

COAC 14th Term Recommendations

April 24, 2015

ONE US GOVERNMENT SUBCOMMITTEE

Single Window Recommendations

The COAC strongly supports the February 19, 2014 President Obama's Executive Order 13659: Streamlining the Export/Import Process for America's Businesses, specifically through the Automated Commercial Environment (ACE) through strategic discussions, communication and metrics. This will help with the validation of Single Window and ACE implementation

CPSC Working Group Recommendations

The 1 USG CPSC working group recognizes the need to have well defined and understood criteria for a CPSC alpha pilot within ACE / Single Window from both CBP and CPSC as the pilot relates to the various trade members (Carriers, Customs Brokers, Importers and other parties).

Recommendation 14001

1) The COAC recommends that CBP and CPSC work with the trade community to ensure the Alpha Pilot includes a variety of importers (small, medium, large) as well as a variety of modes of transportation such as air, ocean, truck, rail, and courier. In addition the Alpha Pilot should test both manual data input to the registry and electronic batch upload data received directly from importers. Lastly, the Alpha Pilot should also test a full PG message set with all requisite data elements and a limited PG message set with only the Registry number provided.

Status: Motion carried – unanimous

Recommendation 14002

2) The Alpha pilot will include many different stakeholders (e.g. quality assurance departments, trade compliance departments, customs brokers) who have traditionally not been involved with either the CPSC product safety requirements or the CBP import process. The COAC recommends that CBP, CPSC and the trade community work together to ensure, in a measurable way, substantial multi—directional training, engagement and outreach is conducted for all parties prior to the beginning of the Alpha Pilot.

Status: Motion carried – unanimous

Recommendation 14003

3) The COAC recommends that CBP work with CPSC to strongly encourage that the proposed Alpha Pilot is consistent with the Executive Order on Single Window. The Alpha Pilot should be limited to the data that CPSC is currently authorized to collect with a focus on streamlining the flow of critical information CPSC needs in order to conduct effective risk assessment for admissibility purposes. It is important to note that currently the Certificates of Compliance are in paper form, and the trade community will undertake a significant burden and expense to translate those documents into a PG Message set for CPSC's risk analysis. CPSC should gather information from the TSN ITDS CPSC working group on the PGA message set data requirements prior to conducting the Alpha Pilot. CPSC should make every effort to evaluate the expense for software development and the import surveillance value of the pilot prior to developing the software for the Alpha Pilot, and trade facilitation benefits.

Status: Motion carried – unanimous

Recommendation 14004

4) The COAC recommends that CBP work with CPSC and other PGAs through the Border Interagency Executive Council (BIEC) to develop a Trusted Trader program to create the opportunity for highly compliant importers to reduce the burden of the data collection and transmission. A Trusted Trader program should consider a tiered approach to data collection, the Registry process and import surveillance, with a view towards reduced examinations, and explore other defined benefits.

Status: Motion carried – unanimous

Recommendation 14005

5) The COAC recommends that CBP work with CPSC to conduct a cost benefit analysis prior to the start of the Alpha Pilot to evaluate the expense and the import surveillance value of the pilot to CPSC, CBP, and to the trade and that CPSC should further consult with the trade prior to a Beta Pilot or final rulemaking.

Status: Motion carried – unanimous

Recommendation 14006

6) The COAC recommends that CBP work with CPSC to establish a means for CPSC to be directly involved in the discussions with any future CPSC related working group engagement in order for the working group to be most effective.

Status: Motion carried – unanimous

Recommendation 14007

1) To enable the trade to effectively plan for trade readiness and implement related contingency plans, CBP should collaborate with the trade on its own alternate risk mitigation plan and those of the PGAs as they relate to the November 1 mandatory electronic filing date. The COAC is concerned that reverting to paper will significantly slow the velocity of trade, especially given the pre-holiday peak season. We recommend that CBP make periodic assessments on trade and PGA readiness in advance of the November 1 mandatory filing date and adjust their implementation schedule accordingly.

Status: Motion carried – unanimous

Recommendation 14008

2) To expedite the finalization of the PG message sets and ensure the timeliest receipt of the final data requirements and programming specifications by the trade in advance of November 1, CBP should strongly encourage that in the development of their respective PG Message Sets, the PGAs do not "data creep" by including new data elements that are not currently submitted electronically or via paper at the time of entry. Furthermore, new data elements defined as optional or conditional, such as production dates, should not impact the automated release of the goods.

