

United States Senate

WASHINGTON, DC 20510

December 15, 2023

The Honorable Alejandro Mayorkas
Secretary
United States Department of Homeland Security
Washington, D.C.

The Honorable Deanne Criswell
Administrator
Federal Emergency Management Agency
Washington, D.C.

The Honorable Troy A. Miller
Senior Official Performing the Duties of the Commissioner
U.S. Customs and Border Protection
Washington, D.C.

Dear Secretary Mayorkas, Administrator Criswell, and Senior Official Performing the Duties of the Commissioner Miller:

We write with an urgent request that you immediately allocate additional Shelter and Services Program (SSP) funding to Arizona as we are facing a growing, unsustainable border crisis.

In the fiscal year 2023 Consolidated Appropriations Act (Public Law No. 117-328), Congress provided \$800 million and tasked the Department of Homeland Security's (DHS) components, Customs and Border Protection (CBP) and Federal Emergency Management Agency (FEMA), with establishing the SSP to serve the unique demands of the border, relieve overcrowding of CBP's short-term holding facilities, and support decompression. Providers within border communities, including nongovernmental organizations (NGOs) and local governments, are on the frontlines of CBP's decompression efforts, providing shelter, transportation, and other critical services to ensure the health and safety of communities and migrants. Between June and September of 2023, FEMA announced funding allocations for the SSP, the methodology for which clearly did not prioritize border providers—the entire state of Arizona received \$77 million, while New York City and Chicago alone received upwards of \$115 million. This has left Arizona's local communities on the hook to manage the border crisis due to Washington's inaction

For example, since 2019, Pima County has coordinated transportation and/or shelter for over 200,000 migrants who were processed by U.S. Border Patrol and released into Arizona. In the last few months, there has been a sharp increase in the number of migrants arriving at the Arizona-Mexico border via the Border Patrol Tucson Sector in the Lukeville, Arizona area, overwhelming Border Patrol's ability to manage the surge. As a result, on December 4th, CBP took the unacceptable step of closing the Lukeville Port of Entry, diverting all Port Officers to help Border

Patrol process and transport migrants.¹ Almost two weeks later, the Lukeville Port remains closed, further destabilizing our border, risking the safety of our communities, and damaging our economy.

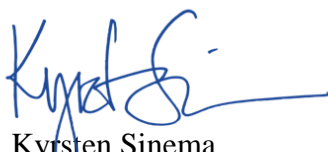
Pima County and a network of nonprofit service providers in Southern Arizona have stepped in to manage the crisis and provide humanitarian services to migrants across several communities in the state. However, Pima County projects it will be unable to continue providing services beyond February 2024 due to record numbers of migrants and woefully insufficient SSP funding. Likewise, Maricopa County and Yuma County providers project they must cease providing services in April 2024 due to insufficient funding, arbitrary caps on reimbursement, and poor program administration. This will likely result in the unsupported release of thousands of migrants on the streets of local Arizona communities, who will be forced to shoulder the entire burden of the border crisis due to the federal government's failure. This must not happen.

On September 30, 2023, the President signed into law the Continuing Appropriations Act, 2024 and Other Extensions Act (Public Law No. 118-15) (September CR). The September CR provided CBP and its programs, including the SSP, continued funding until November 17, 2023. CBP, however, did not allocate any additional SSP funding from the September CR. On November 16, 2023, the President signed the Further Continuing Appropriations and Other Extensions Act, 2024 (Public Law No. 118-22) (November CR). The November CR further provided funding to CBP and its programs, including the SSP, until February 2, 2024. To date, CBP has not allocated the additional SSP funding provided under either CR despite the dire need to manage the worsening and unmitigated border crisis.

We urge your agencies to take immediate steps to allocate additional SSP funding to the border communities that need it most—as Congress intended—to keep our communities and migrants safe. We call for your swift action to avoid the disruption of humanitarian services that would only worsen the unmitigated disaster on the border. Finally, we urge you to work closely with Arizona's service providers and our offices to mitigate programmatic and administrative roadblocks, and build sufficient flexibility into the program to allow providers to handle the inherent unpredictability of the border crisis and a broken immigration system.

We request an update on your plans to allocate the SSP funding as soon as possible and no later than by December 22, 2023.

Sincerely,



Kyrsten Sinema
U.S. Senator



Mark Kelly
U.S. Senator

¹ U.S. Customs and Border Protection, "Statement from CBP on Operations in Lukeville, AZ," (Dec. 1, 2023), <https://www.cbp.gov/newsroom/speeches-and-statements/statement-cbp-operations-lukeville-az>