



Chicago Customs Brokers
& Forwarders Association

FALL 2018

NEWSletter

We are dedicated to insuring that The Chicago Customs Brokers and Forwarders Association maintains a high level of professionalism, provides educational seminars for our members to the best of our ability and furthers the relationships we have developed with Customs and Border Protection, and the outside agencies locally and on a national level.



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FROM THE PRESIDENT'S DESK

Jane Sorensen

Dear All –

I hope this newsletter finds you enjoying this blustery fall weather and preparing to spend some good times with family and friends around the warm holiday fires very soon!

First and foremost, our CCBFA Board members join me in saying a BIG THANK YOU to all the Sponsors of our wonderful CCBFA Golf Outing on July 12th. We had a nice warm day with a little bit of cloud cover – perfect for golfing again at the lovely Bridges of Poplar Creek! Thank you very much to all of you that were able to take time to come out and support us. Thanks especially to our Sponsors! We would not be able to put on these great events without YOU, our cherished members! I sincerely hope you all enjoyed the day and look forward to seeing you again soon at our Holiday Party!

Yes, please SAVE THE DATE of December 13th for our Holiday Party!

Since the Golf Outing, our Board of Directors has been busy. Each year in September, several of us attend NCBFAA's (National Customs Broker & Forwarder Association of America, www.ncbfaa.org) Government Affairs Conference, "GAC". This year, Board Member and Local Regulatory Agency Chair, Robert Whitley, attended as a first-timer under NCBFAA's Emerging Leaders Mentor Program (ELMP), earning him a discounted registration fee for conference enrollment. Robert, along with other board member attendees, was active in meetings on Capitol Hill with as many Congressional and Senate offices as possible to let them know the transportation industry concerns. Special thanks to Jason Cunningham as well for setting all of our appointments for our day on The Hill!

This year's GAC focused on two primary position topics, the Customs Business Fairness Act and Proposed Regulations and Drawback. Please see the position



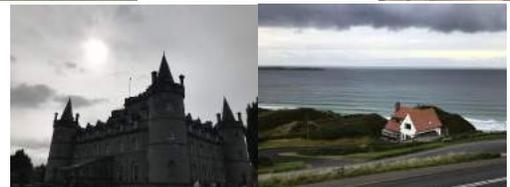
papers in the coming pages. We are excited to have sponsorship by Congressman Peter King, (R-NY) for the Customs Business Fairness Act, H.R. 4657 to help support customs brokers suffering a bankrupt importer.

If you are not yet a member of NCBFAA, I encourage it. NCBFAA is the "Voice of the Industry" and strongly supports our industry; together we leverage our collective knowledge and contacts to cooperate with CBP, the many PGA's, help formulate trade policy and move the industry forward. Please feel free to check www.ncbfaa.org for further details!

While we participate actively in NCBFAA as our national association, most of our activities are focused on the Port of Chicago and the immediately-surrounding area. One of our important initiatives is our continued meetings with CBP in Rosemont, with whom our Customs Committee and I meet quarterly. A copy of this month's planned meeting agenda for October 24th is attached. If you wish to attend, participate and help on this committee, please feel free to contact me or Lara Austrins of Clark Hill PLC, laustrins@clarkhill.com.

In closing, I want to share with you all what a joy this business is to me and has been over the years...hailing from a small mid-state Illinois town of 20,000 people, to the honor of presiding over this board of well-respected and capable colleagues. As we look to close 2018 under an ever-changing regulatory environment filled with new duties to apply, I hope you all take a deep breath to consider what a wonderful industry we landed in! Bringing the world to people in our industry and working with people of so many cultures are two of the greatest joys. Sharing the multi-faceted aspects of the business such as service, geography, finance, setting and achievement of goals, is a pleasure for which I'm thankful daily. Traveling to meet global colleagues turned into fast friends is another thrilling yet unexpected outcome. I wish the same fulfillment for each of you as leaders!

I'll close with a few of my favorite travel snapshots of the year.



Sincerely,
Jane Sorensen
CCBFA, President
calamityord@comcast.net
(630) 450-3524

THE CUSTOMS BUSINESS FAIRNESS ACT



Customs brokers and sureties are seeking a technical change in the bankruptcy laws to provide relief for customs brokers who have paid duties and to Customs and Border Protection (CBP) on behalf of importers who subsequently file for bankruptcy.

