

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

LILA HARPER HELMS, MAJORITY STAFF DIRECTOR
BRAD GRANTZ, REPUBLICAN STAFF DIRECTOR

March 6, 2024

Mr. Edward C. Freni
Interim Chief Executive Officer and Director of Aviation
Massachusetts Port Authority
One Harborside Drive, Suite 200S
East Boston, MA 02128

Dear Mr. Freni:

As members of the U.S. Senate Committee on Commerce, Science, and Transportation (Committee), we write regarding the housing of illegal aliens¹ at the Boston Logan International Airport (Logan). Since at least July of 2023, the Massachusetts Port Authority (Massport) has been housing illegal aliens at Logan, purportedly for a few hours while the state and Massport find shelter for the aliens.² More recently, however, more than 100 illegal aliens were observed sleeping in Terminal E on a nightly basis.³

Over the last 75-plus years, the federal government has invested hundreds of billions of dollars in the development of a robust, nationwide public-use airport system to facilitate the “growth of aviation and the requirements of interstate commerce . . . and the national defense.”⁴ In FY2022, Logan was awarded more than \$5 million in Airport Improvement Program grants.⁵ As the Federal Aviation Administration (FAA) states, there are several obligations that come with receiving this federal assistance, but the “[m]ost important is that the airport and its facilities must be available for public use as an airport.”⁶ Repurposing airport facilities and infrastructure

¹ As used in this letter, the term “illegal alien” means an alien, as defined in § 101 of the Immigration and Nationality Act (INA), who has not been admitted as that term is defined in such section.

² Gabrielle Emanuel. *We started getting just planes of people’: Logan Airport team scrambles to help newly arrived migrants*. WBUR. September 18, 2023. Available at <https://www.wbur.org/news/2023/09/18/logan-new-immigrant-shelter-massachusetts>.

³ Oscar Margain. *Migrants sleep at Logan airport amid calls for more aid*. NBC Boston. January 25, 2024. Available at <https://www.nbcboston.com/news/local/migrants-sleep-at-logan-airport-amid-calls-for-more-aid/3258115/>; Brianna Herlihy. *Illegal migrants are sleeping in terminals of Boston airport on ‘daily basis’ as crisis overwhelms shelters*. Fox News. January 25, 2024. Available at <https://www.foxnews.com/us/illegal-migrants-are-sleeping-in-terminals-of-boston-airport-on-daily-basis-as-crisis-overwhelms-shelters>.

⁴ Airport and Airway Improvement Act of 1982 (PL 97-248).

⁵ *2023 Airport Improvement Program (AIP) Grants*. Federal Aviation Administration. Available at https://www.faa.gov/airports/aip/2023_aip_grants.

⁶ *AC 150/5190-8, Minimum Standards for Commercial Aeronautical Activities*. Federal Aviation Administration. December 7, 2023. Available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC-150-5190-8-minimum-standards.pdf.

to house illegal aliens not only degrades taxpayers' investment in the national airport system but, at least in the case of Logan, as federally-funded airport facilities are withdrawn from public access and use, it violates the requirement that they "be available for public use *as an airport*."⁷ No rational person would define an airport as a facility that houses illegal aliens.

Since 1983, the State of Massachusetts has been a "right to shelter" state, and since 2017 a de facto "sanctuary state" for illegal aliens, courtesy of a ruling by the Massachusetts Supreme Court barring state and local police in Massachusetts from cooperating with federal immigration officials.⁸ The City of Boston, meanwhile, has publicly flouted federal law as a self-declared "sanctuary city" since 2014.⁹ As recently as 2019, when now-Mayor Michelle Wu was city council president, the Boston City Council further restricted its police department from cooperating with federal immigration authorities.¹⁰ While Massachusetts Governor Maura Healey has claimed that ". . . interior states . . . have had to shoulder the burden for a problem that . . . *is not the state's making*," it is clear that Massachusetts' "right to shelter" law, de facto "sanctuary state" status, and the City of Boston's "sanctuary city" status are magnets for illegal aliens, drawing these individuals to Massachusetts and to Boston, and creating what Governor Healey has declared "a state of emergency."¹¹ Indeed, despite previously declaring that "we welcome refugees and immigrants in Massachusetts,"¹² Governor Healey is now asking illegal aliens to please burden some of the other states, recently stating "we've just reached capacity here . . ." and "there are a lot of places in the country where people can go once they cross into the United States."¹³ Both the state and the City of Boston have struggled to meet their "right to

⁷ *Id.* (emphasis added).

