

Congress of the United States
Washington, DC 20515

September 16, 2022

Richard K. Delmar, Deputy Inspector General
Office of Inspector General
1500 Pennsylvania Avenue, NW
Room 4436
Washington, DC 20220

Dear Mr. Delmar,

We write regarding Florida’s use of the Coronavirus State and Local Fiscal Recovery Fund (SLFR), created under the *American Rescue Plan Act*, to cruelly relocate vulnerable immigrants from Florida to other states across the country. According to reports, Florida has used federal funds intended to help communities recover from the coronavirus pandemic for an inhumane program to transport newly arrived immigrants out of Florida. If true, we believe this program misuses federal COVID-19 relief funds and violates federal law.¹ Accordingly, we request that you investigate Florida and take all necessary action — including potentially rescinding any misused funds — to stop this abuse of coronavirus relief programs.

On Wednesday evening, Florida used federal coronavirus aid to relocate 50 men, women, and children from the state to Martha’s Vineyard, Massachusetts. To execute this political stunt, Florida Governor Ron DeSantis tapped a \$12 million program that the Florida legislature created earlier this year to allow the Florida Department of Transportation (FDOT) to “facilitate the transport of unauthorized aliens out of Florida.”² Florida then employed this program to relocate the 50 immigrants to Martha’s Vineyard.³ According to the Florida statute, however, the \$12 million was funded through “the interest earnings associated with the federal Coronavirus State and Local Fiscal Recovery Fund,” effectively using COVID-19 relief to score political points by exploiting vulnerable immigrants.

The use of federal COVID relief funds in this manner runs contrary to congressional intent and appears to violate federal law. Congress created the SLFRF to help state and local governments recover from the public health and economic emergency caused by COVID-19. As explained in the Treasury Department’s final rule implementing the Fund, the SLFRF was intended to “fight the pandemic and support families and businesses struggling with its public health and economic impacts; maintain vital public services, even amid declines in revenue resulting from the crisis; and build a strong, resilient, and equitable recovery by making investments that support long-

¹ U.S. Department of Treasury, *Coronavirus State and Local Fiscal Recovery Funds*, 87 FR 4338 (Jan. 27, 2022), <https://www.govinfo.gov/content/pkg/FR-2022-01-27/pdf/2022-00292.pdf>.

² Ron DeSantis, Fiscal Year 2022-23 Freedom First Budget Highlights, <https://www.flgov.com/wp-content/uploads/2022/06/Freedom-First-Highlights.pdf>.

³ Shannon Larson, *Here’s what we know about the migrant situation unfolding on Martha’s Vineyard - The Boston Globe* (Sept. 15, 2022), <https://www.bostonglobe.com/2022/09/15/metro/heres-what-we-know-about-migrant-situation-unfolding-marthas-vineyard/>.

term growth and opportunity.”⁴ That rule further identified a limited set of uses for SLFRF funds, including replacement of lost public sector revenue, responding to the far-reaching public health and economic impact of the pandemic, providing premium pay for essential workers, and investing in water, sewer, and broadband infrastructure.

While the rule was designed to provide flexibility to state and local governments, Congress neither intended to allow, or authorized, state governments to use the SLFRF funds for immigration enforcement. Nothing in the *American Rescue Plan Act* or Treasury’s final rule appears to allow states to use SLFRF funds to remove or relocate immigrants. Florida therefore appears to be illegally using taxpayer money for theatrics intended to criminalize and stigmatize immigrants in search of a better life in the United States.

Given the clear language in Treasury’s final rule and congressional intent in the *American Rescue Plan Act*, we request that you investigate Florida’s use of \$12 million in taxpayer SLFRF funds to transport immigrants across the country. Allowing this program to continue sets a dangerous precedent for the misuse of SLFRF funds. States should not be permitted to use COVID-19 relief funds for any parochial interest unrelated to the pandemic, particularly for naked political conduct that imposes severe and unjust harms on disadvantaged groups of individuals.

Thank you for your prompt attention to this important matter.

Sincerely,



Edward J. Markey
United States Senator



Jake Auchincloss
Member of Congress



Seth Moulton
Member of Congress



William R. Keating
Member of Congress



Lori Trahan
Member of Congress



James P. McGovern
Member of Congress



Ayanna Pressley
Member of Congress

⁴ U.S. Department of Treasury, *Coronavirus State and Local Fiscal Recovery Funds* | U.S. Department of the Treasury, <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>.