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## tftea – cbp organizational structure

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*MSK Client Alert*

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The Trade Facilitation and Trade Enforcement Act presents many new guidelines for U.S. Customs and Border Protection. The labyrinth of the Act is laborious to dissect and is the reason we have created this series of Alerts. This latest edition digs in to the inner workings of CBP's organizational structure, duties, and implementation expectations. Anyone who works in international trade, whether an importer or exporter of goods or a service provider, will find this piece exceptionally interesting. The bottom line message is that the formality with which CBP is being approached through the Act will undoubtedly mean an increase in scrutiny and complexity for all importers and exporters over time. Now is the time to educate yourself on where you may be impacted in your business and take steps to minimize the risks for your organization.

Among its many provisions, the Trade Facilitation and Trade Enforcement Act ("TFTEA" or the "Act"), H.R. 644, formally establishes U.S. Customs and Border Protection ("CBP") as a department within Homeland Security ("DHS"). Section 802(a) contains the key provisions. That section amends Section 411 of the Homeland Security Act and the U.S. Code to reflect the new department information. TFTEA marks the first authorization of CBP since passage of the Homeland Security Act in 2002, finally doing away with that awkward U.S. Bureau of Customs and Border Protection name that no one used, except in legal paper; and is, of course, the very same agency title that leads so many Administration officials and others to call it Customs and Border Patrol! By virtue of Section 802(b), CBP continues to carry out the functions, missions, duties and authorities vested in the agency from earlier times. Further, all rules, regulations and policies previously put in place by CBP remain in force.

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