

The Biden Administration Wants Even More Money to Distribute Illegal Aliens Throughout the United States

THE ISSUE

Since taking office, President Joe Biden has created an illegal migration crisis, with more than 10 million illegal aliens entering the United States under his watch. Rather than securing the border and discouraging further influx, the Administration has doubled down on this failure and is demanding more money from the American people to fund an expanding range of services for illegal aliens, including transportation into the interior of the country. With no prospect of a change in policy from the Administration, Congress must end funding for these programs to prevent the establishment of a permanent welfare state for illegal aliens.

BACKGROUND

In 2019, during an increase in illegal migration along the southwest border, President Donald Trump signed the Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act of 2019. As part of the compromise in providing greater support to the Department of Homeland Security (DHS), the supplemental provided \$30 million for a new Emergency Food and Shelter Program-Humanitarian (EFSP-H) to “provid[e] assistance to [illegal] aliens released from the custody of the Department of Homeland Security.”

The mechanism by which the funds were appropriated was the McKinney-Vento Homeless Assistance Act, under a FEMA-directed program called the EFSP that grants money

to organizations supporting homeless populations across the United States. The 2019 Emergency Supplemental created the offshoot EFSP-H to provide humanitarian assistance to illegal aliens released into the United States, rather than to homeless Americans.

The EFSP-H provides funds transferred from Customs and Border Protection (CBP) to FEMA, which in turn hands it over to a National Board comprised of a FEMA representative as Chair and six nongovernmental organizations (NGOs) to reimburse sub-recipient NGOs for services provided to illegal aliens following their release from DHS custody. Permitted expenses include food and housing, clothing, legal aid, and local and long-distance transportation within the U.S.

To be eligible for reimbursement, the National Board requires subrecipients to document their expenses.

PROGRAM EXPANSION

It appears that EFSP-H was intended to be a temporary program, as the fiscal year (FY) 2020 appropriations bill signed by President Donald Trump did not fund it. However, Congress and President Biden have not only revived the program, but significantly increased funding for it:

- As part of the American Rescue Plan Act of 2021, the EFSP-H received \$110 million.
- In the Consolidated Appropriations Act of 2022, the program received \$150 million.

This paper, in its entirety, can be found at <https://report.heritage.org/fs267>

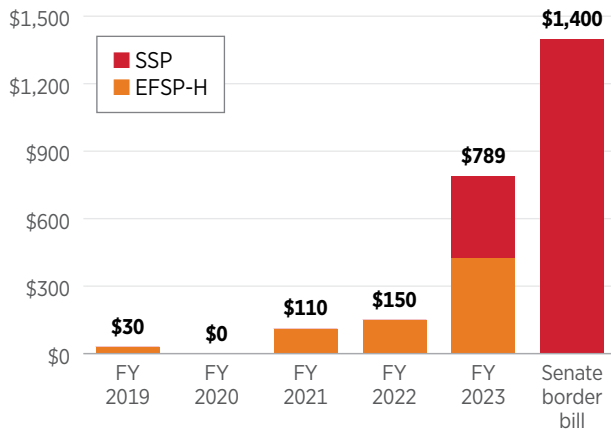
The Heritage Foundation | 214 Massachusetts Avenue, NE | Washington, DC 20002 | (202) 546-4400 | heritage.org

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

Feds Spend Billions on Illegal Aliens

FEMA has been using two programs—the EFSP-H and the SSP—to transport and house illegal aliens at taxpayer expense. This year, the Senate border bill tried to sneak in an additional \$1.4 billion.

IN MILLIONS OF DOLLARS



SOURCES: Congressional Research Service and Senate.gov.

heritage.org

- The [Consolidated Appropriations Act of 2023](#) marked a shift in the program. From CBP funding, FEMA was appropriated \$800 million for the program, with the caveat that a portion of the funding must go to establishing a newly created [Shelter and Services Program](#) (SSP) to replace EFSP-H.

