

ADVISORY COMMITTEE ON COMMERCIAL OPERATIONS OF CUSTOMS AND BORDER PROTECTION

One U.S. Government at the Border Subcommittee Executive Summary – Trade Report February 2015

1. Background:

The Advisory Committee on Commercial Operations of Customs and Border Protection (COAC) determined to carry on the work from the 12th Term COAC One US Government at the Border Subcommittee. The Mission of the Subcommittee is to implement the January 15, 2013 COAC 12th Term Recommendation:

That CBP pursue interagency partnership programs following the principles and standards set forth in the One US Government Master Principles Document and progress toward completion can be measured via CBP reporting quarterly back to COAC on progress being made to implement programs that align with these principles, principally through the Border Interagency Executive Council (BIEC).

Trade chairs: Mary Ann Comstock, Susie Hoeger

Government: Cynthia Whittenburg, CBP, Carol Cave – U.S. Consumer Product Safety Commission (CPSC), Vice Chair-Border Interagency Executive Council (BIEC), Deborah Augustin, Acting Executive Director, CBP ACE Business Office

1. Outline of Work

In the 13th Term of COAC, the Subcommittee identified and completed a number of activities supporting the President's Executive Order which outlines the implementation of the single window concept. They are:

- EPA Working Group
 - Detailed review of proposed EPA PGA Message Sets. Through dialog with EPA, the importer, the customs broker and the software vendors/developers, the group reached consensus resulting in an improved PGA Message Set.
 - Best practices were identified for future development of PGA Message Sets with other agencies.
 - In November 2013, seven (7) recommendations were presented from the EPA and the FDA Working Group
- FDA Working Group (I)
 - In alignment with the BIEC goals, the FDA Working Group drafted several recommendations in the areas of Information Sharing, Automation and Partnership Programs
 - The FDA and EPA Working Group met to align their recommendations for COAC's consideration as noted above.

- Import Mapping Working Group
 - Mapped the current ACS import process to identify inefficiencies as well as opportunities to improve the current transactional environment. Maps were created for 5 distinct modes of transportation
 - Leveraged the knowledge gained through the previous EPA Working Group engagement.
 - Created an educational tool to assist CBP, the Partner Government Agencies and the trade as ACE and the PGA Message Set develops and deploys.

- FDA Working Group (II) encompassing food, pharmaceutical and medical device interests and focusing on three key areas:
 - Data Quality and Processes
 - Information Technology
 - Communication (including transactional messaging, outreach, and informed compliance)
 - A significant number of recommendations were presented to CBP and FDA, many of which would be applicable to additional Partner Government Agencies as the trade moves towards the completion of the single window.
 - The FDA Working Group prepared a report for the Border Interagency Executive Council (BIEC) detailing the recommendations made in the October 2014 COAC meeting that are broadly applicable to all PGAs. The report is formally submitted, and attached.

- Process and Messaging Working Group (see summary of work section for details)

- RECOMMENDATIONS (Cumulative list attached through October 2014)
 - November 2013 seven (7) recommendations were made on a broad range of topics including completion of the Single Window through unified filings that includes PGA data; development of an integrated trusted trader program; early filing and the ability to correct/update data; integration of the PGAs into the CEEs as appropriate; electronic FDA Notice of Action; PGA processing and admissibility decisions and defined penalty mitigation guidelines for cases involving a PGA.
 - October 2014 eleven (11) recommendations were made specific to CBP and FDA, including early data submissions to allow for earlier admissibility decisions; notification to filer of incorrect data elements and the ability to amend data; use of a single identifier by CBP, FDA and others; use of optional Intended Use Codes; guidance on use of Sec 321 for FDA regulated goods; consider integrating FDA personnel into the CEE's to provide uniformity and resource utilization; continued consultation by the PGAs with the trade to identify areas of opportunity; and cooperation between agencies to implement these recommendations.
 - October 2014 COAC adopted the import mapping education packages as submitted, and suggested that CBP continue their dialogue with PGAs and the BIEC on the opportunities for improvement and continue to work with the trade on solutions.

