

Date: June 6, 2013

Memorandum



To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Miami International Airport's Participation in a Reimbursable Agreement with U.S. Customs and Border Protection for Additional Staffing

For many years Miami International Airport ("MIA") has been suffering from chronic U.S. Customs and Border Protection ("CBP") understaffing. The lack of sufficient CBP staffing routinely results in long wait times for arriving international passengers and ultimately missed connections, delayed processing of international perishable cargo, and the inability to provide quality customer service, eventually resulting into lost economic benefits to our local economy.

MIA is pleased that President Obama's Administration ("Administration") has responded to airports' request to address long wait times for arriving international passengers by providing funding in the FY 2014 Budget Proposal for 1,600 additional CBP officers, equipment, and technology at ports of entry. MIA also supports the Administration's proposal to fund an additional 1,877 officers by increasing the Immigration User Fee and the Consolidated Omnibus Budget Reconciliation Act (COBRA) passenger user fee if the additional funds are used only for staffing shortfalls at air service facilities.

Additionally, the Miami-Dade Aviation Department ("MDAD") has been pursuing a statutory change that would establish a much needed, permanent, cost-sharing program between CBP and local authorities for reimbursement of overtime pay. On March 26, 2013, H.R. 933, the Consolidated and Further Continuing Appropriation Act of 2013 (P.L. 113-6) ("CR") was signed into law extending funding for operations for all federal agencies, programs and services until the end of the fiscal year on September 30, 2013. The CR also contains language which allows CBP to maintain staffing levels at 21,775 officers, allowing the agency some flexibility to offset the impacts of sequestration on staffing levels. Although the CR does not address overtime pay directly, it provides a new authority to CBP to enter into reimbursable agreements with airports for overtime. This authority is limited to only five (5) agreements and must be entered by December 31, 2013.

On April 2, 2013, the County through MDAD submitted a letter to Acting Commissioner Thomas Winkowski expressing MIA's desire to be included as one of the five entities entering into the public-private partnership. CBP has indicated that the requesting parties will be notified of the status of their requests by no later than June 30, 2013. These partnerships can include all Customs and Immigration-related inspectional activities and may cover costs, such as the salaries of additional staff, overtime expenses, and transportation costs. MDAD has identified \$6 million to use towards this program. MDAD will create a working group consisting of members from the airlines, MDAD and CBP to collectively set the policies and procedures to determine how to best use the available funding. CBP will provide MDAD a schedule of overtime in order to best determine the peak times so that additional CBP officers at an overtime cost be brought in, with such costs reimbursable pursuant to the agreement.

It is important to note that, at the suggestion of CBP, the Seaport Department has also submitted a request to participate in the program, and plans to work in partnership with MIA to ensure both of the County's primary gateways be included in the new program. Although this is not a permanent solution, it is a step forward in maintaining the adequate CBP staffing levels necessary to process passengers within an acceptable time frame, reducing the amount of missed connections due to these delays, and accommodating the unprecedented growth of international passengers at MIA.

We will keep the Board apprised as to the status of the submittal. Please do not hesitate to contact me or Emilio T. González, Aviation Director, should you have any further questions.

c: Emilio T. González, Aviation Director
R.A. Cuevas, Jr., County Attorney
Jack Osterholt, Deputy Mayor
Bill Johnson, PortMiami Director