



Border Interagency Executive Council

Report Card

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U.S. Customs and
Border Protection



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About The Border Interagency Executive Council (BIEC)

The Border Interagency Executive Council (BIEC) is an interagency working group formally established by Executive Order in February 2014, “Streamlining the Export/Import Process for America’s Businesses,” (Appendix B) and charged with improving coordination across the more than 50 U.S. federal agencies with import and export responsibilities. Since its founding, the BIEC has served as an Executive Advisory Board and decision-making body charged with enhancing coordination across federal customs, trade, transport security, health and safety, sanitary/phytosanitary, standards, conservation, law enforcement and statistical agencies with border management authorities and mandates to measurably improve supply chain processes and the identification of illicit and noncompliant shipments.

The BIEC is chaired by the U.S. Department of Homeland Security (DHS) U.S. Customs and Border Protection (CBP); a senior executive-level Partner Government Agency (PGA) representative serves as BIEC Vice Chair on a two-year rotation. At the senior level of membership, BIEC Principals include executives from departments and agencies, as shown below, as well as representatives from the Executive Office of the President. The BIEC working level consists of agency staff representatives that work together to deliver solutions and make recommendations to the Principals on key BIEC priority initiatives. BIEC Principals convene quarterly, whereas the BIEC working level maintains a regular, biweekly meeting cadence in support of coordinated action and project execution.

The U.S. Trade Representative, the Department of State, and the Department of Commerce’s Commercial Law Development Program (CLDP) consider the BIEC and its mechanisms an international best practice for interagency border coordination. Certainly, the BIEC has proven an absolute necessity in providing a forum for interagency collaboration and driving “One-U.S.-Government” results against a backdrop of accelerated change in the global trade environment.

While we have unique missions, we’re all ultimately working toward the same goal to coordinate among each other to manage our borders and to protect the American people. The principals value the Council and meetings are well-attended. That has kept the BIEC viable for seven years.
 –BIEC Principal

The BIEC, and the Automated Commercial Environment (ACE) Single Window it helped build, remain a beacon for international partners as they navigate the development of their own single window systems.
 –BIEC Principal

BIEC Partner Government Agencies (PGAs)

 <p>U.S. Department of Agriculture</p> <ul style="list-style-type: none"> • Agriculture Marketing Service • Animal and Plant Health Inspection Service • Foreign Agricultural Service • Food Safety and Inspection Service 	 <p>U.S. Department of Homeland Security</p> <ul style="list-style-type: none"> • Headquarters • Coast Guard • Customs and Border Protection • Transportation Security Administration • Immigration and Customs Enforcement 	 <p>U.S. Department of Transportation</p> <ul style="list-style-type: none"> • Bureau of Transportation Statistics • Federal Highway Administration • Federal Motor Carrier Safety Administration • Maritime Administration • National Highway Traffic Safety Administration • Pipeline Hazardous Materials Safety Administration
 <p>U.S. Department of Commerce</p> <ul style="list-style-type: none"> • Bureau of Industry and Security • Census Bureau • International Trade Administration • National Oceanic and Atmospheric Administration 	 <p>U.S. Department of Interior</p> <ul style="list-style-type: none"> • Fish and Wildlife Service • Office of the Solicitor 	 <p>U.S. Department of Treasury</p> <ul style="list-style-type: none"> • Internal Revenue Service • Office of Foreign Assets Control • Alcohol and Tobacco Tax and Trade Bureau • Financial Crimes Enforcement Network
 <p>U.S. Department of Defense</p> <ul style="list-style-type: none"> • Army Corps of Engineers • Defense Contracts Management Agency 	 <p>U.S. Department of Justice</p> <ul style="list-style-type: none"> • Bureau of Alcohol, Tobacco, Firearms and Explosives • Drug Enforcement Administration 	 <p>Executive Office Agencies</p> <ul style="list-style-type: none"> • National Economic Council • National Security Council • Office of the U.S. Trade Representative • Office of Management and Budget
 <p>U.S. Department of Energy</p> <ul style="list-style-type: none"> • Office of Fossil Energy • Energy Information Administration • Office of General Counsel 	 <p>U.S. Department of Labor</p> <ul style="list-style-type: none"> • Bureau of Labor Statistics • Wage and Hour Division 	 <p>Independent Agencies</p> <ul style="list-style-type: none"> • Consumer Product Safety Commission • Environmental Protection Agency • Federal Maritime Commission • International Trade Commission • Nuclear Regulatory Commission • U.S. Agency for International Development • U.S. Postal Service • U.S. Postal Inspection Service • Federal Communications Commission
 <p>U.S. Department of Health and Human Services</p> <ul style="list-style-type: none"> • Centers for Disease Control and Prevention • Food and Drug Administration 	 <p>U.S. Department of State</p> <ul style="list-style-type: none"> • Bureau of Administration • Office of Logistics Management • Directorate of Defense Trade Controls • Bureau of Ocean and International Scientific Affairs • Office of Foreign Missions • Office of Multilateral Trade Affairs 	

Border Interagency Executive Council (BIEC) Priority Initiatives and Focus Areas

In the course of executing its charter, the BIEC has launched a range of priority initiatives that focus on specific areas of border management, trade facilitation and trade security. In most cases, the BIEC has stood up working groups responsible for developing work plans, schedules, metrics and supporting timely implementation of these BIEC priority initiatives.

