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United States Senate
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
WASHINGTON, DC 20510–6125
WEBSITE: https://commerce.senate.gov

March 11, 2026

Mayor Mike Johnston
City of Denver
1437 Bannock Street
Denver, CO 80202

Dear Mayor Johnston:

I write regarding the recent decision by the Denver City Council to reject a lease agreement between Denver International Airport (DIA) and Key Lime Air. According to public reporting, the Council voted to deny the lease due to the airline's lawful work transporting illegal aliens on behalf of U.S. Immigration and Customs Enforcement (ICE).[1] On its face, this action is a direct violation of DIA's Federal Aviation Administration (FAA) grant assurances.

The Denver City Council made this decision despite awareness that denying the lease over Key Lime Air's work with ICE could jeopardize up to $90 million in FAA grant funding for DIA. Indeed, discussing the matter, one councilwoman said, "I have no interest in supporting this deportation machine, and if an aviation grant is what's on the line there, it's very clear to me where the city should stand," continuing that "there's a provision in those grants that says we can't treat different carriers differently…[but] I am a lot more concerned with the wave of deportations that we're seeing in the country, in Colorado."[2]

Airports receiving Airport Improvement Program (AIP) funds are subject to federal grant assurances, including Grant Assurance 22 (Economic Nondiscrimination), which requires airports to make their facilities available to aeronautical users on reasonable and non-discriminatory terms.[3] Federal law likewise prohibits the denial of access to federally authorized air carriers engaged in lawful commerce.[4] Simply put, a federally funded airport cannot deny a

[1] Lincoln Roch, *Denver Council Rejects Airport Lease for ICE Contractor Key Lime Air*, THE COLORADO SUN (Dec. 16, 2025), https://coloradosun.com/2025/12/16/denver-council-rejects-airport-lease-for-ice-contractor-key-lime-air/.
[2] DENVER CITY COUNCIL, Recording of City Council Meeting, at 48:08 (Dec. 15, 2025), https://denver.granicus.com/player/clip/19865?view_id=180&redirect=true.
[3] FAA Grant Assurance for Airport Sponsors, Paragraph 22(a), "[The Airport Sponsor] will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport."
[4] 49 U.S. Code § 41713(b).

lease to a tenant simply because it does not like that the tenant has a contractional relationship with Federal law enforcement.

The Standing Rules of the Senate provide the Committee on Commerce, Science, and Transportation the authority and duty to "review and study, on a continuing basis" issues relating to civil aviation.[5] This includes the integrity of AIP grants and the compliance of recipients with the assurances associated with such grants. Please provide written responses to the questions below, as well as requested documents, no later than March 25, 2026, and in accordance with the attached instructions. All document requests refer to documents created between January 1, 2020, and the present.

1. What specific legal authority did the City rely upon in rejecting the lease agreement?

2. Did the City consult with the FAA regarding compliance with applicable AIP grant assurances prior to taking this action?

3. Provide all emails or other correspondence between or among members of the Denver City Council and third parties regarding Key Lime Air's request to lease space at DIA.

4. Has the FAA provided any written or oral guidance to the City regarding potential violations of Grant Assurance 22 (Economic Nondiscrimination) or other applicable assurances? If yes, please provide copies of the guidance or a written, detailed summary of the guidance.

5. Does the City maintain any formal or informal policy of denying leases or access based on an airline's participation in federally authorized transportation contracts?

6. Has the City assessed the financial exposure to DIA and Colorado taxpayers should FAA determine that the City is in violation of its grant obligations?

Thank you for your attention to this matter. If you have any questions, please contact Sean Brebbia on my Committee staff at sean_brebbia@commerce.senate.gov or 202-224-5926.

Sincerely,

Ted Cruz
Chairman

[5] S. Rules XXV(1)(f)(1)(14); XXVI(8)(a)(2).