

Customs Commercial Operations Advisory Committee (COAC)
Trade Modernization subcommittees' Centers Uniformity Working Group
Draft Recommendations

Uniformity - Outreach, Communication & Informed Compliance

1. U.S. Customs and Border Protection Headquarters (CBP HQ) plays a vital role in promoting uniform practices across all ports of entry. The CBP Centers of Excellence and Expertise (Centers) should communicate and collaborate with HQ, and with one another, to ensure the consistent and uniform application of business rules, directives, processes and policies that affect trade.
2. To the extent practicable, CBP should share reports and findings (e.g., The National Center for Risk and Economic Analysis of Terrorism Events (CREATE report)) including performance measurements and metrics regarding the efficiencies, costs for participants, and best practices of the Centers as a result of employing risk management and account-based processing principles to enhance uniform decision-making. At least on annual basis CBP should offer a questionnaire to Center accounts to obtain industry input to gauge such progress and report such findings to the Trade. (The University of Virginia C-TPAT study is a good example.)
3. CBP HQ should provide consistent, clear messaging regarding the status and intended length of the Centers test as well as benefits provided to such “participating accounts.” The Centers should also provide or, at least serve as a reference point for, information on CBP partnership programs (Customs – Trade Partnership Against Terrorism (C-TPAT) or Importer Self-Assessment (ISA)), including the benefits of those programs internal and external to the Centers to encourage participation.
4. CBP shall provide each Center with its own webpage embedded in CBP.gov. The webpage would provide a collection of existing and current industry based information, decisions and publications (e.g., Informed Compliance Publications, Customs Rulings On-Line Search System (CROSS) rulings and decisions, and educational information) -- this would pull and consolidate from existing resources already on CBP.gov to make the information more manageable by industry. Additionally, CBP HQ shall interface with PGAs to obtain their industry-related links to be placed onto the Center webpages.
5. Centers shall collaborate with the trade to request and obtain industry focused information to create and further develop industry guidance through new or updated Informed Compliance Publications or other means.
6. The Centers should share information to assist the trade in achieving compliance in the CBP priority trade issues that often result in enforcement actions such as Antidumping and Countervailing Duty (AD/CVD), Intellectual Property Rights (IPR), Free Trade Agreements (FTAs), etc.
7. Each Center should conduct webinars and participate at CBP and industry outreach events for the trade to introduce center staff, resources, and other benefits of being a managed account.
8. Some of the webinars that the Centers provide should be geared specifically to small and medium sized entities with limited resources that may not have the staff or capacity to participate in a partnership program.
9. CBP and the Trade should utilize a single automated platform enabling Automated Commercial Environment (ACE) account holders and the Port, Centers, and other areas of CBP to communicate, as well as to submit and access information, regarding binding rulings, protests, and internal advice, including status notifications once binding rulings are submitted and in the queue for processing (e.g., ruling under review, additional information required, referral to HQ, etc.).

10. National Import Specialists (NIS) should report to the Center chain of command to improve internal/external communication, knowledge and education, responsiveness, and further provide uniform, account-based services.

Levels of Service & Trusted Partner/Trader

11. There shall be a higher level of service as well as outreach for partner accounts (ISA or C-TPAT) including enhanced communication, accessibility and responsiveness (including updates and trends to increase or maintain compliance) with their National Account Manager (NAM) or other Center representative. While the Centers should grant the highest levels of service to ISA accounts, the Centers still should provide enhanced levels of service to C-TPAT and Center “participating” (testing) accounts.
12. Centers and NAMs should maintain, and as practicable, increase messaging internally to achieve collaboration and facilitation between trusted partners (ISA and C-TPAT).
13. The C-TPAT office should assess the feasibility of developing an organizational structure that mirrors the industry specific Centers concept that enables the respective industries to work with dedicated Supply Chain Security Specialists (SCSS), in coordination with NAMs and/or Center representatives to provide enhanced benefits to C-TPAT accounts.
14. When requested by a trusted partner (ISA and/or C-TPAT) Fines Penalties & Forfeitures (FP&F) shall request formal input from the Centers when a petition is filed involving seizures, penalties or liquidated damage claims. This would enable the Center to provide input to the mitigation process, promoting uniformity for all trusted partners.
15. CBP should work with PGAs and the Trade to establish shared trusted partner/trader programs, e.g., C-TPAT + ISA + Partner Government Agencies (PGA) requirements (reference Trade Facilitation and Trade Enforcement Act (TFTEA) Act of 2015, Section 101) and leverage the sharing of redundant data applicable to common import requirements. The Centers should provide industry expertise to encourage the development of uniform account- based requirements.
 - a. CBP should pilot such shared trusted partner/trader programs with one to two PGAs at a time, prioritized based on Center and importer feedback.
 - b. CBP, with the support of the Centers, should solicit input from the PGAs and Trade regarding trusted partner/trader program benefits.
16. CBP and PGAs should consider together with the Trade whether there may be ways to offer benefits to trusted partners (e.g., expedited entry, screening and release; reduced examination -- except when associated with a risk such as security, health, etc.; expedited processing (e.g., sampling, analysis, etc.). Particularly for trusted partners (C-TPAT or ISA), the Centers should provide problem resolution contacts and work with the Ports to grant the importer “preferred location designation” to provide flexibility in the exam location, where practicable, in the event cargo must be held for exam or review. Trusted partners should also receive expanded permission to use electronic and/or blanket certifications/authorizations over transactional/paper requirements.
17. Once “trusted trader” has been defined, the trusted trader benefits should include additional, increased levels of service that will be provided by the Centers beyond those provided to trusted partners, as available and applicable.