At time of publication, the BIEC is committed to the following priority initiatives:



Automated Commercial Environment (ACE)



Single Window Sustainment (SWS)



Global Business Identifier (GBI)



1United States Government (1USG) International Mail Initiative (IMI)



General BIEC Initiatives



Trade Industry Engagement

The Border Interagency Executive Council (BIEC) Report Card

At the January 15, 2021, BIEC Principals meeting, concurrence was obtained to compile and publish a report highlighting the BIEC’s accomplishments and major strategic initiatives over the seven years since its inception. The purpose of this report card is three-fold: 1) to establish a written record of how the BIEC has measurably advanced interagency missions in border management, 2) to confirm the BIEC has met the provisions of its original executive order from seven years ago, and 3) to highlight opportunities and challenges warranting the BIEC’s attention that have emerged or crystallized in the years since the executive order was issued.

The content and conclusions within this report card were developed through extensive engagement of the BIEC’s own membership and incorporate input from internal and external stakeholders to the BIEC. Anecdotes from the BIEC Working Level members can be found in Appendix C: Partner Government Agency (PGA) Comments. The chart below, provides a synopsis of the nine functions decreed in the executive order from February 2014 , the extent to which the BIEC has delivered on each function, and whether it continues to advance and invest in each function.

Executive Order from February 2014: Streamlining the Export/Import Process for America’s Businesses		
BIEC Functions Decreed by the E.O.	Has the BIEC met the function?	Is the BIEC continuing to advance this function?
Common Risk Management Principles Inform agency operations of review/release of cargo and encourage compliance	✓	📈
Policies and Processes Improve agency review of electronic data/responses to users to facilitate trade	✓	📈
Opportunities to Streamline Government Systems and Reduce Costs Eliminate redundant capabilities or enhance use of ACE to improve supply chain management	✓	📈
Web-Based Interfaces Assess benefits of developing electronic connection to ACE for small businesses	✓	📈
Industry and Other Stakeholders Engage and consider the advice of industry and other stakeholders	✓	📈
Foreign Single Window Systems Encourage other countries to develop single window systems	✓	📈
Opportunities to Facilitate Electronic Payment Facilitate electronic payment of duties, taxes and fees at import	✓	📈
Sustainment, Maintenance, and Enhancement * Identify funding scheme to sustain and enhance ACE	✓	📈
Performance Metrics * Develop metrics to measure impact of ACE / border management coordination	✓	📈

Key: ✓ Meets Executive Order ● In Progress 📈 Continued Advancement * Function generated by the BIEC

Border Interagency Executive Council (BIEC) by the Numbers



Automated Commercial Environment (ACE)

Integrated business and regulatory requirements for **49** Partner Government Agencies (PGA). Eliminated **269** PGA paper documents due to ACE. Achieved **69%** ACE user satisfaction rate (calendar year 2021). In fiscal year 2021, ACE saved the trade industry **\$2.25 billion**, a **61%** increase since fiscal year 2020.

Global Business Identifier (GBI)

Evaluated **8** alternative entity identifiers. Received **6** formal letters of support from BIEC PGAs. Received **17** recommendations from the Commercial Customs Operations Advisory (COAC) 1USG Working Group and implemented **7** of those recommendations. Identified **25** U.S. government entity identification systems that may be streamlined by the GBI, based on common data attributes collected.

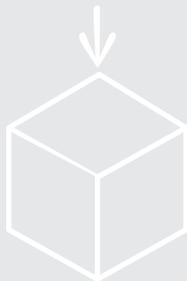


Single Window Sustainment (SWS)

Conducted **15** Planned Pay-As-You-Go – better known as PAYGO - sessions. Received **144** requests for development (RFD) through the Planned PAYGO process. Completed technical development for **48** of RFDs.

General BIEC Initiatives

Proposed **6** potential initiatives at the 2014 BIEC priorities table top exercise, and another **18** recommendations at the 2019 BIEC misclassified table top exercise. Held **11** BIEC Principals Meetings and over **100** BIEC Working Level Meetings.



1USG International Mail Initiative (IMI)

Total inbound mail volume of items containing goods in fiscal year 2021 was over **148.6 million**, a **64.4%** decline since fiscal year 2020. IMI kicked off with support from **12** PGAs. Documented end-to-end 1USG mail process flow and baselined interagency access to advance electronic mail data.

Trade Industry Engagement

The COAC 1USG Working Group was established in July 2019, and has convened **23** times. Engages trade regarding PGA message sets, entry requirements and policies. The COAC 1USG Working Group serves as a conduit to the BIEC and provides regular input on initiatives such as the GBI and ACE enhancement efforts.





Automated Commercial Environment (ACE)

ACE is a trade processing system through which CBP and PGAs implement the “Single Window” for processing imports and exports reported by the trade industry. ACE is the primary system for the U.S. government to determine admissibility, and it is one of the core components and results of 2014’s executive order. CBP applies expertise, technology and automation to create streamlined and efficient processes to facilitate the global exchange of safe and legitimate goods.

Major Accomplishments

- Enabled the trade industry to review and manage account information, access transaction and financial data in ACE Reports and respond electronically to CBP and PGAs for requested information.
- Allows PGAs users to improve compliance by running targeted reports to conduct in-house audits and identify systemic errors and unauthorized filers.
- Modernized and streamlined trade processing across all business capabilities, including manifest, cargo release and post release for PGAs.
- Automated processing for both PGAs and the trade by streamlining the filing process, as paper mail and written documentation are now handled through the ACE Portal.
- Reduced Freedom of Information Act requests for PGAs, allowing some agencies to save millions of dollars by changing mailing processes from paper to electronic.
- Increased transparency between PGAs and the trade industry, as members of the trade previously would have to generate their own reports on filings, but now they can access their data through ACE Reports.
- Enabled improved communication between the trade industry and PGAs through CBP as ACE has given PGAs the ability to pre-clear products before they enter U.S. commerce.
- Improved engagement with the trade industry through the Trade Support Network to generate and collect general and agency-specific feedback on a wide range of issues regarding ACE.