Status: Motion carried – unanimous

Recommendation 14009

3) CBP should work with PGAs who have original document requirements to alter rules to achieve some sort of PG message set capability to sufficiently support release/may proceed decisions. The agencies should be encouraged to modify the underlying regulations to make scanned copies acceptable alternatives to the currently mandatory originals, where the provision of originals does not impact the true admissibility of the goods.

Status: Motion carried – unanimous

July 29, 2015

ONE US GOVERNMENT SUBCOMMITTEE

Single Window Recommendations:

The COAC strongly supports *the February 19, 2014 President Obama's Executive Order 13659: Streamlining the Export/Import Process for America's Businesses, specifically through the Automated Commercial Environment (ACE)* through strategic discussions,

communication and metrics. This will help with the validation of Single Window and ACE implementation

Recommendation 14010

1) ACE Entry Summary: For Entry Summaries that are fully functional in ACE today (types 01, 03, and 11), COAC recommends that CBP maintain the mandatory filing date of November 1. If filers are unable to file these ACE Entry Summary types on November 1 due to unforeseen trade or government systems issues, CBP should allow for a defined informed compliance period, similar to how ISF was implemented. CBP should evaluate the reason the filer is unable to file and require an action plan from the filer that describes how they will become compliant, and hold them accountable for meeting the plan. CBP should also allow for a defined informed compliance period for filing Entry Summary for those entries that cannot currently be filed in ACE (for example, Lacey and consolidated summaries with multiple consignees).

Status: Motion carried – unanimous

Recommendation 14011

2) ACE Cargo Release (without PGAs or with “DIS only” PGAs): COAC recommends that CBP review the ACE Cargo Release adoption rates, development and deployment issues, and other factors as the November 1 date approaches. We recommend that CBP continue to message November 1 as the mandatory filing date for ACE Cargo Release, but implement a “Phased Adoption” schedule, with COAC’s input and industry acceptance, for the complete implementation of ACE Cargo Release to ensure adequate time for programming, testing, training, and deployment. To encourage timely implementation, in consultation with COAC, CBP should provide incentives to filers who are able to meet the November 1 date. For those unable to file, CBP should analyze the filers who have shown a genuine effort to deploy ACE Cargo Release but due to various issues are unable to fully comply. CBP should allow those filers to continue filing ACS Release with ACE Entry Summary under a defined informed compliance period during which CBP will continue to work with those filers through their deployment and exercise enforcement discretion. Those filers who have shown minimal or no attempt to file ACE Cargo Release by November 1 should be held to a more aggressive action plan and be held accountable if minimal or no effort is apparent.

Status: Motion carried – unanimous

Recommendation 14012

3) ACE Cargo Release (with PGA message sets): COAC recommends that CBP, the BIEC and ITDS adjust the November 1 requirement to file ACE Cargo Release with PGAs by ninety (90) days with periodic reassessment to ensure that all pilots have been concluded, issues have been resolved, and the related PGA message sets are fully defined and locked down. Given the complexity of the PGA aspects of ACE Cargo Release, CBP should provide

adequate time for the trade to program, test, train, and deploy after the conclusion of the pilots.

Status: Motion carried – unanimous

Recommendation 14013

4) Quota Entries: COAC recommends that CBP delay the ACE go-live date for quota Entry Summary and Cargo Release until January 1, 2016.

Status: Motion carried – unanimous

Recommendation 14014

5) Document Imaging System (DIS): COAC recommends that CBP conduct testing, prior to November 1, to ensure that the Document Imaging System can handle large volumes of documents submitted via ABI DIS. In the event DIS is unable to handle the volume on November 1, COAC recommends that CBP consider alternate options to DIS, such as posting documents to the ACE portal as done today and/or allowing filers to email documents in accordance with a standard protocol, and advise the trade of those contingency plans.

Status: Motion carried – unanimous

Recommendation 14015

6) Trade Briefings: COAC recommends that CBP provide COAC and the trade with bi-weekly briefings and status reports, including metrics, on each of the PGA’s ACE pilots and general readiness for the mandatory filing date, as well as CBP’s future vision for ACE.

