

Congress of the United States
Washington, D.C. 20515

July 06, 2020

Mr. Mark A. Morgan
Acting Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue NW
Washington, D.C. 20229

Dear Commissioner Morgan:

We write to inquire about the recent U.S. Customs and Border Protection (CBP) announcement of a new fee structure for airports that rely on CBP's User Fee program for customs services. It is our understanding the newly announced full fee recovery structure will affect approximately 60 airports across the United States, impose significant cost increases, and begin on July 1, 2020.

Airports across the country are currently experiencing devastating financial impact from COVID-19. The approximately 60 airports in CBP's User Fee program rely on CBP to provide the necessary homeland security review of international cargo and passenger shipments. Unfortunately, during the middle of the pandemic, these airports were alerted to an abrupt and substantive change to fees collected under the program. Considering the financial impact and the sudden timing of these fee changes during this highly uncertain time in our country's economy, we have concerns about the implementation of this fee schedule change.

We therefore have the following questions regarding the new fee schedule and would appreciate your prompt response to the below questions:

1. CBP last adjusted fees for this program in 2003, when the agency implemented a flat-rate increase across the program. While the statutory authority to increase the fees remains unchanged, CBP has elected a new system for calculating the fees. What statutory authority or regulations allowed CBP to make this substantive programmatic change? What is the statutory rationale for the new full recovery fee structure? In light of recent news of CBP budget shortfalls and furloughs, is the new full recovery fee structure in response to this situation?
2. Currently, while airports are still paying for CBP staff, international flights have largely been suspended and the timeline for renewed air service is uncertain. CBP determinations of staffing have an immediate impact on airports' ability to attract and retain air service and cargo operations. For airports that decide to either terminate service or reduce the number of CBP officers for a quarter, will the agency return those officers to those locations at the beginning of the first quarter of FY 2021 so that these airports have officers in place as air operations and cargo demand returns?

3. Given the uncertain future airports currently face, and particularly in light of CBP's atypical roll-out of this new fee schedule, we strongly encourage CBP to give user-fee airports broader flexibility for meeting the new fee schedule. What avenues are available for airports to delay implementation of this fee schedule change or seek financial relief?

We appreciate your time and attention to these concerns, and we look forward to your timely response.

Sincerely,



Norma J. Torres
Member of Congress

Mike Gallagher
Member of Congress

Ken Calvert
Member of Congress

Pete Aguilar
Member of Congress

Grace F. Napolitano
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Cc:
The Honorable Chad F. Wolf
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