Key Challenges and Lessons Learned

- It was important for the BIEC to establish priorities, milestones and deliverables to ensure the implementation deadline for the International Trade Data System (ITDS) at the end of 2016 was met. Technical, scheduling, regulatory and budgetary challenges were magnified in 49 agencies working together to integrate processes into a single system.
- CBP learned lessons as it worked with 49 agencies to get on board in various capacities. CBP was able to use the experience of implementing within CBP to build confidence with other agencies.
- CBP performed triage to see which agencies were ready immediately, in four-to-six months, and in six-to-twelve months, and which would need support. CBP provided the framework for the first group to set the foundation and let the others catch up.

ACE Highlights

- *Eliminated 269 PGA paper documents.*
- *Achieved 79% ACE user satisfaction rate in fiscal year 2020*
- *Saved the trade industry \$2.25 billion in fiscal year 2021, a 61% increase from the previous fiscal year.*
- *In fiscal year 2021, the ACE system enabled processing efficiencies for CBP valued \$720.1 million, a 101% increase from the previous year. The increase in CBP savings resulted from increase in Entry Type 86 (ET86) volume, a voluntary filing system piloted by CBP in September 2019 that allows the trade to file entries for de minimis shipments.*
- *Reduced processing times in fiscal year 2021 by 795,000 hours for the trade industry and 5.5 million hours for CBP.*





Single Window Sustainment (SWS) Initiative

In August 2016, the U.S. Department of Homeland Security (DHS) and CBP began developing a framework called the SWS initiative to enable comprehensive assessment and objective prioritization of Automated Commercial Environment (ACE) requirements and to support the process to fund new enhancements through applied costs by respective PGAs that utilize the system and require the enhancements. The SWS initiative Planned Pay As You-Go - better known as PAYGO - Model was approved by the BIEC Principals in January 2018.

Major Accomplishments

- The International Trade Data System (ITDS) was designed with a dedicated appropriation that no longer exists. PGAs now must pay for ACE enhancements. The SWS initiative Planned Pay As You Go - PAYGO - Model was approved by the BIEC Principals in January 2018, and CBP recognized that the BIEC will continue to improve upon that model and may seek alternative funding solutions. In some cases, CBP will cover the cost of an enhancement that require minor changes.
- The Planned PAYGO Model can be divided into five phases: Request for Development (RFD) submission, prioritization process, level-of-effort development, Interagency Agreement execution, and technical development. This model has been successful in executing ACE enhancements.
- The SWS initiative outlines PGAs roles and responsibilities, putting every agency on equal footing. The BIEC creates a simple, transparent process that can be replicated on a recurring basis and matured based on BIEC and Single Window operations.
- PGAs collaborate with one another to better use ACE. Several agencies stated that this form of collaboration is not common in the federal government and the experience helped the transfer of a broader knowledge of the international trade system. Transparency among agencies has been effective for the entirety of the SWS initiative, and it helps ensure relevance of the Single Window to the U.S. government and trade industry.

SWS Highlights

- *Conducted 14 PAYGO sessions.*
- *Received 114 RFDs through the Planned PAYGO process.*
- *Completed technical development for 48 RFDs from 18 agencies.*
- *PGAs can submit emergency RFDs outside of the scheduled Planned PAYGO sessions if it meets the "emergency requirement."*

Key Challenges and Lessons Learned

- While the Single Window is owned by DHS/CBP, it is used across government agencies and a joint funding approach is necessary in order to sustain the system and accommodate for changes to PGAs' statutes, regulations, policies, and business processes. Many PGAs did not have the initial funding and resources for core ACE development. Therefore, CBP provided the technical support to PGAs to deliver enhancements in ACE.
- The development process from submitting an RFD to implementation of the ACE enhancement may take several years to complete; more resources need to be allocated to CBP and the SWS process.
- The SWS initiative was initially established as a cost-sharing framework, however, many PGAs do not take advantage of the cost-sharing aspect of the framework because (1) PGAs are unaware of the cost-sharing aspect of the SWS process; and (2) PGAs do not learn about a potential RFD of interest in sufficient time; and/or (3) PGAs lack of available funding.
- The Planned PAYGO model will become outdated if adjustments are not made to how enhancements are funded due to limited agency resources.



Opportunities and Recommended Actions

Since 2014, the BIEC has met and in most cases surpassed the original mandates of its establishing executive order, and has grown into a vibrant and action-oriented community that is well-equipped to follow through on the most pressing issues in border management. The following opportunities and recommended actions have been identified by BIEC membership, and are expected to form the backbone of the BIEC's collective efforts over the coming years.



ACE Single Window Optimization

Optimize ACE by extending the Single Window to include electronic mail data, enhancing automated clearance, leveraging big data, boosting communication and messaging capabilities, improving Harmonized Tariff Schedule (HTS) code maintenance and modernizing the Document Imaging System (DIS) for enhanced analysis and data mining.



Sustainable Funding for ACE

Prioritize investment in long-term planning for ACE and ITDS sustainment via centralized funding through stronger engagement with U.S. Office of Management and Budget (OMB) and Congress as oversight bodies that can articulate the ACE footprint on the entire U.S. government. Obtain dedicated ACE and ITDS appropriations for the Single Window that is utilized by over 49 PGAs.

- (1) Eliminate individual agency burden of identifying and applying funding annually, and to
- (2) Contribute to the all-encompassing continued modernization of ACE for PGA and trade benefits.



Unlocking Single Window Data Assets

Enhance ACE data analytics capabilities through investment in enhancements, such as low-cost logical and technical programming that results in better integration and visualization of information. Integrate emerging technology and data tools to improve dashboard reporting, performance metrics and indicators, geographic trends and commodity- and agency-specific insights.



Continued Investment in the BIEC

Continue collective investment in the BIEC itself—as a unique mechanism and tool to get things done. Member agencies must dedicate time and resources at both the Principal and staff levels to maintain the health of the community as a strong mechanism that enables interagency transparency, the free exchange of opportunities and challenges, and coordinated, One-U.S. government border management effort.



