



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: House Committee on Natural Resources Republican Members
From: Subcommittee on Oversight and Investigations staff,
Michelle Lane (Michelle.Lane@mail.house.gov) and Lucas Drill
(Lucas.Drill@mail.house.gov)
Date: Thursday, June 13, 2024
Subject: Oversight Hearing on “*Destroying America’s Best Idea: Biden’s Border Crisis, Desecrating National Park Lands and Damaging Communities*”

The House Committee on Natural Resources Subcommittee on Oversight and Investigations will hold an oversight hearing titled “*Destroying America’s Best Idea: Biden’s Border Crisis, Desecrating National Park Lands and Damaging Communities*” on **Thursday, June 13, 2024, at 10:15 a.m. in 1334 Longworth House Office Building.**

Member offices are requested to notify Cross Thompson (Cross.Thompson@mail.house.gov) by 4:30 p.m. on Wednesday, June 12, 2024, if their member intends to participate in the hearing.

I. KEY MESSAGES

- The Biden Border Crisis has turned every community into a border community.
- By transforming Floyd Bennett Field—national park land—into a migrant encampment, the Biden administration is destroying America’s best idea.¹
- The Biden administration’s decision to lease National Park System land to New York City to relieve pressure on their migrant housing crisis is a dangerous and failed experiment. It has increased neighborhood crime, decreased local access to public lands, and, by converting treasured public lands into a migrant camp, set a dangerous precedent that degrades our national parks.
- After months of thorough investigation by the Committee and continued stonewalling by Biden administration officials, the Committee believes the Biden administration is aware of this grave failure of policy, as they continue to avoid speaking publicly on the matter.

¹ *America’s Best Idea Today*, NATIONAL PARK SERVICE (Sept. 17, 2009), <https://home.nps.gov/americasbestidea/>.

II. WITNESSES

- **Ms. Jaime Williams**, Assemblymember, 59th District, New York State Assembly, Brooklyn, NY
- **Mr. Paul King**, President, Belle Harbor Property Owners Association, Belle Harbor, NY
- **Ms. Elizabeth Morrissey**, President, Madison Marine Park Homecrest Civic Association, Brooklyn, NY
- **Ms. Amy Fischer**, Director of Refugee and Migrant Rights, Amnesty International USA, Washington, DC [*Minority Witness*]

III. BACKGROUND

Abuse of the asylum process, failed border policies enacted by the Biden administration, and local “right to shelter” laws have made New York City (NYC) and other “sanctuary cities”² across America havens for foreign migrants. The Biden administration’s failed policies led New York City Mayor Eric Adams—a Democrat—to declare that the migrant crisis “will destroy New York City.”³ Over a year ago, to relieve the pressure on NYC caused by the influx of migrants, the State of New York (NY State) and NYC began calling on the Biden administration for federal assistance.⁴ Despite local opposition, NY State, NYC, and senior leaders within the Department of Homeland Security (DHS) and Department of the Interior (DOI) colluded to repurpose portions of Floyd Bennett Field (FBF) within the boundary of Brooklyn’s Gateway National Recreation Area, a unit of the National Park System, for camps housing thousands of undocumented migrants.⁵

On September 15, 2023, the Floyd Bennett Field lease (FBF Lease) between the National Park Service (NPS) and NYC was finalized. On September 27, 2023, the House Committee on Natural Resources (the Committee) held a hearing on the Biden administration’s use of NPS lands for migrant camps.⁶ During the hearing, witnesses testified not only to the potential dangers posed by the camp to their communities.⁷ Approximately nine months after the commencement of the FBF lease, many of the witnesses’ concerns came to fruition. Since then, the government entities responsible for the transformation of FBF into a migrant camp have continually attempted to evade Congressional oversight and accountability.

² *What are Sanctuary Cities and Why Do They Exist?*, GLOBAL REFUGE (July 12, 2021), <https://www.globalrefuge.org/news/what-are-sanctuary-cities-and-why-do-they-exist-lirs/>.

³ Emma G. Fitzsimmons, *In Escalation, Adams Says Migrant Crisis ‘Will Destroy New York City’*, N.Y. TIMES (Sept. 7, 2023), <https://www.nytimes.com/2023/09/07/nyregion/adams-migrants-destroy-nyc.html>.

⁴ *Declaring a Disaster Emergency in the State of New York*, N.Y. EXEC. ORDER NO. 28 (May 9, 2023), <https://www.governor.ny.gov/executive-order/no-28-declaring-disaster-emergency-state-new-york>.

