



GOVERNOR GREG ABBOTT

October 7, 2021

The Honorable Joseph R. Biden, Jr
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Through: Regional Administrator Tony Robinson
FEMA Region 6
Denton, Texas

Dear Mr. President:

Under Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5191 (Stafford Act), and 44 C.F.R. §§ 206.46(a) and 206.35, I request that you reconsider your denial of an emergency declaration for the State of Texas as a result of the ongoing border crisis, which reached such magnitude and duration that, on May 31, 2021, I formally recognized the disaster, and which continues to escalate as evidenced by the dire situation in Val Verde County. Contrary to your determination, supplemental federal assistance, including under the Stafford Act, is warranted. The Department of Homeland Security's strategy to address the migrant crisis has not alleviated the need for federal assistance to allow Val Verde County and the State of Texas to effectively respond to and recover from the ongoing border crisis.

I have determined that the disaster caused by the overwhelming surge of individuals unlawfully crossing the Texas-Mexico border is of such severity that supplementary federal assistance is necessary to lessen the threat of disaster; save lives; and protect property, public health, and safety. I am requesting reconsideration for an emergency declaration for Direct Federal Assistance (DFA) in order to meet the unprecedented critical emergency protection requirements that demand that the federal government respond to the extraordinary strain put on non-federal resources. Given the severity of the threat, I am also requesting Public Assistance Category B (Emergency Protective Measures) for Val Verde County, Texas.

In addition, I request the Hazard Mitigation Grant Program statewide. I reserve the right to request additional federal assistance programs and include additional counties as we further assess damages as the situation evolves.

Ongoing Border Crisis

The federal government has a duty to secure our borders. *See, e.g.*, U.S. Const. art. I, § 8, art. II, § 3, art. IV, § 4. To that end, Congress has charged the U.S. Department of Homeland Security (DHS) with “[s]ecuring the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States.” 6 U.S.C. § 202(2).

DHS and the federal government have failed to meet their responsibility and in doing so have put the health, safety, and property of Texans at risk. This disaster threatens not only the community of Del Rio, but all Texans, especially those in El Paso, Laredo, and the Texas Rio Grande Valley where the Department of Homeland Security is also transporting those who have illegally crossed the Texas/Mexico border using federal land at Del Rio.

The federal government’s refusal to solve the crisis at our border continues to strain local and state resources in Texas. The surge of over 16,000 migrants at the Del Rio International Bridge is just one of the most recent examples of the federal government's failure to act. United States Customs and Border Protection officials have outwardly stated that order was maintained there only because of the Texas Department of Public Safety, the Texas National Guard, and local stakeholders. The impact of the state presence can be seen in the below photographs. Personnel provided by the State of Texas and local jurisdictions to rectify the situation outnumber the federal deployment three to one, and without our assistance the crisis would have quickly overwhelmed dismal federal assistance. Given this, it is grossly inaccurate to suggest, as did FEMA Administrator Criswell in the denial letter, that order was restored as a result of DHS’s strategy or to equate the slow, muted federal response to that of local and state agencies that responded quickly and in force to the incident.



Texas first responders are fatigued, and resources are thin. Earlier this month, I signed House Bill 9, which appropriated \$1.8 billion to Texas border security efforts including the construction of a border wall, strategic fencing, and other barriers. These funds are in addition to the thousands of state personnel, including DPS troopers, agents, and Rangers, and National Guard soldiers who are engaged in the border operations mission and working with local law enforcement to halt the influx of drugs, people, and contraband into our state as a result of the federal government's failure to do its job.

I respectfully urge FEMA to reconsider this decision and provide the crucial support the State of Texas needs to secure the border and keep our communities safe. This assistance is crucial given the fact that, based on 2021 trends, Texas DPS is anticipating at least another 100,000 apprehensions per month, additional massive caravans have been reported in South America, and Secretary Mayorkas has asked the Department of Homeland Security to prepare for 350,000 to 400,000 crossings this month. Defending the border from such surges is costly to the state and local officials, and it will likely only become more of a burden as continued federal immigration policy changes further weaken border security and increase the number of migrants heading towards Texas.

Localized Impact

The Val Verde County border crossing sits in the City of Del Rio, which is an isolated outpost along the Rio Grande River.

The increase of migrant activity has resulted in an uptick in the threat of violence, human smuggling, and narcotics trafficking in Val Verde County, as well as the majority of other counties on the border. Reports of criminal mischief and trespassing continue, placing ever-growing demands on state and local law enforcement agencies.

Texas counties, like Val Verde, continue to be the front-line of the national border crisis, yet the federal response continues to lag. Local and state law enforcement agencies continue to encounter those illegally crossing the Texas/Mexico border. Agents have stopped numerous smuggling attempts and discovered stash houses where migrants from Guatemala, Mexico, El Salvador, and Honduras have been apprehended.



