

COMMERCIAL CUSTOMS OPERATIONS ADVISORY COMMITTEE Charter As Amended

1. Committee's Official Designation:

Commercial Customs Operations Advisory Committee (COAC).

2. Authority:

The Trade Facilitation and Trade Enforcement Act of 2015 (the Act) established the Commercial Customs Operations Advisory Committee (COAC). The COAC, a statutory committee, is established in accordance with and shall operate under the provisions of the *Federal Advisory Committee Act* (FACA), 5 U.S.C. App., except as otherwise provided for by the Act.

3. Objectives and Scope of Activities:

The COAC shall advise the Secretaries of the Department of the Treasury (Treasury) and the Department of Homeland Security (DHS) on the commercial operations of U.S. Customs and Border Protection (CBP) and related Treasury and DHS functions. In accordance with section 109 of the Act, the COAC shall:

- (1) advise the Secretaries of the Treasury and DHS on all matters involving the commercial operations of CBP, including advising with respect to significant changes that are proposed with respect to regulations, policies, or practices of CBP;
- (2) provide recommendations to the Secretaries of the Treasury and DHS on improvements to the commercial operations of CBP;
- (3) collaborate in developing the agenda for COAC meetings; and
- (4) perform such other functions relating to the commercial operations of CBP as prescribed by law or as the Secretaries of the Treasury and DHS jointly direct.

4. Description of Duties:

The duties of COAC are solely advisory in nature.

5. Officials to Whom the COAC Reports:

COAC provides advice and recommendations to the Secretaries of the Treasury and DHS by its reports to the co-chairs (Commissioner of CBP and the Treasury Deputy Assistant Secretary for Tax, Trade and Tariff Policy) and deputy co-chairs (DHS Assistant Secretary for Policy, until such time as the title Under Secretary for Strategy, Policy & Plans is approved, and Director of Immigration and Customs Enforcement).

6. Agency Responsible for Providing Necessary Support:

DHS shall be responsible for providing financial and administrative support to the COAC. Within DHS, the Office of Trade Relations in CBP will provide this support.

7. Estimated Annual Operating Costs and Staff Years:

The estimated annual operating costs will be approximately \$560,027. Staff years devoted to the COAC operations, excluding the co-chairs, will be approximately 4.5 staff years.

8. Designated Federal Officer:

A full-time or permanent part-time employee of DHS shall be appointed by the Commissioner as the COAC Designated Federal Officer (DFO). The Commissioner may also designate an Alternate DFO. The DFO or the Alternate DFO shall approve or call COAC meetings, approve meeting agendas, attend all COAC and subcommittee meetings, adjourn any meeting when the DFO or Alternate DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the government co-chairs.

9. Estimated Number and Frequency of Meetings:

The COAC shall be expected to meet at least four times each calendar year. Notwithstanding section 10(f) of the Federal Advisory Committee Act (5 U.S.C. App.), the COAC shall meet at the call of the Secretaries of the Treasury and DHS, or at the call of not less than two-thirds of the membership of the COAC. To the greatest extent practicable, the COAC will meet quarterly within the calendar year. Members shall not be reimbursed for travel and per diem. COAC meetings shall be open to the public unless a determination is made by the Secretaries of the Treasury and DHS in accordance with DHS policy and directives and section 10(d) of FACA that the meeting should be closed in accordance with subsection (c) of section 552b of title 5, United States Code (5 U.S.C. § 552b(c)).

10. Duration:

Continuing.

11. Termination of Charter:

This charter shall be in effect for two years from the date it is filed with Congress unless sooner terminated. The charter may be renewed at the end of this two-year period in accordance with section 14 of FACA (5 U.S.C. App.).

12. Membership and Designation ~~Composition~~:

The COAC shall consist of 20 members, two government co-chairs and two government deputy co-chairs. One co-chair shall be the Assistant Secretary for Tax Policy of the Department of the Treasury and one co-chair shall be the Commissioner of U.S. Customs and Border Protection. The deputy co-chairs will be the Assistant Secretary for Policy, until such time as the title Under Secretary for Strategy, Policy & Plans is approved, and the Director of U.S. Immigration and Customs Enforcement. The government co-chairs are not voting members of the COAC, but they do preside over all COAC meetings. They may participate in the COAC's discussions but do not vote on COAC actions to provide advice or recommendations. The government co-chairs assist the DFO in setting the COAC's agenda and with other managerial duties to ensure the COAC operates in accordance with law. The former Advisory Committee on Commercial Operations to U.S. Customs and Border Protection members serving under their current term are transferred to the new COAC and will continue to serve a term that expires on the date of termination of this Charter, serving at the pleasure of the Secretaries of the Treasury and DHS. When terms expire, members will be replaced under the appointment authority of the new COAC. The members are comprised of individuals who are representative of the individuals and firms affected by the commercial operations of CBP and are appointed without regard to political affiliation. Members represent the viewpoint of their respective interests and are not Special Government Employees as defined in section 202(a) of Title 18, United States Code. In addition, the members shall be selected to avoid geographic or regional concentration. Members shall not be paid compensation.

Alternate members for the COAC may be selected at the same time and in the same manner as regular members for the COAC. Alternate members may be assigned to serve as replacements for regular members who do not serve the full duration of their appointed terms. Any existing alternate members who had been selected prior to the effective date of the Trade Facilitation and Trade Enforcement Act may be assigned to the new COAC at any time to fill a vacant member seat on the COAC. The length of any assigned alternate member's term shall be determined at the time of assignment, but not to exceed three years.

A member may send a fully-vetted proxy selected from the list of approved alternate members to represent him or her at a COAC meeting, but only with prior approval of the Designated Federal Officer. The proxy must be qualified to represent the interests of the industry segment of the member.

13. Subcommittees:

The government co-chairs may establish subcommittees for any purpose consistent with this charter in consultation with the DFO. Such subcommittees may not work

independently of the chartered committee and must present their work to the COAC for discussion and full deliberation. Subcommittees do not have authority to make decisions on behalf of the COAC and may not report directly to a Federal Government or any other entity.

14. Recordkeeping:

The records of the COAC, subcommittees, and other subgroups of the committee are maintained in accordance with General Records Schedule 6.2 and other approved agency records disposition schedules. These records are available for public inspection and copying, in accordance with and subject to FACA section 10(b), FACA regulations (41 C.F.R. §§ 101-6 and 102-3), and the Freedom of Information Act (5 U.S.C. § 552).

15. Filing Date:

April 24, 2017
DHS Approval Date for Amendment

May 31, 2017
Treasury Approval Date for Amendment

June 9, 2017
GSA Consultation Date for Amendment

April 27, 2016
Date Filed with Congress