they have to share an office with migrants at Floyd Bennett Field.

Councilwoman I ask you, New York City is going to face unprecedented budget cuts. Mayor Adams has said 15 percent over the next 9 months in agencies that are dealing with these migrants the most.

And if this was asked already, I apologize. But what do you see and, Ms. Williams, what do you see as the results that are going

to face New York City as a result of these budget cuts and the changes being made in New York City because of the unprecedented levels of migrants because of the failed policies of Joe Biden and Secretary Mayorkas?

Ms. ARIOLA. The 15 percent cuts that are being spoken about between now and April will reduce our essential services, fire department, NYPD, the DSNY, education, all the different things that we need to keep our city going, and if we don't have NYPD and we don't have overtime, we don't have extra patrols because we have a diminished police force.

If we don't have overtime for our firefighters, we don't have firefighters on every shift. And we have a very big problem with the migrants and their motor scooters with their lithium-ion batteries.

Mr. D'ESPOSITO. We sure do. I don't want to cut you off, but just one last thing because my time is running out.

It is estimated that in 2024, and I believe this number is going to be higher, that it is going to cost the city close to \$5 billion, with a b, for migrants.

And in 2025, that number is going to be higher. It is going to be close to \$8 billion. We had a Homeland Security hearing, and I am sure there are some members of this Committee that sat here earlier, those numbers are higher than their entire state's budget. It is baffling.

And Mayor Adams is right. This issue, this problem that has been created by President Biden and Secretary Mayorkas, is going to destroy New York City and many other cities throughout this country.

Mr. Chairman, thank you again for allowing me to waive on. I yield back.

Mr. WESTERMAN. The gentleman's time has expired. The Chair recognizes the gentleman from Texas. Mr. Hunt, you are recognized for 5 minutes.

Mr. HUNT. Thank you, Mr. Chairman. I want to thank all the witnesses for being here today. I really, really appreciate you all being here. Thank you for your time. I mean that from the bottom of my heart.

Behind me, you see a picture that speaks for itself. This is what I call sheer chaos. And by the way, this photo was captured in 2021. A little background on me. I am a combat veteran deployed to Baghdad in 2006.

That is about what it looked like when I was there in a combat zone. This is what happens when you refuse to control our border and our sovereign nation. We are over-run by cartels trafficking in migrants, drugs, and crime.

These are all realities in Joe Biden's America, except now, they are being felt well beyond our border states, like mine in Texas. It is not just Republicans sounding the alarm now. This is happening with Democrats as well.

Next picture. Mayor Adams, as we have heard a few of the Congressmen say on August 22 about New York, "I am proud that this is the right to shelter state, and we are going to continue that," that is the leader of the largest city in America.

If you remember in 2022, he even met migrants as they entered New York. Let's fast forward to May 2023, and Mayor Adams,

through Executive Order, has suspended the law he was so proud of.

And it seems that even Democrats are starting to see the light. It only gets real when it is in your backyard. This is something that we have been experiencing in Texas for the past few years.

We have had 6½ million people enter our country illegally at our southern border. This is the most we have seen in my lifetime. It is absolute chaos and it is a crisis.

I get text messages every single week from people finding dead bodies on their ranches and yet, we sit by here and do nothing with this current Administration. “Never in my life have I had a problem that I did not see an ending to. And I don’t see an ending to this. This issue will destroy New York.” Those are his words.

Next up, Kathy Hochul, the governor from the great state of New York. In December 2021, Governor Hochul said and I quote, “as you know, the Statue of Liberty is inscribed and it says, ‘Give me your tired, your poor, your huddled masses’. You are welcome with open arms, and we will work to keep you safe.”

“Give me your tired, your poor, your huddled masses, yearning to breathe free, the wretched refuse of your teeming shore, send these the homeless, tempest tossed to me. I lift my lamp beyond the golden door.” That is actually what it says.

And I know it by heart because I learned it when I was a child. That is what this country is about. This is actually what I fought for.

So, please know I am not xenophobic. I love my country. I am willing to die for it. My parents took me to the Statue of Liberty and made me memorize that. This is not that.

This is a disgrace. Do not try to pawn this off as if this is Ellis Island and people that are trying to come to this country to find a better way for themselves. Because right now, we ain’t got it. Don’t do that to me. Don’t insult my intelligence and don’t insult the intelligence of the American people.

Now that we have these people coming here en masse, it is “go somewhere else, can’t sit here, seats taken.” All of a sudden the governor turns into Forrest Gump and in Biden’s America, what it seems like to me, for him, life is like a box of chocolates, you never know what you are going to get, and that is the way he is governing our country right now.

We don’t even know what we are going to get. But now the governor is saying, if you are thinking of coming to New York, we are truly out of space and you are going to leave your country, so go somewhere else.

This is what happens when we don’t abide by the law that we have already set in our country. Are we a sovereign nation or not? Are we a nation of laws or not? This has now become the United States of lawlessness.

Ms. Williams, I saw your testimony earlier on TV. Ma’am, you said you don’t want this to be political. I hate to break it to you, unfortunately, it is.

And if you can’t that the dichotomy between what we are saying on this side, the dais, and our colleagues on the left, pay attention, ma’am. I wish this wasn’t a political issue, to be honest with you.

I wish we could all agree that having 6½ million people enter our country illegally is not a sustainable model. We cannot afford it. We bring in \$5 trillion a year from the American taxpayer, the hardworking American taxpayer, and we are spending \$7 trillion and then bringing in 6 million people that we can't afford.

Enough is enough. And that is why we have hearings like this, to elucidate the American public. To let them know we are fighting tirelessly just for our country. We are not xenophobic, trust me, I am not racist, I just want my country back.

Thank you all so much for being here. I yield back the rest of my time. Thank you.

Mr. WESTERMAN. The gentleman yields back. The Chair recognizes the gentleman from Arizona, Mr. Gosar who, he and I were able to be in New York City last week. You are recognized for 5 minutes.

Dr. GOSAR. I thank the Chair. Councilwoman Ariola and Assemblywoman Williams, thanks for your hospitality. I certainly appreciate it.

You are both politicians, so are you familiar with good process, builds good policy, builds good politics. Are you familiar with that?

Ms. ARIOLA. Sure.

Dr. GOSAR. Why I bring that up is that when you go through a process properly you get people to come together and come up with some ideas. So, the other side just harassed you about what is your idea.

Wouldn't that have been done at a meeting where you got all the interested stakeholders together? You have no idea what can be proposed. Would you agree with that, Councilwoman?

Ms. ARIOLA. I would agree that if more people were included in the conversation, there could have been a better solution.

Dr. GOSAR. Do you agree with that, Assemblywoman?

Ms. WILLIAMS. 100 percent.

Dr. GOSAR. So, the power is really at that local level, right?

Ms. ARIOLA. Yes.

Dr. GOSAR. It doesn't come from the Federal Government. It doesn't come from the state. It comes from the local people. I think that makes a big, big difference.

I think that there are so many opportunities that we never get a chance to see because we don't go through that consultation process.

The other side talks about a process about NEPA and EA and EISs and yet, we don't want to do that here when the Federal Government wants to throw a bunch of people on a tarmac, so to speak, in a national park. It is really, really sad.

One of the things I wanted to ask you is, you saw a lot of this rigmarole going on and then you were attacked. If I asked you what was the one question that you wish you had been asked and what is its answer, would you please give me that, and we will start with Ms. Ariola and then Assemblywoman Williams, all the way down the line? Go ahead, Ms. Ariola.

Ms. ARIOLA. I wish I would have been asked why. In the letter to Mr. Mayorkas, I said that I did not approve of temporary work authorization because I would have said, it is because there are tens of thousands of immigrants who are here now who have been

waiting for years to get their work authorization so that they can work and pay taxes and become part of our economic engine and tax engine who have been pushed back that others have now jumped the line.

Dr. GOSAR. You said there is a right way and a wrong way, right? Thank you.

Ms. Williams?

Ms. WILLIAMS. I agree with what my colleague said. That poses a very big thing because then you are putting one against another and this is not what we stand for.

And then also to not have public hearing. Not to have local government, like myself, the Council Member at the table when it is in our backyard and our constituency is very, very concerned. This is an issue when there is no communication.

Dr. GOSAR. Ms. Acer?

Ms. ACER. Thank you. I would have liked to have had a chance to talk more about how getting work authorization to asylum seekers and migrants can make a key difference and will.

I think in the coming weeks we will see as more and more people actually have access to these work permits. It will be a boom to New York City. New York City is not going to be destroyed. I live there. My grandparents were immigrants that lived in New York City.

I have faith in New York City. It is going to be totally fine.

Dr. GOSAR. Mr. Spencer?

Mr. SPENCER. Thank you, sir. My question would just be for the National Park Service and the Department of the Interior why we really weren't invited to the table with planning any of the law enforcement aspects that went into this.

This lease, all 61 pages of it, mentions the U.S. Park Police one time, yet, they also say that we are going to be holding the sole responsibility for law enforcement actions that occur outside of the premises on our park, on our jurisdiction.

So, my question would be why weren't the U.S. Park Police consulted during the planning of this lease.

Dr. GOSAR. By the way, have you ever seen a 2,200-person, adult male, military age man camp that actually works very well? I have never seen that. Even in the oil patch.

We have never seen anything like that and then intersperse that with the playgrounds and the soccer fields, there is no way in hell this is actually going to work.

And that is why I came back to my first statement. Good process builds good policy, builds good politics, and none of it was followed here.

The Federal Government doesn't do any of that. The one last thing that I want to make a point to is on these work permits.

Remember these people are going to the front of the line. So, what ends up happening, you have people coming here legally, they should have the first say in that aspect. And all of these people have been waiting for months, years to try to get these work permits.

So, when you see people going to the front of the line, wrong answer. I don't think it helps anybody. I think it causes mischief and it causes disparaging comments about each other.

Mr. Chairman, I will yield back, and I want to say thank you.
Mr. WESTERMAN. The gentleman's time has expired. The Chair recognizes the Ranking Member. Mr. Grijalva, you are recognized for 5 minutes.

Mr. GRIJALVA. Thank you, Mr. Chairman.

Ms. Acer, let me begin by quoting a comment. "Every city in America has become a border city. Drugs and criminals, including hundreds of terrorists are pouring into our backyards. Our schools and hospitals are over-run with illegals. Police forces are overwhelmed as progressive mayors slash their budgets. Our streets are not safe. Fentanyl is rampant. Police officers are being assaulted. Cartels are thriving."

This is representative in a report of tweets, quotes, and public comments that have been made on the subject of asylum-seeking refugees and the border and immigration in general.

You mentioned in your testimony that how rhetoric, describing migrants as threats or invaders fuels violence against certain groups, especially racial and ethnic minorities. And instead of having a hearing that fuels violence, what real solutions should Congress be focusing on?

And let me add to that, the alternative being proposed by the Republican Majority is H.R. 2, and I think it is a messaging bill. The probability of it becoming a law is zero.

So, there is a consensus moment that we could look at what are common-sense solutions on this issue. So, reference that and also the issue of rhetoric? If you don't mind?

Ms. ACER. Yes, thank you very much, Ranking Member. Greatly appreciate it.

H.R. 2 is not a solution. It is just the opposite. If people are fleeing a burning building, it is not a solution to lock the door and prevent them from fleeing. All it does is endanger lives and force people to start jumping out of windows.

Efforts to prevent people from seeking refuge will just force them to more dangerous routes. The H.R. 2 bill that the House has passed codifies some of the most horrific policies of recent years, including, in effect, codifying a version of the Title 42 policy, as well as the Remain in Mexico Policy.

Teams of researchers in my organization, me, myself repeatedly visited with asylum seekers subjected to those policies. We have had teams at the border in recent weeks and months.

People who are forced to wait in Mexico, under these policies, people who are denied sufficient access to ports of entry face life-threatening conditions.

They are being targeted specifically. These policies have actually put them at risk by forcing them to wait in areas where cartels target them for kidnappings, torture. My staff is just overwhelmed by what happens.

Humanitarian workers now are in danger increasingly. These policies are not a solution. They are a problem. And they are not effective, from a migration management perspective either. They encourage repeat entries. They force populations that generally went to ports of entry to cross instead.

If you want to really look at good solutions, look at the shift that has happened with Haitian asylum seekers who now are coming to

ports of entry because of the steps that have been taken by the Biden administration. That is an example of an effective policy.

Mr. GRIJALVA. My situation is not unique. I am a first-generation American, I have the privilege of serving in this Congress from southern Arizona, along the border. That is where I grew up. That is the area I represent and live the issue day in, day out.

I don't need to go to the border and take a photo op and then say, look, I care about the border. But the fact remains that this complex difficult issue that requires political courage on all sides, has to be resolved.

And the issue that we are seeing in New York City is a response to an emergency. A response to not having the system in place and the resources to do this correctly.

A schizophrenic policy back and forth from hardline to more humanitarian, back to hardline, back and forth, back and forth. There has been no consistency as well. And I blame all the administrations for that.

But this issue is a precursor, I believe, it is very transparent, that everything, all the hearings that we have seen from all the committees, including this one now, on this issue, is to tee up the ball so that when we finish the hostage negotiations after the government closes down, that some of the most dire elements in H.R. 2 will suddenly appear as part of the compromise and part of the law.

That is the strategy. That is the agenda. It is transparent. It is a mistake. We, once again, will avoid a comprehensive complex solution that is needed very desperately.

I am proud of the area that I represent. It is a wonderful land, wonderful people, and we owe it to them and to every citizen and to every person in this country to solve this critical domestic issue that we are not solving.

With that, I yield back and I guess I will leave now. I am done.

Mr. WESTERMAN. The gentleman yields back. I now recognize myself for questioning.

Again, I want to thank the witnesses for your time and your patience today. I also want to personally thank the Councilwoman and Assemblywoman for the visit in New York with the group that came last week, for your passion about this issue, and for your willingness to come here to DC to testify.

Mr. Spencer, I wish I had had a chance to talk to you when I was at Floyd Bennett Field last week. I think you could have shed some additional light on the issue.

You can tell there is a lot of passion around this issue. This hearing is about building migrant camps on Floyd Bennett Field, but it obviously has far-reaching effects, all the way to the southern border, throughout many parts of our government.

We can't solve those issues here today. As much as I would like to solve those issues, but we do know there is a reason why there is a flood of migrants into New York City.

But Mr. Spencer, had you been there last week, I think you could have added to the questions that we asked when we were meeting with New York City officials and Park Service officials, the question was raised about security and safety if these migrant camps were built.

We were assured at one point, by New York City officials, that they would take care of security around the migrant camp.

And I am going to move over to Ms. Ariola for just a moment. How is the funding for supplying that additional security? Where are those officers going to come from?

Ms. ARIOLA. It is about to be cut by 15 percent.

Mr. WESTERMAN. Mr. Spencer, they assured us that this camp-site would be secure, but in the course of conversation they mentioned something about the migrants are free to come and go. They can't be held there.

We were up in the control tower and you could see the place they were saying they were going to build the camp and then you could look over and see the playground.

I asked the question, so a migrant can walk out, and these are, as has been mentioned, single, adult males, they could freely walk out of the migrant camp, walk down the street, and walk in the playground, and I was told that was a hypothetical question.

Had you been involved in the planning process, had NEPA not been shortcut, is this the kind of issue you would have looked at? And is that a hypothetical question?

Mr. SPENCER. Thank you, sir. That question is definitely something I would have brought up if I was able to attend last week. That is one of our concerns.

The fact that that camp is going to be put, like I said before, right next to a youth complex where there are going to be lots of children is definitely concerning as a law enforcement aspect.

And the fact that we also have to get, from our union anyway, we haven't been given the opportunity to bring up our safety concerns with the officers either.

Two officers on a day-to-day basis is already unsafe as it is, in my opinion, to monitor that area, and now you are going to add 2,000 more people in a tent in probably some pretty detrimental living conditions where they are able to come and go as they please. That is going to be our responsibility, the U.S. Park Police.

NYPD were gracious enough to give some officers to take care of the inside of the tent, the facility itself, but we are going to be the ones that are going to be responsible for everything that happens outside of that tent area.

Mr. WESTERMAN. And just to be clear, that has caused you concern?

Mr. SPENCER. It is very concerning to us.

Mr. WESTERMAN. And also, I know as the leader of the Park Fraternal Order of Police, that you are able to come here and testify. Do you believe there are other Park Service employees that might fear retribution if they were to speak out?

Do you sense that there are others in the Park Service that are not comfortable with this decision?

Mr. SPENCER. I would imagine there are probably more employees in the Park Service. I can definitely tell you that there are employees in my agency that would love to speak out about this, but they would be in fear of what would happen with their career.

Mr. WESTERMAN. Thank you, sir.

As we visited the park and I was learning more about it, I was fascinated that a facility like this existed in such a populated area and that a million people a year visit this park.

And looking at the park map, it shows the area actually where the migrant shelters are going to be built is labeled as a grassland's restoration project and in parenthesis, underneath that on the map, it said, "Public access denied."

I know the Autobahn Society has done work there. There is an ecology village. There are all the other recreational opportunities, and it bothered me to hear that referred to as just an airport in Brooklyn.

I live in a national park and that would be very offensive to me if somebody said it was just a bathhouse in Arkansas. There is a lot of pride in the local communities where these parks exist, but to me that is just an indication of how this whole situation is being viewed.

That it is just an airport in Brooklyn. Who cares if we build a few migrant shelters on it. I am going to give the two local authorities in Brooklyn an opportunity to talk about that and to make any final closing comments you would like to.

We will start you with you first, Ms. Ariola.