Additionally, other Texas communities are seeing a spike in criminal activity. For example, in Jackson County, more than 250 miles from the border, officials have processed 30 human trafficking reports in a one-month period. Brooks County officials have recovered 78 migrant bodies in 2021, and Starr, Zapata, Kinney, and Dimmit counties all report an overwhelming number of criminal prosecutions, as law enforcement arrests dozens each day for multiple crimes.

Ranchers in border areas have also incurred costs through damaged fences, the loss of livestock, and increased security protocols due to migrants illegally crossing onto their properties, and law enforcement continues to be overwhelmed with limited resources to address requests for assistance and criminal activity.

State Impact

Since March 2021, state agencies have reported over \$95.5 million in response efforts relating to border security across all impacted areas in Texas. This includes surging personnel and procuring resources to meet the challenges at the U.S. border caused by the federal government's failure to do its job.

For example, the Texas Department of Public Safety (DPS) has reported \$31.7 million in costs related to border enforcement, and of that \$9.7 million was expended on overtime. The Texas Department of Criminal Justice (TDCJ) has spent \$5.9 million to address the strain on the state's criminal-justice system by recruiting, training, and retaining personnel to operate jails in response to the large number of state crimes committed along the border. To address the public health concerns, the Texas Department of State Health Services (DSHS) has spent over \$1.4

million. This is in addition to the department’s \$6 billion dollars in costs related to COVID-19 response statewide.

FEMA states in their denial letter that federal resources were deployed to respond to the Del Rio crisis, but as of September 28, 2021, the state was required to spend approximately \$6.8 million to address the immediate threat to health and public safety posed by the Del Rio crisis. Reported state agency cost have surged an additional \$3.2 million in response cost between September 15, 2021, and September 20, 2021. Remaining costs are currently encumbered and will be paid once invoices are received.

For example, the Texas Division of Emergency Management (TDEM) spent approximately \$1.3 million setting up a basecamp for first responders in Del Rio. Texas DPS surged 1,100 law enforcement officers to the Del Rio International Bridge to maintain order during the crisis, spending approximately \$1 million in additional personnel cost between September 15, 2021, and September 20, 2021, and Texas Military Department personnel costs increased by \$1.4 million over the same period, while surging 590 service members to Del Rio. Labor and equipment cost across all responding state agencies are being reconciled and I anticipate that the Del Rio crisis response cost will increase in the coming weeks.

Agency Reporting	Personnel (Head Count)	Straight Time	Overtime	Travel	Equipment	Materials	Rentals	Fuel	Water/ Ice	Contracts	Leases	Repairs	Other	Reporting Agency Total
Finance DPS Aviation	415	\$119,228.10	\$83,199.88	\$27,430.94	\$17,244.28	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$721,755.00	\$968,858.20
Finance DPS CID	5,655	\$1,323,303.63	\$1,329,031.94	\$466,073.94	\$705,360.74	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$66,975.50	\$3,890,745.75
Finance DPS Comms	599	\$109,347.36	\$75,686.18	\$76,009.75	\$27,371.95	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$288,415.24
Finance DPS Fusion	1	\$190.08	\$142.56	\$218.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$550.89
Finance DPS Intelligence	541	\$74,790.54	\$76,830.93	\$14,501.94	\$4,449.28	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$170,572.69
Finance DPS LE Support	115	\$23,348.88	\$12,775.23	\$11,460.86	\$9,280.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$56,865.41
Finance DPS Marine Unit	677	\$164,203.09	\$162,306.06	\$49,540.45	\$37,587.24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$19,116.50	\$432,753.34
Finance DPS Rangers	105	\$28,785.92	\$29,087.94	\$10,231.80	\$10,617.48	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,702.50	\$87,425.64
Finance DPS Special Ops	420	\$97,946.30	\$105,195.93	\$50,160.92	\$34,122.05	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$21,453.50	\$308,878.70
Finance DPS THP	39,975	\$9,513,622.05	\$7,917,028.08	\$2,665,481.65	\$3,872,208.61	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,557,783.50	\$25,526,123.89
Finance DSHS	137	\$17,022.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,349,212.76	\$0.00	\$0.00	\$0.00	\$1,366,234.76
Finance TCJIS	124	\$39,329.25	\$0.00	\$775.36	\$0.00	\$108.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$16,462.34	\$56,694.95
Finance TDCJ	0	\$3,226,027.28	\$469,434.81	\$196,435.91	\$145,985.39	\$1,864,078.40	\$13,298.80	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,915,260.59
Finance TDEM	288	\$105,537.64	\$34,929.26	\$1,156.05	\$1,167.48	\$99,704.04	\$2,972.99	\$0.00	\$0.00	\$3,372,634.91	\$0.00	\$0.00	\$0.00	\$3,618,102.37
Finance TFS TAMU	54	\$21,936.00	\$0.00	\$8,238.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$30,174.00
Finance TIFMAS	1,286	\$293,591.44	\$1,308,566.24	\$133,588.34	\$374,920.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,110,666.62
Finance TPWD	503	\$220,923.00	\$0.00	\$22,050.18	\$38,638.91	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$281,612.09
Finance TXDOT	706	\$946,440.00	\$0.00	\$0.00	\$67,656.76	\$6,000.00	\$529,426.67	\$16,642.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,566,165.96
Finance TXMF	340,165	\$24,247,628.00	\$0.00	\$22,805,723.24	\$120,148.11	\$429,240.49	\$1,006,038.59	\$269,786.40	\$21,761.41	\$0.00	\$0.00	\$0.00	\$13,260.00	\$48,913,586.24
Grand Total	391,766	\$40,573,200.56	\$11,604,215.05	\$26,539,077.58	\$5,466,759.32	\$2,399,130.93	\$1,551,737.05	\$286,428.93	\$21,761.41	\$4,721,847.67	\$0.00	\$0.00	\$2,425,528.84	\$95,589,667.34