Risk Management and Process Improvement

Emphasize risk management in all BIEC initiatives including the GBI, through which the BIEC will test the efficacy of new identifiers to improve risk management at the border. Harmonize the BIEC's role in coordinating interagency initiatives outside of the BIEC's purview such as the 21st Century Customs Framework (21CCF), the Interagency Environment Committee for Monitoring and Enforcement (IECME), and the Commercial Targeting and Analysis Center (CTAC).



Trade Modernization

Leverage the BIEC architecture and community to take on new Trade Modernization challenges such as Reimagined Entry, 21CCF, and GBI. Modernize mail and reduce manual entry to improve import safety.



Continued Trade Industry Engagement

Strengthen the BIEC's partnership with the Trade through continued engagement via the COAC in an effort to obtain critical industry perspective and input on BIEC progress and accomplishments, to facilitate transparency and open collaboration, and to obtain participation in priority pilots and proof of concepts, such as Entry Type 86 and GBI.



International Engagement

Engage intentionally and collectively with our international partners to encourage adoption of single window systems and harmonized standards. Engage the World Customs Organization (WCO) on BIEC initiatives (e.g., the GBI through which we are creating an identifier that can be used globally and adheres to the WCO's Trader Identification Number (TIN) guidelines).

Appendix A: Other BIEC Initiatives



Global Business Identifier (GBI) Initiative

In 2017, the BIEC established the GBI initiative to develop a single identifier solution to improve the 1USG's ability to efficiently identify high-risk shipments and facilitate legitimate trade. The optimal GBI solution will enable the 1USG and the trade industry to share a "common language" in identifying and tracking supply chain roles, global location and legal ownership. CBP will launch a pilot or an evaluative proof of concept to test the following three identifiers: (1) Data Universal Numbering System (DUNS), which is owned and operated by Dun & Bradstreet (D&B); (2) Global Location Number (GLN), which is owned and operated by GS1; and (3) Legal Entity Identifier (LEI), which is owned and operated by the Global Legal Entity Identifier Foundation (GLEIF).

The GBI Initiative is an interagency trade transformation project that aims to develop a single identifier solution that will:



Major Accomplishments

- CBP and the interagency GBI Working Group have worked diligently over the past four years to: finalize the design and scope of the initiative, complete legal and technical requirements, secure funding, and engage critical stakeholders in time to launch the GBI evaluative proof of concept by Spring 2022.
- The GBI Working Group evaluated and considered eight entity identifiers, ultimately choosing three as the GBI proposed solution.
- In 2019, the GBI Working Group hosted a GBI Deep Dive to provide the BIEC principals a comprehensive overview of the initiative's history, challenges, and processes; all BIEC agencies provided their support for the GBI path forward.
- In 2019, the GBI Working Group hosted a two-day GBI workshop with 19 members of the COAC 1USG Working Group to gain valuable trade industry feedback on the scope and design of the initiative.
- CBP chairs the GBI / Trader Identification Number (TIN) Expert Correspondence Group, established in 2020 by the Border Five (B5) Heads, which aims to identify modern innovations to assist in the enhanced identification of trade entities in the global supply chain.
- CBP launched a GBI Roadshow to engage with and inform the trade industry, other U.S. federal agencies, and international organizations, such as the World Customs Organization (WCO), about the GBI initiative to obtain stakeholder buy-in and solicit volunteer trade participants for the evaluative proof of concept.
- CBP executed Memorandums of Agreement (MOA) with GLEIF and GS1 and a Sole Source contract with D&B to formalize and outline expectations for partnership with these identifier management companies.
- The GBI Working Group has identified a range of existing USG initiatives that synergize with the goals and technical capabilities of the GBI, including blockchain/distributed ledger, verifiable credentials, E-commerce, and the 21st Century Customs Framework.
- In October 2021, CBP published two 60-day Paperwork Reduction Act (PRA) Federal Register Notices for the GBI evaluative proof of concept.

Key Challenges and Lessons Learned

- Global adoption and harmonization of any unique trade identification solution remains a long-range challenge.
- The complexity of the GBI initiative has led to some challenges with the timeline and launch of the GBI evaluative proof of concept. Each workstream is interdependent on the completion of all legal and technical requirements which have led to delays in the timeline.
- CBP and the interagency GBI Working Group anticipate additional key challenges and learning may emerge once the GBI evaluative proof of concept has launched. To mitigate some expected challenges (e.g., trade industry buy-in and agency cost), CBP and the interagency are conducting a GBI roadshow to inform the trade industry and other stakeholders of key aspects of the pilot.

GBI Highlights

- The GBI Working Group consists of 18 members, six of which have written formal letters of support for the GBI evaluative proof of concept.
- CBP regularly provides GBI updates to five stakeholder engagement groups to share accurate and consistent information.
- The COAC 1USG Working Group developed a set of 17 recommendations, of which the interagency has implemented seven.
- CBP presented the GBI initiative to over ten stakeholder groups as part of the GBI Roadshow.
- CBP has identified significant potential benefits of the GBI for the Trade community, such as the ability to manage and validate their data.
- The final design and scope of the GBI evaluative proof of concept include 10 countries of export and six product categories.
- CBP has developed over one hundred performance metrics to evaluate the GBI evaluative proof of concept, including assessing data quality for trade facilitation and risk management.