Ms. ARIOLA. The comments were very, very insulting because we all love our park land, we all love our greenspace, and it may not look like Yellowstone or anything else in any other state, but it is ours.

And it is not just a rundown runway. It is a place where people go and enjoy, up to a million people per year. And it is where schools go and schools have their after-school recreational athletic fields and they play there.

It is where people have a community garden. It is a place of community for the surrounding communities. And there has been a lot of talk, Ms. Acer said about organizations doing their job and getting people asylum status, but if that were the case, why is Kathy Hochul employing the National Guard to work as social workers to make sure that their paperwork goes through?

And what happened to our homeless population that were New Yorkers prior to the migrants coming into this? Have they evaporated? Have our homeless veterans, have they evaporated?

Such focus is being given to this that all the other issues that New Yorkers are facing have just gone to the wayside. But we are stretched so thin that we are now looking at national parks, national parks that are not safe. If anyone saw the video that played earlier, Assemblymember Williams was there. She was in 10 inches of water. That is not in a hurricane, that is in a light rainfall.

It is unsafe to put the migrants there. It is unsafe for anyone to be there. We have said it front the start; this is not any type of nimby type of ask. This is bipartisan. This is what it should be.

A Republican and a Democrat who are working together to make sure that the integrity of their park remains what it should be, as a national park, the surrounding communities remain as they should be, to be able to enjoy that park, and that the migrants, the homeless, and those that are seeking asylum are tended to, but we can't continue to do it because there is no more room at the inn

and our borders are not closing and unless they do, we are going to continue to be over-run and it won't just be New York. It will be every city in every state across America.

Thank you for the time. Thank you for coming to see our national park. And thank you for hosting this session for us, this hearing.

Mr. WESTERMAN. Assemblywoman Williams, thank you for your passion to speak out on this. I didn't introduce you as a Democrat member of the New York General Assembly, but it has been established here in the discussions. Any closing remarks about just an airport in Brooklyn?

Ms. WILLIAMS. Thank you so very much and we had to travel all the way from the southern side of Brooklyn to hear that our national park is just a regular runway.

Well, that might be your opinion and we have heard many opinions float around this room today, however, our visit here to Congress is to talk about using what we call our national park, the misuse and the intent to house 2,000 plus men.

We talk about protected fields there. In every area of Floyd Bennett Field, there is signage and the signage says, "Area closed. Do not enter." It is a natural resource protection area.

Violators are subject to be fined. Grassland habitat, management area. The following activities are prohibited, entry, kite flying, pets, fires. We have heard from Mr. Spencer, two officers.

How are you going to man 2,000 individuals there and to keep them off the grass? Not to mention there are other things floating around. Right across the street we have a very big area, Bottle Beach, that is contaminated with radiation that is closed off. What is to say that they won't end up on that side of the beach?

So, we have to be very vigilant of what it is we are seeing. Myself and my colleague here, we come together in a bipartisan effort because our community has a voice. And the one thing that I did not say when they spoke earlier about low income and communities of color. In the 59th District, 70 percent of our population is black. Another 25 to almost 30 percent is white. So, we really need to do our homework and probably, if they came into our communities to do a public assessment or to hear from individuals, you would see the diversity of our community.

And as taxpayers, we should be concerned about what is happening in our backyard. As parents, we should be concerned about the safety of our children.

I applaud you, Chairman, for having us here on this platform to talk about our natural resources and how our natural resources, our national park is being used as a pawn and is not being said for what it is.

We are supposed to be Ambassadors of our national parks. And that is it. Thank you.

Mr. WESTERMAN. Thank you.

Mr. Spencer, you never got asked the question, but have you worked at other national parks, other than Gateway?

Mr. SPENCER. No, Mr. Chairman. I am actually based out of here in DC. We only have three field offices, DC, New York, and San Francisco.

Mr. WESTERMAN. How do you think it makes the law enforcement officers feel at Gateway to hear their park called just an airport in Brooklyn?

Mr. SPENCER. I don't believe that my members who are proud New Yorkers up there would appreciate that comment, but that is OK.

Mr. WESTERMAN. Thank you.

The Ranking Member, I believe, has an announcement?

Mr. GRIJALVA. Yes, thank you, Mr. Chairman.

Before we wrap up, I would like to ask unanimous consent to enter some documents into the record having to do with the NEPA emergency process; the historic uses of Floyd Bennett Field to dispel some of the environmental review and the myths about the park and environmental review; reports from Cato and the Drug Enforcement Administration that lays out the facts about fentanyl and drug trafficking—Newsflash—asylum seekers are not responsible, it is organized crime on both sides of the border; a GAO report on the border wall; and finally the budget recommendations, the continuing resolution, and the appropriations that deal with issues of the Park Service, including enforcement.

Mr. WESTERMAN. Without objection.

[The information follows:]

**EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503**

September 14, 2020

CEQ-NEPA-2020-01

**MEMORANDUM FOR HEADS OF FEDERAL DEPARTMENTS
AND AGENCIES**

FROM: Mary B. Neumayr, Chairman

SUBJECT: Emergencies and the National Environmental Policy Act Guidance

This guidance¹ updates and replaces previous guidance from the Council on Environmental Quality (CEQ) on the environmental review of proposed emergency response actions under the National Environmental Policy Act, 42 U.S.C. 4321-4347 (NEPA).² Federal departments and agencies (agencies) should distribute this guidance as part of their general guidance on emergency actions to agency offices that are or may become involved in developing and taking actions in response to emergencies.

As agencies respond to situations involving immediate threats to human health or safety, or immediate threats to valuable natural resources, they must consider whether there is sufficient time to follow the procedures for environmental review established in the CEQ National Environmental Policy Act Implementing Regulations, 40 CFR parts 1500-1508 (CEQ NEPA regulations),³ and their agency NEPA procedures.

¹The contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This memorandum is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

²This guidance replaces guidance issued by CEQ on September 29, 2016, May 12, 2010, and September 8, 2005. CEQ rescinds the prior guidance.

³<https://ceq.doe.gov/laws-regulations/regulations.html>.

This guidance does not establish new requirements. CEQ established the regulation addressing alternative arrangements in emergency circumstances in 1978,⁴ and amended it in 2020 to clarify that it provides for alternative arrangements for compliance with NEPA section 102(2)(C) (42 U.S.C. 4332(C)).⁵ 40 CFR 1506.12. CEQ has approved, and agencies have applied successfully, numerous alternative arrangements to allow a wide range of proposed actions in emergency circumstances including natural disasters, catastrophic wildfires, threats to species and their habitat, economic crisis, infectious disease outbreaks, potential dam failures, and insect infestations.⁶

Attachment 1 provides agencies with a step-by-step process for determining the appropriate path forward for the NEPA environmental review of all actions proposed in response to an emergency situation.

Environmental Impact Statements:

The CEQ regulations, at 40 CFR 1506.12, provide for alternative arrangements for NEPA compliance in emergency situations when the agency proposal has the potential for significant environmental impacts and would require an environmental impact statement (EIS) if the situation were not an emergency:

Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of the regulations in [parts 1500-1508], the Federal agency taking the action should consult with the Council about alternative arrangements for compliance with section 102(2)(C) of NEPA. Agencies and the Council will limit such arrangements to actions necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA review.

Agencies develop these alternative arrangements, based on emergency-specific facts and circumstances, during consultation with CEQ. The alternative arrangements developed by an agency address the actions necessary to respond immediately to the impacts of an emergency. The long-term response to the emergency, including recovery actions, remains subject to the regular NEPA process set forth in the CEQ NEPA regulations.

Alternative arrangements do not waive the requirement to comply with the statute, but establish an alternative means for NEPA compliance. Alternative arrangements also do not complete or alter other environmental requirements (except as provided by other environmental statutes or regulations); however, engaging other resource and regulatory agencies about other environmental requirements during development and implementation of alternative arrangements can facilitate meeting other compliance requirements. Final agency action taken pursuant to alternative arrangements for compliance with NEPA under 40 CFR 1506.12 may be subject to judicial review if a statute, such as the Administrative Procedure Act, provides for such review.

Attachment 1 describes the factors for an agency to address when requesting and designing alternative arrangements. Once the agency develops the alternative arrangements, CEQ will provide documentation detailing the alternative arrangements and the considerations on which they are based.

Environmental Assessments:

When agencies are considering proposals with less than significant impacts or are uncertain about the significance of impacts, the agency can prepare a concise, focused environmental assessment (EA). Attachment 2 of this memorandum provides guidance for preparing an EA. Some agency NEPA procedures provide processes for preparing EAs for emergency actions.⁷ Agencies must continue their efforts to notify and inform the affected public and relevant Federal, State, Tribal, and local agency representatives of the Federal agency activities and proposed

⁴ 43 FR 55977, Nov. 29, 1978.

⁵ 85 FR 43304, July 16, 2020.

⁶ A synopsis of previous alternative arrangements is available at [https://ceq.doe.gov/nepa-practice/alternative arrangements.html](https://ceq.doe.gov/nepa-practice/alternative%20arrangements.html).

⁷ See Agency NEPA procedures, for example: Department of Homeland Security Instruction Manual 023-01-001-01, Revision 01 at VI-1, [https://www.dhs.gov/sites/default/files/publications/DHS Instruction%20Manual%20023-01-001-01%20Rev%2001 508%20Admin%20Rev.pdf](https://www.dhs.gov/sites/default/files/publications/DHS%20Instruction%20Manual%20023-01-001-01%20Rev%2001%20508%20Admin%20Rev.pdf); U.S. Forest Service, 36 CFR 220.4(b), http://www.fs.fed.us/emc/nepa/nepa_procedures/includes/fr_nepa_procedures_2008_07_24.pdf; and Department of the Interior, 43 CFR 46.150, https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=2a2ce144c79da6f3e773bfa9cdf17bcf&mc=true&n=sp43.1.46.b&r=SUBPART&ty=HTML#se43.1.46_1150.

actions. Agencies must comply with the CEQ NEPA regulatory requirements for content, interagency coordination, and public involvement to the extent practicable.⁸

ATTACHMENT 1

Emergency Actions Under the National Environmental Policy Act (NEPA)

In the case of an emergency:

1. Do not delay immediate actions necessary to secure lives and safety of citizens or to protect valuable resources. Consult with CEQ as soon as feasible. Please coordinate any communications with your Federal agency NEPA contacts. See <https://ceq.doe.gov/nepa-practice/agency-nepa-contacts.html>.
2. Determine if NEPA applies and the appropriate level of NEPA analysis:
 - Determine if a Federal agency is taking the proposed action (e.g., city or State action does not trigger NEPA; Federal decisions to fund city or State action may trigger NEPA, depending on the nature of the funding arrangements) or is exempt from NEPA (e.g., certain Federal Emergency Management Agency response actions under the Stafford Act are statutorily exempt from NEPA; additional information is available at https://www.fema.gov/media-library-data/20130726-1748-25045-1063/stafford_act_nepa_fact_sheet_072409.pdf).
 - If the Federal agency's proposed emergency response activity is not statutorily exempt from NEPA, and the agency has a categorical exclusion (CE) that includes that type of activity, then apply the CE unless there are extraordinary circumstances that indicate using the CE in this particular case is not appropriate. Agency NEPA personnel can assist in identifying agency-specific actions that are categorically excluded.
 - If the proposed Federal agency emergency response activity is not statutorily exempt from NEPA, a CE is not available, and the agency does not expect the potential environmental impacts of the proposed response activity to be significant, then an environmental assessment (EA) is appropriate. Prepare a focused, concise EA as described in Attachment 2. Alternative arrangements, as outlined at 40 CFR 1506.12, do not apply because the environmental impacts are not expected to be significant. Agency NEPA personnel can assist in identifying agency-specific actions that typically require an EA.
 - If the proposed Federal emergency response activity is not statutorily exempt from NEPA, and the agency expects it would have significant environmental impacts, the agency should determine whether an existing NEPA analysis covers the activity (e.g., implementing pre-existing spill response plans). If so, the agency may rely upon its existing analysis or adopt the analysis of another agency consistent with 40 CFR 1506.3.
 - If the proposed Federal emergency response activity is not statutorily exempt from NEPA, the agency expects it to have significant environmental impacts, and an existing NEPA analysis does not cover the activity, then the agency should consult with CEQ to determine whether alternative arrangements can take the place of an EIS. Contact CEQ to develop alternative arrangements under 40 CFR 1506.12. CEQ's main phone number is (202) 395-5750.
3. Factors to address when requesting and designing alternative arrangements include the:
 - Nature and scope of the emergency;
 - Actions necessary to control the immediate impacts of the emergency;
 - Potential adverse effects of the proposed action;

⁸ 40 CFR 1501.5, 1501.6, and 1506.6 (these regulations address required content and public involvement for preparing EAs and Findings of No Significant Impact).

- Components of the NEPA process that the agency can follow and provide value to decision making (e.g., coordination with affected agencies and the public);
- Duration of the emergency; and
- Potential mitigation measures.

ATTACHMENT 2

Preparing Focused, Concise and Timely Environmental Assessments

An agency can prepare a concise and focused EA in a short time in those situations where:

- There is no statutory exemption from NEPA requirements;
- There is no CE available, either because the agency has none that cover the activity or there are extraordinary circumstances;
- An existing NEPA analysis (EA or EIS) does not cover the proposed recovery or response actions; and
- The environmental impacts of the proposed recovery or response actions are not likely to be significant.

The following outline with notations addresses the core elements of an EA as required by 40 CFR 1501.5:

- The purpose and need for the proposed action;
- Alternatives as required by NEPA section 102(2)(E);
- The description of environmental impacts of the proposed action and the alternatives; and
- The list of agencies and persons consulted.

Purpose and Need for the Proposed Action

The agency should briefly describe information that substantiates the purpose and need for the action and incorporate by reference information that is reasonably available to the public. For example, “This agency is preparing to erect a temporary emergency response facility to replace facilities disrupted or destroyed by the [hurricane/flooding/contamination/etc.] to facilitate rescue or relief efforts in an effort to [minimize further adverse health conditions/restore communications/restore power].”

The agency should briefly describe the existing conditions and the projected future conditions of the area impacted by the action. For example, “The area(s) in which the temporary facility will be located or relocated is identified in the attached map. This area consists of [add brief description of the environmental state of the area that will be affected by the location and operation of the facility, focusing on those areas that are potentially sensitive. The goal is to show that environmental effects have been considered and the facts found indicate no significant impact (for example, refueling sites are not on top of aquifers, nesting areas, graves, sacred sites, etc.). These are examples to show the utility of and need to identify actual place-based environmental issues rather than compiling lists of environmental resources not at issue].”

Proposed Action and Alternatives

The agency should list and briefly describe its proposed action and reasonable alternatives that meet the purpose and need. The agency must use its discretion to ensure the number and range of reasonable alternatives is reasoned and not arbitrary or capricious. The purpose and need for the proposed action and its environmental impacts should focus the alternatives. For example, the need to use existing infrastructure necessary to support the facility is a reasoned basis for focusing on a discrete number of alternatives.

When there is no conflict over the resource effects of the proposed action based on input from interested parties, the agency can consider the proposed action and proceed without consideration of additional alternatives. Otherwise, the agency

must identify reasonable alternatives that meet the action's purpose and need, consistent with section 102(2)(E) of NEPA.

Environmental Impacts of the Proposed Action and Alternatives

The agency should describe the environmental impacts of its proposed action and each alternative. The description should provide enough information to support a determination to either prepare an EIS or a finding of no significant impact.

The agency should focus on whether the action would significantly affect the quality of the human environment. The agency should follow CEQ's NEPA regulations in considering whether the effects of a proposed action are significant. 40 CFR 1501.3. Agency NEPA contacts and contacts at resource agencies can assist in this effort.

Tailor the length of the discussion to the complexity of each issue. Focus on those human and natural environment issues where impacts are a concern. Telephone or email discussions with State, Tribal, and local governments and agencies, and other Federal agencies that operate in the area, will help focus those issues.

The agency must discuss the impacts of each alternative and may discuss those impacts together in a comparative description, or discuss each alternative separately. The agency should use the approach that will be most effective in the time available. The agency may contrast the impacts of the proposed action and alternatives with the current condition and expected future condition in the absence of the action. This constitutes consideration of a no action alternative as well as demonstrating the need for the action.

The agency should incorporate by reference data, inventories, other information, and analyses relied on in the EA. CEQ encourages the use of hyperlinks in web-based documents. This information must be reasonably available to the public. For example, include relevant existing programmatic agreements and generally accepted best management practices.

The agency should be clear and concise about its conclusions and their bases.

List of Agencies and Persons Consulted

The agency must involve the public, relevant agencies, and any applicants, to the extent practicable in preparing EAs, and list the agencies and persons consulted. For example, include the people, offices, and agencies that the agency coordinated with to ensure that the location of the action did not cause unintentionally an adverse impact. Also include information about individuals consulted to comply with substantive environmental requirements and regulations, for example: the Clean Water Act, the National Historic Preservation Act, and the Endangered Species Act (ESA). [Note that the ESA emergency provisions at 50 CFR 402.05 may be applicable to the proposed action.]

Work and Life on Barren Island

National Park Service

<https://www.nps.gov/gate/learn/historyculture/work-and-life-on-barren-island.htm>

Last updated January 20, 2023

There is a history buried in South Brooklyn. As a matter of fact, that history pours into the bay. Today, it takes the form of trash, but to many of those who settled here in the second half of the 19th century it was a way of life. On the surface we see a decommissioned airfield. Floyd Bennett Field, New York City's first municipal airport and later a Naval Air Station built atop landfill. Dig a little deeper and you will discover a thriving community.