For the FY 2023 appropriations, Congress [noted](#) that “funding the SSP through CBP will facilitate more effective support of CBP efforts to efficiently process and humanely treat noncitizens.” From all indications, the SSP functions in the same manner as the EFSP-H, just with a new title. The DHS [designated](#) \$425 million of the FY 2023 money to the EFSP-H, while sending \$364 million to establish the SSP. Because the allocation of funds is technically overseen by the National Board

rather than FEMA, it is unclear what oversight the public may have on how funds are spent. Neither FEMA nor the National Board release detailed spending information to the public. In a March 2023 report, the [DHS Inspector General](#) found a lack of accountability in FEMA’s tracking.

UNDERSTANDING THE IMPACT

Publicly available documentation on the EFSP-H indicates that since the passage of the American Rescue Plan, EFSP-H and SSP funding has been providing a significant war chest for moving and resettling illegal aliens in the U.S. interior.

For example, the EFSP-H prioritizes transportation—including long-distance airfares—for up to 30 percent of illegal aliens served. The only clearly stated eligibility requirement for illegal aliens is that they were encountered by the DHS upon crossing the southwest border. This means that any of the following may have been eligible to travel freely within the United States—funded by U.S. taxpayers through the EFSP-H program:

- [Jose Ibarra](#), arrested and charged with the murder of 22-year-old Laken Riley of Athens, Georgia.
- [Geovani Grevi Rivera-Zavala](#), arrested and charged with sexual assault of a teenage girl in a Prattville, Alabama, restaurant.
- [Hermanio Joseph](#), arrested and charged with aggravated vehicular homicide after hitting a school bus while driving in the wrong direction, killing an 11-year-old boy and injuring 23 other students in Clark County, Ohio.
- [Jesus Guzman-Bermudez](#), arrested and charged with rape, unlawful imprisonment, and endangering the welfare of a child in Erie County, New York.

- [Pierre Lucard Emile](#), arrested and charged with rape against a developmentally disabled person in the Boston area.
- [An unnamed Peruvian illegal alien](#) who was arrested and charged on eight counts related to sex crimes against a child in Arlington, Virginia.
- [An unnamed Somali terrorist](#) arrested in Minneapolis.

Since the passage of the American Rescue Plan Act of 2021, DHS has encountered [more than 6.9 million illegal aliens](#) along the southwest border. Using the guidance set forth in the publicly available EFSP-H documentation, NGOs receiving funds could be reimbursed for airfare for more than two million (30 percent) of those 6.9 million illegal aliens—more than the population of Nebraska.

Because information on program spending is not publicly available, the American public is left to estimate how many illegal aliens are being served by the EFSP-H and SSP programs, as well as how the funds are allocated among the various permissible expenses. However, it is clear that EFSP-H and the SSP provide vast taxpayer resources to NGOs supporting and transporting illegal aliens throughout the United States.

LOOKING AHEAD

The Administration has indicated that it will be [phasing out EFSP-H in favor of the SSP](#), bringing an end to the temporary program and fully establishing what could be a more permanent one.

The House of Representatives passed a [DHS appropriations bill](#) last fall which would have defunded the SSP, but the Biden Administration and its allies in Congress have made it clear that keeping the program funded is a priority. The Senate's February 2024 [national security supplemental](#) contained \$1.4 billion for the SSP—a massive windfall compared to any other round of funding that either the EFSP-H or the SSP have received in the past.

Although the [version of the bill](#) which passed the Senate was stripped of this funding, the Administration [has not stopped demanding](#) that SSP amount. The Administration's [proposed budget for FY 2025](#) reiterates the \$1.4 billion request and proposes a \$4.7 billion "Southwest Border Capacity Flexibility" fund, from which SSP grants are "an eligible use if certain encounter thresholds are triggered." Congress should remind the Administration that Congress, not the executive branch, has the power of the purse. Then, Congress should defund these secretive programs that have facilitated the Biden Administration's open border operations.