

AD/CVD External Issue Paper

November 2016



U.S. Customs and
Border Protection



Antidumping and Countervailing Duty

TALKING POINTS:

- Antidumping and countervailing duty (AD/CVD) enforcement is a priority for U.S. Customs and Border Protection (CBP).
- CBP is committed to enforcing AD/CVD laws, identifying and penalizing those who would try to evade those laws, and vigorously pursuing amounts owed to the United States.
- CBP's partnerships enhance the enforcement of AD/CVD. CBP partners with domestic industries and partner government agencies, including U.S. Immigration and Customs Enforcement, Homeland Security Investigations (ICE HSI), and the U.S. Department of Commerce (Commerce), to enforce AD/CVD laws.
- Commodity seminars and trade intelligence provided by the trade community and other partner stakeholders are a crucial component of CBP's enforcement efforts.
- CBP also strives to be as transparent as possible as disclosure laws allow; to that end, CBP began to post AD/CVD updates on CBP.gov in December 2014.

BACKGROUND

- CBP collects estimated AD/CVD duties on over 365 AD/CVD cases when merchandise arrives in the United States. CBP employs significant national assets from across the agency to target AD/CVD evasion, including import trade trend and valuation analysis, the use of targeted reviews and audits to address high-risk cases, lab testing, and special operations.
- The Commercial Operations Advisory Committee (COAC) Trade Enforcement and Revenue Collection (TERC) subcommittee formed the AD/CVD working group to generate advice and develop recommendations specific to AD/CVD. The AD/CVD working group consists of COAC members and nonmembers. Members of the working group include importers, customs brokers, sureties, U.S. manufacturers, lawyers, as well as participants from Commerce and ICE HSI.
- The COAC TERC's AD/CVD recommendations adopted at the April 27, 2016 COAC meeting focus on public outreach and education to foster greater AD/CVD compliance.
 - CBP is in the process of implementing these recommendations.
 - COAC also recommended that CBP should provide an updated document to the trade that provides clear definition of what is meant by terminated vs. inactive AD/CVD cases in the ACE AD/CVD case management portal.
 - CBP worked with the Commerce Department to draft a document with in-depth definitions on these subjects. This document was provided to the AD/CVD Working Group on October 11, 2016. The AD/CVD Working Group intends to review the document and provide final input on the document to CBP and the Commerce Department.
- The COAC AD/CD Working Group held extensive discussions on the Enforce and Protect Act (EAPA) Interim Final Rule published by CBP. CBP also requested input from the AD/CVD Working Group on draft EAPA checklists to assist the trade in filing EAPA allegations, prior to the publication of these checklists.

Prepared by: Alexander G. Amdur, OT, Alexander.Amdur@cbp.dhs.gov, (202) 863-6634

Date: October 20, 2016