The following text and accompanying images were part of the pop-up exhibition, *A Most Self-Contained Community: Barren Island* curated by Gateway National Recreation Area, the Jamaica Bay-Rockaway Parks Conservancy, the Sanitation Foundation, and Miriam Sicherman—Author of *Brooklyn's Barren Island: A Forgotten History*. It was installed outside of the Ryan Visitor Center at Floyd Bennett Field from June to September in 2022.

A Most Self-Contained Community: Work and Life on Barren Island 1850s-1930s

Imagine, for a moment, that you are aboard a rickety ferry. As you sailed from Canarsie Pier and closer to your destination, the smells became more pungent—a mixture of burning garbage, drying fish, rotting animals, and in contrast, a brisk salt-water breeze.

Now stepping off the boat, you see men heading off to factories, chatting in German, Polish, Italian, and southern-accented English. Children are carrying driftwood home before heading off to the school. Women are gathering eggs from the chickens outside their tiny houses, while hogs are snuffling around in nearby piles of garbage. A horse and wagon carefully traverse a bridge over a creek, carrying supplies to the grocery store in someone's front room. A whistle blows as the last few workers arrive at the factories for their 10-hour shifts. You are on Barren Island. You're in New York City, yet you're also in a remote, windswept, marshy seaside village. Though most of your fellow New Yorkers have never heard of this place, essential tasks take place here. Here workers extract industrial grease from the city's garbage, preventing it from being dumped in the ocean and washing up on the beaches. Here skinners, bone-cutters, and other laborers transform the thousands of horses who die on city streets each year into everything from gloves to buttons to products needed for Brooklyn's booming sugar refineries.

The people who live and work here are strivers: new European immigrants and Black migrants from Virginia and Delaware, creating a community on land that is so isolated that islanders are left to collect their own water, grow or catch much of their own food, fight their own fires, and lay planks on the ground to build their own roads.

As the decades pass, this cohesive, self-sustaining community will be attached to Brooklyn with landfill, host the city's first airport, and eventually disappear, leaving almost no trace. The following images reveal a nearly forgotten history and how the legacy of this community informs the landscape of New York City.

New York City Department of Sanitation at Floyd Bennett Field

Over the course of the 1920s Barren Island and its surrounding saltmarsh were filled in and attached to mainland Brooklyn. Floyd Bennett Field, the City's first municipal airport was built atop the new land. In 1931, the Navy began operating an air base on the grounds. In 1941, the Navy fully absorbed Floyd Bennett Field and operated a Naval Air Base there until 1971. Following the property's transfer to the National Park Service in 1972, the Navy's Aviation Patrol Base hangar was demolished. The site remained vacant until the 1990s, when the National Park Service granted New York City Department of Sanitation (DSNY) exclusive use of the hangar area as a training facility. Since then, DSNY has conducted its Safety and Training operations at Floyd Bennett Field and made Tylunas Hall, constructed by the Navy in 1970, its training headquarters. Prior to that, Sanitation Workers were trained at facilities at the East 23rd Street Pier in Manhattan and on Randall's Island.

Each year, between 250 to 500 new recruits enter the Training Academy at Floyd Bennett Field on their way to becoming Sanitation Workers. At the Sanitation Training Academy, these new employees receive instruction on how to perform every aspect of the job, including safely collecting refuse and recycling, cleaning streets, and clearing snow. Expert trainers also teach sanitation workers how to safely and effectively operate DSNY's heavy fleet and specialty equipment, from collection trucks to mechanical brooms, front-end loaders, and heavy-duty wreckers, using obstacle courses to simulate real-world situations. The Training Academy also trains promotional classes for Supervisors and Superintendents and provides specialized training for new operations and programs. To learn more about DSNY's historic and contemporary fleet of vehicles, click here (<https://www.sanitationfoundation.org/fleet>).

Hurricane Sandy

In 2012, the expertise of the DSNY was on display as the department played an essential role in the recovery efforts after Hurricane Sandy, which caused an estimated \$19 billion in damage to New York City. DSNY fully mobilized the morning after the storm, working around the clock for over a month to remove over 420,000 tons of storm debris. Much of this was staged in the Jacob Riis Park parking lot, working in partnership with the National Park Service/Gateway National Recreation Area. DSNY also operated additional collection services for impacted

communities like the Rockaways, where food and supplies were being distributed and residents were gutting their flooded homes. Then-Commissioner John Doherty stated: “It was important for the Department to ensure that the residents of these areas, reeling from the devastating impact of the storm, felt some comfort in knowing that the seemingly endless debris placed out at the curb would be removed quickly to create a safe and clean environment, which would aid them in the process of moving on and rebuilding their lives.”

Landfills: Disposal and Reuse

In addition to championing the recovery of New York City after extreme events, the DSNY also plays a key role in the establishment of park land. Sanitary landfills are engineered facilities where people dispose waste. Once full, it is possible to reclaim landfills for other uses, such as parkland. This process usually involves capping the landfill with impermeable materials, soil, and vegetation. It may sound easy but creating parks from landfills is an elaborate undertaking that can take decades to complete.

Restoration in the Works: Dead Horse Bay

One challenging legacy of landfill is Dead Horse Bay (named for the animal carcasses once used to manufacture glue and fertilizer on nearby Barren Island), located to the east of Floyd Bennett Field. In the 1940s and 50s, the City of New York filled the area with great mounds of garbage and sand. Much of this historic waste is eroding along the shoreline, earning it the nickname “Glass Bottle Beach.” Environmental investigations have found locations at Dead Horse Bay with radiation above ambient levels, often due to the disposal of deck markers—glowing disk-shaped objects once used by the military to provide light at night. Under the authority of CERCLA Act (commonly known as the Superfund program), Dead Horse Bay is now the site of a cleanup that may take many years to complete. While it is important that park visitors avoid this area, NPS is evaluating options to allow for continued use of Dead Horse Bay. Community involvement is an important aspect of this process. You can find out more about Dead Horse Bay here (<https://www.nps.gov/gate/learn/management/dead-horse-bay-environmental-cleanup-project.htm>).

A Landfill Restored: Shirley Chisholm State Park

However, nearby Shirley Chisholm State Park is an excellent example of landfill restoration. This 400-acre park sits above the former Pennsylvania and Fountain Avenue landfills. After the landfills were closed in the 1980s, decades of work began. The City of New York installed a massive plastic cap and four feet of clean soil to cover the landfills, as well as pipes to channel methane generated by the site to two ever-burning flares. Where there once was decaying trash, visitors can now enjoy spectacular views of New York City and Jamaica Bay; 10 miles of trails; and 35,000 native trees, shrubs, and grasses. As you consider the history of landfills in Jamaica Bay, ask yourself: How did we get here? What is the future for polluted sites like Dead Horse Bay? Given that the average American produces four pounds of waste every day, what can you do to help? Get started today—consider taking the zero-waste pledge (https://dsny.force.com/zerowastepledge/s/?language=en_US) to commit to reducing what you send to landfill.

Fentanyl Is Smuggled for U.S. Citizens by U.S. Citizens, Not Asylum Seekers

CATO at Liberty Blog, September 14, 2022 by David J. Bier

<https://www.cato.org/blog/fentanyl-smuggled-us-citizens-us-citizens-not-asylum-seekers>

Fentanyl overdoses tragically caused tens of thousands of preventable deaths last year. Many politicians who want to end U.S. asylum law claim that immigrants crossing the border illegally are responsible. An NPR-Ipsos poll last week found that 39 percent of Americans and 60 percent of Republicans believe, “Most of the fentanyl entering the U.S. is smuggled in by unauthorized migrants crossing the border illegally.” A more accurate summary is that fentanyl is overwhelmingly smuggled by U.S. citizens almost entirely for U.S. citizen consumers.

Here are facts:

- Fentanyl smuggling is ultimately funded by U.S. consumers who pay for illicit opioids: nearly 99 percent of whom are U.S. citizens.
- In 2021, U.S. citizens were 86.3 percent of convicted fentanyl drug traffickers—ten times greater than convictions of illegal immigrants for the same offense.
- Over 90 percent of fentanyl seizures occur at legal crossing points or interior vehicle checkpoints, not on illegal migration routes, so U.S. citizens (who are subject to less scrutiny) when crossing legally are the best smugglers.
- The location of smuggling makes sense because hard drugs at ports of entry are about 97 percent less likely to be stopped than are people crossing illegally between them.
- Just 0.02 percent of the people arrested by Border Patrol for crossing illegally possessed any fentanyl whatsoever.
- The government exacerbated the problem by banning most legal cross border traffic in 2020 and 2021, accelerating a switch to fentanyl (the easiest-to-conceal drug).
- During the travel restrictions, fentanyl seizures at ports quadrupled from fiscal year 2019 to 2021. Fentanyl went from a third of combined heroin and fentanyl seizures to over 90 percent.
- Annual deaths from fentanyl nearly doubled from 2019 to 2021 after the government banned most travel (and asylum).

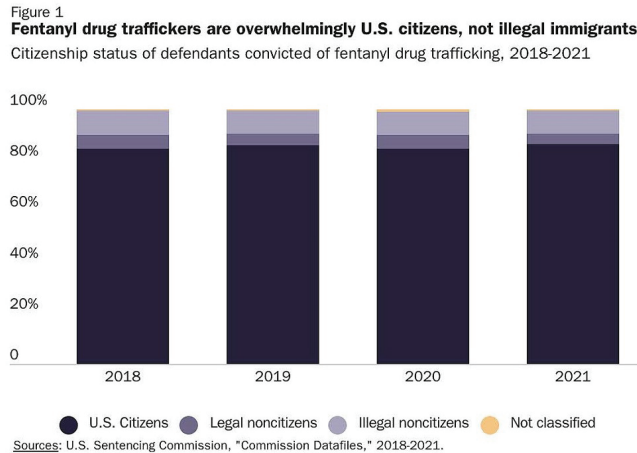
It is monstrous that tens of thousands of people are dying unnecessarily every year from fentanyl. But banning asylum and limiting travel backfired. Reducing deaths requires figuring out the cause, not jumping to blame a group that is not responsible. Instead of attacking immigrants, policymakers should focus on effective solutions that help people at risk of a fentanyl overdose.

U.S. Citizen Consumers Fund Fentanyl Smuggling

U.S. consumer payments for illicit opioids ultimately fund fentanyl smuggling. Consumers pay retail dealers who pay wholesalers, and the cash is then transferred back in bulk cash form to Mexico. These funds are then used to pay smugglers to bring drugs back into the United States again. The best evidence indicates that about 99 percent of U.S. consumers of fentanyl (or products containing fentanyl) are U.S. citizens.^[i] Noncitizens appear to be about 80 percent less likely to be fentanyl consumers than their share of the population would predict. Fentanyl smuggling is almost entirely conducted on behalf of U.S. citizen consumers. Of course, consumers would prefer much safer and legal opioids over illicit fentanyl, but the government has unfortunately forced them into the black market with few safe options.

U.S. Citizens Are Fentanyl Traffickers

Fentanyl is primarily trafficked by U.S. citizens. The U.S. Sentencing Commission publishes data on all federal convictions, which includes demographic information on individuals convicted of fentanyl trafficking. Figure 1 shows the citizenship status of fentanyl traffickers for 2018 to 2021. Every year, U.S. citizens receive the most convictions by far. In 2021, U.S. citizens accounted for 86.3 percent of fentanyl trafficking convictions compared to just 8.9 percent for illegal immigrants.



Note that since trafficking involves movement from Mexico to the United States, it is unclear how to measure the likelihood of conviction for a noncitizen without U.S. lawful immigration status or citizenship since the denominator would include most Mexicans in Mexico as well as anyone who crosses through Mexico. But regardless, the reality is that people with U.S. citizenship or residence traffic the vast majority of fentanyl, not illegal border crossers specifically or illegal immigrants generally.

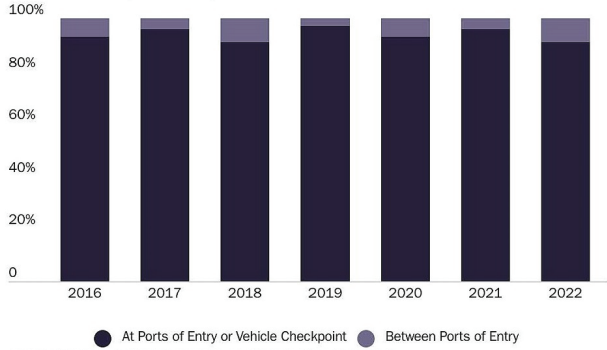
Indeed, this appears to be the case even for the most high-profile cases. Aaron Reichlin-Melnick of the American Immigration Council analyzed every Customs and Border Protection press release mentioning fentanyl over a 6-month period and found just 3 percent involved illegal immigrants. This means that the agency itself believes the most important smugglers are U.S. citizens.

U.S. Citizens Bring Fentanyl Through Legal Crossing Points

That U.S. citizens account for most fentanyl trafficking convictions is not surprising given the location of fentanyl border seizures. Over 90 percent of fentanyl border seizures occur at legal border crossings and interior vehicle checkpoints (and 91 percent of drug seizures at checkpoints are from U.S. citizens—only 4 percent by “potentially removable” immigrants).

In 2022, so far, Border Patrol agents who were not at vehicle checkpoints accounted for just 9 percent of the fentanyl seizures near the border (Figure 2). Since it is easier for U.S. citizens to cross legally than noncitizens, it makes sense for fentanyl producers to hire U.S. citizen smugglers.

Figure 2
Fentanyl is primarily smuggled through legal ports of entry, not illegal entry routes
 Location of fentanyl seizures by Customs and Border Protection, 2016-2021

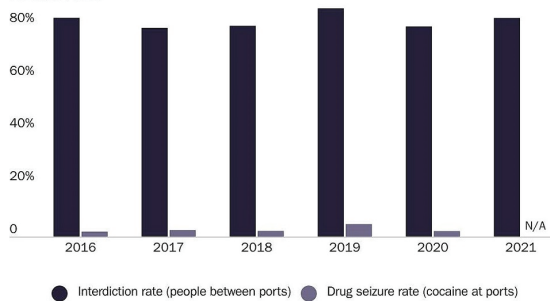


Sources: Customs and Border Protection, "Enforcement Statistics," 2022.

The DEA reports that criminal organizations “exploit major highway routes for transportation, and the most common method employed involves smuggling illicit drugs through U.S. [ports of entry] in passenger vehicles with concealed compartments or commingled with legitimate goods on tractor-trailers.” Several agencies including CBP, ICE, and DHS intelligence told Congress in May 2022 the same thing: hard drugs come through ports of entry.

Some people posit that less fentanyl is interdicted between ports of entry because it is more difficult to detect there. But the opposite is true: fentanyl is smuggled through official crossing points specifically because it is easier to conceal it on a legal traveler or in legal goods than it is to conceal a person crossing the border illegally. Customs and Border Protection estimates that it caught 2 percent of cocaine at southwest land ports of entry in 2020 (the only drug it analyzed), while it estimated that its interdiction effectiveness rate for illegal crossers was about 83 percent in 2021 [Figure 3].^[ii] This means that drugs coming at a port of entry are about 97 percent less likely to be interdicted than a person coming between ports of entry, and this massive incentive to smuggle through ports would remain even if Border Patrol was far less effective at stopping people crossing illegally than it now estimates that it is.

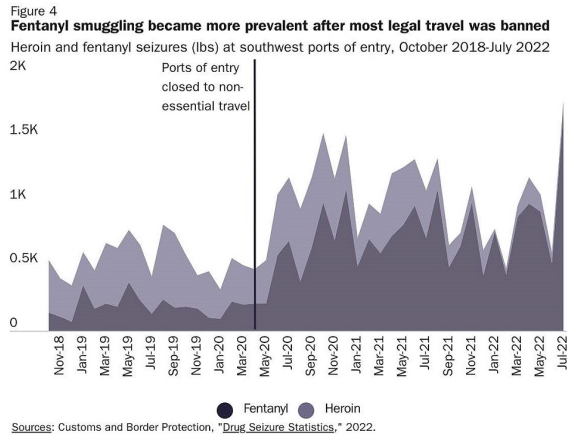
Figure 3
Smuggling drugs is easier at ports of entry than between ports of entry
 Interdiction effectiveness rate (crossers) & seizure effectiveness rate (cocaine at ports), FY 2016-2021



Sources: Customs and Border Protection, "Budget," 2020, 2022; "Border Security Metrics Report: 2021," Department of Homeland Security, April 27, 2022.
 Notes: Interdiction effectiveness rate is the percent of detected illegal entrants who were apprehended. Cocaine effectiveness is the percent of cocaine seized at land ports out of total estimated flow of cocaine.

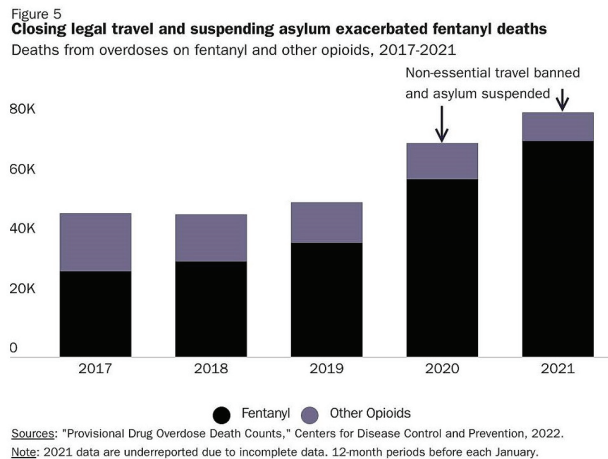
Closing Ports Increased Fentanyl Smuggling

During the early days of the pandemic, the Trump administration drastically restricted legal travel to the United States, banning nonessential travel through land ports of entry from Mexico in particular in late-March 2020. Because there were fewer opportunities to traffic drugs at ports of entry, traffickers switched to trafficking more fentanyl. Because fentanyl is at least 50 times more potent per pound than heroin and other drugs, smugglers need fewer trips to supply the same market. The seizure data demonstrate the change in tactics. From October 2018 to February 2020, about a third of fentanyl and heroin seizures at southwest ports of entry were fentanyl with no clear upward trend. By the time the travel restrictions were ended (at least for vaccinated travelers) in January 2022, over 90 percent of heroin-fentanyl seizures were fentanyl. Unfortunately, the market shift has continued. The absolute amount of fentanyl being seized quadrupled (Figure 4).