1USG International Mail Initiative (IMI)

The IMI Initiative was formally established in November 2019 to enhance the 1USG's understanding of international mail processes and to identify a method to improve PGA access to international mail data and optimize interagency inspection workflow. As part of this initiative, participating BIEC agencies are collaborating to: map the current state, end-to-end 1USG international mail data flows and mail processing activities; identify principal gaps and pain points in the current process; create and deliver solutions that enhance interagency and international collaboration and better leverage 1USG resources in the international mail space; and improve 1USG impact in stopping and preventing influx of international mail that contains inadmissible merchandise. E-commerce is rapidly growing and revolutionizing the way goods are bought and sold around the world. This growth has led to opportunities for counterfeiters and other bad actors and the BIEC is working to increase visibility and strengthen enforcement in the international mail space.

Major Accomplishments

- The U.S. Postal Service (USPS) and U.S. Postal Inspection Service (USPIS) are the newest members of the BIEC due to the IMI initiative.
- CBP and the interagency IMI Working Group mapped the end-to-end international mail data and process flow, from parcel ingestion and inspection to admission determination or enforcement action.
- CBP and the interagency IMI Working Group documented the process flow of advanced electronic data between USPS, CBP, and agencies with existing system-to-system access to mail data.
- CBP and the IMI Working Group identified potential solutions for agencies without border authority to access mail advance electronic data.

Key Challenges and Lessons Learned

- Current 1USG access to and availability of international mail data is extremely limited; PGAs rely heavily on CBP to refer packages that fall under their specific legal jurisdictions.
- The large volume of international mail data that would flow through a 1USG “single window” system poses significant technical challenges, particularly with scale.
- The IMI Working Group must identify a system of record to ingest mail data whether that is through a new system, ACE, or another existing system.

IMI Highlights

- *The IMI initiative was chosen out of five initiatives to be the BIEC – C1 FY20 Operational Initiative, which aimed to target an interagency challenge impacting CBP and two or more PGAs and be executed in partnership with the BIEC.*
- *The IMI Working Group consists of 16 members and three sub-working groups led by APHIS, FDA, and FWS.*
- *The 1USG continues to analyze PGA authorities, processes, and jurisdiction in the national and international mail spaces, and continues to explore alternate solutions to ingest mail data into existing PGA systems.*
- *Four principal agencies have provided educational presentations to the IMI Working Group to encourage the use of common operational language around mail processes.*
- *The Synthetics Trafficking and Overdose Prevention (STOP) Act requires USPS to transmit international Advanced Electronic Data (AED) to CBP and presents CBP with targeted parcels for inspection. CBP, USPS, and FDA work together to prevent the influx of illegal drugs through the mail stream.*
- *International Service Centers (ISC) and International Mail Facilities (IMF) tour series is in progress for CBP and PGA stakeholders.*



General Border Interagency Executive Council (BIEC) Initiatives

The BIEC is recognized as an international best practice for interagency collaboration, and its establishment and operation has enhanced efficient and secure trade. The BIEC stands as an example of coordinated border management for our international trading partners, and in addition to the BIEC initiatives designated as “priorities” by the BIEC Chair, Vice Chair, and Principals, the BIEC working level also participates in other ad hoc “general BIEC initiatives” conducted in the effort to streamline customs procedures. The BIEC also hosts bi-weekly working level meetings, and quarterly BIEC Principals meetings to address challenges within the import process and identify modern solutions.

Major Accomplishments

- The BIEC conducted three tabletop exercises to address border management issues and challenges and obtain interagency insight on recommendations and path forward.
- Conducted the Import Process Tabletop Exercise to identify solutions and initiatives on how to enhance the import process for both the 1USG and trade industry in 2014.
- Conducted the DHS Import Safety Rapid Response Plan Tabletop Exercise to identify gaps and best practices within the plan in 2018.
- Conducted the Misclassified Commodities Tabletop Exercise in 2019 oriented around border operational policy and procedure to explore best practices, address areas for improvement and identify opportunities for new initiatives.
- Created and published guidance on PGAs policies and requirements related to the Section 321 De Minimis Value Rule, Returned American Goods and Household and Personal Effects on CBP.gov.
- Holds bi-weekly meetings among 49 agencies to discuss the progress of the BIEC initiatives, provide CBP and PGAs updates and identify gaps and opportunities for future initiatives.
- The communication fostered by BIEC principals and working level meetings means that agencies facing issues know where to reach out for answers. For example, relationships developed through the BIEC were instrumental in quickly addressing the challenge of COVID-19 in import, export and transit procedures.
- At the Principals level, there is active engagement and everyone is willing to contribute. The Principals take meetings seriously and rarely delegate to lower-level staff.

BIEC Highlights

- *The BIEC has successfully hosted 12 BIEC Principals meetings since 2014.*
- *All six proposed solutions from the 2014 tabletop exercise have been completed through the implementation of ACE and ITDS or is being addressed by the current BIEC priority initiatives.*
- *The BIEC identified seven major gaps and 13 corresponding recommendations to strengthen the DHS Import Safety Rapid Response Plan.*
- *17 PGAs and six CBP directorates participated in the 2019 Misclassified Tabletop exercise and developed a set of 18 recommendations spanning across five topics: data, technology, communication, legal/regulatory, and resources (people and assets).*

Key Challenges and Lessons Learned

- While many of the 49 PGAs are engaged and committed to the BIEC and its initiatives, it can be difficult to engage all PGAs and receive equal input.





Trade Industry Engagement

The BIEC, as an interagency council, understands the importance of engaging and partnering with the trade industry to enhance border management. CBP coordinated with the COAC to establish the COAC 1USG Working Group to focus on operational, technical, policy and regulatory issues that involve two or more U.S. government agencies. The COAC 1USG Working Group provides industry stakeholders the opportunity to provide input to the BIEC, partner government agencies (PGAs) and other agencies that work in supply chain management, single window and trade data processing, process optimization, risk management and other areas of mutual interest.

