

118TH CONGRESS
2D SESSION

S. _____

To facilitate the entry and processing of merchandise and trade enforcement,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CASSIDY introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To facilitate the entry and processing of merchandise and
trade enforcement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Customs Facilitation Act of 2024”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ONE UNITED STATES GOVERNMENT AT THE BORDER

Sec. 101. Border Interagency Executive Council.

Sec. 102. Establishment of single window import and export cargo processing
release system.

- Sec. 103. Continued modernization of the Automated Commercial Environment.
 Sec. 104. Authorization of appropriations for uniform system for processing and release of cargo.

TITLE II—MODERNIZING CUSTOMS PROCESSES

- Sec. 201. Simplification of drawback procedures.
 Sec. 202. Streamlined export processes.
 Sec. 203. Treatment of clerical errors in submission of export data.
 Sec. 204. Government Accountability Office report on duty and fee schedules.
 Sec. 205. Improvements to Centers of Excellence and Expertise.

TITLE III—IMPROVING CUSTOMS DATA AND TRANSPARENCY

- Sec. 301. Requirements for regulations relating to data collection for trade enforcement.
 Sec. 302. Updates to U.S. Customs and Border Protection website and Customs-Trade Partnership Against Terrorism Trade Compliance Handbook.
 Sec. 303. Establishment of deadlines for agency responses to trade community requests.
 Sec. 304. Accessibility of contact information of representatives of U.S. Customs and Border Protection and Centers of Excellence and Expertise.

1 **TITLE I—ONE UNITED STATES**
 2 **GOVERNMENT AT THE BORDER**
 3 **SEC. 101. BORDER INTERAGENCY EXECUTIVE COUNCIL.**

4 (a) ESTABLISHMENT.—There is established an inter-
 5 agency working group, to be known as the Border Inter-
 6 agency Executive Council (in this section referred to as
 7 the “Council”), to serve as an interagency forum to facili-
 8 tate the development of policies and processes to enhance
 9 coordination across customs, transport security, health
 10 and safety, sanitary, conservation, trade, and
 11 phytosanitary agencies with border management authori-
 12 ties—

13 (1) to measurably improve supply chain proc-
 14 esses and the identification of illicit shipments; and

1 (2) to facilitate and expedite the flow of legiti-
2 mate trade.

3 (b) OVERSIGHT.—The Secretary of Homeland Secu-
4 rity shall oversee the Council.

5 (c) CHAIRPERSON; VICE CHAIRPERSON.—

6 (1) CHAIRPERSON.—The Commissioner of U.S.
7 Customs and Border Protection or a senior-level des-
8 ignee from U.S. Customs and Border Protection
9 shall serve as the chairperson of the Council.

10 (2) VICE CHAIRPERSON.—There shall be a vice
11 chairperson of the Council, who shall be selected
12 every 2 years from among the members of the Coun-
13 cil by a process determined by the members.

14 (d) MEMBERSHIP.—

15 (1) IN GENERAL.—In addition to the chair-
16 person and vice chairperson, the Council shall in-
17 clude designated senior-level representatives who are
18 full-time or permanent part-time employees of Fed-
19 eral agencies that provide approval before merchan-
20 dise can be imported into or exported from the
21 United States, or that otherwise have the authority
22 to establish or enforce requirements relating to the
23 importation or exportation of merchandise, including
24 the following:

25 (A) The Department of State.

1 (B) The Department of the Treasury.

2 (C) The Department of Defense.

3 (D) The Department of the Interior.

4 (E) The Department of Agriculture.

5 (F) The Department of Commerce.

6 (G) The Department of Health and
7 Human Services.

8 (H) The Department of Transportation.

9 (I) The Department of Homeland Security.

10 (J) The Environmental Protection Agency.

11 (K) Such other Federal agencies as the
12 chairperson and vice chairperson consider ap-
13 propriate.

14 (2) REPRESENTATIVES OF EXECUTIVE OFFICE
15 OF PRESIDENT.—The Council may also include ap-
16 propriate representatives of the Executive Office of
17 the President.

18 (3) WAIVER OF PARTICIPATION.—The Sec-
19 retary of Homeland Security may waive the partici-
20 pation, in whole or in part, of representatives of any
21 agency specified in paragraph (1) in the Council if
22 the Secretary considers it appropriate.