⁸ Samantha J. Gross and Mike Damiano. '*Right-to-shelter' law is unique to Massachusetts. It has a long history.* Boston Globe. August 8, 2023. Available at <https://www.bostonglobe.com/2023/08/08/metro/shelter-law-1983-massachusetts-homeless-dukakis-healey/>; Sarah Jorgensen. *Massachusetts court: State officers cannot hold immigrants for ICE.* CNN. July 24, 2017. Available at <https://www.cnn.com/2017/07/24/us/massachusetts-ice-detainer-court-decision/index.html>.

⁹ *Sanctuary Cities: Past and Present.* Global Boston. Boston College Libraries. Available at <https://globalboston.bc.edu/index.php/home/eras-of-migration/fourth-page-test/sanctuary-cities/>.

¹⁰ Philip Marcelo. *Boston Councilors Amend 'Trust Act,' Approving New Limits on Police in U.S. Immigration Matters.* WBUR. December 11, 2019. Available at <https://www.wbur.org/news/2019/12/11/trust-act-amended-boston-city-council-ice>.

¹¹ Danny McDonald. *Healey, 8 other governors implore federal leaders to fix immigration system.* Boston Globe. January 22, 2024. Available at <https://www.bostonglobe.com/2024/01/22/metro/healey-8-other-governors-implore-federal-leaders-fix-immigration-system/> (emphasis added); Oscar Margain. *Migrants sleep at Logan airport amid calls for more aid.* NBC Boston. January 25, 2024. Available at <https://www.nbcboston.com/news/local/migrants-sleep-at-logan-airport-amid-calls-for-more-aid/3258115/>; Ray Lewis. *Migrant families reportedly sleeping in Boston Logan Airport: 'We need DC to act.'* ABC15 News. January 24, 2024. Available at <https://wpde.com/news/nation-world/migrant-families-reportedly-sleeping-in-boston-logan-airport-we-need-dc-to-act-massachusetts-immigration-illegal-immigrants-migrants-crisis-maura-healey-kim-driscoll-new-england>.

¹² Healey, Maura [AGHealeyArchive]. "*We welcome refugees and immigrants in Massachusetts, and no matter what happens in Washington we will continue to fight for them. #ImmigrantsDayMA.*" April 4, 2018. Available at <https://twitter.com/AGHealeyArchive/status/981577142919147525>.

¹³ Matthew Medsger. *As Massachusetts shelters fill to capacity, Maura Healey says there are 'a lot of places in the country where people can go.'* Boston Herald. November 6, 2023. Available at <https://www.bostonherald.com/2023/11/05/as-massachusetts-shelters-fill-to-capacity-maura-healey-says-there-are-a-lot-of-places-in-the-country-where-people-can-go/>.

shelter” obligations, but rather than reexamining the sensibility of the policy, Mayor Wu and Governor Healey have instead demanded the American taxpayer bail them out.¹⁴

It was unsurprising then, that Boston officials turned to the airport to house illegal aliens despite concerns from the community and experts alike. Residents begged for relief,¹⁵ and even Massport officials publicly admitted the airport did not have the resources to act as a shelter. “Logan is not an appropriate place to house people,” a Massport statement said. “We continue to work with our partners in state government on other solutions.”¹⁶ Using a federally funded, public-use airport to house illegal aliens is inappropriate. It is especially inappropriate in this case, given the lack of vetting these illegal aliens undergo when entering the country. Massachusetts has already demonstrated it is willing to release violent illegal aliens into the general population, creating a real concern with how this practice might also have undermined airport security and could do so anywhere else the practice is repeated. Perhaps as a final admission that housing illegal aliens at Logan—“one of the nation’s busiest airports”¹⁷—was a colossal mistake, the city of Boston had to “scrambl[e]” to relocate the illegal aliens housed at Logan to a converted state-owned community recreation center.¹⁸

Although removed from the airport, these illegal aliens remain in the community, and residents are rightfully concerned that they have not been vetted and may have criminal backgrounds.¹⁹ These concerns are not merely theoretical. Massachusetts has endured a spate of violent crimes by illegal aliens who the Boston and Massachusetts legal systems released into the community and Immigration and Customs Enforcement (ICE) officials then had to track back down, detain, and remove. Just within the past six months ICE has detained:

¹⁴ Chris Lisinski. *Healey among 9 governors asking the federal government to act on immigration*. WBUR. January 23, 2024. Available at <https://www.wbur.org/news/2024/01/23/maura-healey-governor-letters-immigration-reform>; Nick DeCosta-Klipa. *Mayor Wu heads to D.C. to press for more help with migrant influx*. WBUR. January 30, 2024. Available at <https://www.wbur.org/news/2024/01/30/michelle-wu-migrant-shelter-president-biden-funding-newsletter>.

