



Via E-Mail and U.S. Mail

U.S. Customs & Border Protection
Trade and Commercial Regulations Branch,
Regulations and Rulings, Office of Trade,
90 K Street NE., 10th Floor,
Washington, DC 20229-1177

November 10, 2016

Re: Docket No. USCBP-2016-0065
Comments in Response to Notice of Proposed Rule Making RIN 1515-AE16
Electronic Notice of Liquidation
Our Reference: 10900-0290042

Dear Sir or Madam:

The National Customs Brokers & Forwarders Association of America (NCBFAA), 1200 18th Street, NW, #901, Washington, DC 20036, is filing comments in response to U.S. Customs & Border Protection, Notice of Proposed Rule Making: Electronic Notice of Liquidation, 19 CFR Parts 159 and 173, 81 Fed. Reg. 71019 (October 14, 2016) (the "NPRM").

The NCBFAA supports the transition to the use of an electronic platform to publish notice of liquidation, suspension of liquidation and extension of liquidation. This transition is consistent with the development of a fully functional Automated Commercial Environment and should provide benefits to CBP and members of the trade. Our comments on the proposed regulatory amendments follow.

The NCBFAA supports the posting of liquidation information to the www.CBP.gov website provided that the link is indeed conspicuous. In this regard, we believe that the regulation should specify that the liquidation link will be visible on the CBP home page so that it is indeed conspicuous and remains so without regard to current or future website design. The trade should not have to search the website to locate the liquidation link.

The commentary to the NPRM provides that once the liquidation information has been posted electronically, the information will be available on www.cbp.gov for a minimum of 15 months. This commitment is not echoed in the draft regulation and it should be. This is critical for issues relating to the timeliness of claims and jurisdiction in the Court of International Trade. Similarly, the process for requesting access to notices that are no longer available on the website should be codified in the regulations.

The NPRM proposes to modify section 159.9(c)(2)(i) but continue to provide that for entries that liquidate by operation of law, notice "will be posted on www.cbp.gov within a reasonable

period after each liquidation by operation of law.” In the electronic environment, CBP has the ability to post these liquidations immediately when they occur. There is no longer a basis for delayed notification and the regulation should be revised to provide that notice of liquidation for these entries will be posted on the date of liquidation. There is no basis to distinguish these entries from entries which are manually liquidated.

We thank you for consideration of our comments.

Respectfully submitted,



Alan R. Klestadt
Customs Counsel