



May 18, 2020

The Honorable Shelley Moore Capito  
Chairwoman  
Subcommittee on Homeland Security  
Senate Appropriations Committee  
Washington, D.C. 20510

The Honorable Jon Tester  
Ranking Member  
Subcommittee on Homeland Security  
Senate Appropriations Committee  
Washington, D.C. 20510

Dear Chairwoman Capito and Ranking Member Tester:

We are writing to urge you to address an emerging issue related to U.S. Customs and Border Protection (CBP) user fee airport facilities as part of the fiscal year 2021 appropriations bill for the Department of Homeland Security (DHS). As our Nation's response to COVID-19 continues to evolve, we are starting to see additional impacts of a devastated travel industry, and in this case, the direct effect of reduced travel on government revenues.

Generally, aircraft arriving from outside the United States are required to land at an international airport where the passengers and cargo can be processed by CBP. However, there are an additional 65 airports in the United States that have been approved by the CBP Commissioner to receive international arrivals. These 65 airports are defined as "user fee airports" because they pay a fee for the services of CBP officers to process the aircraft entering the United States as well as their passengers and cargo. These customs services are provided on a fully reimbursable basis and, based on current statute, cannot be supplemented by appropriations or from other CBP revenues. A large number of these 65 airports are general aviation. Their revenues have been severely reduced as a result of COVID-19; some locations are seeing a drop in operations as high as 90 percent.

Until this month, user fee airports were paying a flat rate to CBP to reimburse the government for the staffing costs to facilitate these customs services. However, in mid-May, CBP informed impacted airports that the agency was moving to a full cost recovery model effective immediately. This change translates into an increase of between 29 and 54 percent for these airports, which requires a significant amount of planning and budget restructuring to accommodate these new rates and consideration by state and local governing bodies. Since the fees for CBP services are typically passed directly onto the users, there is significant concern about the impact on small businesses and the communities as well as potential facility closures as a result of these rate increases.

User fee funded airports were given days, at most, to inform CBP whether they would continue to participate in the user fee program at the new rate or, instead, suspend or cancel customs operations at their facility. In some instances, impacted airports were asked to agree to a notional rate increase without knowing exactly what they would be charged because each airport has a different cost structure determined by their officer(s) specific pay level.

While we understand the budget issue CBP is confronting, the agency's action to rectify the situation has caused undue disruption and hardship for affected airports, at the same time airport revenues have been devastated by the COVID-19 pandemic. As a result, we urge you to include a provision in the FY

2021 DHS appropriations act or the next COVID-19 supplemental funding bill that would permit CBP to supplement the user fee airport fund with appropriations for customs expenses as necessary to maintain operations and prevent adverse impacts on airports. Congress provided similar authority to CBP to supplement the Puerto Rico trust fund with appropriations or other resources when that fund experienced shortfalls. This action would prevent similar no-notice rate changes by CBP in the future.

The service CBP provides at all these user fee funded airports to facilitate travel and trade is vital to those local economies. We appreciate your consideration of this request.

Sincerely,

Aircraft Owners and Pilots Association  
American Association of Airport Executives  
National Air Transportation Association  
National Business Aviation Association