¹⁵ Justin Delmonico. *Local Residents Frustrated as Massachusetts Gov. Maura Healey Turns Boston Community Center Into Housing For Migrants*. The Maine Wire. February 1, 2024. Available at <https://www.themainewire.com/2024/02/local-residents-frustrated-as-massachusetts-gov-maura-healey-turns-boston-community-center-into-housing-for-migrants/>.

¹⁶ Gabrielle Emanuel. *‘We started getting just planes of people’: Logan Airport team scrambles to help newly arrived migrants*. WBUR. September 18, 2023. Available at <https://www.wbur.org/news/2023/09/18/logan-new-immigrant-shelter-massachusetts>.

¹⁷ *These are the 20 busiest airports in the United States*. Afar. August 28, 2023. Available at <https://www.afar.com/magazine/busiest-airports-in-the-us>.

¹⁸ Sarah Betancourt. *State scrambles to respond to migrant families sleeping at Logan Airport*. WGBH News. January 29, 2024. Available at <https://www.wgbh.org/news/local/2024-01-29/state-scrambles-to-respond-to-migrant-families-sleeping-at-logan-airport>. *About Boston Logan*. Massachusetts Port Authority. Available at <https://www.massport.com/logan-airport/about-logan>

¹⁹ *Gov. Healey plans to open shelter overflow site in Boston to move migrants out of Logan Airport*. CBS News. January 27, 2024. Available at <https://www.cbsnews.com/boston/news/roxbury-melnea-cass-recreation-center-migrant-crisis-governor-maura-healey/>.

- a Guatemalan illegal alien who had been charged with assault and battery and rape;²⁰
- a Guatemalan illegal alien who had been arrested for aggravated statutory rape of a child and intimidation;²¹
- a Jamaican illegal alien who was charged with multiple counts of rape and sexual assault;²²
- a Guatemalan illegal alien who had been arrested for two counts of rape, three counts of assault to rape, and one count of assault and battery on a pregnant victim;²³
- a Guatemalan illegal alien charged with indecent assault and battery on a child, two counts of aggravated rape of a child, and rape of a child with force;²⁴ and
- a Haitian illegal alien who had been arrested for the rape and indecent assault of a developmentally disabled person and was arrested and removed just this month.²⁵

In each of these cases, despite the individual being illegally in the United States and ICE lodging legitimate detainer requests, the Massachusetts legal system turned the illegal alien loose, free to victimize innocent people.

Boston is not an outlier in this regard. In fact, it is just another example of a Democrat-run city struggling to maintain law and order due to an influx of illegal aliens amidst a willful ignorance of federal law. In Chicago and New York, thousands of illegal aliens live in major airports and public support for sanctuary city policies have plummeted.²⁶

The Standing Rules of the Senate provide the Committee the authority to “review and study, on a continuing basis” matters related to transportation including aviation.²⁷ In our capacity as

²⁰ *ERO Boston arrests Guatemalan national facing assault and battery, rape charges.* U.S. Immigration and Customs Enforcement. November 27, 2023. Available at <https://www.ice.gov/news/releases/ero-boston-arrests-guatemalan-national-facing-assault-and-battery-rape-charges>.

²¹ *ERO Boston arrests previously removed Guatemalan citizen recently arraigned on statutory rape of a child charges.* U.S. Immigration and Customs Enforcement. December 5, 2023. Available at <https://www.ice.gov/news/releases/ero-boston-arrests-previously-removed-guatemalan-citizen-recently-arraigned-statutory>.

²² *ERO Boston arrests Jamaican national facing multiple rape charges.* U.S. Immigration and Customs Enforcement. November 15, 2023. Available at <https://www.ice.gov/news/releases/ero-boston-arrests-jamaican-national-facing-multiple-rape-charges>.

²³ *ERO Boston arrests Guatemalan national charged with multiple rape, assault felonies.* U.S. Immigration and Customs Enforcement. October 12, 2023. Available at <https://www.ice.gov/news/releases/ero-boston-arrests-guatemalan-national-charged-multiple-rape-assault-felonies>.

