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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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October 4, 2024

The Honorable Joseph R. Biden
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Dear President Biden:

We write today to raise our concerns on the impact of the ongoing border crisis on Federal Emergency Management Agency's (FEMA) readiness. Yesterday, Secretary of Homeland Security Alejandro Mayorkas stated: "We are expecting another hurricane hitting – we do not have the funds, FEMA does not have the funds, to make it through the season."¹ Similarly, you indicated this week that you are considering requesting that Congress convene a special session to consider supplemental funding for FEMA. Congress has appropriated over \$30 billion to FEMA for FY2024. Your Administration has spent over \$650 million on FEMA's border-related programs in FY2024. Since taking office, the Biden-Harris Administration has spent around \$1.5 billion on FEMA's border-related programs. We are concerned that your Administration's reliance on FEMA to address the ongoing border crisis, under Vice President Harris as "border czar," has diminished FEMA's readiness for disaster relief, including hurricane response.

On the first day of the Biden-Harris Administration, you took decisive action to open the border and invite the chaos we have seen over the past 3.5 years. You ended Remain in Mexico, stopped deporting illegal immigrants, and terminated border wall construction.² Over 8.4 million migrants have been encountered since you took those actions to open the border. U.S. Customs and Border Protection (CBP) set multiple records for the most encounters in a single day and in a single month during your Administration. We have repeatedly asked you, your Cabinet, and officials across the Federal government what the plan is for addressing this historic border crisis. By March 2021, FEMA was already mobilized to address the surge of unaccompanied minors

¹ Zach Montague, "Mayorkas Warns of Funding Shortfall for Rest of Hurricane Season," *New York Times*, Oct. 2, 2024: <https://www.nytimes.com/2024/10/02/us/politics/fema-funding-shortfall-hurricane-season.html>.

² *Staff on the Senate Homeland Security and Governmental Affairs Subcommittee on Government Operations and Border Management found that your Administration wasted over \$2 billion on the border wall pause. See: Subcommittee on Government Operations and Border Management Minority Staff, U.S. Senate Committee on Homeland Security and Governmental Affairs, "President Biden is Wasting Billions by Not Building the Border Wall," Interim Minority Staff Report, available at: https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/GOBM%20Interim%20Report%20on%20Wall_Final.pdf.*

after your Administration exempted them from the Title 42 order.³ As your Administration began planning for the end of the Title 42 order, we learned that you had placed a senior FEMA official as the senior coordinating official for your response to impending surge.⁴

Since the end of the Title 42 order, FEMA has continued to play a role in addressing the ongoing border crisis through the Emergency Food and Shelter Program (EFSP) and through the Shelter and Services Program (SSP). These programs have supported the U.S. Department of Homeland Security's (DHS) "Plan for Southwest Border Security and Preparedness," which calls for FEMA to "bolster[...] the capacity of non-governmental organizations (NGOs) to receive noncitizens after they have been processed by CBP and are awaiting the results of their immigration removal proceedings. And ... coordination with and support for state, local, and community leaders to help mitigate increased impacts to their communities."⁵ Oversight from the DHS Office of the Inspector General (OIG) found that some illegal aliens who were ineligible for EFSP and SSP funding ended up receiving benefits funded by these programs.⁶ All told, FEMA has received \$1.7 billion for its southern border response efforts. Emblematic of this Administration's approach, one FEMA official informed my Subcommittee staff during a site visit that the Biden-Harris border crisis is like a hurricane: "FEMA can buy its way out of the border crisis if Congress allocates it enough money."⁷

Each year under your Administration, the Office of Management and Budget (OMB) and DHS have regularly requested that Congress cut detention beds and funding for border enforcement measures. Those same budget requests asked Congress to continue funding FEMA's border-related work. FEMA's efforts responding to the border crisis could have been much more limited if your Administration would have instead used your authorities to secure the border.

FEMA's continued entanglement in DHS's efforts to respond to the border crisis could impact its readiness and emergency response mission. Rather than ensuring FEMA is ready to respond to hurricanes and other emergencies, FEMA has been pulled into a border crisis mission. FEMA's mission is "helping people before, during, and after disasters," not helping DHS clean up the impact of your Administration's reckless border policies. We are very concerned that FEMA's role at the border has impacted its readiness and preparation efforts for Hurricane Helene and its response efforts. To better understand the impact of FEMA's border efforts on its hurricane response mission, we ask the following questions:

³ Barbara Sprunt, "DHS Directs FEMA To Help With Surge Of Migrant Children At Southern Border," *NPR*, Mar. 14, 2021: <https://www.npr.org/2021/03/14/976988498/dhs-directs-fema-to-help-with-surge-of-migrant-children-at-southern-border>.

⁴ Committee on Homeland Security and Governmental Affairs, *Securing and Ensuring Order on the Southwest Border*, Cong. Hearing, May 5, 2022: Page 22, §§ 8-9.

⁵ U.S. Department of Homeland Security, *DHS Plan for Southwest Border Security and Preparedness*, Memorandum, Apr. 26, 2024: https://www.dhs.gov/sites/default/files/2022-04/22_0426_dhs-plan-southwest-border-security-preparedness.pdf.

⁶ Office of Inspector General, U.S. Department of Homeland Security, *FEMA Needs to Improve Its Oversight of the Emergency Food and Shelter Program (OIG-22-56)*, Aug. 10, 2022: <https://www.oig.dhs.gov/sites/default/files/assets/2022-09/OIG-22-56-Aug22.pdf>.

⁷ Approximate quotation from senior FEMA official at Southern Border Coordination Center during bipartisan Senate Committee on Homeland Security and Governmental Affairs and Senate Committee on the Judiciary staff delegation to Southern Border Coordination Center, June 16, 2022.


1. Since January 20, 2021, how many FEMA full-time employees (FTEs) have been detailed or transferred to border-related mission duties? How many FEMA FTEs have joined a border-related volunteer force or related opportunity from DHS?
2. Since January 20, 2021, how much money has FEMA reprogrammed to support its border-related mission duties? Please share a copy of each border-related reprogramming request.
3. Has the Administration conducted any strategic planning or assessment on the impact of FEMA's engagement at the southern border? If so, please share a copy of such strategic plan or assessment. If not, why not?
4. The DHS OIG found that FEMA funds related to southern border programs have gone to ineligible illegal aliens. What is FEMA's plan for recovering those funds?

Thank you for your attention to this matter. We look forward to receiving your response by not later than October 18, 2024.

Sincerely,



James Lankford
Ranking Member
Subcommittee on Government
Operations and Border Management



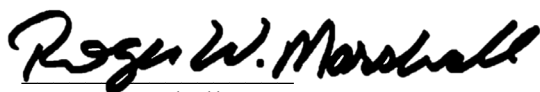
Rand Paul, M.D.
Ranking Member
Homeland Security and
Governmental Affairs Committee



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Josh Hawley
United States Senator



Roger Marshall, M.D.
United States Senator