Status: Motion carried – unanimous

Recommendation 14016

7) National Guidelines and Escalation: To ensure a common and consistent approach by all ports, COAC recommends that CBP issue national guidelines for dealing with major issues (such as cargo release at terminals and ports) or processing challenges that arise in ACE implementation, including defined escalation paths and the assignment of adequate field, port, and technical resources. CBP should continue the “war room” approach, with sufficient allocation of resources to close all major issues. CBP should clarify the role of field, port, and technical staff, as well as the ABI Client Representatives, in terms of assisting the trade when ACE implementation issues arise. CBP should also issue clear, detailed CSMS messages as soon as possible when ACE implementation issues are identified. If necessary and to ensure port consistency, CBP should provide national guidance on and headquarters review of the issuance of any liquidated damages due to technical difficulties.

Status: Motion carried – unanimous

Recommendation 14017

8) Communication to the Trade: COAC recommends that, to the greatest extent possible, CBP and the PGAs leverage the BIEC and ITDS to provide more targeted and less technical communication of business rules and processes (including policy), software changes, and new requirements to all of trade, including importers, filers, and software vendors, so their respective business processes can be modified accordingly in advance of the mandatory filing date. CBP and the PGAs should not assume that software providers are pushing out this information to their customers, or that highly technical information such as the CATAIR is easily understood by all members of the trade. CBP should also continue to extend communication to other trade members, such as CFS stations and terminals, where paper forms may be required for release, such as non-AMS facilities.

Status: Motion carried – unanimous

Recommendation 14018

9) Leveraging BIEC/ITDS: We recommend that CBP leverage the BIEC and ITDS in the oversight of the PGA ACE pilots with the intent of preventing data creep and maintaining alignment with the PGA’s current regulatory authority in the development of the PGA message sets, to ensure predictability of operations for the trade.

Status: Motion carried – unanimous

Export Subcommittee:

Recommendation 14019

1) With regard to the FRN for an ACE Export Manifest for Air Cargo Test. In developing guidelines and SOPs for the practical conduct of the air automated export pilot, CBP should ensure that the concerns of the trade as set forth in commentary by COAC are addressed so that the pilot will enable a robust test of the progressive filing model that has been put forth by the COAC Export Subcommittee. In particular, achievable timelines for data submission for air shipments should be established, mandatory data elements should be limited to those currently required on the 7509 form, with pre-departure submission limited to those necessary for risk assessment, and procedures developed for managing holds and shipment interception with minimal disruption to air cargo operations.

Status: Motion carried – unanimous

Recommendation 14020

2) With regard to the publication of the FRNs for ACE export manifest tests for ocean, rail, and truck. The determination of 1) proper timelines for electronic data submission and 2) the

set of data elements that must be transmitted at a given time are fundamental to developing an automated export regime that is both effective and minimally deleterious to export operations and the flow of legitimate trade. CBP should ensure that mandatory pre-departure data elements contained within the FRNs announcing pilots for the ocean, rail and truck modes are limited to those found on the current 7509 paper form that are required for pre-departure risk assessment. CBP should also ensure that submission timelines have been thoroughly vetted with the trade, and that trade concerns with regard to feasibility and negative impact have been mitigated to the full extent possible.

Status: Motion carried – unanimous

Recommendation 14021

3) With regard to the process for drafting, approving and publishing FRNs and NPRMs. The transformation that CBP is undertaking to move export processing from paper to electronic, and from individual silos to a one-government at the border, single-window approach, requires a paradigm shift with regard to how export reporting can and should work and significant associated policy and regulatory change. Incremental, piecemeal approaches to the regulatory reform process and excessively long delivery timelines for associated FRNs and NPRMs are incompatible with what must be accomplished over the next 2-4 years. To better facilitate CBP's export trade transformation strategy, the OR&R legal team should become an integral participant in the substantive discussions taking place in the work groups of the COAC Export Subcommittee, with the nature and extent of the desired legal participation to be determined jointly by the trade and CBP within each work group. Further, CBP should apply more command attention to ensure the process for publishing critical FRNs and NPRMs is streamlined and accelerated.

Status: Motion carried – unanimous

Recommendation 14022

4) As CBP moves towards implementation of automated e-manifest and the ability to accommodate Census Option 4 and export filing requirements, COAC recommends that CBP collaborate with Census to ensure that any policy and process changes do not unjustifiably impede legitimate exports. To this end, CBP in conjunction with Census, should begin by clearly identifying the subset of existing export data from the cargo manifest needed for pre-departure risk assessment. Once those parameters are defined, CBP and Census should consult closely and collaboratively with Option 4 filers and their partner carriers to determine whether they can make all or part of those data elements available. If some, or all, of the data cannot be provided in line with above, CBP should investigate alternatives (e.g., usage of account-based management and predictive data) that address legitimate CBP security screening and Census regulatory control needs, without negatively impacting exports and their significant contribution to the U.S. economy.