⁵ National Park Service, *Lease Between U.S. Dept. of the Interior, National Park Service and the City of New York for the Premises known as Portions of Floyd Bennett Field, in the Jamaica Bay Unit of Gateway National Recreation Area*, DEPT. OF THE INTERIOR (Sept. 15, 2023), <https://www.nps.gov/aboutus/foia/upload/FINAL-Lease-Floyd-Bennet-Field-09-15-2023-2.pdf>.

⁶ *See Destroying America’s Best Idea: Examining the Biden Administration’s Use of National Park Service Lands for Migrant Camps, Hearing Before the H. Comm. on Natural Resources*, 118th Congress (Sep. 27, 2023) (Hearing Memorandum from Subcomm. on Oversight and Investigations Republican staff), https://naturalresources.house.gov/uploadedfiles/hearing_memo_-_fc_ov_hrg_on_migrant_camps_09.27.23.pdf.

⁷ *See Destroying America’s Best Idea: Examining the Biden Administration’s Use of National Park Service Lands for Migrant Camps, Hearing Before the H. Comm. on Natural Resources*, 118th Congress (Sep. 27, 2023), <https://www.youtube.com/live/5NI12KrClwo?si=ZJaXhnEdGyXFfuE0>.

The current FBF Lease is set to expire on September 14, 2024. Committee Republicans opposed the FBF Lease at the time of its inception, continue to oppose it, and firmly believe it should not be renewed when it expires.

A. The Biden Administration's Policies are Responsible for Creating an Unprecedented Migrant Crisis

The Committee's September 27, 2023, hearing not only provided a robust background on U.S. immigration law, the Biden administration's failed border policies, the Gateway National Recreation Area, and the FBF Lease itself, but it also explained how the FBF Lease improperly bypassed compliance with environmental protection laws, particularly the National Environmental Policy Act (NEPA), ordinarily championed by Democrats.⁸

The Biden administration's immigration and border policies have long fallen in line with those of far-left advocacy groups that urge Democrats to fight for open borders,⁹ decriminalize illegal entry,¹⁰ abolish Immigration and Customs Enforcement (ICE),¹¹ and abuse executive authority to elevate the rights of illegal immigrants over the rights of American citizens.¹² Almost immediately upon taking office, President Biden fought to reduce border security, implementing more than 94 detrimental executive actions related to immigration during his first 100 days in office.¹³ Worse yet, during the Biden administration's tenure, illegal migrants are exploiting loopholes in America's asylum process at an alarming rate by entering and staying in the United States indefinitely, even when their asylum application is ultimately denied.¹⁴

In May of 2023, President Biden ended Title 42, a Trump-era restriction that allowed U.S. officials to turn away migrants at the border.¹⁵ Under the Biden administration, migrants claiming asylum have been allowed to enter the United States, apply for asylum, and remain in the United States while the asylum request moves through the multi-year immigrant court process. In response to President Biden's revocation of Title 42, New York Governor Kathy

⁸ See *Destroying America's Best Idea: Examining the Biden Administration's Use of National Park Service Lands for Migrant Camps*, Hearing Before the H. Comm. on Natural Resources, 118th Congress (Sep. 27, 2023) (Hearing Memorandum from Subcomm. on Oversight and Investigations Republican staff), https://naturalresources.house.gov/uploadedfiles/hearing_memo_-_fc_ov_hrg_on_migrant_camps_09.27.23.pdf.

⁹ Khury Petersen-Smith, *Progressives Should Support Open Borders — With No Apology*, INSTITUTE FOR POLICY STUDIES (Feb. 21, 2019), <https://ips-dc.org/progressives-should-support-open-borders-with-no-apology/>.

¹⁰ Laura Barrón-López, *Progressive groups push 2020 Dems to decriminalize border crossings, defund ICE*, POLITICO (June 25, 2019), <https://www.politico.com/story/2019/06/25/democrats-border-crossings-defund-ice-1382729>.

¹¹ *What you need to know about the call to abolish ICE*, AMERICAN FRIENDS SERVICE COMMITTEE (Feb. 3, 2021), <https://afsc.org/news/what-you-need-know-about-call-abolish-ice>.

¹² *Why the Democratic Party Must Have a Positive Immigration Message that Works with Voters*, UNITED WE DREAM ACTION (Sep. 13, 2022), <https://unitedwedreamaction.org/2022/09/memo-why-the-democratic-party-must-have-a-positive-immigration-message-that-works-with-voters/>.

