

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

September 2023

COAC

COMMERCIAL CUSTOMS OPERATIONS
ADVISORY COMMITTEE

**Commercial Customs Operations Advisory Committee (COAC)
September 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 Tom Gould and Matt Zehner.
3. The Forced Labor Working Group, Co-chaired by Julie Pojar and Erika Vidal-Faulkenberry.
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) will continue 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 this past quarter in July and August. Its next meeting is planned for September after the COAC public meeting.

The AD/CVD WG will focus its efforts on facilitating imports of compliant importers and ways for importers to achieve high compliance. The AD/CVD WG will also continue 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 will assess 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.

While assessing the implementation of past recommendations, the WG brought to CBP's attention that WG members noticed a delay in posting the CSMS message that brings attention to the initiation of an AD/CVD investigation. The WG reports this was corrected. Under the theme of better accuracy with entry filing, the WG will be making a recommendation during the September 2023 COAC meeting. The 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's accompanying background document for the September meeting gives greater information on this topic.

Bond Working Group:

The Bond Working Group (Bond WG) will continue building upon the work and recommendations of the 15th and earlier COAC Bond WGs. The Bond WG has transitioned to a bi-monthly schedule. It met in mid-July and intends to meet again in early September, after submission of this Executive Summary document but prior to the COAC public meeting.

A great deal of work from past meetings has culminated with several recommendations presented late in the 15th COAC term. The Bond WG monitors CBP's implementation and/or execution of previous recommendations. During the past quarter, the Bond WG continued its discussions on how CBP may strengthen the accuracy of physical addresses reported by parties dealing with CBP. With regard to the revisions to the Bond Amount Directive, the WG reports that CBP's target is that both internal and public-facing versions of this guidance will be released before the end of Fiscal 2023 (September 2023). The WG reports the Trade Support Network (TSN) has finalized its work on the RFDs (Requests for Development) documents related to updating the Importer Security Filing (ISF) Single Transaction Bond (STB) eBond process, and converting the U.S. Department of Transportation, National Highway Traffic Safety Administration (DOT-NHTSA) bond and U.S. International Trade Commission (ITC) Exclusion Order bond from paper to eBond filings. The TSN is addressing the final bond form, the IPR samples bond form, and the TSN continues to meet bi-weekly in this undertaking.

Additionally, the Bond WG will continue discussions regarding the electronic delivery of CBP Form 5955a to sureties, bond principals, and/or entry filers.

The Bond WG does not have any recommendations to submit for the September 2023 public meeting.

Forced Labor Working Group:

The Forced Labor Working Group (FLWG) leadership met with CBP twice this quarter and met once as a full working group. The focus of the FLWG leadership meetings were to review the

statement of work updates and topics to focus on for the remainder of the year. The full working group met to conduct a status review of the recommendations put forward this term and to provide feedback to CBP on the publication of FAQs and Uyghur Forced Labor Prevention Act (UFLPA) website including the dashboard and guidance to importers. The FLWG will continue to review and provide input on additional educational needs, useful statistics, and channels for outreach.

The FLWG will continue to support CBP as it relates to identifying opportunities for intelligent and balanced enforcement, outreach, as well as enabling two-way communication with the trade on forced labor related topics. Additionally, it is a priority for the FLWG to continue to partner with CBP on the recommendation implementation progress and closure of previously submitted recommendations.

The FLWG has three recommendations to submit for the September 2023 public meeting.

Intellectual Property Rights (IPR) Process Modernization Working Group:

The COAC Intellectual Property Rights Process Modernization 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 continued to work towards its goal of developing new recommendations focused on operational deliverables that will benefit rights holders, CBP, and the wider trade. As a part of developing such new recommendations, the IPRWG continues to review the past work of the IPRWG to ensure that its insights and labors are carried forward.

At the September 2023 COAC public meeting, the IPRWG will present its second set of recommendations resulting from its robust discussions, which were informed by CBP's active engagement with the working group.

Conclusion

The IE Subcommittee is eager to provide updates from the AD/CVD, Bond, Forced Labor, and IPR Process Modernization WGs at the September 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.