Major Accomplishments

- The COAC 1USG Working Group process created a strong and sustainable community of stakeholders with a focused set of objectives that strengthens U.S. border security. This process provides improved deterrence, screening and detection of products detrimental to U.S. safety and security.
- Everyday communication, collaboration, outreach and problem-solving exchanges between PGAs, customs and trade industry has grown exponentially, including day-to-day phone calls, virtual meetings, workshops and webinars.
- The COAC 1USG Working Group held a virtual “Disclaim Workshop” and a PGA Trusted Trader Workshop in 2020. The workshops helped to resolve confusion among the trade industry, develop best practices for all PGAs to apply when communicating with the trade industry and provide an opportunity to discuss Trusted Trader initiatives.
- In July 2021, CBP hosted a Virtual Trade Week where the CBP and PGAs held a panel to discuss emerging priorities for the interagency. One of the topics discussed was the GBI initiative.

Trade Industry Engagement Highlights

- *COAC 1USG Working Group was established in July 2019 and has convened 23 times.*
- *Partner government agencies (PGA) have engaged with the COAC 1USG Working Group regarding PGA message sets and policies.*

Key Challenges and Lessons Learned

- The key challenges are to continue assuring that the BIEC engages the trade industry in efforts related to problem-solving with respect to current issues; and to engage with the trade industry for future planning.
- The BIEC has learned to consider the impacts to trade efficiencies and costs when making changes. As the BIEC makes changes to current systems or advances the use of new and more sophisticated technologies, consideration of potential impacts is critical. It is also important to not overlook the potential leadership contributions that the trade industry can provide as the BIEC explores the potential to capitalize on the use of emerging technology.



Appendix B: Executive Order (E.O.) 13659

Streamlining the Export/Import Process for America's Businesses (February 19, 2014)

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to reduce supply chain barriers to commerce while continuing to protect our national security, public health and safety, the environment, and natural resources, it is hereby ordered as follows:

Section 1. Policy. The United States is the world's largest economy and the largest trading Nation. Trade is critical to the Nation's prosperity — fueling economic growth, supporting good jobs at home, raising living standards, and helping Americans provide for their families with affordable goods and services. It is the policy of the United States to promote commerce through the effective implementation of an ambitious 21st century trade agenda and vigorous enforcement of our Nation's laws relating to trade, security, public health and safety, the environment, and natural resources. In support of these goals, and to ensure that our Nation is well-positioned to compete in an open, fair, and growing world economy, the Federal Government must increase efforts to improve the technologies, policies, and other controls governing the movement of goods across our national borders.

In particular, we must increase efforts to complete the development of efficient and cost-effective trade processing infrastructure, such as the International Trade Data System (ITDS), to modernize and simplify the way that executive departments and agencies (agencies) interact with traders. We must also improve the broader trade environment through the development of innovative policies and operational processes that promote effective application of regulatory controls, collaborative arrangements with stakeholders, and a reduction of unnecessary procedural requirements that add costs to both agencies and industry and undermine our Nation's economic competitiveness. By demonstrating our commitment to utilizing technology, coordinating government processes, fulfilling international obligations, and embracing innovative approaches to promote new opportunities for trade facilitation in the 21st century, we can lead by example and partner with other countries willing to adopt similar programs. This will encourage compliance with applicable laws and, more broadly, result in a more prosperous, safe, secure, and sustainable trading environment for all.

Section 2. Policy Coordination. Policy coordination, guidance, dispute resolution, and periodic reviews for the functions and programs set forth in this order shall be provided through the interagency process established in Presidential Policy Directive-1 of February 13, 2009 (Organization of the National Security Council System), or any successor.

Section 3. International Trade Data System. The ITDS, as described in section 405 of the Security and Accountability for Every Port Act of 2006 (the "SAFE Port Act") (Public Law 109-347), is an electronic information exchange capability, or "single window," through which businesses will transmit data required by participating agencies for the importation or exportation of cargo. To enhance Federal coordination associated with the development of the ITDS and to provide necessary transparency to businesses, agencies, and other potential users:

- (a) by December 31, 2016, participating agencies shall have capabilities, agreements, and other requirements in place to utilize the ITDS and supporting systems, such as the Automated Commercial Environment, as the primary means of receiving from users the standard set of data and other relevant documentation (exclusive of applications for permits, licenses, or certifications) required for the release of imported cargo and clearance of cargo for export;
- (b) by December 31, 2016, the Department of Homeland Security shall confirm to the Secretary of the Treasury and the ITDS Board of Directors (Board), which serves as the Interagency Steering Committee established under section 405 of the SAFE Port Act, that the ITDS has the operational capabilities to enable users to:
 - (i) transmit a harmonized set of import and export data elements, to be collected, stored, and shared, via a secure single window, to fulfill U.S. Government requirements for the release and clearance of goods; and
 - (ii) transition from paper-based requirements and procedures to faster and more cost effective electronic submissions to, and communications with, agencies;
- (c) the Board shall, in consultation with ITDS participating agencies, define the standard set of data elements to be collected, stored, and shared in the ITDS; and continue to periodically review those data elements in order to update the standard set of data elements, as necessary;
- (d) the Board shall continue to assist the Secretary of the Treasury in overseeing the implementation of, and participation in, the ITDS, including the establishment of the ITDS capabilities and requirements associated with the collection from users and distribution to relevant agencies of standard electronic import and export data; and
- (e) the Board shall make publicly available a timeline outlining the development and delivery of the secure ITDS capabilities, as well as agency implementation plans and schedules. Agencies shall take such steps as are necessary to meet the timeline, including timely completion of all appropriate agreements, including memoranda of understanding, and other required documents that establish procedures and guidelines for the secure exchange and safeguarding of data among agencies and, as appropriate, with other Federal Government entities.

Section 4. Establishment of the Border Interagency Executive Council.

