

**Commercial Customs Operations Advisory
Committee (COAC)
Next Generation Facilitation Subcommittee
21st Century Customs Framework Task Force
Recommendations**

September 2022

COAC

COMMERCIAL CUSTOMS OPERATIONS
ADVISORY COMMITTEE

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Report of the work of the COAC
Subcommittee on Next Generation Facilitation
21st Century Customs Framework Task Force Recommendations

COAC Recommendations:

1. COAC recommends CBP increase transparency for the Trade for Customs Mutual Assistance Agreements (CMAAs) and CBP must ensure the text of each is linked to the CBP website.
2. COAC recommends that CBP proceed to internally finalize the draft statutory language based on areas addressed in the course of 21CCF discussions for the following statutes:

21CCF Statutory Changes to be Finalized:

CBP Challenge Area 1: Limited Data Collection

- 19 USC § 1484

CBP Challenge Area 2: Restricted Data Usage

- 19 USC § 1415

CBP Challenge Area 4.1: Preventing Loss of U.S. Revenue

- 19 USC § 4320
- 19 USC § 1498

CBP Challenge Area 4.2: Streamlining Enforcement Avenues that Protect U.S. Intellectual Assets and American Consumers

- 19 USC § 1526(e)
- 19 USC § 1595a(f)
- 19 USC § 1607

3. COAC recommends that CBP, the 21CCF Focus Group, and any additional PGAs as appropriate, continue to discuss and attempt to finalize the below statutory changes proposed by CBP and separately, by industry.

CBP-Proposed Statutory Changes for Further Discussion:

CBP Challenge Area 1: Limited Data Collection

- 19 USC § 1431

CBP Challenge Area 4.1: Preventing Loss of U.S. Revenue

- 19 USC § 1623
- 19 USC § 1517

CBP Challenge Area 4.3: Driving Trade Compliance through Expanded and Streamlined Penalties

- 19 USC § 1595a(b)
- 19 USC § 1595a(d) and (e)
- 19 USC § 1592

Industry-Proposed Statutory Changes for Further Discussion:

- 19 USC § 1411 and 19 USC § 4316 – Codify PGA engagement with the Trade, including COAC reporting to the existing Border Interagency Executive Council, establishing a framework that requires the PGAs engagement with and reporting to the Trade, provides visibility and input to harmonize cargo processing and release protocols, requires true 1USG cargo release through interoperable platforms, and also ensures appropriations for funding of such measures.
- 19 USC § 4311 – Require each PGA with authority to detain and release merchandise entering the U.S. to set forth CTPAT-PGA minimum security and compliance criteria and to implement a program for importers, exporters, and other appropriate parties, providing benefits, facilitating the release of cargo, minimizing inspections and exams, limiting the recall of merchandise into custody as well as other tangible, meaningful benefits that CBP and PGA’s develop in collaboration with the COAC. The CTPAT PGA programs shall not limit or restrict any PGA’s ability to develop and implement its own trusted trader programs in addition to the CTPAT PGA program, in order to provide more fulsome or recurring benefits.
- 19 USC § 1431(c) - Automatically treat manifest and Customs declaration data of all transportation modes as private and confidential business information.
- 19 USC § 58c in an effort codify the ability to reduce the Merchandise Processing Fee (MPF) for CTPAT members and ensure the MPF is allocated to CBP for operations and automation.
- Statute TBD – seek legislation that authorizes Congress to appropriate the necessary amounts to carry out improvements in a uniform 1USG single window for cargo admissibility, release, and summary, specifically related to improvements in the Automated Commercial Environment and the International Trade Data System and to carry out a government-wide CTPAT-PTGA program via the CBP CTPAT portal for each of fiscal years 2023 through 2027.