Status: Motion carried – unanimous

October 29, 2015

Global Supply Chain Subcommittee:

Recommendation 14023

1) Companies that voluntarily use Electronic Cargo Security Devices (ECSDs) should not face additional burdens when crossing international borders. Regulations should be modernized and interoperable and necessary rulings modified or revoked to eliminate any additional paperwork, data entry, duty payments or customs declarations when moving these or similar tracking or monitoring devices, regardless of positioning or number of devices, inside or outside of the shipping container. ECSDs should be universally accepted as an instrument of international traffic (IIT). CBP should work with trade partners to find a 21st century solution that overcomes these barriers.

Status: Motion carried – unanimous

Recommendation 14024

2) COAC recommends that CBP monitor the technology market, focusing on technologies that are gaining wide market acceptance. The voluntary use of ECSDs and other technologies will create a better product, and drive a market-based solution that is mindful of international trade and transportation modes. Any consideration of these devices would have a large impact on international trade, with variation by mode of transportation, and should always consider operational impacts and cost-benefit analysis.

Status: Motion carried – unanimous

Recommendation 14025

3) Companies that voluntarily use ECSDs, utilize the data to monitor movements of a shipment's life cycle. This information is, and should remain, proprietary and should not reside in the public domain. There should be no expectation that this data will be made available to parties outside of the shipper, its contracted carrier and other authorized parties.

Status: Motion carried – unanimous

Export Subcommittee:

Recommendation 14026

1) We recommend that CBP formally recognize in its air export pilot documentation the fundamental difference between house air waybill – or “shipment-level” – data, and master air waybill – or “consolidation-level” – data, as was done for import electronic data in 19 CFR 122.48a. For the export pilot, this difference should be recognized by delineating and redefining the data element list along a house/master demarcation as per the specific recommendations provided in recommendation 6 below, which includes elimination of the imprecise terms “consolidator” and “de-consolidator.”

Status: Motion carried – unanimous

Recommendation 14027

2) We further recommend that flight-level information be distinguished from master-level data, such that flight information can be provided independently of and subsequent to the provision of both house bill data and master bill data, and that flight information remain a post-departure transmission during the pilot period as per the current paper manifest filing timeframe.

Status: Motion carried – unanimous

Recommendation 14028

3) Per the concept of decoupling shipment data from transport data, the effectiveness of which has been proven by over 5 years of ACAS pilot experience, we recommend that CBP designate house bill and master bill data elements for pre-departure submission to allow risk targeting in the pre-departure timeframe, well in advance of flight departure. At the same time, recognizing the time-pressured operational environment of air cargo and the current pre-departure regulatory structure for the automated export system, no data deadlines for house or master AWB transmission should be set earlier than the deadline for AES filing.

Status: Motion carried – unanimous

Recommendation 14029

4) Per the Trade Act dictate that data be provided by the party in the best position to do so, we recommend that CBP further designate that house bill data, during the pilot period, may be provided by a participating freight forwarder, while master bill data and flight data should be provided by the carrier.

Status: Motion carried – unanimous

Recommendation 14030

5) Finally, recognizing that industry and CBP may have different opinions regarding what cargo information, per the Trade Act’s mandate, is “reasonably necessary to enable high-risk shipments to be identified for purposes of ensuring cargo safety and security,” and recognizing that industry was surprised by several new data elements that were introduced in the FRN for the air export manifest pilot without any prior discussion with COAC, we recommend that data elements not currently required under the export manifest regime be designated as optional for the pilot period. We believe that even with an optional designation, the pilot will provide sufficient information to determine the necessity of the new data elements for risk assessment, to be weighed against the burden that their provision will cause to the trade. We also note that one FRN data element – consolidation status – appears to have been included in error as it is not applicable to the air environment, and that another – number of house air waybills – is an unnecessary element in an electronic reporting system, and therefore both of these elements should be removed from the list.

