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INSIGHT

FEMA's Emergency Food and Shelter Program-Humanitarian Relief (EFSP-H) and the New Shelter and Services Program (SSP)

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In FY2019, Congress first enacted legislation authorizing the Federal Emergency Management Agency (FEMA) to supplement the humanitarian relief efforts of local government, nonprofit, and faith-based organizations providing food, shelter, and supportive services to migrants encountered by the U.S. Department of Homeland Security (DHS) at the southern border with the specific appropriation.

Since then, the Emergency Food and Shelter Program (EFSP) may be viewed as a two-track program: (1) the version that funds the primary mission of assisting individuals and families experiencing (or at risk of experiencing) homelessness and/or hunger, regardless of their immigration status—hereinafter "EFSP-Regular"; and (2) EFSP humanitarian relief, which provides funding to local government, nonprofit, and faith-based organizations providing food, shelter, and supportive services to assist migrants encountered by DHS—hereinafter "EFSP-H." (EFSP-Regular is used to distinguish the core mission program from the humanitarian relief program—referred to as EFSP-H by Congress and the EFSP National Board.)

In FY2023, Congress authorized a new Shelter and Services Program (SSP) to fund nonfederal entities, including local government and nonprofit organizations, for sheltering migrants and supporting related activities. The SSP is intended to replace the EFSP-H. This Insight provides information about funding provided for the EFSP-H and discusses the transition to the SSP.

Background

The EFSP-Regular program is authorized under Title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. §§11331 et seq.), and has been providing funding to support the provision of food, shelter, and supportive services for the past 40 years.

Congress passed the first funding measure for EFSP assistance specifically for migrant support in 2019. On January 8, 2019, President Donald J. Trump addressed the nation to discuss the "humanitarian and security crisis" at the southern border. On July 1, 2019, Congress enacted the Emergency Supplemental

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Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019 (P.L. 116-26), through which it appropriated $30 million to FEMA to implement the EFSP-H.

According to the EFSP National Board, Congress selected the EFSP as the vehicle for disbursing supplemental funding for humanitarian relief

> because of the program's established mission in supplementing and expanding the ongoing work of local social service organizations, both non-profit and governmental, to provide shelter, food, and supportive services to those who are, or who are at risk of becoming, homeless and/or hungry. The program's existing grant fund delivery structure and public-private partnership made it a viable means for providing funds quickly to organizations providing humanitarian relief to families and individuals encountered by DHS.

Since the FY2019 appropriation, migrant encounters have continued to increase. Congress has subsequently authorized federal assistance through the EFSP-H to support communities experiencing a significant migrant influx:

- $110 million pursuant to Section 4008 of the American Rescue Plan Act of 2021 (P.L. 117-2);
- $150 million pursuant to Section 543(a)(3) of the Department of Homeland Security Appropriations Act, 2022 (P.L. 117-103, Div. F);
- prior to the enactment of the FY2023 annual appropriations measure, FEMA provided $75 million in partial year funds pursuant to the Continuing Appropriations Act, 2023 (P.L. 117-180, Div. A); and
- the Department of Homeland Security Appropriations Act, 2023 (P.L. 117-328, Div. F) directed U.S. Customs and Border Protection (CBP) to transfer $800 million of its FY2023 appropriation to FEMA—of that total amount, up to $785 million may be used to provide shelter and supportive services to migrants encountered by DHS through EFSP-H.

EFSP-H and the Transition to the SSP

Although Congress acknowledged that the EFSP National Board "has performed admirably in administering EFSP-H since it was first funded in fiscal year 2019," in FY2023, Congress established a new grant program "to support CBP in effectively managing noncitizen processing and preventing the overcrowding of short-term CBP holding facilities." Per the Senate Explanatory Statement for the DHS Appropriations Act, the above-referenced $800 million transferred from CBP to FEMA is for a Shelter and Services Program, and during FY2023, a portion of this funding—up to $785 million—may be used for the EFSP-H while FEMA and CBP work to establish the SSP. Thus, the FY2023 EFSP-H funding that may be made available is intended to serve as a bridge to continue funding food, shelter, and supportive services to migrants while the SSP is developed.

On February 28, 2023, DHS Secretary Alejandro Mayorkas announced the availability of the first tranche of EFSP-H funding—$350 million, and DHS/FEMA published the Notice of Funding Opportunity (NOFO). On March 1, 2023, FEMA awarded the $350 million to the EFSP National Board for the EFSP-H.

FEMA and CBP have begun developing the SSP, and have been conducting stakeholder listening sessions with state and local governments, tribal nations, and nongovernmental organizations to inform the future SSP's implementation. According to FEMA and CBP, this is the first of their three-phase engagement plan. Future phases are expected to involve FEMA and CBP exploring potential program designs and implementation strategies before DHS releases a NOFO for the SSP and provides technical assistance.

The Joseph R. Biden, Jr. Administration's FY2024 budget requests funding for the SSP, but not the EFSP-H, as it is being phased out.

Considerations

Congress has recognized that local governments and nonprofit organizations often bear the financial and social burden resulting from an influx of migrants, and has authorized FEMA to provide funding through the EFSP-H to meet migrants' needs for shelter, food, basic necessities, and transportation. A replacement program—the SSP—is currently being developed, and it remains to be seen how exactly FEMA and CBP will structure it. Interested stakeholders may consider providing feedback to FEMA and CBP by emailing askcsid@fema.dhs.gov.

Following the transition to the SSP, the EFSP-Regular program is to remain available. The EFSP-Regular program does not restrict client eligibility based on their immigration status, so it is possible that EFSP-Regular-funded organizations may be reimbursed for assistance provided to migrants—just as they would any client experiencing/at risk of experiencing homelessness and/or hunger.

Additional Resources

- FEMA's EFSP webpage: https://www.fema.gov/grants/emergency-food-and-shelter-program
- Emergency Food and Shelter National Board Program's website: https://www.efsp.unitedway.org/efsp/website/index.cfm
- CRS In Focus IF12026, *FEMA's Emergency Food and Shelter Program (EFSP)*, by Elizabeth M. Webster

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