¹³ Muzaffar Chishti and Jessica Bolter, *Border Challenges Dominate, But Biden's First 100 Days Mark Notable Under-the-Radar Immigration Accomplishments*, MIGRATION POLICY INSTITUTE (Apr. 26, 2021), <https://www.migrationpolicy.org/article/biden-100-days-immigration-reform-border>.

¹⁴ *Secretary Kirstjen M. Nielsen Announces Historic Action to Confront Illegal Immigration*, DEPT. OF HOMELAND SECURITY (Dec. 20, 2018), <https://www.dhs.gov/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration>.

¹⁵ Colleen Long, *Title 42 has ended. Here's what it did, and how US immigration policy is changing*, AP NEWS (May 12, 2023), <https://apnews.com/article/immigration-biden-border-title-42-mexico-asylum-be4e0b15b27adb9bede87b9bbefb798d>.

Hochul issued an executive order preparing for migrants to inevitably flood into NYC and NY State.¹⁶

The Biden administration's open border policies are linked with the Border Patrol losing a quarter of its workforce since the 2020 election. Though the Border Patrol is comprised of over 19,000 Agents, "more than 4,000 federal agents have left the Border Patrol since October 2020. Twice as many agents have chosen to retire early compared to retirement rates during the Obama and Trump administrations."¹⁷ Not only are law enforcement agencies nationwide losing staff who seek higher paying jobs in the private sector, but also agents are explicitly citing the Biden administration's policies as a reason for dwindling staff. One agent even commented that "the administration is so bad for morale . . . I'm not trying to be political. I'm just speaking facts. It's become so political. Catch and release is demoralizing for agents."¹⁸

In fact, since the establishment of the FBF encampment, the migrant crisis has reached such a fever pitch that President Biden is desperately attempting to reverse his earlier policies and limit border asylum claims.¹⁹ On June 4, 2023, President Biden issued a proclamation to temporarily shut down asylum requests beginning on June 5, 2024, until the average number of daily encounters reaches certain levels.²⁰ This executive action comes too little, too late, and further supports the Committee's conviction that housing migrants on national park land is neither an appropriate use of our nation's most treasured places nor does it address the Biden administration's border crisis.

B. The FBF Lease Utterly Failed to Relieve the Biden Administration's Migrant Crisis Pressure on New York City

Throughout the FBF migrant camp's tenure, several issues predicted by the Committee primarily related to safety and security have occurred. The camp itself has failed to resolve the migrant housing crisis in NYC, exacerbated by the wave of migrants seeking shelter in the area over the last two years. Last December, Mayor Adams stated, "We cannot continue to do the federal government's job" as NYC buckles under the Biden administration's failed immigration policies.²¹ To control when bus companies could deliver migrants to NYC, Mayor Adams issued an executive order that requires bus companies to provide advance notice of migrant arrivals.²²

¹⁶ Governor's Press Office, *As Title 42 Expires, Governor Hochul Issues Executive Order Providing State And Municipalities With Greater Flexibility to Support Expected Arrivals of Asylum Seekers in New York*, NEW YORK STATE (May 9, 2023), <https://www.governor.ny.gov/news/title-42-expires-governor-hochul-issues-executive-order-providing-state-and-municipalities> (stating that "Governor Kathy Hochul today issued an Executive Order to help provide aid to asylum seekers expected to arrive in New York as federal Title 42 immigration policy is set to expire").

¹⁷ Anna Giaritelli, *The Biden effect? Border Patrol has lost a quarter of workforce since 2020 election*, WASHINGTON EXAMINER (May 23, 2024), <https://www.washingtonexaminer.com/policy/immigration/3011397/the-biden-effect-border-patrol-has-lost-a-quarter-of-workforce-since-2020-election/>.

¹⁸ *Id.*

¹⁹ Michelle Hackman and Tarini Parti, *Biden to Issue Executive Order on Southern Border, Limiting Asylum*, THE WALL STREET JOURNAL (June 3, 2024), https://www.wsj.com/us-news/biden-to-issue-executive-order-on-southern-border-limiting-asylum-rules-a9a021a5?mod=hp_lead_pos2&mod=djemCapitalJournalDaybreak.

²⁰ *A Proclamation on Securing the Border*, THE WHITE HOUSE (June 4, 2024), <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/06/04/a-proclamation-on-securing-the-border/>.