The United Nations Office on Drugs and Crime reported that in mid-2020, as a result of travel restrictions, "Many countries have reported drug shortages at the retail level, with reports of heroin shortages in Europe, South-West Asia and North America in particular" and that "heroin users may switch to substances such as fentanyl." The DEA predicted in 2020 that "additional restrictions or limits on travel across the U.S.-Mexico border due to pandemic concerns will likely impact heroin DTOs [drug trafficking organizations], particularly those using couriers or personal vehicles to smuggle heroin into the United States," leading to "mixing fentanyl into distributed heroin."

Unsurprisingly, the increased reliance on fentanyl has increased fentanyl deaths. Indeed, it appears that the border closures rapidly accelerated the transition from heroin to fentanyl, leading to tens of thousands of additional deaths per year (Figure 5). Note that 2021 data undercount the true number of deaths because not all locations have reported. Nonetheless, the annual number of fentanyl deaths have nearly doubled between 2019 and 2021. Banning asylum under Title 42 of the U.S. code probably had no effect on these trends, but it certainly did not help reduce fentanyl deaths, as some have claimed.



Asylum Seekers Don't Aid Fentanyl Smuggling

Fentanyl smuggling is not a reason to end asylum. The people arrested by Border Patrol are not smuggling fentanyl. Just 279 of 1.8 million arrests by Border Patrol of illegal border crossers resulted in a fentanyl seizure—too small of a percentage (0.02 percent) to appear on a graph—and many of these seizures occurred at vehicle checkpoints of legal travelers in the interior of the United States.

Nonetheless, some officials have asserted that asylum seekers distract Border Patrol from drug interdiction efforts. If asylum seekers were indirectly aiding drug smuggling, however, we would expect the effect to show up in the seizure trends by changing the locations, times, or amounts of the seizures in some way. But drug seizure trends simply do not deviate measurably with greater arrests of asylum seekers. This is true on several different metrics: across time, between sectors, along mile-distance from the border, or the share of seizures at ports of entry versus between them. If the administration legalized asylum at ports of entry, even this hypothetical problem would disappear.

Aggressive Drug Interdiction Exacerbates Fentanyl Smuggling

The fentanyl problem is a direct consequence of drug prohibition and interdiction. As my colleague Dr. Jeff Singer has written:

Fentanyl's appearance in the underground drug trade is an excellent example of the "iron law of prohibition:" when alcohol or drugs are prohibited they will tend to get produced in more concentrated forms, because they take up less space and weight in transporting and reap more money when subdivided for sale.

Fentanyl is at least 50 times more powerful per pound than heroin, which means you have to smuggle nearly 50 pounds of heroin to supply the market that a single pound of fentanyl could. This is a massive incentive to smuggle fentanyl, and the more efforts are made to restrict the drug trade, the more fentanyl will be the drug that is smuggled. The DEA has even admitted, "The low cost, high potency, and ease of acquisition of fentanyl may encourage heroin users to switch to the drug should future heroin supplies be disrupted." In other words, heroin interdiction makes the fentanyl problem worse.

Conclusion

Border enforcement will not stop fentanyl smuggling. Border Patrol's experience with marijuana smuggling may provide even clearer evidence for this fact. Marijuana is the bulkiest and easiest-to-detect drug, which is why it was largely trafficked between ports of entry. Despite doubling the Border Patrol and building a border fence in the 2000s in part to combat the trade, the only thing that actually reduced marijuana smuggling was U.S. states legalizing marijuana. It is absurd to

believe that interdiction will be more effective against a drug that is orders of magnitude more difficult to detect.

The DEA plainly stated in 2020 that fentanyl “will likely continue to contribute to high numbers of drug overdose deaths in the United States” even with the ban on asylum and travel restrictions. But ending asylum or banning travel has been worse than useless. These policies are both directly and indirectly counterproductive: first directly by incentivizing more fentanyl smuggling and then indirectly by distracting from the true causes of the crisis.

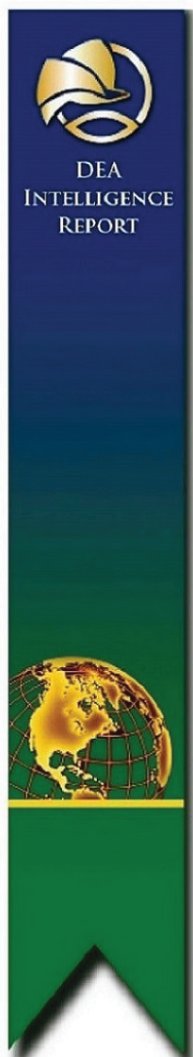
My colleagues have been warning for many years that doubling down on these failed prohibition policies will lead to even worse outcomes, and unfortunately, time has repeatedly proven them correct. The only appropriate response to the opioid epidemic is treatment of addiction. But for this to be possible, the government must adopt policies that facilitate treatment and reduce the harms from addiction—most importantly deaths. To develop these policies, policymakers need to ignore the calls to blame foreigners for our problems.

Notes

[i] This is based on overdose statistics, and last year, fentanyl caused 88 percent of opioid overdose deaths.

[ii] The cocaine seizure effectiveness rate includes an estimate of all cocaine that escaped detection, while the interdiction effectiveness rate for people only includes detected crossings. Including undetected crossings would lower the effectiveness rate for people, but because many arrests are the same person crossing after a prior arrest (27 percent in 2021), the interdiction effectiveness rate is a better estimate of the likelihood of being arrested during a first attempt, which would be all that is necessary to disrupt a drug smuggling attempt. Regardless, in 2020, DHS estimated an apprehension rate that included undetected crossings of 66.2 percent compared to 79.4 percent using only detected crossings. This would mean that drugs were only 96.8 percent rather than 97.4 percent less likely to be apprehended.

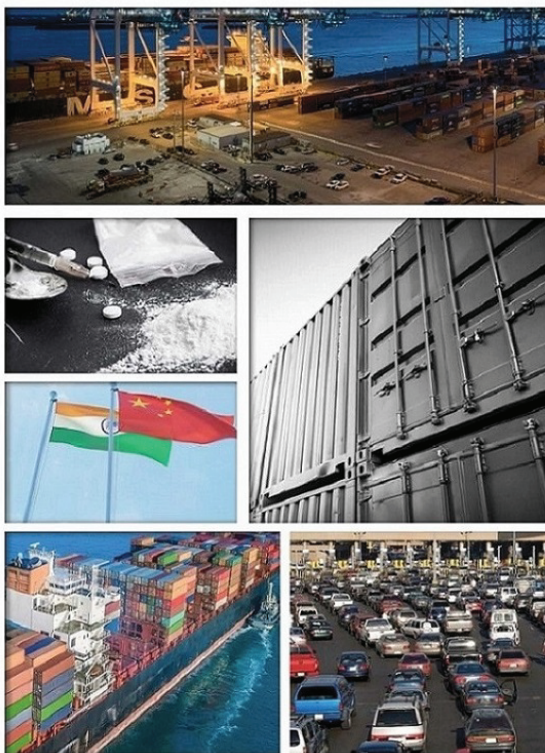
UNCLASSIFIED



Fentanyl Flow to the United States

DEA-DCT-DIR-008-20

JANUARY 2020

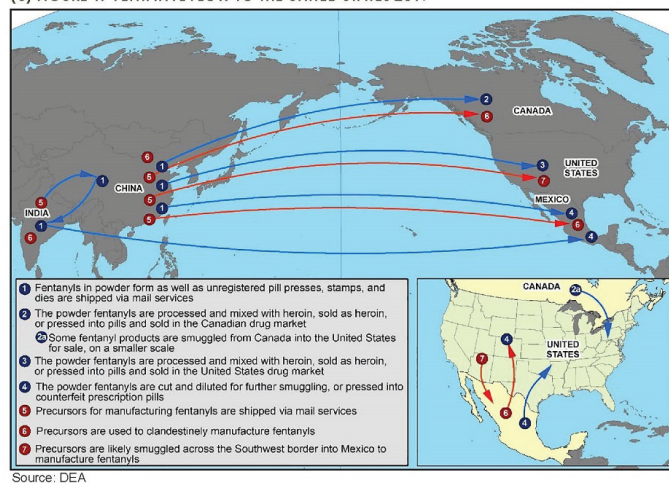


Executive Summary

The flow of fentanyl into the United States in 2019 is more diverse compared to the start of the fentanyl crisis in 2014, with new source countries and new transit countries emerging as significant trafficking nodes. This is exacerbating the already multi-faceted fentanyl crisis by introducing additional source countries into the global supply chain of fentanyl, fentanyl-related substances, and fentanyl precursors. Further, this complicates law enforcement operations and policy efforts to stem the flow of fentanyl into the United States. While Mexico and China are the primary source countries for fentanyl and fentanyl-related substances trafficked directly into the United States, India is emerging as a source for finished fentanyl powder and fentanyl precursor chemicals.

DETAILS

(U) FIGURE 1. FENTANYL FLOW TO THE UNITED STATES 2019

**CHINA**

Currently, China remains the primary source of fentanyl and fentanyl-related substances trafficked through international mail and express consignment operations environment, as well as the main source for all fentanyl-related substances trafficked into the United States. Seizures of fentanyl sourced from China average less than one kilogram in weight, and often test above 90 percent concentration of pure fentanyl.

As Beijing and the Hong Kong Special Autonomous Region (SAR) place restrictions on more precursor chemicals, Mexican transnational criminal organizations (TCOs) are diversifying their sources of supply. This is evidenced by fentanyl shipments from India allegedly destined for Mexico. On May 4, 2018, the Hong Kong SAR updated their drug law to control the fentanyl precursors 4-anilino-N-phenethyl-4-piperidine (ANPP) and N-phenethyl-4-piperidone (NPP) as well as the synthetic opioid U-47700. This matches China's scheduling of ANPP and NPP on July 1, 2017. The move by the Hong Kong SAR is considerable, since synthetic opioids produced and shipped from China may transit the Hong Kong SAR en route to the United States.

Effective May 1, 2019, China officially controlled all forms of fentanyl as a class of drugs. This fulfilled the commitment that President Xi made during the G-20 Summit. The implementation of the new measure includes investigations of known fentanyl manufacturing areas, stricter control of internet sites advertising fentanyl, stricter enforcement of shipping regulations, and the creation of special teams to investigate leads on fentanyl trafficking. These new restrictions have the potential to severely limit fentanyl production and trafficking from China. This could alter China's position as a supplier to both the United States and Mexico.

MEXICO

Mexican TCOs are producing increased quantities of fentanyl and illicit fentanyl-containing tablets, with some TCOs using increasingly sophisticated clandestine laboratories and processing methods (i.e., laboratory grade glassware, unregulated chemicals, and industrial size tablet presses). DEA, working in conjunction with Mexican officials, has seized and dismantled numerous fentanyl pill pressing operations and fentanyl synthesis laboratories in 2018 and 2019, highlighting the role TCOs in supplying the US fentanyl market. Fentanyl is smuggled across the U.S.-Mexico border in low concentration, high-volume loads, kilogram seizures often contain less than a 10 percent concentration of fentanyl.

TCOs are also increasingly producing wholesale quantities of illicit fentanyl pills and smuggling them into the United States. In December 2018, Mexican officials in combination with DEA authorities seized an illicit pill mill in Azcapotzalco, Mexico

City. Law enforcement officials seized illicit fentanyl-laced oxycodone M-30 pills, suspected fentanyl powder, precursor chemicals and multiple other items related to the production of fentanyl-laced illicit pills. As with the Mexicali, Mexico fentanyl pill mill seized in September 2018, DEA reporting indicated the organization operating the pill mill in Mexico City is linked to the Sinaloa Cartel.

DEA reporting continues to indicate the Sinaloa and the New Generation Jalisco (Cártel de Jalisco Nueva Generación or CJNG) cartels are likely the primary trafficking groups responsible for smuggling fentanyl into the United States from Mexico. To date, the fentanyl synthesis and fentanyl pill production operations dismantled in Mexico have either occurred in territories controlled by these cartels or have had involvement by members/associates of these cartels. In addition, these TCOs are known to control the trafficking corridors in Mexico that connect to California and Arizona, indicating drugs passing through these associated areas would need to be approved by these organizations.

INDIA

In 2017, the DEA provided information to India's Directorate of Revenue Intelligence, resulting in the takedown of an illicit fentanyl laboratory in Indore, India in 2018. DEA reporting indicates an Indian national associated with the Sinaloa Cartel initially supplied the organization with fentanyl precursor chemicals, NPP and ANPP, after which a Chinese national also affiliated with the Sinaloa Cartel would synthesize the fentanyl and traffic it from India to Mexico.

Between February and March 2018, the India- and China-based suspects shifted their production from China to India, likely due in part to China's regulation of ANPP and NPP. The organization likely transferred their production to India due to difficulties obtaining precursor chemicals in China and the increasing pressure from Chinese authorities on fentanyl manufacturing operations. This may serve as an important precedent, given China's newly imposed restrictions on fentanyl and fentanyl precursors as a class. Fentanyl and fentanyl precursor trafficking from India to TCOs in Mexico or direct to the United States may be poised to increase if China-based traffickers work with Indian nationals to circumvent China's new controls on fentanyl. In addition, in February 2018, India announced controls on the exportation of ANPP and NPP, similar to previous regulations enacted by China, which will likely result in stricter controls on these precursors.

In December 2018, the Mumbai Anti-Narcotics Cell (ANC) seized approximately 100 kilograms of the fentanyl precursor NPP and arrested four Indian nationals in Mumbai, India. India's Narcotics Control Bureau (NCB) reported to DEA in April 2019 that the seizure was identified as NPP through forensic analysis at a state-run laboratory in India. According to the ANC, the NPP was destined for Mexico and deliberately mislabeled. This was the third seizure of a fentanyl-related substance or fentanyl precursor linked to Mexico in 2018, demonstrating growing links between Mexican TCOs and India-based fentanyl precursor chemical suppliers. Given the behavior of Mexican TCOs who obtain fentanyl precursors and finished fentanyl from China, it is highly likely the precursor chemicals purchased from India were to be used in the synthesis of finished fentanyl destined for sale in the United States.

OUTLOOK

The flow of fentanyl to the United States in the near future will probably continue to be diversified. The emergence of India as a precursor chemical and fentanyl supplier as well as China's newly implemented regulations have significant ramifications for how TCOs' fentanyl and fentanyl precursor chemical supply chains will operate. Mexican TCOs are likely poised to take a larger role in both the production and the supply of fentanyl and fentanyl-containing illicit pills to the United States, especially if China's proposed regulations and enforcement protocols are implemented effectively. Fentanyl production and precursor chemical sourcing may also expand beyond the currently identified countries as fentanyl lacks the geographic source boundaries of heroin and cocaine as these must be produced from plant-based materials.



United States Government Accountability Office
Report to the Ranking Member,
Committee on Natural Resources,
House of Representatives

September 2023

SOUTHWEST BORDER

Additional Actions Needed to Address Cultural and Natural Resource Impacts from Barrier Construction

GAO-23-105443

The full report is available at:
<https://www.gao.gov/assets/830/828858.pdf>

National Park Service: FY2024 Appropriations

The National Park Service (NPS) administers the National Park System, which includes 425 units valued for their natural, cultural, and recreational importance. System lands cover 81 million federal acres and 4 million nonfederal acres. As part of the Department of the Interior (DOI), NPS receives funding in annual appropriations laws for Interior, Environment, and Related Agencies. Selected issues for Congress include the overall staffing levels supported by NPS appropriations, funding to address NPS's backlog of deferred maintenance, allocations for NPS land acquisition, and funds for NPS assistance to nonfederal entities.

FY2024 Appropriations

The Biden Administration requested \$3.764 billion in FY2024 discretionary appropriations for NPS. The request was 8% higher than NPS's FY2023 appropriation of \$3.475 billion in P.L. 117-328, Division G. (This FY2023 total does not include \$1.500 billion provided in P.L. 117-328, Division N, as supplemental funding in response to natural disasters.) The FY2024 request included increases for some accounts and level funding or reductions for others compared with FY2023 (Table 1). NPS also estimated \$1.200 billion in mandatory appropriations for FY2024, a decrease of 2% from estimated NPS mandatory funding for FY2023. These mandatory appropriations come from entrance and recreation fees, concessioner fees, donations, and other sources, and also include land acquisition funding from the Land and Water Conservation Fund (LWCF, 54 U.S.C. §§200301 et seq.), designated as mandatory appropriations by the Great American Outdoors Act (GAOA, P.L. 116-152). NPS's mandatory total does not include NPS's share from the National Parks and Public Land Legacy Restoration Fund (LRF)—the deferred maintenance fund established by the GAOA—which is allocated from a DOI department-wide account.