Customs Brokers and the Payment of Duties:

The customs broker plays an important role in the duty payment process at the border and U.S. ports. Under current trade law, there is generally a 10 to 45 business day period between the release of imported merchandise by CBP and submission of the estimated payment of duties and taxes. Licensed customs brokers are often called upon to either advance the payment of these estimated duties/taxes on behalf of the importer or to guarantee payment to the government through its ACH (automated clearing house) account. In effect, customs brokers serve as a pass-through entity, or conduit, for the collecting and payment of duties/taxes. This payment method has become a standard business practice.

Collectively, customs brokers are responsible for remitting an estimated \$10 billion a year in duty and fee payments due from importers. From the government's perspective, it is far easier to collect the initial duties from a finite number of licensed customs brokers than a hundred thousand individual importers. The government is significantly advantaged by this system, where the prompt payment of billions of dollars in duties is facilitated. This expedites the payment of revenues to the government and allows the flow of trade to continue unimpeded.

Importers and Bankruptcy: When an importer-client files bankruptcy, the most immediate and troublesome threat is an action by the bankruptcy trustee or debtor to recover payments made to/through the customs broker to CBP by the importer in the 90-day period prior to the filing of the bankruptcy petition. This can amount to substantial amounts of money -- often well into the six-figure

range. This so-called "claw back" period is allowed under Section 547 of the Bankruptcy Code to avoid preferential treatment to any one creditor. In these circumstances, the customs broker is required to pay to the trustee any monies received from the debtor (or advanced to CBP by the broker on the debtor/importer's behalf) during the 90-day period prior to the bankruptcy filing.

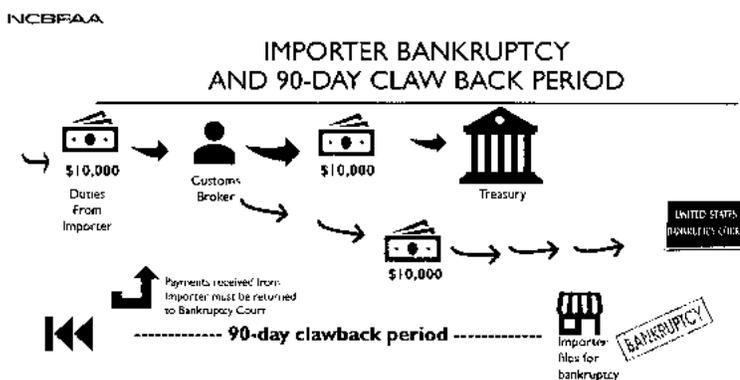
Subrogation in Bankruptcy: Generally, when a creditor pays a debtor's debt owed to another creditor (for example, the US government), the paying creditor is subrogated to the rights of the creditor receiving payment. In effect, the paying creditor can "stand in the shoes" of the receiving creditor. Since CBP is granted a "priority" under the Bankruptcy Code for claims against a bankrupt importer, any payment directly to the agency from the importer during the 90-day claw-back period would not be considered a preferential payment.

If a customs broker could be subrogated to the priority rights of CBP, any payments from the importer to CBP via the customs broker during the 90-day period would likewise no longer be subject to a preference payment recovery action. Recognizing the value of customs brokers' role in advancing duty payments, Customs itself attempted several years ago to assign its priority status under the Bankruptcy Code to customs brokers through regulation -- an effort that was deemed by the courts to exceed the agency's authority, saying it was up to Congress to make changes in the Bankruptcy Code.

Proposed Technical Bill: Subrogation rights are derived from common law and ordinarily would come into play, except for the fact that Section 507(d) of the Bankruptcy Code specifically disallows subrogation with respect to many of the enumerated priorities. In the House, H.R. 4657, ³ introduced by Rep. Peter King (R-NY), provides a technical amendment to Section 507(d)



that, in effect, would allow subrogation for customs brokers or sureties who have paid duties to the government on behalf of a bankrupt importer. In the Senate, we are seeking similar legislation.



CBP/Treasury Proposed Regulations and Drawback: Congressional Policy Reversed Through Regulation Customs and Border Protection (CBP) and the Department of Treasury recently proposed regulations to implement the drawback provisions in the Trade Facilitation and Trade Enforcement Act (TFTEA), recently passed by Congress. Of concern to NCBFAA, the proposed regulations seek to eliminate drawback for certain excise taxes, even though drawback has historically been paid for excise taxes under the customs drawback law. The TFTEA amendments actually make it even clearer that such excise taxes should be paid. Sound policy supports the view that drawback on excise taxes has fueled export expansion and jobs in certain key U.S. industries, such as wine production.