²⁴ *ERO Boston arrests unlawfully present Guatemalan citizen charged with rape of a child.* U.S. Immigration and Customs Enforcement. September 22, 2023. Available at <https://www.ice.gov/news/releases/ero-boston-arrests-unlawfully-present-guatemalan-citizen-charged-rape-child>.

²⁵ Stephen Lepore. *Boston's sanctuary city rules allowed illegal immigrant Haitian rape suspect to be release back into the community 'after he sexually assaulted a disabled victim.'* Daily Mail. January 18, 2024. Available at <https://www.dailymail.co.uk/news/article-12980875/Bostons-sanctuary-city-rules-allowed-illegal-immigrant-Haitian-rape-suspect-RELEASED-community-sexually-assaulted-disabled-victim.html>.

²⁶ Sarah Schulte. *Most Chicagoans prefer to end 'sanctuary city' status.* ABC7 Chicago. October 6, 2023. Available at <https://abc7chicago.com/sanctuary-cities-in-illinois-chicago-migrants-city-m3-strategies/13872569/>.

²⁷ S. Rules XXV(1)(f), XXVI(8)(a)(2).

members of the Committee, we are committed to robust oversight of the U.S. aviation system, which includes airports receiving federal funding. As such, please provide written responses to the questions below no later than March 20, 2024:

1. Regarding housing or otherwise locating illegal aliens²⁸ at Logan:
 - a. How many were located or housed in Terminal E at peak?
 - b. Has Massport assessed the maximum number that can be housed in these areas before creating a safety or fire hazard? If so, how many?
 - c. To date, how many illegal aliens have been encountered in or otherwise had access to sterile areas of the airport?
 - d. At its highest, what was the cost per day and what is the total cost to date?
 - e. Is Terminal E the only location on the Massport airport grounds where they are or were housed or otherwise located by the port authority? If not, please provide the location and number at each other location.
 - f. Did it or has it reduced capacity of Logan's Terminal E or any other part of the airport, in any way?
 - g. Did Massport or any other governmental entity conduct any criminal or security screening of illegal aliens housed at Logan?
 - h. Did Massport have a public health plan in place for illegal aliens housed at Logan if communicable diseases were discovered?
2. Regarding the sources of funds to pay for costs related to housing or otherwise locating illegal aliens at Logan:
 - a. Has Logan used any airport revenue, concessionaire revenue, landing fees, airline taxes, or other aeronautical or non-aeronautical revenue stream to pay those costs? Please describe each funding source with specificity.
 - a. Has Boston or any Massachusetts agency reimbursed Massport for those costs? If so, what specific agency or department? If not, what was the source of funds Massport used to pay the associated costs?

²⁸ See n. 1, *supra*.

- b. Has the Massport passed on any of those costs to air carriers?
 - c. Have any taxpayer funds been used directly or indirectly to pay the costs?
 - d. For the construction or maintenance of Terminal E, were any Passenger Facility Charge (PFC) funds used? If so, please provide a dollar amount.
 - e. Have any PFC funds been used to service debt that was incurred to build or maintain Terminal E?
 - f. Has the city or the airport taken on any new debt since June of 2023 to pay those costs? If so, does the city intend to use PFC funds to service this debt?
3. Has the port authority asked for or received any waivers from the FAA to allow for the housing of illegal aliens at Logan?
 4. Did the port authority, state, or the airport consult with TSA, including on matters of aviation safety and security, before turning the airport facilities into illegal alien housing?
 5. Since the housing of illegal aliens at Logan began, have there been any incidents involving illegal aliens where a law enforcement response was necessary? If so, how many incidents, what were the circumstances of the incidents, and what were the resulting criminal charges if any?
 6. Since the housing illegal aliens at Logan began, have there been any public health related incidents, particularly incidents involving communicable infectious diseases? If so, how many incidents, what were the circumstances of the incidents, and what was the resulting response?

The crisis of illegal immigration brought on by the Biden administration is not just untenable, it is inhumane. We encourage you to use the authorities at your disposal to zealously oppose any future attempts to house illegal aliens at Logan or any other Massport airports.

Thank you for your attention to this matter.

Sincerely,



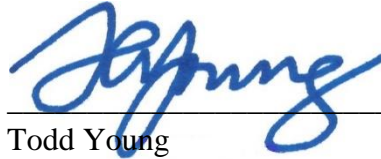
Ted Cruz
United States Senator



Tedd Budd
United States Senator



JD Vance
United States Senator



Todd Young
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Dan Sullivan
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