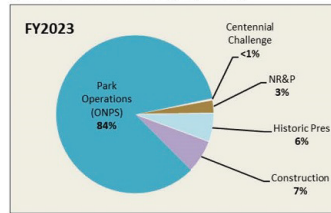
On July 24, 2023, the House Committee on Appropriations reported H.R. 4821 (H.Rept. 118-155), with \$3.039 billion

for NPS for FY2024. This amount is 19% less than the Administration's request and 13% less than the FY2023 appropriation. On July 27, 2023, the Senate Committee on Appropriations reported S. 2605 (S.Rept. 118-83), with \$3.457 billion for NPS for FY2024. This amount is 8% less than the Administration's request and 1% less than the FY2023 appropriation (Table 1).

NPS's Appropriations Accounts

NPS has five discretionary appropriations accounts (Figure 1). The majority of NPS discretionary appropriations typically have gone to the *Operation of the National Park System* (ONPS) account to support day-to-day activities, programs, and services at park units. These include resource stewardship, visitor services, park protection, facility operations and maintenance, and administrative costs.

Figure 1. NPS Discretionary Appropriations Accounts (percentages reflect FY2023 appropriations)



Source: Joint explanatory statement for P.L. 117-328.

Notes: ONPS = Operation of the National Park System. NR&P = National Recreation and Preservation. FY2023 data do not reflect supplemental (emergency-designated) appropriations in P.L. 117-328, Division N, to address natural disasters.

Table 1. NPS Discretionary Appropriations by Account (\$ in millions)

Account	FY2023 Enacted (P.L. 117-328)	FY2024 Request	House-Reported H.R. 4821	% Change from FY2023	Senate-Reported S. 2605	% Change from FY2023
Operation of the Nat'l. Park System	2,923.4	3,189.8	2,654.0	-9%	2,935.0	+<1%
Construction	239.8 ^a	286.6	114.6	-52%	232.9	-3%
Historic Preservation Fund	204.5	177.9	175.4	-14%	195.2	-5%
Nat'l. Recreation and Preservation	92.5	95.2	80.0	-14%	93.4	+1%
Centennial Challenge	15.0	15.0	15.0	—	15.0	—
Total	3,475.3^a	3,764.5	3,039.0	-13%	3,457.0^b	-1%

Source: H.Rept. 118-155 and S.Rept. 118-83. Totals may not sum precisely due to rounding.

a. Does not include supplemental funding provided in P.L. 117-328 to address natural disasters, which is designated as emergency spending outside of discretionary spending limits.

b. Total reflects rescissions of \$14.5 million in unobligated balances from the Centennial Challenge and Construction accounts.

NPS's *Construction* account covers repair, replacement, and improvement of existing facilities as well as new construction. Projects are evaluated based on criteria related to the condition of assets, their importance to park purposes, and project benefits and risks. The account also covers other construction activities and planning.

NPS administers historic preservation programs through its *Historic Preservation Fund* (HPF) account. Under the National Historic Preservation Act (54 U.S.C. §§300101 et seq.), the HPF receives \$150 million annually from offshore energy revenues, but monies are available only as provided in appropriations acts. Most funding goes to state and tribal historic preservation offices as formula grants to preserve cultural and historical assets. Congress also has provided some funding for nationally competitive grant programs.

The *National Recreation and Preservation* (NR&P) account funds NPS programs that assist state, local, tribal, and private land managers with grants for outdoor recreation planning, natural and cultural resource preservation, and other activities. The largest single program funded through the account is NPS assistance to national heritage areas.

The *Centennial Challenge* account supports the National Park Centennial Challenge Fund (54 U.S.C. §§103501 et seq.), which matches donations for projects or programs that further the NPS mission and visitor experience. The fund also receives offsetting collections from senior pass sales under the Federal Lands Recreation Enhancement Act (16 U.S.C. §§6801 et seq.).

Issues for Congress

NPS Staffing Capacity

In March 2023 testimony before the House Appropriations Committee, the NPS Director highlighted declines in NPS staffing since FY2011. NPS full-time equivalent (FTE) staff levels have declined by an estimated 12% since that time, per agency budget justifications. The estimated decline for the past decade (FY2014-FY2023) is smaller, at 3%. During that period, 26 new units were added to the system. (See CRS Report R42757, *National Park Service (NPS) Appropriations: Ten-Year Trends*.) Across all accounts, NPS's FY2024 request would support a 7% increase in FTE staff (from an estimated 19,390 to 20,759). Proposed funding reductions in H.R. 4821 and S. 2605 could impact staffing levels. Separately, P.L. 117-169, commonly known as the Inflation Reduction Act of 2022, appropriated \$500.0 million, available through FY2030, to hire NPS employees.

Deferred Maintenance

NPS's backlog of deferred maintenance (DM), estimated by NPS at \$22.3 billion as of the end of FY2022, has been a significant issue in the appropriations process. Despite legislation and agency actions aimed at addressing the backlog, it has increased over the past decade, including a 59% increase between FY2020 and FY2021 that NPS attributes primarily to changes in its methods for estimating DM. Congress may continue to assess NPS's progress in addressing DM, including the balance of discretionary and mandatory funding provided for this purpose.

Two discretionary appropriations subactivities ("Line-Item Construction and Maintenance" in the Construction account and "Repair and Rehabilitation" in the ONPS account) have been primary sources of discretionary funding for NPS DM. For FY2023, P.L. 117-328 provided \$262.7 million for these two budget subactivities. For FY2024, S. 2605 would provide the same amount, and H.R. 4821 does not provide detail at the level of these subactivities. Portions of other NPS discretionary budget activities also are used for DM.

The majority of mandatory spending for NPS DM derives from the GAOA (P.L. 116-152), enacted in 2020. To address DM of five agencies, the GAOA established the LRF, which receives deposits over five years based on amounts of federal energy revenues. For FY2021-FY2023, funding met the annual cap of \$1.9 billion, with 70% (approximately \$1.3 billion) allocated to NPS. NPS must submit, in annual budget justifications, lists of DM projects to be funded from the LRF. Appropriators may specify alternate allocations. For FY2024, the House and Senate committees would allocate the funds as proposed by NPS. Separately, allocations from the Highway Trust Fund support NPS road repair and improvements, including DM. Other mandatory funding sources, such as recreation fees, also have been used for NPS DM. See CRS In Focus IF11636, *The Great American Outdoors Act (P.L. 116-152)*; and CRS Report R44924, *National Park Service Deferred Maintenance: Frequently Asked Questions*.

Land Acquisition Funding

The GAOA shifted LWCF land acquisition funding from discretionary to mandatory spending. For FY2023, NPS received \$105.8 million from the LWCF for its own land acquisition (in addition to funds for state grants). The GAOA requires that agency budget submissions include program and project allocations for the LWCF funds, and appropriations acts may specify alternate allocations. For FY2024, the House committee would allocate \$105.4 million and the Senate committee \$98.7 million for NPS land acquisition. For more information, see CRS Report RL33531, *Land and Water Conservation Fund: Overview, Funding History, and Issues*; and CRS In Focus IF11636, *The Great American Outdoors Act (P.L. 116-152)*.

NPS Assistance to Nonfederal Sites and Programs

Some stakeholders contend that NPS assistance to nonfederal sites and programs should be reduced, to focus on NPS's "core" mission of managing national parks. In particular, some argue that national heritage areas, which are nonfederally managed, should be self-sufficient. Congress has increased NPS funding for heritage areas in the past decade, and new areas have been added. NPS's NR&P and HPF budget accounts are used primarily for nonfederal assistance. Combined, they represented less than 10% of total NPS funding in FY2023. For FY2024, the House and Senate committees would decrease combined funding for these accounts, while keeping them at a similar percentage of the NPS total. See CRS Report RL33462, *National Heritage Areas: Background and Issues for Congress*; and CRS Report R45800, *The Federal Role in Historic Preservation: An Overview*.

<https://crsreports.congress.gov>

Laura B. Comay, Specialist in Natural Resources Policy

Mr. GRIJALVA. Thank you very much for the indulgence. I can't do anything to take away the damage nativists and racist rhetoric that permeates and infects this issue and keeps it from being really discussed and dealt with, but at least my effort to make sure that the record has some information that is rooted in reality and fact. With that, thank you very much.

Mr. WESTERMAN. Thank you, Ranking Member, and I will also be submitting to the record an accounting of the National Disaster Emergency that was declared for Floyd Bennett Field when it was

used in an emergency situation for other purposes and how there were denial of FEMA trailers to be located there for housing after that national emergency declaration.

Also, I will be submitting additional information to the record on the funding of the National Park Service and the fact that those numbers have gone up, and this Administration asked for budget cuts far beyond what have been included in the rescissions in the Interior Appropriations Bill that hasn't been debated on the Floor yet.

[The information follows:]

Decision Memorandum and Environmental Review to Support Emergency Activities for Temporary Housing of Migrants

**U. S. Department of the Interior National Park Service
Gateway National Recreation Area**

Introduction

The National Park Service (NPS) is requesting alternative arrangements for National Environmental Policy Act (NEPA) compliance pursuant to 43 CFR 46.150(c) (emergency responses).¹ As described below, there is an urgent need to respond to a humanitarian crisis caused by tens of thousands of migrants entering New York City (City) and exceeding the City's capacity for temporary shelter. The Council on Environmental Quality (CEQ) has concurred that there is an emergency situation that can appropriately be addressed through the DOI NEPA emergency procedures at 43 CFR 46.150.

The NPS is proposing to enter into one or more agreements, leases, and other administrative arrangements in accordance with its authorities to allow the City to use NPS lands for the purposes of temporarily operating a migrant camp on Floyd Bennett Field (FBF) within Gateway National Recreation Area (GATE or park). The impacts of allowing such use are not expected to be significant, and therefore an environmental assessment would be the appropriate NEPA compliance pathway for this action. However, there is not time to complete an EA before action must be taken to address imminent threats to human health and safety. Consistent with guidance from the Council on Environmental Quality (Emergencies and the National Environmental Policy Act Guidance 2020), the information contained herein, and the efforts to be taken regarding the emergency action, the NPS proposes to comply with the regulatory requirements for EA content, interagency coordination, and public involvement to the extent practicable.

Background

New York City has seen an influx of approximately 100,000 migrants in the past year and is currently housing more than 58,000 migrants in City shelters. The City has utilized areas such as soccer fields, recreation centers, and parking lots to house migrants, but lacks additional space and resources to meet current needs. The influx of migrants has led to overcrowding in existing facilities, instances of migrants being forced to sleep on sidewalks and other public areas, and in some cases unsanitary conditions. Taken together, the situation has resulted in threats to health and safety of migrants and others. The State of New York has declared a Disaster Emergency as a result of the large number of migrants, stating, "federal support is critical to support the City of New York and other local governments within the State that lack the infrastructure, facilities, and resources necessary to meet the immediate humanitarian demand to house and meet other basic needs of the large numbers of migrant arrivals related to the large influx of migrants" (see New York State Executive Order 28).

¹"If the Responsible Official finds that the nature and scope of the subsequent actions related to the emergency require taking such proposed actions prior to completing an environmental assessment and a finding of no significant impact, the Responsible Official shall consult with the Office of Environmental Policy and Compliance about alternative arrangements for NEPA compliance. The Assistant Secretary, Policy Management and Budget or his/her designee may grant an alternative arrangement. Any alternative arrangement must be documented. Consultation with the Department must be coordinated through the appropriate bureau headquarters."

Purpose and Need

The purposes of taking action are: 1) to allow New York City to operate a temporary shelter to provide housing and other services for a limited number of migrants; and 2) to make certain improvements to Floyd Bennett Field that ensure its preservation, repair and rehabilitation and will contribute to its long-term visitor use and enjoyment.

Action is needed to alleviate risks related to health and safety of migrants and others and to assist the City in meeting migrant needs. GATE has historic resources available for lease that can assist the City in meeting those needs, as well as its own need to make certain improvements to the historic property at Floyd Bennett Field.

Proposed Action

The 1,450-acre Floyd Bennett Field Historic District is the largest single publicly owned, managed, and accessible under-developed parcel of land in New York City (National Register Form 2010). Floyd Bennett Field opened in 1931 as the site of New York City's first municipal airport. In 1942, it was transferred to the Navy and became Naval Air Station—Brooklyn. The Navy decommissioned the airfield in 1971, and in 1972, most of the land was transferred to the National Park Service as a unit in Gateway National Recreation Area. The site was originally one of many marsh islands in Jamaica Bay. Extensive fill was placed on the site from the 1920s through 1940s to create the largely anthropogenic landform that exists today. The site was most densely developed during the World War II era. Many of the buildings and structures at the site today are unoccupied and in varying degrees of disrepair or ruin. It is an expansive landscape characterized by open fields, extensive areas of concrete and asphalt pavement, young second-growth thickets and woods, engineered and natural shorelines, and a variety of buildings clustered into what were historically flight-path clear zones.

The NPS will enter into a lease agreement with the City for a period of one year with an initial period of ninety days. The lease agreement will allow the City to take actions necessary to provide occupation and use of the areas specified in Figure 1 for the purpose of housing up to 2,000 migrants.



Figure 1. Floyd Bennett Field, Gateway National Recreation Area, Brooklyn, NY identifying runway 19, a portion of the Hanger B / Sea-Plane Parking Lot, and two (2) Campground areas.

The lease agreement will also include requirements for site improvements of certain areas within FBF as public benefits (see Figure 2). Some of the site improvements will be completed at the end of, or after, the up to 12-month emergency action period. For the purposes of this document, “emergency action” refers to actions related to controlling the immediate impacts of the emergency, which are fully covered by these NEPA emergency alternative arrangements. This generally includes construction, improvements to existing infrastructure, and placing new temporary infrastructure to allow occupancy of the site; operation and administration of the site; and associated actions related to health and safety of individuals within the project area. Planned future improvements (follow-on actions) are actions that will provide public benefits and that will not be immediately implemented. Although follow-on actions are included in this document, related impacts are assessed at a “programmatic” level. The NPS has time to complete site-specific NEPA compliance for follow-on actions and will do so as necessary before implementing any follow-on actions.

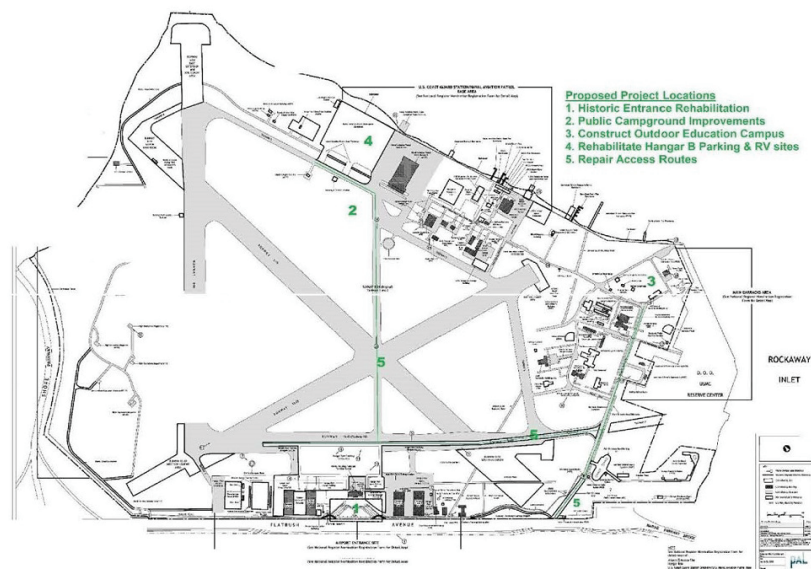


Figure 2. Location of emergency actions required to provide safe access for and administration of the migrant housing (projects 1, 4, 5 and some elements of project 2) and follow-on actions (projects 2 and 3) at Floyd Bennett Field, Gateway National Recreation Area, Brooklyn, NY.

Throughout the duration of the proposed action, the NPS will provide oversight of operations on FBF concerning the temporary housing of migrants. The NPS Director (or designee) will retain command oversight of the park’s facilities and operations, balancing the City’s requirements against impacts to the park’s mission. All modifications to real property will require pre-approval from the NPS and will be submitted to the GATE superintendent for approval. The City and its agents will be held accountable for the protection of park resources to include natural and cultural resources identified in various NPS management plans.

Temporary facilities will be constructed to support a maximum initial occupancy of 2,000 residents plus additional support personnel to provide shelter, food services, restrooms, showers, clothing, medical, security, laundry, and associated needs. Migrants will be housed in tent-based structures. All facilities will be constructed in a temporary and removable fashion. Facilities will be designed in a resilient manner or will be able to be quickly demobilized in anticipation of major weather events. Based upon facilities constructed at other locations, NPS anticipates that 4-8 winterized tents similar in size to the airplane hangars at FBF will be installed to support the 2,000 residents. Facilities will be arranged and anchored in a manner that minimizes impacts to natural and cultural resources. To the greatest extent possible, tents will be secured using sandbags, water ballast or similar materials. Staking will be minimized and will avoid areas with sensitive resources. Throughout

the duration of the proposed action, the City will be responsible for providing and managing utilities (including water, wastewater, and power), security, food, clothing, medical, security, custodial services, solid and hazardous waste, and grounds maintenance, as necessary. Medical staff will be under the direction of the designated Lessee's Chief Medical Officer or medical coordinator. The City may station an emergency medical service unit at the site as required. The disposal of all medical waste will be coordinated with appropriate NPS representatives and will meet all applicable regulatory requirements.

