

NCBFAA Policy Paper

Artificial Intelligence and Automated Technologies in Customs Brokerage

The National Customs Brokers and Forwarders Association of America (“NCBFAA”) provides the following policy perspectives on the integration of artificial intelligence (“AI”) and automated technologies (“AT”) within the customs brokerage industry and its intersection with customs business and the role of the licensed customs broker.

Introduction

AI and automated technologies are increasingly shaping how customs brokerage functions are performed. As with prior technological advancements, these tools enhance—but do not replace—core broker responsibilities. The key policy focus is not whether automation will be used, but how it is properly implemented within the existing regulatory framework.

NCBFAA’s position is that fundamental regulatory principles that maintain the integrity of customs processes must guide the adoption of these technologies. Meanwhile, these principles must reinforce the statutory role and accountability of the licensed customs broker.

Customs Business Remains the Fundamental Standard for Compliant Entry Processes

The definition of “customs business” continues to serve as the governing standard for compliance. In a technology-enabled environment, its application should focus on who directs, supervises, and/or controls entry preparation and submission, rather than the specific tools used. A “set-it-and-forget-it” model is inconsistent with responsible supervision and control standards.

Overemphasis on technology could risk conflating tool usage with the performance of customs business. Proper application of the existing definition ensures flexibility for innovation while maintaining accountability.

Brokers Must Direct and Supervise Entry-Related Technology and Automation

Licensed customs brokers must remain central to all entry-related processes. AI and automation should be treated as tools that operate under broker direction, supervision and/or control, not as independent decision-makers.

Brokers are responsible for establishing inputs, governing outputs, and exercising professional judgment over all entry filings. While automation may shift some operational focus toward data validation and compliance oversight, it does not alter the broker’s legal responsibilities.

Responsible Supervision and Control Remains Relevant When Incorporating Technology

The use of AI/AT may alter how compliance is achieved, but not the underlying obligations. Responsible supervision and control requires active and continuous engagement with, and oversight over, automated systems, including monitoring, validation, and adjustment to achieve proper outcomes.

Compliance is not determined by manual versus automated processes, but by the individuals who maintain control and accountability for the information submitted to CBP. Properly supervised automation will enhance accuracy, consistency, and overall compliance.

Automation Across the Trade Must Remain Scalable and Agile in the Modern Supply Chain

Technology adoption will vary across the trade based on operational models and business needs. Regulatory policy should accommodate this diversity while maintaining consistent principles of accountability.

The roles of brokers and importers remain unchanged: brokers are responsible for entry preparation and filing, while importers are responsible for underlying commercial data. AI and automation may improve efficiency and data quality, but they do not shift these legal responsibilities.

CBP Decisions Should Recognize When Technology Must be Subject to Broker Supervision

Clear distinctions must be maintained between technology development and the execution of customs business. Neither the development of AI/AT tools nor the mere automation or digitization of data should constitute customs business. However, the use of such tools or automation to make or direct entry decisions must be performed under broker direction, supervision, and/or control.

Brokers should be permitted to use third-party AI tools, including those supporting data extraction, formatting and classification, provided they exercise responsible supervision and control. Unlicensed entities must not independently perform decision-making functions related to entry preparation or filing.

NCBFAA and CBP Must Continue to Engage Regarding AI/AT in Customs Brokerage

CBP should engage with the NCBFAA should it decide to provide practical guidance clarifying permissible uses of AI/AT under broker direction, supervision and/or control. In particular, CBP should:

- Confirm that OCR/digitization technology used under broker direction, supervision and/or control does not constitute customs business by the AI/AT provider;
- Clarify that brokers may leverage third-party AI/AT classification tools subject to responsible supervision and control; and
- Continue collaboration with industry in considering any practical guidance to ensure regulatory clarity keeps pace with technological advancement.

Conclusion

AI/AT represents a natural evolution in customs brokerage, not a disruption requiring sweeping regulatory change. The key policy objective is to integrate these technologies within the existing legal framework, while reinforcing the central role of the licensed customs broker as the accountable decision-maker. By focusing on responsible supervision and control—rather than the tools themselves—CBP and the trade community can support innovation while safeguarding accountability, integrity, and compliance within the customs entry process.