²¹ Jeffery C. Mays and Dana Rubinstein, *As Migrant Arrivals Surge, Adams Sets Controls on Bus Arrivals*, THE NEW YORK TIMES (Dec. 27, 2023), <https://www.nytimes.com/2023/12/27/nyregion/mayor-adams-migrants-bus.html>.

²² *Id.*

In January of 2024, after the FBF Lease’s enactment, NYC Mayor Eric Adams announced a 60-day shelter limit for migrant families to ease the burden on the City’s shelter program.²³ Unsurprisingly, a NYC Comptroller’s Office report found that the policy was inadequately and haphazardly implemented.²⁴ Unlike other shelters, FBF is designated for families, and it is unclear if the shelter limit is strictly enforced at this location.²⁵

During an initial site visit in September 2023, Members of Congress, including Chairman Westerman and Subcommittee Chairman Gosar, posed questions to NPS and NYC officials regarding the suitability of FBF as a camp location should harsh or unusual weather conditions arise. Members were assured that the camp would be constructed in a manner that would be safe for employees and tenants. In January of this year, thousands of migrants were evacuated from FBF due to storm-related hazards.²⁶ These migrants took shelter at a nearby high school, impeding students’ use of those facilities.²⁷ Previous storms hit the camp so hard that residents feared the tents would blow away in the wind.²⁸

The migrant crisis in NYC and the existence of the encampment at FBF have also led to increased crime targeting local NYC community residents.²⁹ Widespread reports of criminality in and around the FBF migrant camp include allegations of domestic violence, assault, shoplifting, prostitution, and panhandling scams.³⁰ Although the FBF Lease contains terms naming the New York Police Department (NYPD) as the “primary entity responsible for law enforcement issues” at FBF,³¹ the Committee understands that NYC contracts with a private security firm that, on at least one occasion, blocked NYPD officers from entering the camp.

²³ Chloe Chik and Kat Capossela, *NYC Comptroller’s Investigation Finds Adams Administration Implemented the 60-Day Shelter Limit in Haphazard, Ineffective Manner*, COMPTROLLER OF NEW YORK, <https://comptroller.nyc.gov/newsroom/nyc-comptrollers-investigation-finds-adams-administration-implemented-the-60-day-shelter-limit-in-haphazard-ineffective-manner/>.

²⁴ *Id.*

²⁵ Paola Nagovitch, *From Open Arms Policy to the Streets: The Collapse of New York Migrant Shelters*, EL PAIS (June 1, 2024), <https://english.elpais.com/usa/2024-06-01/from-open-arms-policy-to-the-street-the-collapse-of-new-york-migrant-shelters.html>.

²⁶ Liset Cruz, *Nearly 2,000 Migrants Are Evacuated From Brooklyn Tent Shelter Before Storm*, THE NEW YORK TIMES (Jan. 9, 2024), <https://www.nytimes.com/2024/01/09/nyregion/migrant-families-floyd-bennett-tent-evacuation-rain.html>.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Sarah Goodman et al., *City Hall vows to probe ‘lawlessness’ following Post report on spike in crime around Floyd Bennett Field migrant shelter*, NEW YORK POST (Jan. 14, 2024), <https://nypost.com/2024/01/14/metro/city-will-probe-any-lawlessness-by-migrants-at-bennett-floyd-field/>.

³⁰ Carl Campanile, *Migrants’ pricey cars towed outside controversial NYC shelter in same area where they begged door to door*, NEW YORK POST (Jan. 6, 2024); <https://nypost.com/2024/01/06/metro/at-least-five-unregistered-vehicles-used-by-migrants-parked-outside-floyd-bennett-field-shelter-towed/>; Georgia Worrell et al., *Fear and loathing at Brooklyn’s Floyd Bennett Field: Neighbors fuming over migrants’ ‘lawlessness’*, NEW YORK POST (Jan. 13, 2024), <https://nypost.com/2024/01/13/metro/brooklyn-residents-fuming-over-migrants-lawlessness/>; Sarah Goodman et al., *City Hall vows to probe ‘lawlessness’ following Post report on spike in crime around Floyd Bennett Field migrant shelter*, NEW YORK POST (Jan. 14, 2024), https://nypost.com/2024/01/14/metro/city-will-probe-any-lawlessness-by-migrants-at-bennett-floyd-field/?utm_source=ground.news&utm_medium=referral; Isabelle Stanley, *Floyd Bennett Field migrants leaves NYC’ers fuming over reported spike in robberies, scams and an arrests near shelter*, DAILY MAIL (Jan. 14, 2024), <https://www.dailymail.co.uk/news/article-12962373/Floyd-Bennett-Field-New-York-migrant-crime-shelter-arrests.html>; Craig McCarthy & Alex Oliveria, *Adams ‘looking into’ imposing curfew at migrant shelters as panhandling, crime surges*, NEW YORK POST (Jan. 11, 2024), <https://nypost.com/2024/01/11/metro/adams-looking-into-imposing-curfew-at-migrant-shelters-as-panhandling-crime-surges/>.