Status: Motion carried – unanimous

Recommendation 14031

6) Based upon the above 5 recommendations, we recommend that CBP disposition the data elements from the air export manifest FRN as follows (items listed in the order found in the FRN list):

FRN list #	Data Element Name	Recommended Disposition
1	Owner/Operator	<i>Existing Data Element:</i> Per recommendation #2, designate as a flight-level data element to be provided post-departure
2	Marks of nationality and registration	<i>Existing Data Element:</i> Per recommendation #2, designate as a flight-level data element to be provided post-departure
3	Flight number	<i>Existing Data Element:</i> Per recommendation #2, designate as a flight-level data element to be provided post-departure
4	Port of lading	<i>Existing Data Element:</i> Per recommendation #2, designate as a flight-level data element to be provided post-departure
5	Port of unloading	<i>Existing Data Element:</i> Per recommendation #2, designate as a flight-level data element to be provided post-departure

6	Scheduled date of departure	<i>Existing Data Element:</i> Per recommendation #2, designate as a flight-level data element to be provided post-departure
7	Consolidator	<i>Existing Data Element:</i> Eliminate per recommendation #1 (see items 14 and 15 below)
8	De-consolidator	<i>Existing Data Element:</i> Eliminate per recommendation #1 (see items 14 and 15 below)
9	Air waybill type	<i>New data element;</i> Per recommendation #5, designate as “optional” for pilot
10	Air waybill number	<i>Existing Data Element:</i> Per recommendation #1, divide by “master-level” and “house-level” . Per recommendation #3, designate as a pre-departure data element. Per recommendation #4, designate the house-level as an element to be provided by freight forwarders participating in the pilot.
11a	Number of pieces	<i>Existing Data Element:</i> Per recommendation #1, divide by “master-level” and “house-level” . Per recommendation #3, designate as a pre-departure data element. Per recommendation #4, designate the house-level as an element to be provided by freight forwarders participating in the pilot.
11b	Unit of measure	<i>New data element;</i> Per recommendation #5, designate as “optional” for pilot
12	Weight	<i>Existing Data Element:</i> Per recommendation #1, divide by “master-level” and “house-level” . Per recommendation #3, designate as a pre-departure data element. Per recommendation #4, designate the house-level as an element to be provided by freight forwarders participating in the pilot.
13	Number of HAWBs	<i>Existing Data Element:</i> Eliminate per recommendation #5 – this element is not applicable in an electronic environment
14	Shipper name and address	<i>Existing Data Element:</i> Per recommendation #1, divide by “master-level” and “house-level” . Per recommendation #3, designate as a pre-departure data element. Per recommendation #4, designate the house-level as an element to be provided by freight forwarders participating in the pilot. <i>Note, at the master level, the shipper takes the place of the “consolidator” – FRN item 7.</i>
15	Consignee name and address	<i>Existing Data Element:</i> Per recommendation #1, divide by “master-level” and “house-level” . Per recommendation #3, designate as a pre-departure data element. Per recommendation #4, designate the house-level as an element to be provided by freight forwarders participating in the pilot. <i>Note, at the master level, the consignee takes the place of the “deconsolidator” – FRN item 8.</i>
16	Cargo description	<i>Existing Data Element:</i> Per recommendation #1, divide by “master-level” and “house-level” . Per recommendation #3, designate as a pre-departure data element. Per recommendation #4, designate the house-level as an element to be provided by freight forwarders participating in the pilot.
17	AES Info	<i>Existing Data Element:</i> Per recommendation #1, designate as a “house-level” data element . Per recommendation #3, designate as a pre-departure data element. Per recommendation #4, designate as an element to be provided by freight forwarders participating in the pilot.
18	Split AWB indicator	<i>Existing Data Element:</i> Per recommendation #2, designate as a flight-level data element to be provided post-departure
19	Hazmat indicator	<i>New data element:</i> Per recommendation #5, designate as “optional” for pilot
20	UN Number	<i>New data element:</i> Per recommendation #5, designate as “optional” for pilot
21	In-bond Number	<i>New data element:</i> Per recommendation #5, designate as “optional” for pilot
22	Mode of transportation	<i>New Data Element:</i> Eliminate per recommendation #5 – this element is not applicable in the air environment

Status: Motion carried – unanimous

One US Government Subcommittee

Recommendation 14032

- **Communication and Outreach Related to the ACE PGA Pilots:** The COAC recommends that CBP do the following, leveraging the BIEC as appropriate when PGA matters are involved:
 - As recommended previously (see recommendation #14017), CBP should deliver an actionable and measurable communication plan to COAC before the next public meeting.
 - CBP’s communication and outreach efforts should include more importer-focused messaging.
 - CBP and the PGAs should publish Importer FAQs for how to join a pilot.
 - CBP should publish updated information re: the PGA pilot rollout schedule on CBP.gov and keep it current.
 - Pilot applicants should receive more timely responses from CBP and an acknowledgement that their request to join has been received and is under review.
 - CSMS messages regarding ACE deployment should be more timely and specific, and better categorized for easier reference (e.g., software issues, policy issues, etc.).
 - Key issues and learnings from the pilots should be published on CBP.gov and broadly communicated to the trade as soon as they are identified, to give as much lead time as possible in the development of contingency plans by importers and filers.
 - CBP and the PGAs should publish a list of ACE contacts and escalation points by port and/or district/region.