23 (e) FUNCTIONS OF COUNCIL.—The Council shall—

24 (1) facilitate the development of common risk
25 management principles and methods to inform agen-

1 cy operations associated with the review and release
2 of cargo at the border and to support compliance
3 with applicable law;

4 (2) facilitate the development of policies and
5 processes to coordinate, improve, and accelerate
6 agency review of electronic trade-related documenta-
7 tion or information transmitted, or otherwise made
8 available, through relevant systems and provide co-
9 ordinated and streamlined responses back to users
10 to facilitate trade and support compliance with ap-
11 plicable law and international agreements;

12 (3) identify opportunities to use documentation
13 or information relating to the importation of mer-
14 chandise, including documentation or information
15 provided prior to the arrival of merchandise into the
16 customs territory of the United States or the filing
17 of an entry of merchandise with U.S. Customs and
18 Border Protection, to facilitate priority processing
19 and the expedited release of such merchandise from
20 the custody of U.S. Customs and Border Protection
21 and to reduce redundancies in the trade data that
22 each party in a supply chain is required to provide;

23 (4) identify opportunities to streamline Federal
24 Government systems and reduce costs through the
25 elimination of redundant capabilities and through

1 enhanced utilization of the capabilities of the Auto-
2 mated Commercial Environment, or any successor
3 system, as a means of improving supply chain man-
4 agement processes;

5 (5) identify opportunities to enhance whole-of-
6 Government trade processing capabilities, including
7 capabilities relating to processing cargo manifests,
8 collection of advance import and export data, uni-
9 form cargo admissibility and release processes, entry
10 summaries, and cargo financial data, in the Auto-
11 mated Commercial Environment, or any successor
12 system, that conform with the criteria for the admis-
13 sibility of merchandise of all agencies represented on
14 the Council;

15 (6) enhance uniformity, consistency, and trans-
16 parency, by facilitating the development, to the ex-
17 tent practicable and consistent with applicable law,
18 of a standard nomenclature, across and within the
19 Federal agencies represented on the Council for—

20 (A) any party in the supply chain; and

21 (B) any event related to the importation or
22 exportation of merchandise;

23 (7) engage with and consider input from the
24 trade community and other relevant stakeholders re-
25 garding opportunities to improve supply chain proc-

1 esses and the processing of imported and exported
2 merchandise, with the goal of promoting economic
3 competitiveness through enhanced trade facilitation
4 and enforcement;

5 (8) encourage other countries to develop similar
6 trade processing capabilities, including single window
7 systems, to facilitate the sharing of relevant trade
8 data, as appropriate, across governmental systems
9 and with trading partners; and

10 (9) assess opportunities to facilitate electronic
11 payment of duties, taxes, fees, and charges imposed
12 under Federal law upon entry of merchandise.

13 (f) REPORT.—

14 (1) IN GENERAL.—Not later than one year
15 after the date of the enactment of this Act, and not
16 later than December 31 of every other year there-
17 after, the Council shall make available to the public
18 a report that describes the progress that the Council
19 has made toward carrying out the functions de-
20 scribed under subsection (e).

21 (2) PUBLIC COMMENT.—The Council shall pro-
22 vide an opportunity for public comment on the re-
23 port required by paragraph (1).

24 (g) CONTINUATION OF MEMBERS.—An individual
25 serving as a member of the Border Interagency Executive

1 Council established by Executive Order 13659 (19 U.S.C.
2 1411 note; relating to streamlining the export/import
3 process for America's businesses) on the day before the
4 date of the enactment of this Act may continue to serve
5 as a member of the Council established by subsection (a).

6 **SEC. 102. ESTABLISHMENT OF SINGLE WINDOW IMPORT**
7 **AND EXPORT CARGO PROCESSING RELEASE**
8 **SYSTEM.**

9 (a) IN GENERAL.—In order to advance the national
10 economic security, trade enforcement, and trade facilita-
11 tion missions of U.S. Customs and Border Protection and
12 partner government agencies of U.S. Customs and Border
13 Protection, the Secretary of Homeland Security shall en-
14 sure that a scalable, uniform automated platform provides
15 a system for the processing and release of cargo being im-
16 ported into and exported from the United States.