Generally, the drawback program allows for the refund of certain duties, taxes and fees paid on imported products when the product (or a commercially interchangeable substituted product) is exported, or when the product is used as an input to produce another product that is exported. Established in 1789, the purpose of drawback has always been to increase the competitiveness of U.S. manufacturers and encourage U.S. exports. Despite clear Congressional intent, as well as explicit statutory language, CBP and Treasury are now attempting, through regulation, to limit the use of substitution drawback for excise taxes paid on imported product. By redefining technical terms, the agencies are attempting to unilaterally reverse the longstanding statutory policy, that was reinforced in TFTEA, to allow drawback for excise taxes paid on imported products when a substituted product is exported, regardless of whether the excise tax was paid on the exported product. Moreover, this regulatory overreach is based on the agencies' stated belief that the policy choice made by Congress to allow this form of drawback is "not an effective or efficient export promotion measure." This is not the agencies' call. The Notice of Proposed Rule Making reaches squarely into the policy-making realm that is reserved under the Constitution for our elected legislators. The proposal ignores Congressional intent and the clear statutory language of TFTEA. We urge Members of Congress to contact the House Ways and Means Committee or Senate Finance Committee about this proposal and to urge the committee leaders to express their concern and disapproval to CBP and Treasury.

REGULATORY COMMITTEE



Greetings from Robert Whitley, CCBFA Chair, Regulatory Affairs Committee

2018 has been a busy year for the Regulatory Affairs Subcommittee. The goal for this year was to host seminars with various Partner Government Agencies (PGA's) for the benefit of our local membership. The Seminars have proven to be very informative and much needed in this time that PGA's are being integrated into ACE. As brokers we can be overwhelmed with the amount of regulatory information that needs to keep track of in order to advise our clients and keep ourselves out of trouble. CCBFA RAC & Education committees teamed up to help alleviate some of the stress and also to provide contacts for some of the PGA's that we deal with here in Chicago. Before we go into a synopsis of each seminar I would like to thank the following in making the seminars happen:

First The Education Committee for coordinating the use of the conference facility and providing technical support:

- Merit Tremper, Director CCBFA
- Lorrie Roddy, Vice President CCBFA
- Brian Walsh, Advisor & Legal Counsel CCBFA

We also want to recognize & thank the following volunteers who came to the first RAC meeting in February to discuss the planning of the seminars:

- Lori Chaltin FedEx Trade Networks

- Janet Perkins BILSI
- Jeffrey Launer Fischer International Forwarders
- Jane Sorensen Ram International/President CCBFA
- Cynthia Wheelock Vantec Hitachi Transport System (USA) Inc/ Secretary CCBFA
- Anahi Kelly Czeszewski CH Robinson
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- Kim Roebke Rim Logistics LTD
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- Debbie Bennett Merit Trade
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- Nancy Kernan, Rim Logistics LTD
- Rhiannon Smith-Marsh Baxter Healthcare Corporation
- Robert Bahmann Aspen API Inc
- Darrin Burt Channel Distribution Corporation
- Lisa Jamnik D & L CHB
- Laura Durgin D & L CHB

And last but certainly not least the presenters from the various PGA's that came and spoke to our membership:

- Leigh Graham, Wildlife Inspector, U.S. Fish & Wildlife Service, Office of Law Enforcement
- Kelly Ishmael Wildlife Inspector, U.S. Fish & Wildlife Service, Office of Law Enforcement
- David Star Chief, Pesticides & Toxics Compliance Section, Chemicals Management Branch, U.S. EPA Region 5 – Chicago
- Erin Rothney, MPH Officer in Charge, CDC Chicago Quarantine Station
- John G. Kyranos, Alcohol and Tobacco, Tax & Trade Bureau, Intelligence Division

The first seminar in March was presented by Inspectors Graham and Ishmael from the Fish & Wildlife Service. FWS is in the pilot phase of ACE so they could not provide us any ACE PGA data but they did go over the various regulatory requirements for commodities that are covered under statute. The covered various laws such as Endangered Species Act and Lacey Act (wildlife only). They help demonstrate the navigation of the FWS website in order to look up regulatory requirements and covered definitions of wildlife. Also discussed were the differences between wildlife and domesticated animals. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as presented in detail. After the presentation and Q&A session, the attendees had the opportunity to see some of the confiscated contraband in the FWS collection of Chicago. Some of the items on display was a Monkey Fur Coat and a Narwhale tusk. Both Inspectors Graham& Ishmael have agreed to make March Fish & Wildlife Month for our annual seminars.