- (a) There is established the Border Interagency Executive Council (BIEC), an interagency working group to be chaired by the Secretary of Homeland Security or a senior-level designee from the Department. The BIEC shall also have a Vice Chair, selected every 2 years from among the members of the BIEC by a process determined by the members. The BIEC shall develop policies and processes to enhance coordination across customs, transport security, health and safety, sanitary, conservation, trade, and phytosanitary agencies with border management authorities and responsibilities to measurably improve supply chain processes and improve identification of illicit shipments.
- (b) The Department of Homeland Security shall provide funding and administrative support for the BIEC, to the extent permitted by law.

- (c) In addition to the Chair and Vice Chair, the BIEC shall include designated senior-level representatives from agencies that provide approval before goods can be imported and exported, including the Departments of State, the Treasury, Defense, the Interior, Agriculture, Commerce, Health and Human Services, Transportation, and Homeland Security, the Environmental Protection Agency, and other agencies with border management interests or authorities, as determined by the Chair and Vice Chair. The BIEC shall also include appropriate representatives from the Executive Office of the President.

Section 5. Functions of the BIEC.

- The BIEC shall:
- (a) develop common risk management principles and methods to inform agency operations associated with the review and release of cargo at the border and encourage compliance with applicable law;
 - (b) develop policies and processes to orchestrate, improve, and accelerate agency review of electronic trade data transmitted through relevant systems and provide coordinated and streamlined responses back to users to facilitate trade and support and advance compliance with applicable laws and international agreements, including (in coordination with, and as recommendations to, the Board) policies and processes designed to assist the Secretary of the Treasury, as appropriate, with activities related to the ITDS;
 - (c) identify opportunities to streamline Federal Government systems and reduce costs through the elimination of redundant capabilities or through enhanced utilization of the Automated Commercial Environment capabilities as a means of improving supply chain management processes;
 - (d) assess, in collaboration with the Board, the business need, feasibility, and potential benefits of developing or encouraging the private-sector development of web-based interfaces to electronic data systems, including the ITDS, for individuals and small businesses;
 - (e) engage with and consider the advice of industry and other relevant stakeholders regarding opportunities to improve supply chain management processes, with the goal of promoting economic competitiveness through enhanced trade facilitation and enforcement;
 - (f) encourage other countries to develop similar single window systems to facilitate the sharing of relevant data, as appropriate, across governmental systems and with trading partners; and
 - (g) assess, in consultation with the Department of the Treasury, opportunities to facilitate electronic payment of duties, taxes, fees, and charges due at importation. The Federal Government endorses electronic payment of duties, taxes, fees, and charges due at importation, and currently allows payment electronically through various systems.

Section 6. Regulatory Review. To support the Federal Government's rapid development of the ITDS that, to the greatest extent possible, relies upon the collection, exchange, and processing of electronic data, each agency that utilizes the ITDS shall:

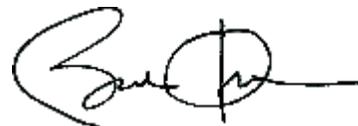
- (a) as part of the retrospective review report due to the Office of Information and Regulatory Affairs (OIRA) on July 14, 2014, pursuant to Executive Order 13610 of May 10, 2012 (Identifying and Reducing Regulatory Burdens), unless directed otherwise through subsequent guidance from OIRA, determine whether any regulations should be modified to achieve the requirements set forth in this order; and
- (b) promptly initiate rulemaking proceedings to implement necessary regulatory modifications identified pursuant to subsection (a) of this section.

Section 7. Reports.

- (a) Within 180 days of the date of this order, agencies with border management interests or authorities shall report to the Board on their anticipated use of international standards for product classification and identification.
- (b) By July 1, 2014, and every year thereafter until July 2016, the BIEC, in consultation with the Board, shall provide to the President, through the Assistant to the President for Homeland Security and Counterterrorism, a report on the implementation of section 5 of this order.

Section 8. General Provisions.

- (a) Nothing in this order shall be construed to impair or otherwise affect:
 - (i) the authority granted by law to an executive department, agency, or the head thereof; or
 - (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (b) This order shall be implemented consistent with applicable law, and subject to the availability of appropriations.
- (c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
- (d) Independent agencies are strongly encouraged to comply with the requirements of this order.



[THE WHITE HOUSE, February 19, 2014. Filed 2-24-14; 11:15 am]

Appendix C: Partner Government Agency (PGA) Comments

The PGA comments are anecdotes that were provided by the BIEC Working Level members during the engagements that occurred to support the development of the Border Interagency Executive Council Report Card.



U.S. Department of Commerce (DOC), U.S. Census Bureau (Census)

- In 1999, the U.S. Census Bureau (Census) contracted out to a service provider to develop, deploy and maintain the Census FREE Internet Based Application – AESDirect. AESDirect was the FREE and easy solution for small to mid-size exporting companies who had no experience connecting directly to the Customs Service, which was costly. Tens of thousands of exporting companies opened accounts with AESDirect, which was a conduit to the Automated Export System (AES). When the Automated Commercial Environment (ACE) was built it allowed Census to migrate AESDirect from the private company contractor to ACE (government maintained). The migration to ACE still gave small to mid-size companies the Free Internet Based export filing option and user-friendly filing alternative to the direct connection to ACE. These companies can apply for an ACE account, login to AESDirect and begin filing their export shipment transactions within 30 minutes.
- The Single Window Sustainment (SWS) initiative provides transparency and collaboration among agencies. I would say it is a best practice.
- Not only are we all on one council, but we work together. There are six different groups in the Department of Commerce (DOC) that are members of the Border Interagency Executive Council (BIEC) – Bureau of Industry and Security (BIS), Census, National Oceanic and Atmospheric Administration (NOAA), International Trade Administration (ITA): Enforcement and Compliance (E&C), Foreign-Trade Zones Board (FTZB), Office of Textiles and Apparel (OTEXA). This council brought us together to work in cooperation with one another, all with the DOC mission at hand.



