

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

September 2022

COAC

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 – Biogen
Matt Zehner – Roanoke Group
Heather Litman – GDLSK**

Intelligent Enforcement Subcommittee Members:

Brian Barber, Barry Baxter, Dave Corn, John Drake, 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 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 in late June and late August and will return to its monthly meeting schedule.

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 AD/CVD WG does not have any recommendations to submit for the September, 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 intends to meet monthly; it met earlier this quarter in July and will meet again after the submission of this report, but prior to the September 2022 COAC public meeting.

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 eagerly awaits CBP's updates to CBP Directive 3510-004 (Bond Amount Directive). The Bond WG will continue discussions regarding the electronic delivery of CBP Form 5955a to sureties, bond principals, and/or entry filers, and is studying the impact of eBond Status messaging involving entries not connected to an eBond.

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

Forced Labor Working Group:

During the third quarter of 2022, the Forced Labor Working Group (FLWG) met three times as a working group, and the COAC and CBP leadership team met once. The focus of the working group meetings this quarter was on providing clarification and responses to questions CBP had on the recommendations COAC put forward in relation to the UFLPA Operational Guidance for Importers.

An update to the SOW was discussed during the leadership meeting, and revisions are being considered for ongoing as well as new priorities being identified. The FLWG will continue to partner with CBP as it relates to identifying opportunities for intelligent and balanced enforcement, outreach, as well as enabling two-way communication with the trade on forced labor related topics. 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 has no recommendations to submit for the September 2022 public meeting.

Intellectual Property Rights (IPR):

In the third-quarter of 2022, the IPR Working Group (IPRWG) has continued to develop 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 transmitting communications concerning such interdictions to CBP internally, to the trade, and to the rights' holders. That evaluation has generated recommendations for enhancing and systemizing the processes, which are currently being drafted by the IPRWG. In preparing its draft, the IPRWG is working to ensure that its recommendations take into consideration the suggestions reflected in the Office of Inspector General Report titled "DHS and CBP Should Improve Intellectual Property Rights Management and Enforcement."

In addition to this work, the IPRWG has also established two committees to develop additional recommendations concerning:

- Enhancements to the IPR webpage
- Alternative enforcement mechanisms, such as manipulation and abandonment, that can help to avoid the need for seizure

Conclusion

The Intelligent Enforcement Subcommittee looks forward to presenting recommendations from the AD/CVD, Bond, 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, enabling the trade and CBP to be better positioned for the future.