The City will provide 24-hour law enforcement (security services) scaled appropriately to accommodate the number of migrants and the size and complexity of the camp. The New York Police Department will be the primary entity responsible for law enforcement issues involving migrants. The City will provide enhanced 24-hour law enforcement and security at locations identified by the NPS Director sufficient to protect park visitors and park resources. During park closure hours this will include staffing the security gate at the entrance to FBF. The NPS will identify sites within the proximity of the project area that pose an elevated safety risk with a high density of people residing in the park 24-7, including unoccupied and deteriorating buildings as well as contaminated sites. The City will be required to mitigate those risks through fencing, security cameras, and other security measures. To the greatest extent possible, fencing will be secured using sandbags, water ballast or similar materials. Any ground disturbance related to fencing will be temporary in nature and will avoid areas with sensitive resources. Temporary lighting will be installed in locations throughout the area in order to ensure safety and deter crime. To the greatest extent possible, new lighting will be Night Sky compliant. In some locations, such as near the visitor center and other structures, lighting will remain on at all times after sundown.

The City will make arrangements for all required utilities, including gas, electricity, other power, water, cable, telephone, sewage, waste removal, and other communication services. The City will manage all water and wastewater facilities in a containerized manner as the City will not be permitted to connect to NPS utilities, which are not sized to accommodate additional capacity. The City will provide electrical services which may include on-site generators or other temporary installations. The City will manage all fuel in a containerized manner as the City will not be permitted to utilize NPS fuel services, which also are not sized to accommodate additional capacity. All fuel facilities will have secondary containment. In the event the City generates, processes, disposes of, or handles any hazardous substances and hazardous materials, the City will ensure removal, remediation, or other corrective action mandated by either the State or Federal regulatory authority and adhere to all relevant regulatory requirements related to hazardous substances and hazardous materials. The City is not authorized to operate the site for storage of hazardous materials.

The City will improve traffic circulation, parking, and access to the site by reestablishing the historic entrance to the FBF at the Ryan Visitor Center, improving the Hangar B/Sea-Plane Ramp Parking Lot, and performing repairs on approximately 12,000 linear feet of main access routes throughout the project area. As identified in the 2006 Jamaica Bay Transportation Studies and 2014 General Management Plan (GMP), the original entrance to the municipal airport from Flatbush Avenue will be re-opened at the Ryan Visitor Center. Re-opening the diagonal entrance drives requires a circulation plan, striping, security mechanisms for the gates, gate repair, hardscape repair or repaving of the surface, minor curb modifications, and landscaping. The park coordinated with The New York City Department of Transportation (NYCDOT) on their design and reconfiguration of Flatbush Avenue to accommodate this use. NYCDOT has already altered the pavement markings and signage on Flatbush Avenue to allow for reopening of the Ryan Visitor Center entrance drives. Re-opening of the diagonal entrance drives is identified in the Cultural Landscape Report for Floyd Bennett Field (Cody and Auwaerter 2009) as the most historically appropriate location for new entrances from Flatbush Avenue into the Historic District.

At the Hangar B/Sea-Plane Ramp Parking Lot, work will include removing a large debris pile adjacent to the site, removing invasive trees and vegetation, planting native species, replacing fencing, jack mudding sunken slab sections, and concrete patching. Consistent with the 2014 GMP, the 12 adjacent RV camping sites will be upgraded to include electrical hookups and striping. The parking lot area is a non-contributing structure within the Historic District.

Throughout FBF, approximately 12,000 linear feet of main access routes will be improved to facilitate traffic for equipment delivery, administration, and migrant housing. Immediate improvements will be needed to correct drainage issues where water is ponding on Runway Road 15-33, parallel to Flatbush Avenue. Existing

asphalt roadway will be milled and top coated. Existing concrete areas will be mud jacked and patched as necessary. The City will be responsible for not only addressing any impacts that result from their use but for general improvements to these access routes for the benefit of the public.

The NPS and the City will develop a full site plan for how the project area relates to other public areas and operations of FBF. The NPS may limit migrant, City personnel, and/or contractor access to some park areas and/or amenities as necessary to provide visitor safety and/or to protect park resources. Movement of City personnel, contractors, and visitors to the mission site will be restricted to direct movement between the main entrance to FBF (from Flatbush Avenue just north of the Marine Parkway Bridge) to the project area and return when exiting GATE. Any movement outside this direct travel route must be coordinated with the NPS. During hours the park is open, migrants will be permitted to use the park following the same rules as other visitors. During closure hours, migrants will not be permitted in areas of the park that are not part of the project area.

When use of the project area ends, the City will remove all temporary facilities, alterations and additions related to the operation and administration of temporary migrant housing and restore the area at a minimum, to as good of a condition that existed prior to the commencement of the emergency action. Alterations, betterments, additions and improvements that are made to reestablish the historic entrance to the FBF at the Ryan Visitor Center, to improve safety and use of the Hangar B/Sea-Plane Ramp Parking Lot, and to improve approximately 12,000 linear feet of main access routes will remain after the use of the project area ends. Additional compliance may be required for other improvements or requirements specified in the proposed by the City throughout the period of the lease. Any changes to the proposed action will be subject to NEPA compliance, as appropriate. Compliance for planned future improvements is addressed in the "Follow-on Actions" section of this memorandum.

Mitigation Measures

Pursuant to the terms of the lease, the City will be responsible for developing a number of plans to address and incorporate the specific issues and mitigation measures listed below, as applicable. The lease agreement contains additional mitigation measures and plan requirements that, although not specifically listed below, are incorporated by reference into this memorandum.

1. All City personnel and contractor employees must utilize routes specifically designated by NPS. The City, in coordination with NPS Director, will develop a transportation plan to include ingress and egress to the project area, parking, pick-up and drop-off locations, and operational schedules.
2. Visitor access to the project area will be limited. A formal request for visitation to the project area will be made to and approved by NPS based on a City-provided "need to access assessment" after coordination with all appropriate NPS entities. All visitors to the project area will be escorted by a City representative. This includes, but is not limited to, Congressional staff, media, and non-governmental organizations.
3. NPS will limit migrant, City personnel, and/or contractor access to some park areas and/or amenities as necessary to provide visitor safety and/or to protect park resources.
4. The City will comply with all requirements derived from completion of federally required consultations and compliance, including National Historic Preservation Act Section 106, Endangered Species Act Section 7, Coastal Zone Management Act, and Floodplain Statement of Findings.
5. All vertical structures/facilities built or installed on NPS property will comply with applicable building code requirements to include wind loads.
6. The City will develop a trash and recycling plan. This will include actions to minimize single use plastics to protect park resources. Best management practices will be employed to manage and secure trash at all times.
7. The City will develop a food services plan to include food distribution, food storage, food security, cooking facilities, cold storage, etc. The City will be responsible for ensuring food is managed in a centralized facility and will be responsible for ensuring all food handling meets federal standards.
8. The City will develop a pest management plan for review and approval of the NPS Director prior to occupancy. The plan will conform to NPS laws, regulations, and policies for integrated pest management, and any chemicals used must be approved by NPS.

9. The City will develop a detailed storm management plan for review and approval of the NPS Director. This plan will identify how the City will address how temporary facilities and other property will be removed from the project area within 48 hours of an evacuation notice.
10. The City will develop a detailed emergency evacuation plan for review and approval of the NPS Director. The plan will describe how the site will be evacuated in the event an emergency evacuation order is issued.
11. The City will develop a stormwater pollution protection plan to include erosion control associated with all construction and any potential overflow into Jamaica Bay related to the proposed action. Best management practices will be employed to prevent migration of construction materials, debris, and sediment from entering the waterways. Seed-free straw bales must be deployed for sediment/erosion control.
12. The City will develop an air quality management plan for review and approval of the NPS Director. The City will submit to the NPS all air quality monitoring reports that may be required by regulatory agencies in conjunction with activities associated with the Premises, such as the use of generators. Any generators utilized on the Premises must be Environmental Protection Agency (EPA) Tier IV (Tier 4) compliant and must be permitted by the appropriate regulatory agencies.
13. The City will monitor noise levels associated with generator operations to ensure that the noise levels identified in the GATE Superintendent's Compendium of 60 decibels, at 50 feet from the source, are not exceeded.
14. The City will develop a lighting management plan. The City will ensure sufficient lighting to deter crime both on the Premises and at secondary locations the NPS deems to be appropriate to protect resources. While safety will remain the first priority for the lighting plan, the City will make every effort to comply with NPS Management Policies 2006 (Section 4.10) best practices on lightscape management in national parks.
15. The City will develop a Spill Prevention, Control and Countermeasures Plan. The City will immediately notify the NPS and other applicable regulatory entities of any unauthorized releases or the deployment of any countermeasures.
16. All machinery containing fuels and oils shall have a spill kit available immediately in the event of a spill. In the event of a fuel or oil leak/spill, the work shall cease immediately, spill containment deployed, and NPS Dispatch (phone: 718-354-4700) and other jurisdictional authorities called immediately, as designated.
17. Excess drilling fluids, slurry, and spoils must be contained until disposed of in compliance with local ordinances, regulations, and environmentally sound practices in an approved disposal site.
18. Unless otherwise specified by the NPS, all removed material is to be disposed of outside the park at an approved landfill, recycled, or disposed of at other locations in accordance with federal, state, and local regulations.
19. All areas of soil disturbance resulting from the permitted activity must be stabilized immediately following project completion.
20. Intact native topsoil from the project area shall be retained whenever feasible. Should additional fill be needed, all fill must be of quality suitable for use in a National Park Unit. The City will submit material certificates for imported backfill and fill materials before delivery to document park approval of source and quality in accordance with applicable standards.
21. Any new soils/sediment brought on site must be tested and meet New York State Department of Environmental Conservation standards for general fill (6 CRR-NY 360.13). Any fill materials required for the project must be obtained from a park-approved source. Soils should not be amended.
22. The City will provide documentation that all imported soils and materials (such as straw bales, mulch, seed mixes, plantings) are clean of contaminants and free of exotic seeds and spores.
23. The City will submit certificate(s) of inspection for species and areas subject to quarantine rules (such as but not limited to 1 CRR-NY III C 142) to demonstrate compliance with applicable Federal, state, and local laws, requirements, and NPS policies.

24. Except for the project work described in this document and the lease agreement, the City may not cut any timber or remove any other landscape features such as shrubs or bushes without prior written approval from the NPS.
25. Site use controls (e.g., temporary fencing) and improved signage will be used to direct visitor use to authorized areas and authorized trails to limit impacts on vegetation and wildlife.
26. Any wheel ruts, holes or divots in lawn areas caused by the work will be repaired. Any bare soil areas created by the work will be seeded with annual ryegrass and a native grass seed mix designed for the Northeast US region, where needed to restore the area to pre-construction condition. Seed will be applied at a rate of ½ pound per 1,000 square feet *unless otherwise required for compliance with applicable standards*. The park's Resource Stewardship Division must approve all plant selections before they are purchased.
27. The City will use native plant species that are as closely related genetically and ecologically as possible to park populations. For GATE, the operational definition for closely related native species is plant material from seeds or cuttings that were collected from native plant species within 10 miles of the ocean anywhere along the coasts of New Jersey, Staten Island, and western Long Island. Substitution of plant material will be made only based on proof of unavailability. The NPS must approve all plant selections before they are purchased.
28. Care will be taken not to disturb any wildlife species (reptiles, migratory birds, raptors, or bats) found nesting, hibernating, estivating, or otherwise living in, or immediately nearby, worksites.
29. If exterior project work will be implemented during period of April 1 to September 1, NPS must be notified in advance and the City may be required to have a qualified biologist conduct an inspection of the work area prior to initiating work to determine if there is any nesting activity that could be impacted by the project. If nest building begins, birds must not be harassed in any manner to deter nesting activity. Park approval is required prior to placement of any structures to deter nesting.
30. Any park infrastructure impacted during construction, including but not limited to paved and unpaved roadways, walkways, turf, will be restored to pre-construction conditions upon completion of the project.
31. Best management practices for communication tower design, sighting, construction, operation, maintenance, and decommissioning will comply with United States Fish and Wildlife Service 2016 guidelines (see <https://us-fcc.app.box.com/s/sc1742pnyc7w14vzzhcz3hrkoft1qn31>).

Existing Condition of Resources and Potential Environmental Impacts

In addition to the resources discussed below, the NPS used CEQ's Climate and Economic Justice Screening Tool to determine whether there are any disadvantaged communities that would be disproportionately affected by the proposed action. While some disadvantaged communities exist outside of the project area and outside of GATE, no disadvantaged communities would be disproportionately affected by the proposed action due to their distance from the project area.

The following discussion of impacts presumes application of the mitigation measures included above, as applicable.

Air Quality

Floyd Bennett Field is in Kings County, New York, which is part of the New-Jersey-New York-Connecticut Interstate Air Quality Control Region (40 CFR §81.13). The air basin is a shared resource and impacts on it come from regional sources. Current air quality conditions at FBF are poor for several indicators, including all three indicators evaluated by the NPS: ozone, wet deposition, and visibility. Kings County is designated by USEPA as serious nonattainment for the 2008 8-hour ozone (O₃) National Ambient Air Quality Standard (NAAQS) and as moderate nonattainment for the 2015 8-hour O₃ NAAQS. Kings County is also designated as maintenance for carbon monoxide (CO) and particulate matter less than or equal to 2.5 microns in diameter (PM_{2.5}) and unclassified/attainment for all other criteria pollutants (USEPA 2020).

Temporary operation of heavy equipment; workers commuting to and from the project area in personal vehicles; heavy duty diesel vehicles hauling materials,

water, wastewater, and debris to and from the project area; operation of generators to power the temporary facilities; and the potential for bus services for migrants to travel to and from the project area would contribute to air quality impacts. Particulate matter air emission would be produced by the combustion of fuels. Particulate matter emissions from fugitive dust would be minimized through minimal ground disturbance and use of hardscapes. Portable facilities and other sustainable design techniques would minimize the need for permanent construction and its related air quality impacts.

In its GMP, the park evaluated the impacts of creating a wetlands center at FBF. This included the use of heavy equipment for excavating, grading, and construction. The GMP concluded that the very intense construction related to the wetlands center, requiring 30 to 50 trips by heavy-duty trucks each day for a 6-month period would contribute between 0.25 and 0.5 ton of hydrocarbons, 1.3 and 2.3 tons of carbon monoxide, and 6 and 10 tons of nitrogen oxides. The GMP concluded that those levels of emissions would be small in the context of overall air quality at FBF. The air quality impacts expected from construction related to the wetlands center are far greater than the impacts that would occur from the temporary construction and operation activities under the proposed action.

Generators used under the proposed action would be permitted by appropriate regulatory agencies and would meet EPA Tier 4 emissions standards in order to minimize impacts to air quality. The City will be required to develop an Air Quality Management Plan and submit air quality monitoring reports, as appropriate, to the NPS.

The park would potentially diminish its contribution to greenhouse gases by restoring native vegetation as part of emergency and follow-on actions, including removal of non-native vegetation and planting of appropriate native vegetation (Figure 2 projects 2, 3 and 4), thereby offsetting the cumulative degradation of air quality from regional sources. Overall, air quality impacts would be minimal, temporary, and localized.

Cultural Resources

Floyd Bennett Field Historic District was listed on the National Register of Historic Places in 1980 with 15 contributing resources and a period of significance from 1928 to 1931. In 2010, the district was expanded to include 94 contributing resources and a period of significance from 1928 to 1945. It is significant under Criterion A at the national level in the area of Transportation for its role in early aviation history. It is also significant at the national level under Criterion C in the areas of Architecture and Engineering for its collection of buildings and structures embodying the characteristics of both early-twentieth-century civil aviation facility design and World War II-era military construction. Today the site consists of Art Deco hangars, paved runways and taxiways, and the Ryan Center, a 42,000-square foot Georgian Revival administration building with an attached control tower. FBF also contains numerous structures from the WWII era such as barracks, utility buildings, warehouses, and maintenance facilities. The civil and military aviation history resources at FBF as well as pre-contact and historic archeological sites are identified as important park resources and values in the 2014 GMP.

The Historic District is a largely anthropogenic landform that was transformed during the 1920s and 1930s through extensive grading and landfilling to develop New York's first municipal airport. In 1941, FBF was transferred to the Navy and became the Naval Air Station—Brooklyn. In the early 1940s, the Navy expanded the airfield from 387 acres to more than 1,200 acres. Over 100 new buildings and structures were constructed including runways, taxiways, new hangars, offices, workshops, storage and maintenance facilities, barracks, mess halls, and other support structures. It was the busiest Naval Air Station in America during World War II and was in use until 1967. The Navy decommissioned the airfield in 1971, and in 1972, most of the land was transferred to the NPS as a unit in GATE.

Runway 6-24 (New) (built 1942, LCS #041264, NYSHPO #04701.014793, contributing structure) is located along the northern edge of the airfield. It was built by the Navy in asphalt in 1942 and initially measured 5,000 feet long and 300 feet wide. In 1960 it was lengthened to 5,800 feet with a concrete extension at its east end that required a small area of fill into Jamaica Bay. Runway 6 is the only runway that presently retains most of its historic circulation pattern. Runway 6 is identified as the location for the migrant housing (Figure 2).