2. Summary of Work

FDA Working Group (II)

The FDA Working Group (II) presented 11 specific recommendations to CBP and the FDA at the October 2014 COAC Public Meeting. In addition to the 11 formal recommendations which were voted on and unanimously approved during the meeting, the 1USG subcommittee also made 21 additional recommendations, which were not voted on, directly to the FDA. These were read aloud at the meeting for the public record. The FDA WG also prepared documents to be presented to the Border Interagency Executive Council in November 2014. Eighteen (18) recommendations were identified as broadly applicable to all Partner Government Agencies (some, with minor wording changes), and the FDA WG provided additional narrative, as applicable for each item. The BIEC Report is formally submitted herewith for the record. (See 1USG Narrative Report for the BIEC – 06-Nov-2014 and 1 USG FDA WG v2 Recommendations, documents attached)

Process & Messaging Working Group

The Process & Messaging Working Group engaged a numerous participants from the private sector representing a broad range of interests, including customs brokers, software providers, and carriers representing several transportation modes. From the government, EPA, FDA, USDA APHIS, USDA FSIS, USDA AMS, as well as numerous CBP offices were engaged in the working group dialog.

“Statement of Work”

Purpose of the COAC 1 USG Process and Messaging Working Group (1USG PMWG) is to facilitate a dialogue between key partner government agencies, CBP and the broader trade community on the flow of information from the PGA to CBP to the trade, assuring the messages are clear, concise, and if need be, actionable by all parties involved in the information exchange.

The PM Working Group engaged in weekly discussions and reviews of draft documents. Over the course of 10 weeks, 11 calls were held with the working group. The group considered a number of concepts in their work, leading to 6 recommendations (attached). Their work included the following activities:

- Reviewed DRAFT CBP map and white paper outlining the message set concepts and message types.
- Developed DRAFT Message Dictionary to standardize the messaging the trade will receive from the PGAs via CBP ACE status messages
- Developed three DRAFT process and message map for CBP, the PGAs, the carrier and the broker/filer
 - Messaging flow for PGA without a separate message set
 - Messaging flow for PGA with a separate message set
 - Messaging flow for DIS

- Recommendations were developed based on discussions with the PM Working Group for presentation at the February 2015 COAC meeting, and provided in an addendum to this report (See 2015-2-11 One USG PROCESS MESSAGING Recommendations).

The One US Government at the Border Subcommittee wishes to acknowledge the dedication and support provided to this important work by agency personnel representing EPA, FDA, USDA APHIS, USDA FSIS, USDA AMS, and the numerous CBP departments. We also wish to recognize the important work being done by the ITDS Board of Directors in coordinating the efforts of the Partner Government Agencies to meet the deadlines set forth in the Executive Order.

3. Next Steps

Reflecting on the 13th Term work, the One US Government at the Border Subcommittee acknowledges that while much has been accomplished, there is more to be done, and we encourage CBP and the 14th Term COAC to continue with a One US Government at the Border Subcommittee, to ensure the Single Window concept is established in accordance with the Master Principals Document developed in the 12th Term COAC.

We suggest several activities that should be pursued in the 14th Term COAC as the One US Government at the Border work continues:

- Request response to the 1 USG at the Border request made October 29, 2014 to CBP and the ITDS Board of Directors for written guidance to the trade community on the hold authority of CBP as well as those Partner Government Agencies whose regulations permit pre-emptive authority at the border.
- Bi-directional information sharing and training between the subcommittee, CBP, ITDS Board and the BIEC.
- Assistance in developing a list of Frequently Asked Questions (FAQ's) on the Single Window for both Imports and Exports, concentrating on the integration of information required by CBP as well as the PGAs, and the documentation of individual processes and requirements for the various PGAs.
- Further work in mapping or documenting each PGA's import process, including anticipated message sets and procedures will aid the importing community in navigating the significant changes that will occur with full implementation of the Single Window concept.
- Work with CBP and PGAs to identify and drive efficiencies in the import process, through concepts such as Trusted Trader, Simplified Entry Summary, and other initiatives that contribute to a robust, thriving U.S. economy. The United States must be a global leader in development and expansion of single window initiatives through the World Customs Organization and the international sector. Harmonization with our

significant trading partners on document (data) production and information sharing will further improve the global movement of goods.

We conclude by reiterating our previous statement:

It is imperative that the trade community and government agencies establish mutual understanding for the future of data exchange, engagement expectations and cooperate to achieve the appropriate risk based mitigation standards that secure cargo movement and facilitate trade at the speed of business.