

COMMERCIAL CUSTOMS OPERATIONS ADVISORY COMMITTEE
Charter

1. Committee's Official Designation:

Commercial Customs Operations Advisory Committee (COAC).

2. Authority:

Section 109 of the Trade Facilitation and Trade Enforcement Act of 2015 (the Act) established the Commercial Customs Operations Advisory Committee (COAC). 19 U.S.C. § 4316. The COAC 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 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 Assistant Secretary for Tax Policy or their delegees) and deputy co-chairs (DHS Under Secretary for Strategy, Policy & Plans 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 \$805,000. Approximately five staff years will be devoted to COAC operations.

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 co-chairs.

9. Frequency of Meetings:

By statute, the COAC is to meet at least four times each calendar year. To the greatest extent practicable, the COAC will meet quarterly within the 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. Members shall not be reimbursed for travel or 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 applicable 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:

The COAC shall consist of 20 members, two co-chairs, and two deputy co-chairs. One co-chair shall be the Treasury Assistant Secretary for Tax Policy and one co-chair shall be the Commissioner of U.S. Customs and Border Protection or their delegates. The deputy co-chairs shall be the DHS Under Secretary for Strategy, Policy & Plans and the Director of U.S. Immigration and Customs Enforcement. The 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 DFO, with the advice and approval of the co-chairs, sets the COAC's agenda. The co-chairs also advise the DFO on other managerial duties to help ensure the COAC operates in accordance with law. The COAC members will be appointed by, and will serve at the pleasure of, the Secretaries of the Treasury and DHS. Members will serve a term in a length of time as determined by the Secretaries, but of no more than three years. A member cannot serve more than two sequential terms.

Committee membership shall be representative of the individuals and firms affected by the commercial operations of U.S. Customs and Border Protection, and appointments shall be made 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 compensated.

The Secretaries of the Treasury and DHS may also appoint alternate members in the same manner as voting members for the COAC. Alternate members will be non-voting participants unless designated by the DFO, in consultation with the co-chairs, to fill a temporary absence or permanent vacancy of a standing member. Alternate members will serve a term in a length of time as determined by the Secretaries, but of no more than three years. An alternate member can be designated to replace a standing member for the remainder of their term and will not be able to serve more than two sequential terms.

To fully leverage broad-ranging experience and education, the COAC must be diverse with regard to professional and technical expertise. DHS is committed to pursuing opportunities, consistent with applicable law, to compose a committee that reflects the diversity of the nation's people and strives for a membership that reflects the goals of equity and inclusion.

13. Subcommittees:

The 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 agency 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 and the Freedom of Information Act (5 U.S.C. § 552).

16. Filing Date:

May 20, 2022
DHS Approval Date

May 26, 2022
Treasury Approval Date

May 27, 2022
Date Filed with Congress