17 (b) ELEMENTS.—The system required by subsection
18 (a) shall include the following elements:

19 (1) Continued efforts to incorporate whole-of-
20 Government trade processing capabilities, including
21 capabilities relating to processing cargo manifests,
22 collection of advance import and export data, uni-
23 form cargo admissibility and release processes, entry
24 summaries, and cargo financial data, in the Auto-
25 mated Commercial Environment, or any successor

1 system, to conform with the admissibility criteria
2 of—

3 (A) the Automated Commercial Environ-
4 ment, or any successor system; and

5 (B) all agencies—

6 (i) participating in the International
7 Trade Data System established under sec-
8 tion 411(d) of the Tariff Act of 1930 (19
9 U.S.C. 1411(d)); and

10 (ii) represented on the Border Inter-
11 agency Executive Council, established in
12 section 101.

13 (2) Continued collaboration with the head of
14 each agency participating in the International Trade
15 Data System to make efforts to ensure that—

16 (A) if data required by a partner govern-
17 ment agency is already available in the Auto-
18 mated Commercial Environment, or any suc-
19 cessor system, as a result of a requirement of
20 U.S. Customs and Border Protection or another
21 agency, that information will not need to be re-
22 ported again through a separate submission,
23 unless U.S. Customs and Border Protection or
24 the partner government agency determines oth-
25 erwise;

1 (B) the Automated Commercial Environ-
2 ment, or a successor system, provides a partner
3 government agency with any data that is need-
4 ed to facilitate the coordination and efficient
5 execution of inspections conducted by that part-
6 ner government agency;

7 (C) a partner government agency inter-
8 ested in obtaining clearance data and con-
9 ducting its own inspections is able to do so
10 through the manifest and entry functionality of
11 the Automated Commercial Environment, or a
12 successor system, and in real time when entries
13 and manifests are submitted, rather than as a
14 post-release process when cargo may have al-
15 ready been delivered; and

16 (D) a partner government agency inter-
17 ested in obtaining clearance data clearly indi-
18 cates all headings and subheadings of the Har-
19 monized Tariff Schedule that are subject to its
20 jurisdiction, such that the agency is identified
21 when any such heading or subheading of the
22 Harmonized Tariff Schedule is submitted into
23 the Automated Commercial Environment or a
24 successor system.

1 (c) IMPLEMENTATION OF THE AUTOMATED COMMER-
2 CIAL ENVIRONMENT PILOT PROGRAM.—

3 (1) IN GENERAL.—Not later than 2 years after
4 the date of the enactment of this Act, the Commis-
5 sioner of U.S. Customs and Border Protection shall
6 implement a pilot program to establish for the Auto-
7 mated Commercial Environment (or successor sys-
8 tem) a minimum viable product as described in this
9 section.

10 (2) REQUIREMENT.—In developing the min-
11 imum viable product required by paragraph (1), the
12 Commissioner of U.S. Customs and Border Protec-
13 tion—

14 (A) shall collaborate with the Trade Sup-
15 port Network and other members of the trade
16 community as the Commissioner considers ap-
17 propriate; and

18 (B) may include the minimum set of fea-
19 tures necessary to substantially advance the na-
20 tional economic security, trade enforcement,
21 and trade facilitation missions of U.S. Customs
22 and Border Protection and partner government
23 agencies of U.S. Customs and Border Protec-
24 tion.

1 (3) EARLY IMPLEMENTATION OF FEATURES OF
2 THE MINIMUM VIABLE PRODUCT.—Prior to the im-
3 plementation of the minimum viable product under
4 paragraph (1), the Commissioner may implement
5 features of the minimum viable product and iterative
6 updates to such features.

7 (4) EXEMPTION FROM THE FEDERAL ADVISORY
8 COMMITTEE ACT.—Chapter 10 of title 5, United
9 States Code, shall not apply to this section or to
10 other efforts of U.S. Customs and Border Protection
11 to collaborate with members of the trade community
12 with respect to the development of the minimum via-
13 ble product for the Automated Commercial Environ-
14 ment or a successor system.

15 (d) MODIFICATIONS TO ENSURE OPERATION OF
16 INTERNATIONAL TRADE DATA SYSTEM.—Section
17 411(d)(4)(A) of the Tariff Act of 1930 (19 U.S.C.
18 1411(d)(4)(A)) is amended—

19 (1) in the matter preceding clause (i), by strik-
20 ing “and the Interagency Steering Committee” and
21 inserting “, the Interagency Steering Committee,
22 and the Border Interagency Executive Council (es-
23 tablished by section 101 of the Customs Facilitation
24 Act of 2024), as appropriate, and in consultation
25 with the Commercial Customs Operations Advisory

1 Committee, and other members of the trade commu-
2 nity as the Secretary considers necessary,”;

3 (2) in clause (i), by striking the semicolon and
4 inserting “; and”;

5 (3) in clause (ii), by striking the semicolon and
6 inserting a period; and

7 (4) by striking clauses (iii) and (iv).