U.S. Consumer Product Safety Commission (CPSC)

- The Global Business Identifier (GBI) initiative opened our eyes to the varying needs of each agency and how the GBI identifiers can support their mission. The U.S. Consumer Product Safety Commission (CPSC) looks forward to the implementation of the GBI evaluative proof of concept and how it can support the agency's risk assessment work.
- CPSC is interested in the 1USG International Mail Initiative (IMI) and how this effort can benefit the agency's work related to de minimis shipments.



DOC, International Trade Administration (ITA), Enforcement and Compliance (E&C)

ACE and its enhancements have provided an opportunity for importers and exporters to communicate with the Department of Commerce through CBP and the ports in a timelier fashion.



U.S. Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS)

The Food Safety and Inspection Service (FSIS) Message Set and ACE interface with FSIS' Public Health Information System (PHIS) allows seamless transfer of the import application data required from the industry by FSIS. FSIS has also eliminated a paper copies of the FSIS import applications filed electronically. Roughly 80% of import applications are filed electronically.



U.S. Department of Transportation (DOT), National Highway Traffic Safety Administration (NHTSA)

- The BIEC affords our agency the opportunity to listen to other Partner Government Agencies (PGA) and provide insights into the current efforts. The BIEC has also allowed us the opportunity to comment on new initiatives.
- ACE has been very beneficial to our agency on a daily basis as many of our enforcement efforts are based on receiving ACE information 24/7.



U.S. Health and Human Services (HHS), U.S. Food and Drug Administration (FDA)

- The BIEC successfully created and launched the SWS Planned Pay As You Go (PAYGO) program, and the process to create, collectively evaluate, and prioritize Requests for Development (RFD) among the BIEC agencies has been working well for several years. Pervasive challenges surrounding the Interagency Agreements (IAA) needed to fund and implement the RFDs, however, remain. For example, U.S. Food and Drug Administration (FDA) and U.S. Customs and Border Protection (CBP) have been working together to discover a means to combine RFDs to reduce the numerous financial forms, legal documents, and overall administrative burden of the IAA process; however, we have not yet arrived at a solution as the process and requirements have changed year to year. FDA looks forward to working towards a 1USG approach to streamline the IAA process through continued collaboration with CBP and the BIEC.
- FDA has experience in utilizing third party Unique Firm Identifiers (UFI) in import transactions, which has proven to lend expertise to the GBI Working Group.
- Through the BIEC's newest priority initiative, the IMI, FDA is looking forward to utilizing electronic mail data that can be shared amongst all agencies that have authority within the International Mail Facilities (IMF), and exploring how we can use the data among the 1USG per the Synthetics Trafficking and
- Overdose Prevention – better known as STOP - Act and the Substance Use-Disorder Prevention that Promotes Opioid Recover and Treatment for Patients and Communities – or SUPPORT - Act.



USDA, Animal and Plant Health Inspection Service (APHIS)

- We are one of the lucky agencies that receives some data from mail international inspections, but if the data is in different systems it makes it difficult to analyze.
- The Animal and Plant Health Inspection Service (APHIS) believes the development of the ACE Single Window has been a key success of BIEC. Recently APHIS has launched full implementation of the APHIS Core message set and is excited to realize the benefits of digital data on agriculture import goods. We see this as the first step toward development larger scale risk-based analysis.
- The interoperability web service and Document Image System (DIS) has allowed APHIS to fully transmit permits for U.S Customs and Border Protection (CBP) Agriculture review.
- Recently, APHIS and CBP completed full transmission of electronic phytosanitary certificates from the International Plant Protection Convention (IPPC) hub to APHIS to CBP. The DIS program eliminated the need for paper documents from countries participating in the program.



Executive Office of the President (EOP), U.S. Trade Representative (USTR)

- The Commercial Customs Operations Advisory Committee (COAC) One-U.S. Government (1USG) Working Group has provided the BIEC with valuable insight into border procedures that need to be changed, tweaked or updated in a constructive manner.

Appendix D: Partner Government Agency (PGA) Value Statements

PGAs provided value statements on behalf of their agencies that offer their perceived or realized benefits that have resulted or will result from the collaboration and implementation of key BIEC initiatives.



Department of Commerce (DOC), International Trade Administration (ITA), Enforcement and Compliance (E&C)

U.S. Customs and Border Protection (CBP) through the BIEC, Enforcement and Compliance (E&C) was able to develop significant enhancements to the Automated Commercial Environment (ACE) Antidumping/Countervailing Duty (AD/CVD) Portal that allowed for the recording of more fulsome and accurate information into the portal. This effort provided enhanced visibility to the trade community and provided better data to support CBP enforcement efforts.



U.S. Environmental Protection Agency (EPA)

The BIEC provides a forum for CBP and Partner Government Agencies (PGA) to share information and best practices, and work collaboratively on initiatives to support efficiencies among the dozens of federal agencies charged with import and export responsibilities. ACE has enhanced visibility of important information about imports. The electronic filing of information results in significant resources savings for companies that previously filed paper and used costly courier methods, and allows for improved analysis of information by regulatory agencies.



U.S. Health and Human Services (HHS), U.S. Food and Drug Administration (FDA)

We are at a major crossroad as the BIEC embarks toward the development of the next iteration of ACE. The improved system will further streamline federal government systems, reduce costs through the elimination of redundant capabilities, and improve supply chain management processes through various technical enhancements. Through the 1USG International Mail Initiative (IMI), the BIEC highlights the critical need to advance the sharing of electronic international mail data with Partner Government Agencies. The U.S. Food and Drug Administration (FDA) looks forward to our continued collaboration and partnership with the BIEC in advancing the priority initiatives.