³¹ National Park Service, *Lease Between U.S. Dept. of the Interior, National Park Service and the City of New York for the Premises known as Portions of Floyd Bennett Field, in the Jamaica Bay Unit of Gateway National Recreation Area*, DEPT. OF THE INTERIOR (Sept. 15, 2023), <https://www.nps.gov/aboutus/foia/upload/FINAL-Lease-Floyd-Bennet-Field-09-15-2023-2.pdf>.

C. Recent Committee Action

The Committee has launched a thorough investigation into the FBF Lease, which involves requests for document productions, briefings, and interviews from several federal agencies, including the DOI, NPS, DHS, Council on Environmental Quality (CEQ), and White House officials.³² On October 10, 2023, the Committee highlighted how the Biden Administration’s decision to house migrants on NPS land set a dangerous precedent that, left unchecked, could expand into other national parks and public lands.³³

Although evidence the Committee secured, such as Biden administration agency leadership testimony and produced documents, reveals a coordinated interagency effort to transform FBF into a migrant camp, no government entity is willing to admit the extent of its role or discuss in depth the reasoning behind the Biden administration’s actions. The Committee has doggedly sought additional documents and testimony from the numerous agencies involved but has thus far been stonewalled. The Biden administration’s refusal to comply with the Committee’s legitimate oversight efforts raises significant questions of ineptitude and malfeasance within the administration.

IV. CONCLUSION

America’s national parks are often called our nation’s “best idea.” NPS manages 424 individual units of the National Park System, covering more than 85 million acres of federal land across all 50 states, the District of Columbia, and multiple territories.³⁴ NPS’s mission is to “preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations.”³⁵ President Biden’s immigration policies have led to an unprecedented migrant crisis. As a result, national park land, specifically the historic Floyd Bennett Field³⁶ in Brooklyn has been restricted from public access, its cultural and natural values reduced, and repurposed as a migrant tent city.

In addition to restricting public access to national park lands, the FBF Lease sets a terrible precedent by transforming America’s best idea—our national parks—into inaccessible encampments. To preserve our national parks and hold the Biden administration accountable for its shameful mistakes, the FBF Lease must end.

³² See, e.g., Letter from Rep. Bruce Westerman, Chairman, H. Comm. on Natural Resources, et al., to Deb Haaland, Secretary, Dept. of the Interior, and Charles F. Samms III, Director, National Park Service (Sept. 15, 2023), https://naturalresources.house.gov/uploadedfiles/hnr_letter_to_doi_nps_on_migrant_shelters.pdf; Letter from Rep. Bruce Westerman, Chairman, H. Comm. on Natural Resources, et al., to Brenda Mallory, Chair, Council on Environmental Quality (Sept. 15, 2023), https://naturalresources.house.gov/uploadedfiles/hnr_letter_to_ceq_on_fbf_migrant_housing.pdf; Letter from Rep. Bruce Westerman, Chairman, H. Comm. on Natural Resources, et al., to Charles F. Samms III, Director, National Park Service (Mar. 25, 2024), https://naturalresources.house.gov/uploadedfiles/hnr_letter_to_nps_on_fbf_safety_concerns.pdf; Letter from Rep. Bruce Westerman, Chairman, H. Comm. on Natural Resources, et al., to Tom Perez, Director, Office of Intragovernmental Affairs, The White House (Apr. 19, 2024), https://naturalresources.house.gov/uploadedfiles/2024.04.18_hnr_letter_to_white_house_on_perez_fbf.pdf.

³³ *Securing Our Border, Saving Our National Parks | Oversight and Investigations Subcommittee*, HOUSE NATURAL RESOURCES COMMITTEE (Oct. 18, 2024), <https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=414953>.

³⁴ *About Us*, NATIONAL PARK SERVICE, <https://www.nps.gov/aboutus/index.htm>.

³⁵ *Id.*

³⁶ *Gateway National Recreation Area NY, NJ , Floyd Bennett*, NATIONAL PARK SERVICE, <https://www.nps.gov/gate/learn/historyculture/floyd-bennett.htm>.