8 **SEC. 103. CONTINUED MODERNIZATION OF THE AUTO-**
9 **MATED COMMERCIAL ENVIRONMENT.**

10 (a) IN GENERAL.—In order to advance the national
11 economic security, trade enforcement, and trade facilita-
12 tion missions of U.S. Customs and Border Protection and
13 partner government agencies of U.S. Customs and Border
14 Protection, the Secretary of Homeland Security shall pro-
15 vide for the continuous modernization of the Automated
16 Commercial Environment or a successor system.

17 (b) REQUIREMENTS.—

18 (1) DEVELOPMENT PRIORITIES.—The Commis-
19 sioner of U.S. Customs and Border Protection, in
20 consultation with the Commercial Customs Oper-
21 ations Advisory Committee (established under sec-
22 tion 109 of the Trade Facilitation and Trade En-
23 forcement Act of 2015 (19 U.S.C. 4316)) and any
24 other member of the trade community the Commis-
25 sioner considers appropriate, shall determine the de-

1 velopment priorities for the Automated Commercial
2 Environment, or a successor system.

3 (2) COLLABORATION WITH PARTNER GOVERN-
4 MENT AGENCIES AND INDUSTRY.—

5 (A) IN GENERAL.—The Commissioner of
6 U.S. Customs and Border Protection shall col-
7 laborate with partner government agencies, the
8 Commercial Customs Operations Advisory Com-
9 mittee, and any other member of the trade com-
10 munity the Commissioner considers appro-
11 priate, to ensure that any enhancement to the
12 Automated Commercial Environment, or a suc-
13 cessor system, is effectively delivered to Federal
14 agencies and to the trade community.

15 (B) MEETINGS.—

16 (i) IN GENERAL.—Not later than 90
17 days after the date of the enactment of
18 this Act, and as frequently as the Commis-
19 sioner considers appropriate thereafter, but
20 not less frequently than every 30 days, the
21 Commissioner shall convene meetings to
22 solicit feedback on enhancements to the
23 Automated Commercial Environment, or a
24 successor system.

1 (ii) ATTENDEES.—For each meeting
2 convened under clause (i), the Commis-
3 sioner shall invite—

4 (I) any representative from a
5 partner government agency or mem-
6 ber of the trade community who has a
7 stake in the system feature being dis-
8 cussed at the meeting;

9 (II) any contractor or technical
10 expert that the Commissioner con-
11 siders appropriate; and

12 (III) any other stakeholder the
13 Commissioner considers appropriate.

14 (iii) TASKS.—For each meeting con-
15 vened under clause (i), the Commis-
16 sioner—

17 (I) may solicit feedback on any
18 enhancement to the Automated Com-
19 mercial Environment, or a successor
20 system, that is planned, in develop-
21 ment, or newly implemented and is
22 addressed at the meeting;

23 (II) may conduct user testing or
24 research with respect to any enhance-
25 ment to the Automated Commercial

1 Environment that is planned, in devel-
2 opment, or newly implemented;

3 (III) shall maintain a summary
4 of the feedback received with respect
5 to each such enhancement; and

6 (IV) shall incorporate, to the ex-
7 tent practicable and as aligned with
8 the development priorities determined
9 under paragraph (1), the results of
10 any testing or research conducted
11 under subclause (II) into the develop-
12 ment of any such enhancement.

13 (3) MANAGEMENT OF COMMUNICATION.—The
14 Commissioner shall establish, through the use of a
15 ticketing system or such other means as the Com-
16 missioner considers appropriate, a mechanism to
17 manage communication relating to the Automated
18 Commercial Environment, or a successor system,
19 under which users of the Automated Commercial
20 Environment, or such successor system, may report
21 feedback, including with respect to bugs or any other
22 issue, and the appropriate contractor or agency may
23 review and respond to such feedback.