Other Core Processes: Bonded Facilities, Foreign Trade Zone (FTZ), FP&F, Release & Reconciliation

18. A formal line of communication should be established between port officials and the Centers to utilize their industry expertise to facilitate FTZ release issues and to enhance uniformity on FTZ issues, in general, at an account level. Centers shall assist with FTZ-related questions for their respective industry, and provide a means to escalate matters if necessary and appropriate to Office of Field Operations – Headquarters (OFO-HQ) when the port is unable to resolve the issue locally.
19. OFO-HQ should conduct more training and outreach with each port of entry that has an active zone to ensure consistent knowledge in FTZ management and compliance. Such training and outreach should also include Center industry experts.
20. FTZ zone audits should be shared with Centers to provide industry expertise and input as appropriate.
21. CBP and the Trade should utilize a single automated platform enabling ACE account holders and the Port, Centers and FP&F to communicate on enforcement issues such as seizure, penalty or liquidated damage claims, particularly those involving trusted partners (ISA and/or C-TPAT).
22. CBP should develop protocols whereby the Centers should serve as a resource, and be called upon for their expertise as necessary, by Port officials for industry-focused as well as account-based knowledge for local release decisions.
23. Because the drawback process is industry focused, account based and involves post release processing CBP should evaluate with input from the trade whether to integrate Drawback with Centers once automation is deployed.
24. COAC supports CBP's efforts to manage Reconciliation within the Centers, to include appropriate training, the timing of which should coincide with ending of the current Automated Commercial System (ACS) Reconciliation Prototype as it completes its transition to processing in ACE by the end of 2016.

Participating Government Agency Integration

25. Consistent with the One United States Government At the Border (1USG) initiative and implementation of International Trade Data System (ITDS), CBP should work together with participating government agencies (PGAs) through the Border Interagency Executive Council (BIEC), in consultation with the Trade, to conduct a study/report that evaluates the operational and financial impact on commerce and the U.S. economy resulting from the PGAs working with the Centers in applying account and risk management to their respective roles in import clearance. Newly available ACE data may provide objective basis to analysis.
26. CBP should work through the BIEC to establish the appropriate level of support and resources from each PGA to act as liaisons to the Centers as appropriate to the industry, on an operational basis.
27. CBP Center Directors, in coordination with CBP HQ, should have a formal input protocol to the BIEC regarding PGA challenges, new products/technologies, and data issues and to request outreach/support. CBP should establish periodic (e.g., quarterly) working level meetings between Center staff and the PGA(s) to which they are aligned (together with accounts that share the Center/PGA interaction). These working level groups should have access to provide feedback/recommendations to the BIEC.
28. In coordination with the Center and PGA subject matter experts, CBP should develop and maintain a matrix of PGA-related areas to identify and address national systemic issues pertaining to an industry.
29. CBP should work with PGAs to evaluate standard protocols for handling 'pending/conditional release' products, (i.e., CBP has released but PGA has not), particularly with an account-based focus.

Other Recommendations

30. CBP should develop a paperless process for issuing 5955A penalty notices and electronic means for filing penalty, seizure and liquidated damages petitions similar to the eRulings and/or ACE Protest Module to search and receive timely updates.
31. CBP should provide FTZ and bonded facility security recommendations consistent with C-TPAT guidelines.