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26TH DISTRICT, NEW YORK

COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEE ON HEALTH
SUBCOMMITTEE ON TRADE
SUBCOMMITTEE ON SOCIAL SECURITY

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June 5, 2020

Mark Morgan
Acting Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave. NW
Washington, DC 20229

Dear Acting Commissioner Morgan,

I write today to strongly encourage U.S. Customs and Border Protection (CBP) to continue negotiation with the State of New York in good faith to resolve the suspension of enrollment and renewal of Trusted Traveler program participation for New York State residents. Although travel restrictions have been extended along the Northern Border until June 22nd due to the ongoing COVID-19 Pandemic, it is necessary to revisit this suspension now in preparation for the border re-opening.

It is my understanding that no new progress has been made in negotiating a compromise to the dispute regarding relevant information needed by CBP officers to certify that a traveler is low risk and does not present a potential risk for terrorism or criminality. As I have stated previously, CBP officers should be able to determine the criminal record of a driver at their booth and their inability to do so threatens the safety and security of the United States and the State of New York. However, this policy disagreement penalizes law abiding citizens attempting to engage in legitimate trade and travel. The broad intervention of the federal government without significant consultation with the State has resulted in significant harm for New York State residents that rely on the benefits these programs confer.

New York has begun to gradually re-open parts of the economy based on regions of the state meeting certain science-based public health parameters, modeled after Centers of Disease Control and Prevention (CDC) guidance. Western New York has now entered Phase 2 of the State's re-opening plan, which allows for a number of non-essential businesses and activities to resume, including in-store retail shopping, elective health care, expanded restaurant services and real estate transactions. The Trusted Travelers programs, including NEXUS, Global Entry, and FAST, promote economic development in the Western New York region through travel, trade, and tourism as well as allowing residents to go about their daily activities easily. As we look toward economic recovery, reinstatement of these programs will assist our communities in regaining the commerce lost while ensuring public health and safety during the ongoing COVID-19 Pandemic.

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Western New York and Southern Ontario are interdependent economies with close community ties. The free movement of people and goods are critical to the community's future. U.S. Customs and Border Protection must resolve its dispute with the State of New York in a way that does not harm Americans and legitimate trade. Our communities are transitioning through an unprecedented time and they need stability and clarity moving forward on these important programs that assist in daily activities.

Thank you very much for your prompt attention to this matter.

Sincerely,



Brian Higgins
Member of Congress