24 (c) REPORT.—Not later than 2 years after the date
25 of the enactment of this Act, and annually thereafter, the

1 Commissioner shall submit to Congress and make avail-
2 able to the public a report that describes the development
3 progress of the Automated Commercial Environment, or
4 any successor system.

5 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR UNI-**
6 **FORM SYSTEM FOR PROCESSING AND RE-**
7 **LEASE OF CARGO.**

8 There are authorized to be appropriated to the Sec-
9 retary of Homeland Security for fiscal year 2025, and
10 each fiscal year thereafter, such sums as may be necessary
11 to carry out improvements in a scalable, uniform auto-
12 mated platform that provides a system for the processing
13 and release of cargo being imported into and exported
14 from the United States, including improvements to and
15 integration of the Automated Commercial Environment,
16 or any successor system, as described in section 102.

17 **TITLE II—MODERNIZING**
18 **CUSTOMS PROCESSES**

19 **SEC. 201. SIMPLIFICATION OF DRAWBACK PROCEDURES.**

20 (a) IN GENERAL.—Section 313 of the Tariff Act of
21 1930 (19 U.S.C. 1313) is amended by inserting after sub-
22 section (s) the following:

23 “(t) SIMPLIFICATION OF DRAWBACK PROCE-
24 DURES.—

25 “(1) ACCELERATED PAYMENT.—

1 “(A) IN GENERAL.—A person that meets
2 the requirements of paragraph (3) and files a
3 claim for drawback under this section shall be
4 paid all estimated duties, taxes, and fees cov-
5 ered by the claim while the liquidation of the
6 claim is pending.

7 “(B) ESTIMATED PAYMENT EXCEEDS LIQ-
8 UIDATED AMOUNT.—If the amount of estimated
9 duties, taxes, and fees paid by U.S. Customs
10 and Border Protection under subparagraph (A)
11 for a drawback claim exceeds an amount that
12 is \$20 more than the final liquidated amount
13 for that claim, the person that filed the claim
14 shall refund to U.S. Customs and Border Pro-
15 tection the amount by which the amount of esti-
16 mated duties, taxes, and fees paid by U.S. Cus-
17 toms and Border Protection exceeds the final
18 liquidated amount.

19 “(C) LIQUIDATED AMOUNT EXCEEDS ESTI-
20 MATED PAYMENT.—If the final liquidated
21 amount for a drawback claim exceeds an
22 amount that is \$20 more than the amount of
23 estimated duties, taxes, and fees paid by U.S.
24 Customs and Border Protection under subpara-
25 graph (A) for the claim, U.S. Customs and

1 Border Protection shall provide to the person
2 that filed the claim an additional refund in the
3 amount by which the final liquidated amount
4 exceeds the amount of estimated duties, taxes,
5 and fees paid by U.S. Customs and Border Pro-
6 tection.

7 “(2) PRIOR NOTICE OF EXPORT NOT RE-
8 QUIRED.—A person that meets the requirements of
9 paragraph (3) shall not be required to provide notice
10 to U.S. Customs and Border Protection of an export
11 of merchandise to be used in a claim for drawback
12 under this section before exporting the merchandise.

13 “(3) REQUIREMENTS FOR CLAIMANTS.—A per-
14 son meets the requirements of this paragraph if the
15 person has completed the following:

16 “(A) Submitted to U.S. Customs and Bor-
17 der Protection information and supporting doc-
18 umentation kept by the person in the normal
19 course of business that evidences the ability of
20 the person to file for and claim drawback under
21 this section, which submission shall—

22 “(i) be deemed complete when sub-
23 mitted to U.S. Customs and Border Pro-
24 tection by the person; and

1 “(ii) apply to all claims for drawback
2 filed by the person under this section after
3 the completion of the submission.

4 “(B) Obtained a properly executed bond
5 securing, pending liquidation of a drawback
6 claim, repayment of 100 percent of the esti-
7 mated duties, taxes, and fees covered by the
8 claim.

9 “(4) ELECTRONIC FILINGS FOR DRAWBACK
10 CLAIMS.—A person making a claim for drawback
11 under this section shall be allowed to file an amend-
12 ment to, or perfection of, a drawback claim through
13 electronic means.”.

