

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

December 2022

**COAC**

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COMMERCIAL CUSTOMS OPERATIONS  
ADVISORY COMMITTEE

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

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

**Co-Chairs**

**Erika Vidal-Faulkenberry**

**Matt Zehner**

**Heather Litman**

**Intelligent Enforcement Subcommittee Members:**

Brian Barber, Barry Baxter, Dave Corn, John Drake, 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 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 strengthened compliance by the trade through CBP outreach. The IE Subcommittee currently consists of four (4) active working groups. Each will have substantial tasks over the 16<sup>th</sup> term.

**AD/CVD Working Group:**

The Antidumping and Countervailing Duty Working Group will continue building upon the work and recommendations of the 15<sup>th</sup> and earlier COAC AD/CVD Working Groups. The AD/CVD WG intends to meet monthly. It met in October and November.

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 recommendations 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 group is working with CBP on language for a CSMS regarding reporting manufacturers and exporters in AD/CVD entry summaries.

The AD/CVD WG does not have any recommendations to submit for the December 2022 public 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 met twice during the past quarter but will transition to a bi-monthly schedule because most of its efforts involve monitoring development of earlier recommendations.

A great deal of work from past meetings has culminated with several recommendations presented late in the 15th COAC term. The Bond WG has provided its input to the CBP Revenue Division regarding updating the Bond Amount Directive (3510-004) and eagerly awaits the conclusion of CBP's review process that will lead to the publication of that revised Directive. Additionally, the Bond WG will continue discussions regarding the electronic delivery of CBP Form 5955a to sureties, bond principals, and/or entry filers. We report CBP issued public guidance this past quarter to clarify the use of additional security when TIBs could exceed the bond amount of a continuous bond, and that the Trade Support Network continues to meet biweekly with CBP to implement the three additional ebond categories for single transaction bonds involved with ISFs, non-conforming vehicles, and Section 337 investigations.

The Bond WG does not have any recommendations to submit for the December 2022 public meeting.

### **Forced Labor Working Group:**

During the fourth quarter of 2022, the Forced Labor Working Group (FLWG) met four times as a working group, and the COAC and CBP leadership team met once. The priority of the working group meetings this quarter was to finalize any clarification requested by CBP regarding the recommendations COAC put forward in relation to the UFLPA Operational Guidance for Importers in June, and to begin discussing recommendations on additional guidance documents, communication methods, and metrics the trade is asking from CBP.

The FLWG statement of work (SOW) was updated to reflect these ongoing as well as new priorities identified. The FLWG will continue to build on the work already completed in previous quarters to support CBP in the intelligent enforcement of and communication with the trade with respect to forced labor including both UFLPA and WROs. The FLWG is working to help and empower importers of all sizes to better understand and comply with the operational processes to comply with UFLPA and WRO enforcement. Additionally, it is a priority for the FLWG to continue partnering with CBP on the implementation progress and closure of previously submitted recommendations.

The FLWG will be submitting recommendations for the December 2022 public meeting.

**Intellectual Property Rights (IPR):**

In the fourth quarter of 2022, the IPR Working Group (IPRWG) continued to develop and refine ideas for enhancing CBP operational practices, policies, and programs relating to CBP's interdiction of violative counterfeit goods.

In its meetings, the IPRWG has furthered its evaluation of CBP's operational mechanisms for initiating IPR detentions and for enhancing communications concerning such interdictions to CBP internally, to importers, and to the rights' holders. That evaluation has generated recommendations for automating and enhancing the processes, which will be presented at the December public COAC meeting. In preparing its recommendations, the IPRWG was mindful to ensure that its recommendations took into consideration the suggestions reflected in the Office of Inspector General Report titled "DHS and CBP Should Improve Intellectual Property Rights Management and Enforcement."

**Conclusion**

The Intelligent Enforcement Subcommittee looks forward to presenting recommendations from the Forced Labor and IPR Working Groups at the December 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, leading to strengthened compliance through CBP outreach.