

COMMUNICATION BY THE UNITED STATES (G/TFA/W/6)

- We thank the Committee for allowing us to introduce and discuss our submission regarding the role of notice and comment in relation to trade facilitation implementation.
- Our intention is to share our practices and lessons learned from over 70 years of experience in institutionalizing transparent and responsive methods for soliciting public participation in the development of regulations, including customs-related requirements and procedures.
- In our paper, we share how public feedback has significantly shaped regulations proposed by U.S. Customs and Border Protection (CBP) in two separate, specific examples. In each case, CBP withdrew proposed regulations after reviewing concerns from small and medium-sized enterprises (SMEs).
- We also highlight the importance of an accountable framework for conducting federal rulemaking with respect to SMEs. Small and medium-sized businesses are significantly affected by overly restrictive and non-transparent requirements.
- All U.S. federal agencies are required by law to provide the public with an opportunity to comment on the text of a rule or substance of a proposed regulation. Each agency must provide any interested person with adequate opportunity to submit “written data, views or arguments” on the proposed rule.
- We provide this opportunity to any interested person, whether or not in the United States.
- Agencies publish the regulation or rule in the Federal Register, the U.S. official gazette. It is available online in the single U.S. Federal Government portal for Federal Register notices ([regulations.gov](https://www.regulations.gov)), and on their own agency websites.
- Proposed rules are open for comment on average for 30-60 days. More complex rules may be open for a longer comment period.

- The final rule must be published in the Federal Registrar at least 30 days before it comes into effect, providing additional time for traders to prepare for any changes.
- When it adopts the final rule, the agency also must address all significant comments by publishing a summary of comments received, written responses to comments that include the rationale for acceptance or rejection, and a description of the resulting changes in the final rule. This provides comprehensive transparency on the rulemaking process and agency decisions.
- In conclusion, the benefit of the United States' approach to rulemaking is to identify and remove burdensome regulatory requirements before they become the topic of international concern.
- Furthermore, notice and comment fosters public trust in regulatory decision-making, improves regulatory outcomes, and ensures that all U.S. agencies meet our transparency obligations.