The response to the border crisis is not a typical disaster-response operation, as many special considerations will continue to be weighed for life safety due to both the disaster and the ongoing pandemic. Those factors significantly increase the costs and efforts of the response. Costs associated with socially distanced evacuations and non-congregate sheltering has reduced the state’s financial ability to render aid in this situation. These costs are in addition to the financial strain caused by COVID-19, which currently exceed \$10 billion in medical surge staff, personal protective equipment, testing, feeding, sheltering, and vaccination cost.

Securing the border is a federal responsibility. Texas will stand with the federal government in responding to this border crisis, but should not have to stand alone or withstand the financial burden without federal assistance.

Recent Multiple Disasters

The State of Texas has been granted more federal disaster declarations than any other state, which does not account for the numerous state disasters that did not meet federal thresholds and requirements. The State of Texas’ response to all these disasters, including the ongoing COVID-19 pandemic, has exhausted much of the state’s resources.

This crisis has taken a serious toll on the Texas border communities, first responders, and the local non-profit sector. Local officials and Texas citizens are fatigued and running out of resources to respond to the ongoing border crisis. The citizens of Texas are resilient and will continue to respond, recover, and mitigate against this crisis, but in order to expedite this process, federal assistance is needed for these vulnerable populations.

Socioeconomic Impacts and Insurance Coverage

I have outlined Val Verde County and City of Del Rio population profiles below. According to the U.S. Census Bureau and the U.S. Bureau of Labor Statistics, the county is one of the most vulnerable counties in the State of Texas.

Jurisdiction	Population (2010 data)	Median household income in dollars	Percent pre-disaster unemployment (July 2021)	Percent of persons below poverty level	Percent of persons 18 yrs and younger	Percent of elderly (age 65 and older)	Percent of Disabled (under the age of 65)	Percent without health insurance (under age 65)
USA	308,745,538	\$62,843.00	5.40%	10.50%	22.30%	16.50%	8.60%	9.50%
Texas	25,145,561	\$61,874.00	6.20%	13.60%	25.50%	12.90%	7.90%	20.80%
Val Verde County	48,879	\$46,147.00	6.30%	20.80%	28.40%	14.30%	9.90%	23.60%
Del Rio	35,591	\$44,959.00	5.60%	23.00%	28.40%	14.90%	9.3%	20.60%

Data from U.S. Census Bureau and the U.S. Bureau of Labor Statistics

Numbers in red identify outliers from the national and Texas averages

*Unemployment statistics for counties are from July 2021 averages

The community of Del Rio and Val Verde County is normally a peaceful and quiet area with above-average safety ratings compared to other areas of Texas. Residents are made up of people who know each other and have a sense of trust among themselves as long-term inhabitants. A bi-cultural city of nearly 36,000, Del Rio has been shocked and dismayed in recent weeks by migrants who ventured into their town and onto their private property. The impacts of the public costs for this disaster affect a vulnerable population with income levels that are below the nation and the state.

The Honorable Joseph R. Biden, Jr

October 7, 2021

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Closing

Pursuant to 44 C.F.R. § 206.35 and § 206.46(a), I believe this incident is of such magnitude and severity that effective response is beyond state and local capability, and supplementary federal assistance is necessary to save lives and to protect property, public health, and safety, or to lessen or avert the threat of a disaster.

As a result of this disaster, the State of Texas is specifically requesting an emergency declaration for Direct Federal Assistance (DFA) and Public Assistance (PA) Category B: Emergency Protective Measures for Val Verde County. Additionally, I am requesting the Hazard Mitigation Grant Program statewide.

I have designated Chief Nim Kidd as the Governor's Authorized Representative (GAR) and Suzannah Jones and Warren Weidler as Alternate GARs. Nim Kidd is designated as the State Coordinating Officer (SCO) and Suzannah Jones is designated as the Deputy State Coordinating Officer (DSCO) for this request. Chief Kidd will work with FEMA and will provide further information and justification on my behalf.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Abbott", written in a cursive style.

Greg Abbott
Governor