The CCBFA seminar for April consisted of David Star from EPA presenting how to file regulated commodities in ACE. He went over the three areas of EPA regulation; Imports of Vehicles and Engines, Imports of Toxic Substances and Imports of Pesticides. Examples of each category were presented along with the forms required to submit EPA PGA data. He also provided a list of contacts at EPA to contact for further questions.

A copy of the EPA handout has been uploaded to the CCBFA website along with Tips to the Trade when filing EPA ACE PGA message data.

Erin Rothney from CDC came to visit us in May. The Center for Disease Control is very important to Chicago imports. She oversees both the cargo and passenger clearances to make sure infectious diseases are not brought into the country. Mrs. Rothney provided an overview of the commodities regulated by CDC and its main mission to protect the health of Americans by evaluating sick travelers as they arrive into the U.S., alerting other passengers





about potential exposures and steps they can take to protect themselves, as well as restricting the importation of animals and products that may carry disease. The various CDD quarantine stations and their jurisdictions were presented with emphasis on Chicago as a major quarantine station in the Midwest. A list of CDC regulated items were provided to the CCBFA along with an overview of import permits needed for such commodities. Special emphasis on the importation of dogs was covered since Chicago is a major hub for dog imports. What was very useful in the presentation was the overview of how to use CDC's Import Permit Program website in researching various items so regulated. CDC has agreed to come back on an annual basis and make May CDC month. The presentation handout has been uploaded to the CCBFA website.

John Kyranos from the Alcohol and Tobacco Tax Bureau flew in from Washington D.C. for our June Seminar. He provided much needed information on the transmitting of data in ACE for TTB regulated products of Tobacco and Alcohol. Examples were provided along with a layout of the fields that need to be populated in ACE. Information about the various permits needed were also discussed along with a Q&A session. Mr. Kyranos deserves extra thanks since he traveled from TTB headquarters in D.C. to meet with our association. The TTB presentation handout has also been uploaded to the CCBFA website for reference.

The grand finale of this year's RAC outreach was USDA coming to for a Town Hall meeting with our association. Representatives from CBP Agriculture Cargo Clearance, Animal and Plant Health Inspection Service (APHIS), Agricultural Marketing Service (AMS) and Food Safety Inspection Service were on hand to give an overview of their agencies as well as answer questions from the attendees. USDA regulates a

lot of commodities and it is helpful to know who to contact if a broker/importer has questions concerning what is needed for clearance. We give thanks to the following individuals who took time to meet with CCBFA:

Mark Grzeszkowiak, Chief Agriculture Specialist
Cargo, DHS CBP

Lin-Mai Malmstrom, Supervisory Agriculture
Specialist, DHS CBP

Andrea Bovard DVM, Quarantine Inspection
Veterinary Medical Officer, USDA APHIS

Anthony Chartrand, Officer-in-Charge, South Bend
Area Field Office, USDA-AMS

Deborah Curtis, Recall Management and Technical
Analysis Division USDA-FSIS-OFO

Mohsen Aly, Public Health Veterinarian, USDA-FSIS

I am very grateful to be given this opportunity as the Regulatory Affairs Committee in helping to organize the seminars this past year. I have been on the board for the past two years and it has been an honor to serve the import community of our association. I am proud to be a part of the CCBFA whose goal is to work with the various PGA's in making Chicago the Port that works.

Thanks for being a member of CCBFA!

Respectfully submitted,

Robert Whitley

Taggart International

Local Regulatory Agencies Committee, CCBFA

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CCBFA ANNUAL GOLF OUTING

JULY 12, 2018

C.C.B.F.A ANNUAL GOLF OUTING

JULY 12, 2018

Airsped Inc. Cigars
 Avalon Risk Management Drinks on the Course
 CCBFA Centerpieces
 Coppersmith Global Logistics Snack Bags on the Course
 Roanoke Insurance Group Beer and Wine at Lunch

HOLE IN ONE CONTEST - SPONSORED BY GLOBAL CFS

First Prize \$50,000 Cash - Hole 4
 Second Prize \$2,000 Golf Certificate - Hole 17
 Third Prize \$500 Shopping Spres + Golf Outfit - Hole 7
 Fourth Prize French Lick Golf4 Days - Hole 11