Access routes required for equipment delivery and administration of the migrant housing include the Main Entrance Road, Barracks Road Complex, Runway 15-33 (Taxiway 10), Taxiways 1 and 2 (the original Runway 6-24), and Taxiway 6 (Figure 2). The Main Entrance Road (built ca. 1951, non-contributing structure) consists of the main public entrance to FBF from Flatbush Avenue to the Main Entrance Gate

House and Entrance Guard Booth. The Barracks Road Complex (built ca. 1942, contributing structure) is a system of paved roads through the barracks area. The central road of the Barracks Road Complex, Floyd Bennett Boulevard, runs east-west through the center of the barracks area from the main entrance and continues north to connect with the Naval Aviation Patrol Base Access Road. Runway 15-33 (Taxiway 10) (built 1930–1945, LCS #041264, NYSHPO #04701.014793, contributing structure) defines the western boundary of the airfield, extending north to south parallel to Flatbush Avenue and the Hangar Row Apron. One of the two runways original to the municipal airport, it presently serves as the main public entrance road to Hangar Row. The present asphalt road was built on top of the original runway, running roughly along the centerline, and taking up approximately one-quarter of the runway surface. The historic runway surface remains intact beneath and to either side of the road. Taxiways 1 and 2 (original Runway 6-24, built 1930–1935, contributing structure) extend perpendicularly from Runway 15-33 (Taxiway 10) just south of the Administration Building/Passenger Terminal (Ryan Visitor Center) to Taxiway 6. Taxiway 1 forms the eastern half and Taxiway 2 the western half of the original Runway 6-24. Taxiway 6 (built 1942, contributing structure) is part of the taxiway system developed during War II for circulation around the periphery of the airfield. Taxiway 6 is surfaced in asphalt and is now used as a road.

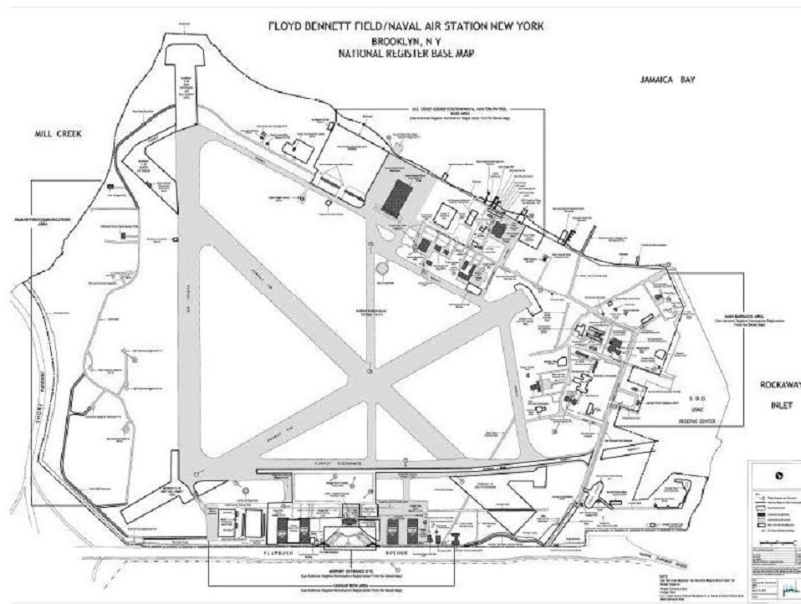


Figure 3. Floyd Bennett Field National Historic District National Register Base Map (from National Registration Form 2010).

Runway 1-19 (built 1935–1942, LCS #041265, NYSHPO #04701.014792, contributing structure) crosses the airfield diagonally from the southwest to the northeast corners (Figure 1 area B and Figure 3). Runway 19 was originally 3,500 feet long and 150 feet wide with a concrete surface. In 1942 it was widened to 300 feet with concrete extensions and lengthened to 5,000 feet, using asphalt at the north end where it intersects Runway 6.

The Airport Entrance Site (built 1932–2006) is a contributing site. The Airport Entrance Drives (built ca. 1932, LCS #041260, associated feature) consist of two diagonal drives from Flatbush Avenue that frame a central lawn area and converge in front of the Administration Building/Passenger Terminal (currently the Ryan Visitor Center) at the Airport Entrance Central Parking Lot (Figure 4). The drives are surfaced in asphalt and edged by concrete curb. The upper ends of the drives are currently closed off with black metal picket fencing.

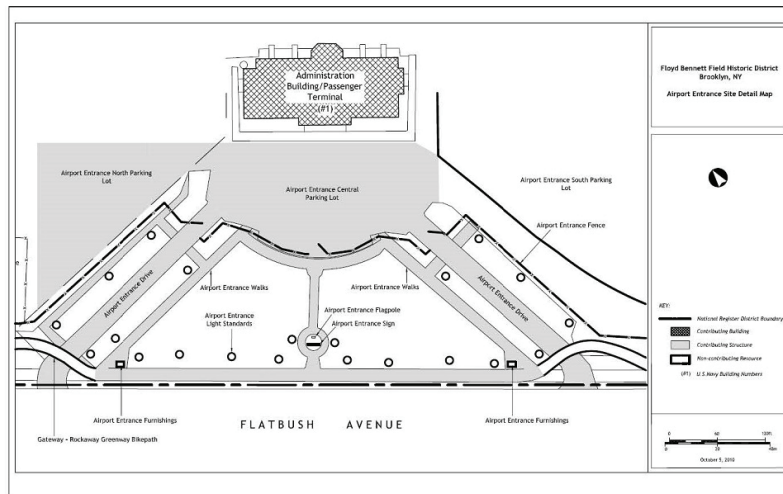


Figure 4. Floyd Bennett Field Airport Entrance Detail Map (from National Registration Form 2010).

The Naval Aviation Patrol Base Apron Extension (built ca. 1952, non-contributing structure) and Naval Aviation Patrol Base Apron Taxiways (built ca. 1952, non-contributing structure) (Figure 1 area C) are adjacent to the Naval Aviation Patrol Base Apron (built 1940–1942, contributing structure), Naval Aviation Patrol Base Seaplane Ramp (built ca. 1942, LCS #174, contributing structure), and Naval Aviation Patrol Base Hangar B (built ca. 1942, LCS #100, contributing building) (Figure 3). The Naval Aviation Patrol Base Apron Extension is currently used as a parking lot with the Naval Aviation Patrol Base Apron Taxiways used as access routes to the parking lot.

While there are no documented precontact or historic archeological sites in the area of potential effect, there is the potential for these resources to be encountered in marshy areas buried below the average 9 feet of fill that comprises the airfield. The southern portion of the current airfield boundaries, however, incorporates what were formerly the upland boundaries of Barren Island, a highly desirable settlement location during both the pre- and post-contact periods. Comprising well drained soils, an abundance of subsistence resources, proximity to fresh water, and high ground overlooking the Atlantic to the south and prime marshland hunting locations to the north, the island would have been a locus of settlement beginning with the stabilization of sea level during the latter half of the Early Archaic Period through the 19th and 20th century residential and industrial development.

The proposed action would not authorize any penetration or alteration of Runway 6 or 19 for construction and administration of the migrant housing. All structures would be free-standing or secured with water filled ballast or like materials. No penetration of the historic runway or any hardscape is authorized. Repair to approximately 12,000 linear feet of main access routes would correct drainage issues on historic runways and taxiways through mud jacking and patching of existing concrete areas and milling and top coating of existing asphalt. Rehabilitation of the historic entrance to the municipal airport, removal of invasive vegetation, and planting of appropriate native species will enhance the cultural landscape. Ground disturbance will be limited to staking to a depth of less than thirty inches and will be authorized only in NPS-approved areas. The lease does not authorize any digging or trenching. The lease requires that all existing cultural resources and landscape features must be protected from damage or injury and that no actions can be taken that are detrimental to the historical resources. The NPS-collected August 2023 photo points are included as an Appendix to the lease to document pre-project conditions. An August 2023 evaluation of List of Classified Structures (LCS) within or adjacent to the proposed project area was also completed to document baseline conditions of park cultural resources. While the NPS does not anticipate that the proposed emergency action would have any adverse effects on cultural resources, in accordance with 36 CFR Part 800.12(b)(2), the NPS will notify the New York State

Historic Preservation and Tribal Historic Preservation Offices of the Delaware Nation, Delaware Tribe, Stockbridge-Munsee Community, Shinnecock Nation and Shawnee Tribe, and the Advisory Council on Historic Preservation of the emergency situation and will initiate consultations as appropriate.

The NPS finds that the proposed action would not have adverse impacts on cultural resources. Temporary impacts on the viewshed would be expected. Reopening the Airport Entrance Site, repairs to the runways, removal of invasive species, and planting of appropriate native species would benefit the cultural landscape and improve the conditions of the historic district and could help to offset any of the project's temporary impacts. The effects of the project on cultural resources will be fully evaluated under emergency procedures of Section 106 and any as yet unidentified adverse effects would be mitigated.

Wetlands, Floodplains, and Flooding

FBF is a mostly man-made conglomerate of dredged fills, fly ash, garbage, and other urban fill. Some of the North Forty (the western portion) is also underlain with rubble or other urban materials. The western portion of the North Forty includes one 0.70-acre of a freshwater pond and two freshwater forested/shrub wetlands (9.02 acres total), with the nearest located 185 feet from northern edge of Runway 6. Tidal wetlands are located along the shoreline of Jamaica Bay, including low salt marsh type located north of Hangar B parking lot that is critically imperiled statewide. No impacts to any site wetlands are anticipated from the proposed action, including proposed rehabilitation work for public benefit.

Site elevation is highest in the western portion of Floyd Bennett Field, near Flatbush Avenue at +14 feet NAVD88, and generally decreases to +9.5 feet NAVD in the eastern portion of the site near Taxiway 6. Portions of the project area are located within the 500-year floodplain, as determined by the Federal Emergency Management Agency (FEMA). The eastern portion of Hangar B parking lot and portions of the North Forty are located within the 500-year floodplain, where the elevation is below +9.5 feet NAVD88 and there is a 0.2% annual chance of flooding.

Overall, the potential flood risks associated with the proposed action include risks to human health and life, as well as minor flooding damage risk to temporary housing and associated facilities. Within the project area, flood potential is highest at Hangar B/Sea-Plane Ramp Parking Lot because it is located within approximately 500 feet of Jamaica Bay and along the segment of Flatbush Avenue located within 100 feet of Dead Horse Bay. It should be noted that the proposed temporary migrant housing will primarily be constructed on-top of already built out (hardened) lands formerly constructed as airfield runways. These park lands are situated outside of the 1% annual exceedance probability (AEP) flood within Zone X that constitutes a "moderate" floodplain hazard in FEMA terms (floods that fall between the 0.2 to 1% Annual Exceedance Probability). As such, the flooding risk to government investment is considered acceptable. The risk of inundation, erosion, wave attack, and overtopping potential at the project area is low.

FBF has previously been used by the US Government for emergency relief services stemming from Superstorm Sandy relief, which included housing for 2,000 troops (US Army 2012). The existing infrastructure and facilities needed to support emergency services can be found nowhere else within NPS lands at this location.

NPS has prepared a Floodplain Statement of Findings (FSOF) to document compliance with Executive Order 11998 (Floodplain Management), as amended by Executive Order 13690. Through the FSOF process, the NPS has determined that there are no practicable, non-floodplain locations for the proposed action. Potential impacts to human life and health would be mitigated through a combination of non-structural risk mitigation measures. Emergency preparedness planning, storm and flood warning, and coordinated evacuation plans and protocols would be protective of human life. The risk to federal capital investment is acceptable, and there is no risk to natural and beneficial floodplain values because the cumulative amount of new permanent infrastructure would be small, above ground, and in previously disturbed and developed areas. All improvements, including storm or flood damage, would be undertaken at the City's sole expense and only with the NPS's prior written approval. Therefore, the NPS finds that the proposed action would not have any additional adverse impacts on floodplains and their associated values.

Native Vegetation

Natural areas at FBF are named as fundamental resources in the park's 2014 GMP. Most of the areas between the runways and taxiways are managed as natural areas and wildlife habitat.

FBF is a mostly man-made conglomerate of dredged fills, fly ash, garbage, and other urban fill. Some of the North Forty (the western portion) is also underlain

with rubble or other urban materials. Nonetheless, a wide diversity of vegetation grows here, including successional maritime forest, northern beach heather dune shrubland, northern bayberry dune shrubland, and a host of human-modified associations such as early successional woodland, northeastern modified successional forest, and northeastern old field. Both successional maritime forest and northern bayberry dune shrubland are vulnerable or imperiled statewide. Within GATE, maritime forest is considered important at FBF because of its rarity at other park sites where it occurs. Hardened areas of the FBF coastline associated with development alternate with eroding mudflats or sandy beaches. Although the grassland growing in the center of FBF is human-modified little bluestem old field, it is important because it is one of the largest remaining grasslands in the New York City area and provides nesting for migratory birds as well as pollinator habitat.

The City selected FBF as suitable for temporary migrant housing in part because of existing hardscaped acreage to accommodate the proposed use. The proposed action would minimize new built facilities and would concentrate them on existing hardscaped areas to avoid any rare vegetation associations. The proposed action could increase park visitation. During hours that the park is open, site contractors, staff and migrants will have use of the park following the same rules as other visitors. Bringing more visitors to FBF would increase the potential for loss of vegetation from trampling, a localized adverse impact. Mitigation measures include site use controls (e.g., temporary fencing, as necessary) and improved signage that would encourage visitor use in authorized areas and authorized trails to limit new adverse impacts on native vegetation in natural areas such as the North Forty and grasslands. The NPS would also limit migrant, City personnel, and/or contractor access to some park areas as necessary to protect native vegetation. Overall impacts to native vegetation would be minimal, and impacted vegetation is expected to return to existing conditions once use of the site for the emergency action ends.



Figure 5. 2008 Floyd Bennett Field National Historic District existing conditions showing the location of woods, managed grasslands and marsh (from Cultural Landscape Report for Floyd Bennett Field (Cody and Auwaerter 2009))

Nonnative Plants

Large areas of FBF are dominated by nonnative, invasive species such as porcelain berry (*Ampelopsis glandulosa*), Japanese honeysuckle (*Lonicera japonica*), tree of heaven (*Ailanthus altissima*), oriental bittersweet (*Celastrus orbiculatus*), mugwort (*Artemisia vulgaris*) and *Phragmites australis* (the nonnative genotype). Park management of invasive species is conducted as time and resources allow. This localized beneficial impact on native vegetation would continue during the time frame of the proposed action. In addition, the proposed action would provide for some removal of invasive species and planting of appropriate native species (Figure

2 projects 2, 3 and 4). Efforts associated with the proposed action to control invasive species and revegetate with native species would have localized beneficial impacts.

Wildlife

Maintenance of the grassland at FBF through mechanical means (primarily mowing) would continue during the time frame of the proposed action, with localized benefits for grassland nesting birds, including horned lark, eastern meadowlark, upland sandpiper, savannah sparrow, northern harrier, American kestrel, and common barn owl. Many of these species also depend on FBF grasslands for overwintering, as do short-eared owls and rough-legged hawks. Historically, the Jamaica Bay and Long Island region was thought to contain some of the largest contiguous grassland habitats east of the Mississippi River (Drennan 1981, as cited in NYCDEP 2007). Although the 140-acre grassland at FBF is artificially maintained by mowing, it is extremely rare as a remaining large grassland habitat in the New York City area. Its unique character and ability to support wildlife that would otherwise not be present in the park in more than an incidental way provides substantial benefits for grassland species.

The proposed action would construct temporary migrant housing on existing hardscaped areas to avoid wildlife impacts. Increased occupancy and 24-hour use of Leased areas adjacent to grassland and forested habitat, in addition to increased visitor use of trails within these habitats, has the potential for adverse localized impacts on wildlife in the form of disturbance, which may cause wildlife to temporarily avoid certain areas. Mitigation measures including site use controls (e.g., temporary fencing) and improved signage would encourage visitor use in authorized areas and authorized trails to limit new adverse impacts on wildlife. NPS would also limit migrant, City personnel, and/or contractor access to some areas of FBF as necessary to protect wildlife. Impacts to wildlife would be temporary and limited to the duration of the proposed action. A qualified biologist would be onsite to conduct an inspection of the work area for any exterior construction occurring between April 1 and September 1. The biologist would determine if there were nesting activity that could be impacted by the project. If there is, construction activities would be modified or relocated to the greatest extent possible to avoid or minimize impacts. Overall, the proposed action would result in minimal, temporary impacts to wildlife. Impacts would cease and conditions would return to a state similar to existing conditions once use of the site for the emergency action ends.

Special Status Species

The proposed action does not include in-water work or potential to impact aquatic federal or state listed species that may occur within Jamaica Bay. NPS is conducting informal consultation with US Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act (ESA) on four terrestrial ESA listed species that may occur within the proposed emergency action area.

Piping plover (*Charadrius melodus*—threatened) are not expected to occur within the project area except as occasional transients. Plovers may forage along the FBF shoreline of Jamaica Bay. There is no designated critical habitat for piping plover. The only report in eBird of a piping plover sighting at FBF was one bird in March 2016. The nearest location for annual piping plover nesting is on the oceanside beach on the Rockaway Peninsula at Fort Tilden near Beach 169th Street [located over 1.4 mile (2.3 km) south of the project site]. For these reasons, NPS concludes that the proposed action would have no effect on piping plover.

Roseate tern (*Sterna dougallii dougallii*—endangered) are not expected to occur within the project area except as occasional transients. The species may nest and forage on the Atlantic shoreline of the Rockaway Peninsula and may forage on along the shorelines of FBF and bay beaches within Jamaica Bay. No roseate tern sightings at FBF were identified in eBird. Nesting or loafing roseate terns have been observed occasionally during the past decade on the beach at Breezy Point, which is over 3 miles (4.8 km) from the project area. There is no critical habitat designated for this species. For these reasons, NPS concludes that the proposed action would have no effect on roseate tern.

Red knots are not expected to occur within the project area except as occasional transients, in part because suitable breeding habitat does not occur within New York. This species breeds in the Canadian arctic region. From mid-March through late November, foraging red knots (*Calidris canutus rufa*—threatened) may occur along the FBF shoreline of Jamaica Bay. The first eBird reported sighting of two red knots at FBF occurred in August 2007. Since then, the greatest number of individuals reported at one time was 71 individuals at an unnamed FBF location in May 2017. The most recent eBird report was of a single individual in late October 2022. The proposed emergency action is located approximately 1 mile (1.6 km) from

proposed critical habitat unit NY-4 in Jamaica Bay (88 FR 22530). The proposed action has no potential to temporarily or permanently alter the quality of critical habitat in the project vicinity or the proposed critical habitat unit NY-4. Most of the proposed project area is more than 984 feet (300 m) from the Jamaica Bay shoreline. For these reasons, NPS concludes that the proposed action would have no effect on red knot and that there would be no effect on designated critical habitat for this species.

