

**Commercial Customs Operations Advisory
Committee (COAC)
Intelligent Enforcement Subcommittee**

March 2022

COAC

COMMERCIAL CUSTOMS OPERATIONS
ADVISORY COMMITTEE

**Commercial Customs Operations Advisory Committee (COAC)
March 2022**

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

Co-Chairs

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

Intelligent Enforcement Subcommittee Members:

Brian Barber, Barry Baxter, Dave Corn, John Drake, Chris Everly, Tom Gould, Heather Litman, Kerry Novak, Julie Pojar, Cynthia Roller, Travis Skinner, John Van Wallaghen, Erika Vidal-Faulkenberry, Brian White, Kathy Wilkins, and Matt Zehner.

Background

The following working groups make up the Intelligent Enforcement Subcommittee:

- 1) The 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 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 enabling trade and CBP to be better positioned for the future. The IE Subcommittee currently consists of four (4) active working groups. Each will have substantial tasks over the 16th term.

AD/CVD Working Group:

The Antidumping and Countervailing Duty Working Group will continue building upon the work and recommendations of the 15th and earlier COAC AD/CVD Working Groups. The AD/CVD WG intends to meet monthly. It met this year in February and will meet again after March 15, 2022.

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 prior 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 recommendation from this group, and where fully implemented, the AD/CVD will review the efficacy of the proposal. Where necessary, matters involving Sections 201, 232, and 301 will be discussed by this WG.

The AD/CVD WG does not have any recommendations to submit for the March 2022 meeting.

Bond Working Group:

The Bond Working Group will continue building upon the work and recommendations of the 15th and earlier COAC Bond Working Groups. The Bond WG intends to meet monthly; it met earlier this year in February and will meet again after March 15, 2022.

A great deal of work from past meetings has culminated with several recommendations presented late in the 15th COAC term. The Bond WG will monitor CBP's implementation and/or execution of previous recommendations. The Bond WG has provided its input to the CBP Revenue Division regarding updating the Bond Amount Directive (3510-004), and eagerly awaits CBP's publication of that revised Directive. The Bond WG will also review recent actions regarding the use of continuous bonds with TIBs where potential liquidated damages could exceed the amount of the continuous bonds. 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 March 2022.

Forced Labor Working Group:

The Forced Labor Working Group (FLWG) will continue and expand the work that was performed during the 15th term, when the working group was re-established following up the development of the concept of the Forced Labor Division, which was established to enforce Section 307 of the Tariff Act of 1930 (19 U.S.C. § 1307).

Primary focus of the second quarter: The FLWG shall develop recommendations or inform progress towards recommendations based on the following three objectives pertaining to the Uyghur Forced Labor Prevention Act (UFLPA). FLWG members will be nominated to conduct the necessary work to complete the following objectives related to UFLPA:

1. Communications Plan

- a. Provide feedback on CBP's communication plan for sharing information with trade stakeholders on the UFLPA implementation.

2. Questions on Implementation

- a. Anticipate questions and concerns to help CBP proactively address these in outreach.
- b. Review public comments submitted in response to the DHS Federal Register Notice (FRN) and advise CBP of concerns.

3. Website Review

- a. Provide input/feedback on CBP's website content related to UFLPA.

Intellectual Property Rights (IPR):

The reactivated IPR Working Group has begun regular meetings to discuss pragmatic and practical recommendations for improving communications between CBP, importers, and Right's Holders. As a part of this review, the IPR Working Group will be evaluating current CBP communication practices impacting exam, detention, and forfeiture. The IPR Working Group anticipates developing strategies for streamlining these communication practices with the goal of enhancing efficiencies for all parties.

Conclusion

The Intelligent Enforcement Subcommittee looks forward to presenting recommendations from the AD/CVD, Bond, Forced Labor and IPR Working Groups at the June meeting. All four (4) of the IE working groups continue to be active. Looking forward, we will continue to evaluate potential opportunities to enhance the trade and government processes, policies, and programs, enabling the trade and CBP to be better positioned for the future.