14 (b) PRIOR APPROVAL NOT REQUIRED FOR SUBSTI-
15 TUTION DRAWBACK.—Section 313(b) of the Tariff Act of
16 1930 (19 U.S.C. 1313(b)) is amended by adding at the
17 end the following:

18 “(5) ADVANCE APPROVAL OF CLAIMS NOT RE-
19 QUIRED.—A person filing a claim for drawback
20 under paragraph (1) shall not be required to obtain
21 any ruling or approval authorizing drawback under
22 that paragraph from the U.S. Customs and Border
23 Protection before filing the claim, but shall exercise
24 reasonable care in determining whether to obtain
25 such a ruling in advance of the filing.”.

1 (c) REGULATIONS.—Not later than 180 days after
2 the date of the enactment of this Act, the Commissioner
3 of U.S. Customs and Border Protection shall prescribe
4 regulations specifying the information required to be in-
5 cluded in submissions made under subsection (t) of section
6 313 of the Tariff Act of 1930, as added by subsection (a).

7 **SEC. 202. STREAMLINED EXPORT PROCESSES.**

8 Section 304 of title 13, United States Code, is
9 amended by adding at the end the following:

10 “(d) REGULATIONS RELATING TO ADVANCE INFOR-
11 MATION.—

12 “(1) IN GENERAL.—The Secretary of Com-
13 merce shall prescribe regulations to account for ad-
14 vance documentation or information and reports de-
15 scribed in subsection (a) made available with respect
16 to cargo before the exportation or transportation of
17 the cargo.

18 “(2) AVOIDANCE OF REDUNDANCY.—If infor-
19 mation relating to the exportation or transportation
20 of cargo provided under this section or section 431
21 of the Tariff Act of 1930 (19 U.S.C. 1431) is redun-
22 dant with information required to be provided under
23 any other provision of law, the Secretary shall, pur-
24 suant to the regulations prescribed under paragraph
25 (1), work jointly with the Commissioner of U.S.

1 Customs and Border Protection to ensure that the
2 provision of the information under this section or
3 such section 431 satisfies the requirement to provide
4 the information under such other provision of law, to
5 the extent practicable.”.

6 **SEC. 203. TREATMENT OF CLERICAL ERRORS IN SUBMIS-**
7 **SION OF EXPORT DATA.**

8 Section 305(b) of title 13, United States Code, is
9 amended—

10 (1) by striking “The Secretary” and inserting
11 the following:

12 “(1) IN GENERAL.—The Secretary”; and

13 (2) by adding at the end the following:

14 “(1) TREATMENT OF CLERICAL ERRORS.—For
15 purposes of paragraph (1), clerical errors or mis-
16 takes of fact are not violations unless they are part
17 of a pattern of violative conduct. The mere noninten-
18 tional repetition by an electronic system of an initial
19 clerical error does not constitute a pattern of viola-
20 tive conduct.”.

21 **SEC. 204. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**
22 **ON DUTY AND FEE SCHEDULES.**

23 Not later than one year after the date of the enact-
24 ment of this Act, the Comptroller General of the United
25 States shall submit to Congress a report on the Har-

1 monized Tariff Schedule of the United States and the fee
2 schedule of U.S. Customs and Border Protection that in-
3 cludes—

4 (1) an assessment of—

5 (A) how those schedules might be restruc-
6 tured; and

7 (B) ways—

8 (i) to reduce costs for the entities in
9 the trade community that are the most
10 compliant with the customs and trade laws
11 of the United States (as defined in section
12 2 of the Trade Facilitation and Trade En-
13 forcement Act of 2015 (19 U.S.C. 4301));
14 and

15 (ii) to ensure that all entities that
16 benefit from customs services provided by
17 U.S. Customs and Border Protection pay
18 for those services; and

19 (2) recommendations for Congress.

20 **SEC. 205. IMPROVEMENTS TO CENTERS OF EXCELLENCE**
21 **AND EXPERTISE.**

22 Section 110(a) of the Trade Facilitation and Trade
23 Enforcement Act of 2015 (19 U.S.C. 4317(a)) is amend-
24 ed—

1 (1) in paragraph (8), by striking “; and” and
2 inserting a semicolon;

3 (2) in paragraph (9), by striking the period and
4 inserting a semicolon; and

5 (3) by adding at the end the following:

6 “(10) develop procedures, informed compliance
7 publications, or other guidance with respect to the
8 entry of merchandise in compliance with the law;
9 and

10 “(11) provide guidance to importers on the
11 post-entry and clearance procedures for imported
12 merchandise impacted by admissibility issues includ-
13 ing alleged violations of section 307 of the Trade
14 Act of 1930 (19 U.S.C. 1307).”.

