

## **Summary of Trade Facilitation and Trade Enforcement Reauthorization Act of 2013**

Senate Finance Committee Chairman Max Baucus (D-MT) and Ranking Member Orrin Hatch (R-UT) introduced the Trade Facilitation and Trade Enforcement Reauthorization Act of 2013 (Act) on March 22, 2013 to strengthen the trade functions of the U.S. Customs and Border Protection Agency (CBP) and U.S. Immigration and Customs Enforcement Agency (ICE). The bill facilitates trade and improves enforcement of U.S. customs and trade laws, strengthens the private sector consultation process, streamlines CBP's trade operations, and enhances collaboration across Federal agencies. The Act does the following:

**Statutorily establishes CBP and ICE.** The bill establishes and fully authorizes CBP and ICE, which currently exist only as a function of discretionary authority under the Homeland Security Act. The bill also makes trade facilitation and trade enforcement a top priority of each Agency.

**Creates New High-Level Trade Positions and Offices.** The bill creates a new Deputy Commissioner for Trade with primary responsibility for CBP's trade mission and a Trade Advocate to work with the private sector. The bill authorizes the Office of Trade and the Office of International Affairs within CBP.

**Strengthens Trade Enforcement.** The bill requires CBP and ICE to prepare a biennial joint strategic plan outlining proposals to improve trade enforcement. It also requires CBP to develop risk assessment methodologies to better target cargo that may violate U.S. customs and trade laws while facilitating legitimate trade. It includes the ENFORCE Act, as passed by the Committee on Finance in July 2012, to provide CBP and the private sector with the tools to combat the evasion of antidumping and countervailing duties. And the bill requires the designation of commercial enforcement officers to ensure effective trade enforcement at U.S. ports.

**Strengthens Intellectual Property Rights (IPR) Enforcement.** The bill establishes the National Intellectual Property Rights Coordination Center to coordinate Federal efforts to prevent IPR violations. The bill significantly expands CBP's tools and authorities to protect intellectual property rights at the border by requiring CBP to share information about suspected infringing merchandise with rightsholders, establishing a process for enforcing copyrights while registration with the Copyright Office is pending, and publishing information concerning the seizure of unlawful circumvention devices. The bill also strengthens CBP's targeting of goods that violate IPR, and requires an IPR education campaign at the border.

**Ensures Import Safety.** The bill establishes an interagency Import Safety Working Group to ensure the safety of U.S. imports. The Working Group will assist the Secretary of Homeland Security to develop a Joint Import Safety Rapid Response Plan describing CBP's interagency coordination to respond to imports that threaten the health or safety of U.S. consumers.

**Improves Trade Facilitation.** The bill requires the Commissioner to identify commercially significant and measureable trade benefits for participants in all CBP partnership programs and requires CBP to provide enhanced trade benefits to qualified partners. The bill authorizes the development of Centers for Excellence and Expertise and raises the de minimis level from \$200 to \$800.

**Enhances Customs Modernization.** The bill allocates funding for the Automated Commercial Environment (ACE) and International Trade Data System, and requires CBP to complete the development of ACE in three years. The bill streamlines CBP's duty drawback process by requiring electronic filing of claims and establishing objective eligibility requirements.

**Improves Consultation, Interagency Cooperation, and Oversight.** The bill establishes a CBP-led Customs Facilitation and Enforcement Interagency Committee to improve interagency coordination regarding CBP's trade policies and procedures that impact other agencies, and to alert CBP of other policies that impact its ability to achieve its trade missions. And the bill reforms the existing Customs Advisory Committee to improve consultations between CBP and ICE and the private sector.