

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY**

**U.S. CUSTOMS AND BORDER PROTECTION**

**USER FEE ADVISORY COMMITTEE**

**CHARTER**

**1. Committee's Official Designation:**

U.S. Customs and Border Protection User Fee Advisory Committee (the Committee).

**2. Authority:**

As provided for in 8 U.S.C. § 1356(k), this Charter establishes the U.S. Customs and Border Protection (CBP) User Fee Advisory Committee (UFAC), a statutory committee established in accordance with and operating under the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix.

**3. Objectives and Scope of Activities:**

The Committee advises the Secretary of the Department of Homeland Security (DHS) on issues related to the performance of inspections coinciding with the assessment of a customs, or immigration user fee. Furthermore, the UFAC advises the CBP Commissioner on customs inspectional services and fees and CBP utilizes the UFAC to perform the advisory functions as set forth in the Miscellaneous Trade and Technical Corrections Act of 1999, Title II, Section 2418(d), which amended Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (codified at 19 U.S.C. § 58c(k)). This guidance should include, but is not limited to, the time period during which such services should be performed, the proper number and deployment of inspection officers, the level of fees, and the appropriateness of any proposed fee.

**4. Description of Duties:**

The duties of the Committee are solely advisory in nature.

**5. Officials to Whom the Committee Reports:**

The Committee reports to the Secretary of DHS through the CBP Commissioner.

**6. Agency Responsible for Providing Necessary Support:**

DHS is responsible for providing financial and administrative support to the Committee. Within DHS, the Office of Trade Relations in CBP will provide this support.

**7. Estimated Annual Operating Costs and Staff Years:**

The estimated annual operating costs will be approximately \$137,900. Staff years devoted to the UFAC operations will be approximately 1.2 staff years.

**8. Designated Federal Officer:**

A full-time or permanent part-time employee of CBP will be appointed by the Commissioner of CBP as the Designated Federal Officer. The Designated Federal Officer, or the Alternate Designated Federal Officer, will approve or call all of the Committee and subcommittees' meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the Designated Federal Officer determines adjournment to be in the public interest, and chair meetings when directed to do so by the Commissioner.

**9. Estimated Number and Frequency of Meetings:**

The Committee is expected to meet approximately once per year. Additional meetings may be held with the approval of the Designated Federal Officer. Committee meetings will be open to the public unless a determination is made by the appropriate Department of Homeland Security official in accordance with Department of Homeland Security policy and directives that the meeting should be closed in accordance with 5 U.S.C. § 552b(c).

**10. Duration:**

Continuing.

**11. Termination:**

This Charter is in effect for two years from the date it is filed with Congress unless sooner terminated. The Charter may be renewed at the end of this two-year period in accordance with section 14 of FACA (5 U.S.C § Appendix).

**12. Membership and Designation:**

The Committee will consist of up to 20 representative members. Members are appointed by and serve at the pleasure of the Secretary of DHS. The members are selected to represent the point of view of the airline, cruise ship, transportation, and other industries that may be subject to customs, or immigration user fees and are not Special Government Employees as defined in 18 U.S.C. § 202(a). Members will not be paid or reimbursed for any travel, lodging expenses, or related costs for their participation on this Committee.

A member appointed to fill an unexpired term will serve the remainder of that term. In the event the Committee terminates, all appointments to the committee will terminate.

**Officers:**

The CBP Commissioner will appoint one of the members of the Committee as the Chair and one of the members as Vice Chair.

**13. Subcommittees:**

The Designated Federal Officer may establish subcommittees for any purpose consistent with this charter. Such subcommittees may not work independently of the full Committee and must report their recommendations and advice to the Committee for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the Committee and may not report directly to the Federal Government or any other entity.

**14. Recordkeeping:**

The records of the Committee, formally and informally established subcommittees, or other subgroups of the Committee, will be handled in accordance with General Records Schedule 6.2, or other approved agency records disposition schedule. These records are available for public inspection and copying, in accordance with and subject to FACA section 10(b), applicable FACA regulations (41 C.F.R. §§ 101-6 and 102-3), and the Freedom of Information Act (5 U.S.C. § 552).

**15. Filing Date:**

June 13, 2019 \_\_\_\_\_  
Agency Approval Date

June 21, 2019 \_\_\_\_\_  
GSA/CMS Consultation Date

June 21, 2019 \_\_\_\_\_  
Date Filed with Congress