15 **TITLE III—IMPROVING CUSTOMS** 16 **DATA AND TRANSPARENCY**

17 **SEC. 301. REQUIREMENTS FOR REGULATIONS RELATING** 18 **TO DATA COLLECTION FOR TRADE ENFORCE-** 19 **MENT.**

20 (a) **REQUIREMENTS FOR NEW REGULATIONS.**—In
21 developing and imposing regulations requiring the collec-
22 tion of additional information for the purposes of trade
23 enforcement, each official described in subsection (b) shall
24 adhere to the following:

1 (1) The official shall solicit comments from and
2 consult with a broad range of parties likely to be af-
3 fected by the regulations, including importers, ex-
4 porters, carriers, customs brokers, and freight for-
5 warders, among other interested parties.

6 (2) In general, the requirement to provide par-
7 ticular information shall be imposed on parties most
8 likely to have direct knowledge of that information,
9 as appropriate. Where requiring information from a
10 party with direct knowledge of that information is
11 not practicable, the regulations shall take into ac-
12 count how, under ordinary commercial practices, in-
13 formation is acquired by a party on which the re-
14 quirement is imposed, and whether and how such
15 party is able to verify the information. Where infor-
16 mation is not reasonably verifiable by a party on
17 which a requirement is imposed, the regulations
18 shall permit that party to transmit information on
19 the basis of what it reasonably believes to be true.

20 (3) The official shall take into account the ex-
21 istence of competitive relationships among the par-
22 ties on which requirements to provide particular in-
23 formation are imposed.

24 (4) Where the regulations impose requirements
25 on carriers of cargo, the regulations shall take into

1 account differences among different modes of trans-
2 portation, including differences in commercial prac-
3 tices, operational characteristics, and technological
4 capacity to collect and transmit information elec-
5 tronically.

6 (5) The regulations shall take into account the
7 extent to which the technology necessary for parties
8 to transmit and U.S. Customs and Border Protec-
9 tion to receive and analyze data in a timely fashion
10 is available. To the extent the official determines
11 that the necessary technology will not be widely
12 available to particular modes of transportation or
13 other affected parties until after promulgation of the
14 regulations, the regulations shall provide interim re-
15 quirements appropriate for the technology that is
16 available at the time of promulgation.

17 (6) In determining the timing for transmittal of
18 any information, the official shall balance likely im-
19 pact on flow of commerce with impact on trade en-
20 forcement. With respect to requirements that may be
21 imposed on carriers of cargo, the timing for trans-
22 mittal of information shall take into account dif-
23 ferences among different modes of transportation, as
24 described in paragraph (4).

1 (7) Where practicable, the regulations shall
2 avoid imposing requirements that are redundant
3 with one another or that are redundant with require-
4 ments in other provisions of law.

5 (8) The official shall determine whether it is
6 appropriate to provide transition periods between
7 promulgation of the regulations and the effective
8 date of the regulations and shall prescribe such tran-
9 sition periods in the regulations, as appropriate.

10 (9) The official shall, in collaboration with the
11 Commissioner of U.S. Customs and Border Protec-
12 tion and the Postmaster General, prescribe regula-
13 tions requiring the United States Postal Service to
14 transmit the information described in this subsection
15 to the Commissioner of U.S. Customs and Border
16 Protection for international mail shipments by the
17 Postal Service (including shipments to the Postal
18 Service from foreign postal operators that are trans-
19 ported by private carrier).

20 (b) OFFICIALS DESCRIBED.—The officials described
21 in this subsection are—

22 (1) the Secretary of the Treasury;

23 (2) the Secretary of Homeland Security; and

1 (3) the head of each agency represented on the
2 Border Interagency Executive Council established by
3 section 101.

4 **SEC. 302. UPDATES TO U.S. CUSTOMS AND BORDER PRO-**
5 **TECTION WEBSITE AND CUSTOMS-TRADE**
6 **PARTNERSHIP AGAINST TERRORISM TRADE**
7 **COMPLIANCE HANDBOOK.**

8 (a) NOTIFICATION OF CHANGES.—

9 (1) IN GENERAL.—The Commissioner of U.S.
10 Customs and Border Protection shall notify mem-
11 bers of the trade community if content related to
12 minimum security criteria is added to or removed
13 from the publicly accessible website of U.S. Customs
14 and Border Protection or the Trade Compliance
15 Handbook for the Customs-Trade Partnership
16 Against Terrorism.