Status: Motion carried – unanimous

Recommendation 14033

- **PGA Message Sets and Related ACE Functionality:** The COAC recommends that CBP do the following, leveraging the BIEC as appropriate when PGA matters are involved:
 - The business rules, implementation guides, and record layouts for all PGAs should be locked down now, with no additional changes allowed prior to the February 2016 mandatory filing deadline. The agencies have had enough time to finalize their layouts. Importers and filers need to be afforded the same courtesy, in terms of having adequate time to complete and test their own programming.

- As recommended previously (see recommendations #14008 and 14018), CBP should work with the PGAs to minimize data creep. Data not used for admissibility decisions before, including forms that were kept in broker files but rarely requested by the PGA, should not be used for that purpose now. The agencies should collect this data post-entry, if necessary, but it should not impede the entry process when no real risk is present.
- All data elements that are included in the customs entry and are also required by the PGAs should be fed automatically without having to re-key the data.
- CBP should incorporate automated house bill release in ACE Cargo Release and companion manifest capabilities where it does not exist to facilitate effective visibility in managing cargo release at non-automated facilities.
- CBP should implement an eBond process for DOT bonds.

Recommendation 14034

- **PGA Pilot Processes:** The COAC recommends that CBP do the following, leveraging the BIEC as appropriate when PGA matters are involved:
 - The PGAs should evaluate staffing levels to ensure they are able to turn around releases in the new shorter timelines. The timing of certain automated PGA data may shorten the time the PGA has to review data for cargo release.
 - CBP and the PGAs should establish a true 1USG process, whereby requests for documents and/or exams are made once on a multi-agency basis, and the same information or exam results are used by all agencies.
 - Unless FDA intends to continue pre-validating data after the conclusion of their pilot, FDA should test real/un-validated data during the pilot to ensure all potential issues are identified and addressed. If FDA intends to continue pre-validating data, it should be done one time at a master data level, not at a shipment level. Pre-validating data on a shipment level is not sustainable by the trade or the agency.
 - CBP, via the BIEC, should encourage FDA to relax all non-critical data requirements (i.e., those that are important to the agency but do NOT impact admissibility and weren't previously provided at the time of entry) so that release is not held up due to the addition of new data elements. Additional information or validation, if deemed necessary, can be provided post-entry. If FDA is not willing to relax and/or eliminate some of its new requirements, we recommend that the mandatory filing date for FDA is pushed to later in 2016 to allow time for further testing of real data.

Status: Motion carried – unanimous

Recommendation 14035

- **PGA Holds:**
 - The COAC recommends that CBP, the BIEC, and the ITDS Board of Directors provide guidance to the trade community so they may properly understand the hold authority of CBP as well as those PGAs whose regulations permit preemptive authority at the border. The trade community needs clear guidance on who has the authority to issue a hold, how the hold will be managed (particularly under any relevant PGA pilots), and what actions may be taken to resolve a hold or detention. We believe the PGAs who have the ability to detain or hold cargo at the border, may also have authority over imported goods after they have cleared the border and been released from CBP custody. For this reason, the trade community needs to understand its obligations both at the border and after importation. We highly recommend the issued guidance include a list of current laws and regulations enforced by each PGA, the process to be followed to satisfy each agency's import requirements, and additional information requirements for the other PGAs who rely on CBP's 30 day detention period in 19 U.S.C. 1499, to ensure that imported goods can be made available to them after release.

Status: Motion carried – unanimous

Trade Enforcement Subcommittee:

Recommendation 14036

- COAC recommends that CBP, in consultation with Office of Regulations and Regulations (ORR), take immediate steps to identify those areas of enforcement involving PGA admissibility issues where the current CBP penalty and/or liquidated damage regime does not allow CBP to provide any independent relief apart from the PGA recommendation. As an example, we urge CBP, ORR to articulate mitigating factors for liquidated damages claims involving the failure to redeliver merchandise subject to FDA requirements.

Status: Motion carried – unanimous