

## **BORDER INTERAGENCY EXECUTIVE COUNCIL**

### **OVERVIEW:**

- An expanded Border Interagency Executive Council (BIEC) was formally established by Executive Order (EO) 13659 (February 19, 2014), “*Streamlining the Export/Import Process for America’s Businesses,*” and charged with improving coordination among the 47 agencies with import and export requirements.
- The inaugural meeting of the BIEC was conducted on March 10, 2014 and continues to meet every 30 to 45 days to ensure the various sub-committees fulfill the action plans they have developed to meet the objectives of the EO.
- EO 13659 has two main requirements: 1) the completion and government-wide utilization of the International Trade Data System (ITDS) by December 31, 2016 and 2) the establishment of a two-tiered governance structure to manage implementation.
- DHS has significant responsibilities for both requirements. In particular, U.S. Customs and Border Protection (CBP) is the lead developer of the ITDS “single-window,” and the Deputy Secretary of the Department of Homeland Security (DHS) is the Chair of the newly expanded BIEC, the policy development arm of the governance structure.
- The deadline and transparent implementation schedules established by EO 13659 will accelerate the development of “single-window” capabilities long awaited by industry stakeholders and foreign governments.
- The BIEC includes executives from the Departments of Agriculture, Commerce, Defense, Health and Human Services, Interior, Justice, State, Transportation, and Treasury. National Security Council (NSC) Staff, National Economic Council (NEC) Staff, and representatives from the Office of Management and Budget and the United States Trade Representative also attend.

### **BIEC STRUCTURE:**

- The BIEC, chaired by DHS, provides strategic leadership and policy guidance to improve coordination among agencies with border responsibilities and between the U.S. Government (USG) and other stakeholders.
- The ITDS Board of Directors, an existing body created by statute<sup>1</sup> and chaired by the Department of the Treasury, continues to oversee the development of the “single-window” technical capabilities.
- The ITDS effort is integral to the BIEC effort where agencies work together to develop the “single window” ITDS system and work within the BIEC structure to develop and coordinate more streamlined processes for ITDS implementation.

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<sup>1</sup> SAFE Port Act, Pub.L. 109–347, Section 405

#### *BIEC Committee Structure:*

- The BIEC is comprised of senior officials that oversee the following agency level working committees:
  - Risk Management Committee (chaired by FDA)
  - Process Coordination Committee (chaired by CBP)
  - External Engagement Committee (chaired by Commerce)
- The Risk Management and Process Coordination Committees are working to develop complementary and coordinated risk management processes with the objective of creating more efficient and effective targeting of imports and exports for the USG.
- Partner government agencies in the Process Coordination Committee are working to identify opportunities to reduce and streamline reporting requirements and develop more integrated and efficient processing of imports and exports.
- The External Engagement Committee (EEC) continues to collaborate with industry stakeholders to develop strategies to promote the Single Window (SW), educate the overall trade community, and ensure we implement a transparent process involving the trade in its design and execution--in coordination with the ACE Business Office.

#### *ITDS*

- The ITDS establishes information communication capability that will allow businesses to transmit, through an electronic “single-window,” the data required by the USG to import or export cargo, and will enable the Government to speed its review of this information. The ITDS will replace the current approach by which businesses submit information to dozens of different government agencies, often on paper forms and via manual processes.

#### **STATUS UPDATE:**

**BIEC:** Based on outcomes from the October 30, 2014 BIEC principal-level table-top exercise involving two import scenarios and the BIEC working-level meetings on December 11 and 12, 2014 to address issues and decisions identified in the table-top exercises, the BIEC has focused its work by identifying the following solutions:

**Solution: Agencies should establish a coordinated, consolidated messaging capability to provide hold, detention and release status updates to trade community.**

**Solution: Agencies should build early system validations that electronically and automatically reject submissions of missing or inaccurate data.**

**Solution: Partner Government Agencies (PGAs should have access to, and use, advance information, such as manifest, to target high-risk cargo prior to arrival or departure.**

**Solution: U.S. Agencies should 1) develop mechanisms or capabilities to enhance communication of agency-specific risk factors; and, 2) build business rules in the system to automate for common risk factors**

**Solution: Agencies should develop a method to uniquely identify companies and products (e.g., entity/product data elements included in the entry filing and message set)**

**Solution: Agencies should establish a messaging capability that provides all appropriate agencies visibility to the final disposition and related enforcement actions.**

### **November 12, 2014 Deputies Committee meeting with the NSC**

At the meeting, it was agreed that the BIEC will implement a cross-agency pilot to best measure progress in achieving scale in pilot programs at the July 2015, November 2015, and December 2016 milestones. To support achieving scale, the BIEC External Engagement Committee should aggressively conduct industry outreach (including to brokers, businesses and software developers) for pilot participation.

A prerequisite to launching the cross-agency pilot, the consolidated messaging and early system validations must be agreed to and programed.

To determine the focus of the cross-agency pilots, the BIEC Committees analyzed Fiscal Year (FY) 2014 import data of the top 1,000 importers by volume (i.e. line count), and decided that The appropriate USG agencies should conduct cross-agency pilots with importers and filers from the Automotive, Electronic, and Medical industries. The PGAs and CBP will be ready to deploy necessary ITDS capabilities in July 2015.

The Automotive and Aerospace and Electronics industries are regulated by multiple agencies. EPA and NHTSA regulate the Automotive and Aerospace industry, while CPSC and FCC regulate the Electronics industry, and the medical devices industry is regulated by FDA. FDA regulates the greatest volume of trade, and the trade community has relayed that FDA's participation in the Single Window will be a key driver of ITDS participation.

### **ITDS Board of Directors Update**

The NEC emphasized the importance of collecting electronic, machine readable data wherever possible, and urged agencies to revisit plans to continue to collect paper forms or use the Document Image System, and instead seek to identify alternative, electronic means of collecting the same data.

### **External Engagement Update**

The External Engagement Committee (EEC) held two meetings since October with trade stakeholders. A webpage for the BIEC was launched by CBP on December 30<sup>th</sup>. Currently, the BIEC EEC is preparing to continue to engage stakeholders through webinars and addressing questions and input from industry.

### **Next Meeting**

The next BIEC Principals meeting is scheduled for March 3, 2015.