

**Commercial Customs Operations Advisory
Committee
Intelligent Enforcement Subcommittee**

December 2023

COAC

COMMERCIAL CUSTOMS OPERATIONS
ADVISORY COMMITTEE

**Commercial Customs Operations Advisory Committee (COAC)
December 2023**

**Report of the
Work of the
COAC Subcommittee on Intelligent Enforcement**

**Co-Chairs
Heather Litman – GDLSK
Erika Vidal-Faulkenberry – Biogen
Matt Zehner – Roanoke Insurance Group**

Intelligent Enforcement Subcommittee Members:

Brian Barber, Barry Baxter, Angela Cook, Dave Corn, John Drake, Chris Everly, Tom Gould, Kerry Novak, Julie Pojar, Cynthia Roller, Travis Skinner, John Van Wallaghen, Brian White, and Kathy Wilkins.

Background

The following working groups make up the Intelligent Enforcement Subcommittee:

1. The Anti-dumping and Countervailing Duty AD/CVD Working Group, Chaired by Matt Zehner
2. The Bond Working Group. Co-chaired by Matt Zehner and Tom Gould
3. The Forced Labor Working Group, Co-chaired by Erika Vidal-Faulkenberry and Julie Pojar
4. The Intellectual Property Rights (IPR) Process Modernization Working Group, Chaired by Heather Litman

All subcommittee objectives and scope are consistent with the official charter of COAC.

Summary of Work

The Intelligent Enforcement (IE) Subcommittee is responsible for looking at opportunities to enhance trade and government processes, policies, and programs, with the goal of strengthened compliance by the trade through CBP outreach. The IE Subcommittee currently consists of four active working groups. Each will have substantial tasks over the 16th term.

AD/CVD Working Group:

The Antidumping and Countervailing Duty (AD/CVD) Working Group (WG) continues building upon the work and recommendations of the 15th and earlier COAC AD/CVD WGs. The AD/CVD WG intends to meet monthly. It met three times this past quarter. Its next meeting is planned for December after the COAC public meeting.

The AD/CVD WG focuses its efforts on ways to facilitate imports of compliant importers and ways for importers to achieve high compliance. The AD/CVD WG also continues with the ongoing work from the 15th COAC WG as it pertains to non-resident importers and the topic of better accuracy with AD/CVD entry filing. Additionally, the WG assesses the implementation status of the prior recommendations from this group, and where fully implemented, the WG will review the efficacy of the proposal. Where necessary, matters involving Sections 201, 232, and 301 will be discussed by this WG.

Under the theme of better accuracy with entry filing, COAC approved the WG's recommendation at the September 2023 COAC meeting. That recommendation suggests there be better visibility to the trade at the case number level to identify where a certification may be required from an importer or other interested party. The WG is considering language for a related recommendation that such certifications be electronic information as part of the entry summary record which facilitates its filing and elevates its visibility to CBP.

The WG has no recommendations for the December meeting.

Bond Working Group:

Throughout the 16th term and during the past quarter, the Bond Working Group (Bond WG) built upon the work and recommendations of the 15th and earlier COAC Bond WGs. The Bond WG met three times since the last public COAC meeting to give CBP comment on CBP's forthcoming revisions to setting bond amounts. CBP intends to replace the present Directive 3510-004 with two public documents: one summarizing the changes and the other as a guide to the trade on how CBP sets bond amounts. This past quarter's work, mostly addressing implementation issues and clarity of text, has caused CBP to consider minor updates to the final wording.

The Bond WG reports that the Trade Support Network (TSN) continues working through the details for automated filing of bonds related to Section 337 investigations and bonds required of intellectual property rightsholders inspecting samples of imported merchandise. Also, CBP is briefing new staff at U.S Department of Transportation's National Highway Traffic Safety Administration on the TSN's work related to making the vehicle conformance bond an eBond.

The Bond WG is pleased that the Federal Register Notice announcing the test for Electronic Issuance of Demands on Surety (EIDS) was published on November 13, 2023, and that the EIDS test will commence on December 13, 2023. CBP will be testing email delivery of CBP Form 5955a to sureties.

The Bond WG has no recommendations to submit for the December 2023 public meeting.

Forced Labor Working Group:

The Forced Labor Working Group (FLWG) met three times this quarter as a full working group. The working group meetings focused primarily on the ability of importers to utilize Foreign Trade Zones for detained imports under the UFLPA, as well as turning our focus onto the use of technology in forced labor identification and enforcement. The FLWG is still pending an

updated statement of work (SOW) but will continue to review and provide input on these two topics in addition to educational needs, useful statistics, and channels for outreach.

The FLWG will continue to support CBP for intelligent and balanced enforcement and enabling two-way communication with the trade on forced labor related topics. It remains a priority for the FLWG to continue to partner with CBP on the recommendation implementation progress and closure of previously submitted recommendations.

The FLWG does not have any recommendations to submit for the December 2023 public meeting.

Intellectual Property Rights (IPR):

The COAC Intellectual Property Rights Working Group (IPRWG) consists of participants from government and industry, including current members of the COAC, rights holders, importers, and additional subject matter experts most concerned with IPR enforcement.

During this 16th Term of the COAC, the IPRWG has completed substantial and meaningful work developing comprehensive recommendations focused on operational deliverables that will benefit rights holders, CBP, and the wider trade. As a part of developing such recommendations, the IPRWG has continued to review the past work of the IPRWG to ensure that its insights and labors are carried forward.

The IPRWG does not have any recommendations to submit for the December 2023 public meeting.

Conclusion

The IE Subcommittee is eager to provide updates from the AD/CVD, Bond, Forced Labor, and IPR Process Modernization WGs at the December public meeting. All four of the WGs continue to be active. Looking forward, we will continue to evaluate potential opportunities to enhance trade and government processes, policies, and programs, with the goal of strengthened compliance by the trade through CBP outreach.