

Congress of the United States
Washington, DC 20515

October 13, 2015

The Honorable Paul Ryan
Ways and Means Committee
U.S. House of Representatives
1102 Longworth House Office Building
Washington, D.C. 20515

The Honorable Sander M. Levin
Ways and Means Committee Democrats
U.S. House of Representatives
1106 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Ryan and Ranking Member Levin:

As the Ways and Means Committee considers possible offsets for a long-term highway bill, we are writing as Members of the Committee on Homeland Security and Appropriations Committee Subcommittee on Homeland Security to express our serious concern with a provision in H.R. 22, the Senate-approved highway bill, as it jeopardizes a significant source of border security funding. Specifically, we are concerned about the inclusion of language that would result in the diversion of \$400 million a year in potential Customs User Fee funding from staffing and overtime for Customs and Border Protection (CBP) Officers stationed at our Nation's air, sea and land ports of entry to unrelated transportation infrastructure projects. The inclusion of this provision is, in our view, a troubling precedent, as it directs the diversion of funding away from critical border security needs to other Federal programs.

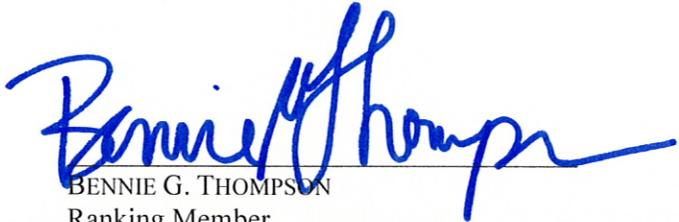
CBP collects user fees to recover certain agency costs incurred for processing, among other things, air and sea passengers, and various private and commercial land, sea, air, and rail carriers and shipments. These fees are deposited into the Customs User Fee Account, and are designated by statute to pay for services provided to the user, such as inspections for passenger and commercial vehicles.

The Senate-approved bill includes language requiring the Customs User Fees to be indexed to inflation for ten years and directs that the anticipated additional \$4 billion in revenue be used to pay for three years of highway infrastructure projects. This funding is needed to pay for border security. In fact, according to the FY 2015 Report to Congress on Resource Optimization at the Ports of Entry, CBP needs an additional 3,811 CBP officers to address current workload. While Congress has appropriated funding to pay for 2,000 additional CBP Officers, there is still a staffing shortage of 1,811 CBP Officers nationwide.

Sufficient CBP staffing must be provided to ensure security and mitigate long wait times at our nation's air, sea, and land ports of entry. There is perhaps no greater roadblock to legitimate trade and travel efficiency than the shortage of staff at the ports. Understaffed ports lead to long delays for the traveling public and in commercial lanes as cargo waits to enter U.S. commerce. Those delays result in real losses to the U.S. economy. According to the U.S. Department of Treasury, more than 50 million Americans work for companies that engage in international trade and travel. Trade and travel-related job creation, border security and wait time reduction at the ports of entry require stable funding for CBP. It should be noted that Customs User Fees have not increased in several years, so user fees currently cover only a portion of recoverable fee-related costs. As a result, the Administration's FY 2016 budget calls for an increase in Customs User Fees to address inadequate border security resources.

It is critical that any increases in Customs User Fees, including additional revenue from indexing current fees to inflation, be applied to sorely needed border security needs, including the need for increases to CBP Officer staffing to strengthen America's border security and economy. We strongly urge you to reject the diversion of Customs User Fees to pay for unrelated projects in the highway bill or, for that matter, any other legislation. We look forward to your response.

Sincerely,



BENNIE G. THOMPSON
Ranking Member
Committee on Homeland Security



LUCILLE ROYBAL-ALLARD
Ranking Member
Subcommittee on Homeland Security
Committee on Appropriations



Henry Cuellar
Member of Congress



Brian Higgins
Member of Congress



Sheila Jackson Lee
Member of Congress



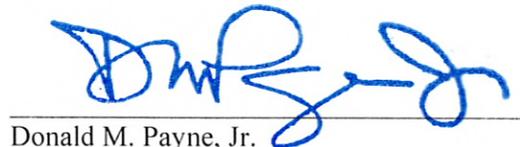
Marcy Kaptur
Member of Congress



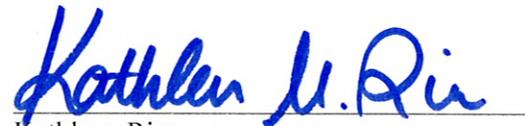
William R. Keating
Member of Congress



James R. Langevin
Member of Congress



Donald M. Payne, Jr.
Member of Congress



Kathleen Rice
Member of Congress



Cedric L. Richmond
Member of Congress



Loretta Sanchez
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Norma J. Torres
Member of Congress



Filemon Vela
Member of Congress



Bonnie Watson Coleman
Member of Congress