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Avalon Risk Management 6 x \$25 AMEX Cards
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 CCBFA 2 x 2 Bottle Wine Gift Pack - Coopers Hawk Winery
 CCBFA 2 x \$50 Granite City Brewery and a Movie
 CCBFA \$100 Chicago Prime Gift Card
 Channel Distribution Corp. 2 x \$100 Visa Gift Cards
 Channel Distribution Corp. 2 x \$50 Visa Gift Cards
 Sonnenberg & Cunningham 2 x \$100 Seasons 52 Gift Card
 Unitrans \$100 Dick's Sporting Goods Gift Card

HOLE IN ONE CONTEST - SPONSORED BY CCBFA

First Prize \$10,000 Cash - Hole 7
 Second Prize Callaway Irons - Hole 11
 Third Prize Domestic Airfare for 2 - Hole 17
 Fourth Prize LED TV - Hole 4

HOLE CONTEST SPONSORS

Hole 1 - Channel Distribution Longest Drive (M&W)
 Hole 2 - Roanoke Insurance Group Longest Putt (M&W)
 Hole 3 - Sonnenberg & Cunningham Longest Drive (M&W)
 Hole 4 - Global CFS Hole in One \$50,000 Cash
 Hole 4 - CCBFA Hole in One LED TV
 Hole 5 - Barnes, Richardson & Colburn Straightest Drive (M&W)
 Hole 6 - Tax-Air Longest Putt (M&W)
 Hole 7 - CCBFA Hole in One \$10,000 Cash
 Hole 7 - Global CFS Hole in One Golf Outfit + \$500 Shopping Spree
 Hole 8 - Forward Air, Inc. On the Green in Three - Closest to Pin
 Hole 8 - Geanto's Trucking Longest Putt (M&W)
 Hole 9 - Rohlig USA, LLC Longest Putt (M&W)
 Hole 10 - Business Contract Solutions On the Green in Two - Closest to Pin
 Hole 10 - Geanto's Trucking Longest Putt (M&W)
 Hole 11 - Global CFS Hole in One French Lick Golf 4 Days
 Hole 11 - CCBFA Hole in One Callaway Irons (3-PW)
 Hole 12 - R&M Trucking On the Green in Two - Closest to Pin
 Hole 12 - Rohlig USA, LLC Longest Putt (M&W)
 Hole 13 - Sonnenberg & Cunningham Longest Putt (M&W)
 Hole 14 - Moran Transportation Corp. Longest Putt (M&W)
 Hole 15 - Integro USA Inc. Longest Putt (M&W)
 Hole 15 - WiseTech Global Longest Putt (M&W)
 Hole 16 - Roanoke Insurance Group Longest Drive (M&W)
 Hole 17 - Global CFS Hole in One \$2,000 Golf Certificate
 Hole 17 - CCBFA Hole in One Roundtrip Domestic Air for Two
 Hole 18 - M.E. Dey & Company Longest Putt (M&W)
 Navigators Management Low Gross Score
 Navigators Management Low Net Score

"Thanks" is such a small word for our sincere gratitude to each of our sponsors. Without the continuing generosity of each of our sponsors, our events would not be possible.

We would also like to thank the golf committee for making this event successful:
 Chair - Robert Macher, Co-Chair - David Pasco, Co-Chair - John Morgan
 Carl Berenz, Howard Proberts, Jack Martin, Jane Sorensen, Joe Han
 John Morgan, Katie Kimel, Kelli Arsovski, Kim Roddy, Lisa Hennessy, Lisa Waller,
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 -The Board of Directors of the Chicago Customs
 Brokers & Forwarders Association

CCBFA ANNUAL GOLF OUTING

JULY 12, 2018



Thank you Merit Tremper of Merit Trade Services for the golf coasters.



Our Chairman is ready to go!



Let the festivities begin!



Thank you, Navigators!



Hole in One Contest!



Thank you, Avalon!



Happy Foursome!



Thank you, Roanoke!



SAVE *the* DATE

CCBFA ANNUAL HOLIDAY PARTY

DECEMBER 13, 2018

AVALON BANQUETS

CALENDAR OF EVENTS



NOV
15

CCBFA Presents: Brush Up On Your Classification
2:00 - 4:00 PM

DEC
13

CCBFA Annual Holiday Party
5:00 PM

FEB
21

CCBFA Presents: The FMCSA and the U.S.
Customs Broker/International Freight Forwarder
2:00 PM - 4:00 PM

MAR
21

CCBFA Presents: The Fish and
Wildlife Service Returns
2:00 - 4:00 PM

Visit our website to register.

www.ccbfa.org

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