

# Commercial Customs Operations Advisory Committee Intelligent Enforcement Subcommittee Government Issue Paper: Bond Working Group

September 2022



U.S. Customs and  
Border Protection

Office of Trade/Trade Policy & Programs  
Intelligent Enforcement Subcommittee/Bond Working Group  
September 2022

**Action Required:** Informational  
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**Background:**

- U.S. Customs and Border Protection (CBP) is implementing risk-based bonding by leveraging our existing authorities to develop a sustainable approach with focus on near-term deliverables.
- In response to input from the Bond Working Group, CBP published updated guidance on Pipeline Operator Bonds to clarify that the movement of imported merchandise through a pipeline must be secured by either a basic importation and entry bond or basic custodial bond.

**Issue:**

- The Bond Working Group recommended that CBP update Customs Directive 3510-004, Monetary Guidelines for Setting Bond Amounts.

**Current Status:**

**Risk-Based Bonding Initiative**

- CBP completed several near-term deliverables such as:
  - Issued bond policy to no longer permit persons suspended or debarred by CBP (or another Federal agency, as applicable) to use a continuous bond to secure customs activities.
  - Updated internal guidance and procedures to better define when to consider use of Single Transaction Bonds (using the existing formula/process) to protect revenue, particularly because of Antidumping/Countervailing Duty (AD/CVD) concerns and fully automating continuous bond sufficiency checks.
  - Increased the number of CBP personnel trained on bonding authority and enforcement options.
- CBP is working to complete the remaining initiatives:
  - Clearing of the Notice of Proposed Rulemaking (NPRM) to incorporate eBond in 19 CFR 113 Regulations, to update eBond functionality from a test to a requirement, eliminate the majority of paper bond processing, and ensure bonds are on file.
  - Continuing to fulfill the internal communication strategy for bond education by having monthly bond webinars until end of Fiscal Year (FY) 22.
  - Finalizing guidance that provides CBP field personnel with information about the proper submission of bonds to CBP by eBond and non-eBond participants, for Temporary Importation under Bond (TIB) entries and Informal Entries.

### Monetary Guidelines on Setting Bond Amounts

- The COAC Bond Working Group has completed review of Customs Directive 3510-004, Monetary Guidelines for Setting Bond Amounts. CBP is reviewing with the intent to publish the updated internal directive and corresponding external guidance document by the end of Calendar Year (CY) 22.

### Automated Commercial Environment (ACE) eBond Enhancements

- CBP is working with the Trade Support Network (TSN) to incorporate remaining bond types into eBond. The Bond Work Group submitted recommendations for the incorporation of four additional types of bonds in eBond: Importer Security Filing (ISF), Department of Transportation (DOT), International Trade Commission (ITC), and the Intellectual Property Right (IPR) bonds.

### Next Steps:

- CBP is working to publish the Monetary Guidelines on Setting Bond Amounts by the end of CY 22.
- CBP is collaborating with TSN to pursue enhancements to ACE eBond. Once finalized, CBP will need to work internally to prioritize the Requests for Development (RFDs).

**Submitted by:** Shari McCann, Office of Trade, Commercial Operations, Revenue and Entry Division, [Sharolyn.J.McCann@cbp.dhs.gov](mailto:Sharolyn.J.McCann@cbp.dhs.gov), (202) 384-8935

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