

U.S. Customs Seeks Industry Input on Regulatory Reforms

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Companies impacted by the operational burden of customs procedures and compliance now have the opportunity to identify areas for regulatory reform. For a limited time, U.S. Customs and Border Protection (“CBP”) is actively seeking feedback on improvements to existing regulations and paperwork requirements. 82 Fed. Reg. 42751 (September 12, 2017).

This is a tremendous opportunity effect change while furthering CBP’s interest in cost effective solutions, facilitating legitimate international trade, and enhancing homeland security. CBP aims to identify real-world examples of how existing requirements and regulatory obligations may be updated, streamlined, revised, or repealed in order to better achieve its objectives while minimizing burdens and remaining consistent with applicable law. The agency’s impetus for this exercise is rooted in two Executive Orders signed by President Trump earlier this year that seek to reduce the cost and burden of regulations.

Any interested party may submit comments, including manufacturers, importers, brokers, freight forwarders, carriers, and trade associations. CBP specifically requested feedback in response to the following six questions:

- 1) Are there CBP rules or reporting requirements that have become outdated and, if so, how can they be modernized to better accomplish their objective?
- 2) Are there CBP rules that are still necessary, but have not operated as well as expected such that a modified, or slightly different approach at lower cost is justified?
- 3) Are there CBP rules that unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the secure flow of legitimate trade and travel to and from the United States?
- 4) Does CBP currently collect information that it does not need or use effectively?
- 5) Are there regulations, reporting requirements, or regulatory processes that are unnecessarily complicated or could be streamlined to achieve statutory obligations in more efficient ways?
- 6) Are there rules or reporting requirements that have been overtaken by technological developments? Can new technologies be leveraged to modify, streamline, or do away with existing regulatory or reporting requirements?

The deadline to submit feedback is December 11, 2017. Effective written responses will provide detailed explanations for why current requirements should be modified, streamlined, or repealed, as well as suggestions on ways that CBP can do so while achieving its statutory objectives. Responses should also specifically identify the regulations or reporting requirements at issue and provide legal citation where available. Submission may be completed online via the Federal eRulemaking Portal at www.regulations.gov, referencing docket number USCBP-2017-0035.

You may contact Jonathan Todd at 216-363-4658 or jtodd@beneschlaw.com for more information regarding this opportunity or assistance with other customs matters. Jonathan is an attorney in Benesch's Transportation & Logistics practice group and also a licensed U.S. Customs Broker with valuable first-hand industry experience.