Northern long-eared bat (*Myotis septentrionalis*—endangered) historically occurred in Kings County. No site-specific survey for bats has been conducted at FBF. The proposed action does not include forest conversion via trimming or removal of vegetation during the active season (April 1 through October 30). The project area is not located within 0.5-mile radius of any known northern long-eared bat hibernacula. For these reasons, NPS concludes that the proposed action would have no effect on the northern long-eared bat.

Monarch butterfly (*Danaus plexippus*—candidate) are known to feed on the nectar of flowering plants such as those in the approximately 140-acre grasslands at FBF in the immediate vicinity of the proposed action. There is no designated critical habitat for this species at FBF. Management of the grasslands will continue as usual and no use or alteration of the grassland area will be authorized as part of the proposed action. Increased activity on and use of runways adjacent to the FBF grasslands as well as increased park visitation related to the proposed action would result in minimal, temporary impacts to monarch butterfly. Impacts would cease and conditions would return to a state similar to existing conditions once use of the site for the emergency action ends. As a candidate species, ESA consultation is not applicable.

State listed and other special status species that may occur in the project action area include barn owl, red-banded hairstreak (butterfly; historic), white-m hairstreak (butterfly; historic), forest blue grass, red pigweed, reflexed flat sedge, and Schweinitz's flat sedge. Increased activity on and use of runways adjacent to forested and grassland habitats as well as increased park visitation related to the proposed action would result in minimal, temporary impacts to these species. Impacts would cease and conditions would return to a state similar to existing conditions once use of the site for the emergency action ends.

Soundscapes

A 2015 resource brief for GATE provides the best available summary of the park's acoustic environment, using predictions from a geospatial sound model (see Wood 2015). The mean existing sound level at GATE is estimated to be 47.3 dBA (decibels), and the average existing sound level (with the influence of human-caused sounds) is predicted to be 9.9 dBA above natural conditions. The soundscape at FBF has a sound level typical of quiet rural residential areas with little to light automobile traffic (45-50 dBA) and some helicopter overflights associated with New York Police Department (87 dB at 500 ft and 79 dB at 1000 ft) (see How Loud is a Helicopter? (Comparing Helicopter Noise Levels)/Executive Flyers).

Noise from temporary construction activities would originate from mechanical equipment. To the extent practicable, construction work would occur during park operating hours. However, some construction related activities could occur outside of those hours. Generators used would be Tier 4 in order to minimize impacts to soundscapes. Generators would be located as far as possible from visitors, migrants, and wildlife. The City will monitor noise levels associated with generator operations to ensure that the noise levels identified in the GATE Superintendent's Compendium of 60 decibels, at 50 feet from the source, are not exceeded. Overall, construction noise impacts would be minimal and temporary.

Visitor Use and Experience

The human need for recreation and renewal has resulted in an evolving history of traditional and innovative uses of the park's lands and waters to improve the quality of urban life. Intrinsicly connected to the diverse population of the New York metropolitan area, GATE's resources provide unique opportunities for outdoor recreation and rejuvenation in a densely populated and largely impacted metropolitan area. The park's open spaces and wide horizons offer opportunities for resource-based recreation as well as contemplation and reflection. The feelings associated with open space in the high-density metropolitan area and opportunities to recreate through nature observation, water-based activities, walking, hiking, biking, and visiting historic sites are fundamental resources and values.

The GATE 2014 GMP identifies FBF as a year-round destination for daily use and multiple day experiences that include outdoor recreation, community activities, environmental education, preservation and interpretation of the aviation and military

history of this historic site, and the protection of grassland, forested and coastal ecosystems. FBF is managed to provide camping opportunities, a community garden, environmental education, access to shorelines and waters of Jamaica Bay for fishing, canoeing, and kayaking, an extensive system of trails for hiking, access to runways and roadways for biking, and the concession operated Aviator Sports Complex. Park management relies heavily upon partnerships to provide and develop recreational opportunities and for the management and reactivation of the structures and spaces at this site.

With annual visitation around 9 million, GATE typically ranks within the top five most visited National Park units. FBF, like many of the sites in GATE, is in the “backyard” of New York City. Going to FBF is routine for many park visitors. A 2015 visitor use survey identified that 22% of visitors surveyed had visited FBF 21 or more times in the prior 12 months, 50% had visited 2-20 times and 28% had visited only once. Visitor use levels peak in the summer months, decrease in the fall, and are lowest in the winter and spring. In the Jamaica Bay Unit of GATE, 73% of visitors were white, 12% black or African American, and 10% were Asian.

The closure of any areas within FBF would be minimized to only those areas necessary for the proposed action and for the safety and security of park visitors. Certain portions of FBF will be closed to the public by the City for operation and administrative purposes in connection with the proposed action. Access to those areas of the park will be limited to the City, its contractors, migrant residents and others that have been approved by the NPS. Visitors will continue to have access to locations within FBF that provide opportunities for fishing, launching and landing kayaks, biking, walking, running, or parking a car to enjoy views of Jamaica Bay. At FBF, there are five primary hubs of visitor activity. The Hangar B parking lot is one of those hubs. The Hangar B parking lot is the only area of FBF that provides vehicle access to the shoreline and views of Jamaica Bay. Temporary impacts on visitor use of the Hangar B parking lot would occur due to a partial closure of the lot as a result of the proposed action. The NPS does not anticipate that any impacts related to the proposed action will disproportionately affect any particular user groups.

FBF has over 3 miles (5 km) of shoreline. Much of the shoreline is hardened or currently unavailable for visitor use due to access limitations related to adjacent upland forested habitat, land assignments to park partners (New York City Sanitation, New York City Police Department) or the shoreline is part of the US Marine Corps Reserve Center, an inholding within FBF. Public access is focused at approximately 2962 feet (903 m) of shoreline across 5 locations within FBF. The proposed action would restrict access to less than 900 feet (250 m) of shoreline (Figure 1 area C). The primary effect of this limited access would be on visitors that rely upon vehicle access to the shoreline. The impacted area is the only area in FBF in which park visitors can drive up to the shoreline. This is a popular area for fishing, landing and launching of kayaks, and for enjoyment of the Jamaica Bay viewshed.

FBF provides approximately 5.8 miles (9.3 km) of runways, taxiways and roads for biking or running. Vehicle traffic is authorized on 4.3 miles (6.8 km) of that 5.8 miles (9.3 km). There are no protected bike or pedestrian use lanes on any roadways. The proposed action would restrict pedestrian and bicycle access of up to 1.5 mile (2.5 km) on Runways 6 and 19 (Figure 1 areas A and B). There would be no impact to vehicle access since both areas are closed to vehicles.

There is system of trails within the North Forty area of FBF, northwest of Runway 6. Depending upon the season, the Belt Parkway is visible from some parts of the trail system. It is not anticipated that trails will be closed. Increased noise and activity associated with construction and operation of the temporary migrant camp as well as increased use of trails would impact visitor experience on some parts of the trail system.

Three varieties of camping experiences are offered at Floyd Bennett Field and include programmatic camping at Ecology Village, walk-in tent camping at Goldenrod and Tamarack Campground (30 sites), and recreational vehicle (RV) camping at an RV park (12 sites). The Goldenrod and Tamarack Campground and RV camp sites have not been open since 2019. These sites were closed in 2020 and 2021 due to COVID. The sites were not opened in 2022 and 2023 due to staff capacity. No bids were received in response to a 2022 Request for Proposal for use and occupancy to facilitate opening the campground to the public. The Ecology Village camping program is managed by the Appalachian Mountain Club for school and youth groups. The proposed emergency action is not expected to impact programmatic camping at Ecology Village.

The proposed action would increase park visitation. During hours that the park is open, the City’s contractors, staff and residents will have use of the park following the same rules as other visitors. NPS would limit migrant, City personnel, and/or

contractor access to some park areas and/or amenities as necessary to provide visitor safety. Overall, the proposed action would have minimal and temporary impacts on visitor use and experience, primarily in the form of increased use of specific sites within FBF during operating hours.

Traffic and Site Circulation

Floyd Bennett Field is located south of Exit 11 on the Belt Parkway (Shore Parkway), a six-lane highway that runs west to northeast across the southern portion of Brooklyn, NY. Commercial traffic is not authorized on NY Parkways. As a major route of transportation in the metropolitan area, traffic is heavy on the Belt Parkway. The 2016 two-way annual average daily traffic (AADT) for Shore Parkway, starting at Rockaway Parkway (Exit 13) traveling southwest toward Flatbush Avenue (Exit 11), was 165,379 vehicles. Flatbush Avenue travels in a northwest to southeast along the western boundary of FBF. The AADT count for Flatbush Avenue, from Shore Parkway to the Marine Parkway Bridge, was 24,420 vehicles. Although less common, access is also available from the south via Beach Channel Drive, Rockaway Point Boulevard, and the Marine Parkway Bridge, which had 2016 AADT counts of 22,616, 6,753, and 21,100, respectively. The average travel time for people commuting in New York City is 36.2 minutes while the average commuter in Kings County drives approximately 42.6 minutes (NYSDOT 2016, USCB 2019). Impacts to area traffic will be mitigated through the City's transportation management plan and mobilization and demobilization plans. Impact to area traffic will be minor and temporary.

Flatbush Avenue is part of the Jamaica Bay Greenway, a 19-mile pedestrian and bicycle loop around Jamaica Bay in Brooklyn and Queens. A protected bicycle lane with access points is located along the eastern side of Flatbush Avenue. NPS allows pedestrians and cyclists to hike and bike the historic runways at FBF (NYC DOT 2019).

According to traffic data, approximately 1,600 vehicles on weekdays and 1,000 vehicles on weekend days access FBF via Aviation Road during non-summer months and up to 3,000 vehicles per day during the summer months, which is a rate of approximately 300 vehicles per hour during typical daytime recreation hours. Peak hour traffic using Aviation Drive is 150 vehicles (morning) to 200 vehicles per hour (evening). Saturday midday peak hour traffic is slightly more than 200 vehicles per day (NPS 2014).

Impacts on traffic and site circulation are expected to be minimal and temporary. Runways 6 and 19 are currently closed to vehicles; therefore, use of those areas under the proposed action would not impact vehicle circulation. While there is no prohibition on pedestrian or cyclist use of runways, taxiways, and roadways within FBF, there are very limited sidewalks and no bike lanes or designated multi-use paths within FBF. As a result, movement throughout FBF is primarily by vehicle. Site circulation would be improved through the rehabilitation and reopening of the historic airport entrance to FBF and repairs to approximately 12,000 linear feet of main access routes within FBF (Figure 2 projects 1 and 5).

Coordination with Affected Agencies and Public Outreach

The NPS has coordinated with the State of New York and New York City officials regarding this emergency action. Throughout the duration of the proposed action, in coordination and collaboration with the NPS, the City will be primarily responsible for all external communications to include questions from media, local residents, businesses, other land users, and local, state, and federal elected officials. The NPS will make this memorandum available to the public.

In accordance with 36 CFR 800.12(b)(2), the NPS has notified the New York State Historic Preservation and Tribal Historic Preservation Offices of the Delaware Nation, Delaware Tribe, Stockbridge-Munsee Community, Shinnecock Nation and Shawnee Tribe, and the Advisory Council on Historic Preservation of the emergency situation and will initiate consultations as appropriate.

The NPS has prepared a FSOF to document compliance with NPS floodplain management procedures for the proposed action. Through the FSOF process the NPS has determined that there are no practicable, non-floodplain locations for the proposed action. Potential impacts to human life, health, and safety would be mitigated through a combination of non-structural risk mitigation measures. Emergency preparedness planning, storm and flood warning, and coordinated evacuation plans and protocols would protect human life, health, and safety. There is no risk to federal capital investment or natural and beneficial floodplain values. All improvements shall be undertaken at the City's sole expense and only with the NPS's prior written approval. Therefore, the NPS finds that the proposed action would not have any additional adverse impacts on floodplains and their associated values.

The NPS has determined the proposed action would have no effect on listed species and is conducting informal consultation with the USFWS under Section 7 of the ESA on four terrestrial ESA listed species that may occur within the proposed emergency action area.

The NPS has determined that the proposed emergency action constitutes an exigent circumstance under the Coastal Zone Management Act as provided in 15 CFR 930.32(b). Once the exigent circumstances have passed, the NPS shall comply with all applicable provisions of 15 CFR part 930, subpart C, to ensure that the activity is consistent to the maximum extent practicable with the enforceable policies of the New York State Department of State Coastal Management Program. The NPS will submit a Consistency Determination to provide a description of actions and supporting policy analysis.

Follow-on Actions

The NPS will conduct some follow-on actions related to site improvements that may not occur until the end of, or after the up to 12-month emergency action period. The follow-on actions will include:

Public Campground Improvements—The FBF public campground sites (Goldenrod and Tamarack Campgrounds; Figure 2 project 2), which are across the street from Historic Hangar B, would be used for administrative purposes such as providing a location for office trailers and equipment staging. Minor improvements, such as vegetation maintenance (mowing and trimming) necessary for use to support the emergency action are included in the above analysis. Additional improvements would be required as follow-on actions under the Lease. Consistent with the park's 2014 GMP, camping opportunities would be improved at FBF. The City would be responsible for campground improvements so that the facilities follow current NPS Campground Design Guidelines. The existing 30 public camping sites would be upgraded and an additional 30 sites will be added. Improvements include adding signage, removing hazardous and invasive trees and vegetation, installing fire rings and picnic tables at each site, re-grading the access trail, and building a new permanent restroom facility. Temporary trailers would be required to house additional restroom and shower facilities as well as a camp store.

Outdoor Education Campus—The City would be required to develop portions of an outdoor education campus according to existing conceptual designs. This includes garden plots, an outdoor skills course, a gathering pavilion, and parking lot. Actions to accomplish this would include site clearance of invasive plant material, construction of permeable walking trails, rehabilitation of the existing greenhouse, installation of new parking, and visitor amenities. This would need to proceed in coordination with the two park partners involved in this project, Launch and the Jamaica Bay-Rockaway Parks Conservancy.

In general, these actions will be consistent with the park's holistic management approach for coastal resources to improve resiliency and will incorporate principles of energy conservation and sustainability, resulting in long-term beneficial impacts to park resources and values, and to visitor use and experience. Adverse impacts related to the follow-on projects may include short-term, localized, and low intensity impacts to air quality, soundscapes, vegetation, wildlife, and visitor use and experience related to construction activities and temporary closures. The NPS will complete site-specific NEPA compliance, as appropriate, before taking the following actions. Therefore, these actions are not fully covered by these NEPA alternative arrangements.

Other Alternatives Considered but Dismissed

Hangars 3 and 4—Hangars 3 and 4 (49,020 square feet) at Floyd Bennett Field are existing vacant historic structures that were constructed in 1931. Hangars 3 and 4 are contributing resources in the Floyd Bennett Field Historic District which was listed on the National Register of Historic Places. They have not been restored or rehabilitated and are currently vacant and deteriorated. The building shell is showing signs of failure that left uncorrected will result in damage that is beyond reasonable repair. The interior is aged, and the utilities and systems are either inoperable, inadequate, or non-compliant with current codes and standards. The building is only suitable as semi-protected storage space in its current condition, and even that use is put at risk by continued neglect. Although the NPS is currently preparing plans to rehabilitate the structures, no work has yet begun.

Within the Jamaica Bay Unit, there are no other sites where emergency activities of a similar nature have previously been sited; have a lower potential for impact on park resources, operations, or public uses; or have available hardscaped areas of sufficient acreage with a low risk of flood potential to accommodate the emergency activities.

Based on my review I have decided to proceed with the proposed action and mitigation commitments.



Date: September 11, 2023

Charles F. Sams III
Director
National Park Service

Approval of Decision Memorandum and Environmental Review:

I have determined that an emergency situation exists such that agency actions must be taken prior to preparing NEPA analysis and documentation. I concur with the National Park Service's review and findings that the impacts of these actions are not anticipated to be significant. I hereby grant the National Park Service's request for alternative arrangements.

Joan M. Mooney
Principal Deputy Assistant Secretary
Exercising the Delegated Authority of
Assistant Secretary—Policy, Management and Budget
Department of the Interior



BUDGET The United States
Department of the Interior
JUSTIFICATIONS
and Performance Information
Fiscal Year 2024

NATIONAL PARK SERVICE

NOTICE: These budget justifications are prepared for the Interior, Environment and Related Agencies Appropriations Subcommittees. Approval for release of the justifications prior to their printing in the public record of the Subcommittee hearings may be obtained through the Office of Budget of the Department of the Interior.



The full report is available at:

<https://docs.house.gov/meetings/II/II00/20230927/116399/HHRG-118-II00-20230927-SD012.pdf>

Mr. WESTERMAN. Again, I want to thank the witnesses for your valuable testimony and the Members who were here for their questions. The members of the Committee may have some additional questions for the witnesses and we will ask you to respond to these in writing.

Under Committee Rule 3, members of the Committee must submit questions to the Subcommittee Clerk by 5 p.m. on October 2. The hearing record will be open for 10 business days for these responses.

If there is no further business, without objection the Committee is adjourned.

[Whereupon, at 1:53 p.m., the Committee was adjourned.]