17 (2) CONTENT OF NOTIFICATIONS.—A notifica-
18 tion required by paragraph (1) shall include an ex-
19 planation of the reasons for the addition or removal
20 of the content.

21 (3) MODEL.—The Commissioner shall use the
22 process of the United States International Trade
23 Commission for disclosing modifications to the Har-
24 monized Tariff Schedule of the United States as a
25 model for the notification required by paragraph (1).

1 (b) ADDITIONS TO TRADE COMPLIANCE HAND-
2 BOOK.—In addition to providing the notification required
3 by subsection (a)(1), the Commissioner shall consult with
4 members of the trade community with respect to any new
5 requirements that may be added to the Trade Compliance
6 Handbook of the Customs-Trade Partnership Against
7 Terrorism.

8 (c) REVISIONS TO TRADE COMPLIANCE HAND-
9 BOOK.—The Commissioner shall revise the Trade Compli-
10 ance Handbook of the Customs-Trade Partnership
11 Against Terrorism to include constructive and detailed
12 context for best practices for mitigating the risk of import-
13 ing merchandise produced using forced labor.

14 **SEC. 303. ESTABLISHMENT OF DEADLINES FOR AGENCY RE-**
15 **SPONSES TO TRADE COMMUNITY REQUESTS.**

16 (a) IN GENERAL.—Not later than one year after the
17 date of the enactment of this Act, the Commissioner of
18 U.S. Customs and Border Protection—

19 (1) shall review any regulations governing dead-
20 lines for rulings and decisions of U.S. Customs and
21 Border Protection, including with respect to peti-
22 tions, protests, and requests for advice, and customs
23 rulings; and

1 (2) may, in consultation with members of the
2 Commercial Customs Operations Advisory Com-
3 mittee, revise such regulations.

4 (b) UPDATES TO EXISTING DEADLINES.—In a case
5 in which a deadline is already established for a response
6 described in subsection (a), the Commissioner shall—

7 (1) review the deadline; and

8 (2) if appropriate, revise the deadline to be
9 more expeditious.

10 (c) REPORT REQUIRED.—Not later than one year
11 after the date of the enactment of this Act, the Comp-
12 troller General of the United States shall submit to Con-
13 gress a report on rulings and decisions of U.S. Customs
14 and Border Protection that includes—

15 (1) an assessment of—

16 (A) the average annual number of rulings
17 and decisions described in subsection (a) con-
18 sidered by U.S. Customs and Border Protec-
19 tion;

20 (B) the average response time of U.S. Cus-
21 toms and Border Protection to petitions, pro-
22 tests, and requests for advice, including the
23 total amount of responses made before or after
24 the applicable statutory or regulatory deadline;

1 (C) for deadlines not met, the average time
2 it took for U.S. Customs and Border Protection
3 to respond; and

4 (D) reasons provided by U.S. Customs and
5 Border Protection explaining why the deadlines
6 were not met;

7 (2) a description of the petition and protest
8 process, including timelines that apply under stat-
9 utes or regulations as of the date of the report; and

10 (3) recommendations for Congress on improving
11 the response time of U.S. Customs and Border Pro-
12 tection to petitions, protests, and requests for ad-
13 vice.

14 **SEC. 304. ACCESSIBILITY OF CONTACT INFORMATION OF**
15 **REPRESENTATIVES OF U.S. CUSTOMS AND**
16 **BORDER PROTECTION AND CENTERS OF EX-**
17 **CELLENCE AND EXPERTISE.**

18 The Commissioner of U.S. Customs and Border Pro-
19 tection shall develop a system to assist members of the
20 trade community in quickly and easily identifying up-to-
21 date contact information for—

22 (1) personnel within the headquarters of U.S.
23 Customs and Border Protection that interact with
24 members of the trade community;

1 (2) personnel of U.S. Customs and Border Pro-
2 tection and partner government agencies at ports of
3 entry that interact with members of the trade com-
4 munity; and

5 (3) personnel of the Centers of Excellence and
6 Expertise established under section 110 of the Trade
7 Facilitation and Trade Enforcement Act of 2015 (19
8 U.S.C. 4317) that interact with members of the
9 trade community.