

Commercial Customs Operations Advisory Committee Intelligent Enforcement Subcommittee

June 2023

The logo for the Commercial Customs Operations Advisory Committee (COAC) features the acronym 'COAC' in a large, bold, serif font. The letters 'C', 'A', and 'C' are blue, while the 'O's are red. Below the acronym are two horizontal lines, the top one blue and the bottom one red.

COMMERCIAL CUSTOMS OPERATIONS
ADVISORY COMMITTEE

**Commercial Customs Operations Advisory Committee (COAC)
June 2023**

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

Co-Chairs

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

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 Anti-dumping and Countervailing Duty (AD/CVD) Working Group, Chaired by Matt Zehner.
2. The Bond Working Group, Co-chaired by Tom Gould and Matt Zehner.
3. The Forced Labor Working Group, Co-chaired by Julie Pojar and Erika Vidal-Faulkenberry.
4. The Intellectual Property Rights (IPR) Process Modernization 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 16th term.

AD/CVD Working Group:

The AD/CVD Working Group (WG) will continue building upon the work and recommendations of the 15th and earlier COAC AD/CVD WGs. The AD/CVD WG met in April and May this past quarter.

The AD/CVD WG will continue to 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 continue to assess the implementation status of the prior recommendations from this WG, and where fully implemented, the AD/CVD WG will review the efficacy of the proposal. Where necessary, matters involving Sections 201, 232, and 301 will be discussed by this WG.

The WG will continue discussing whether there can be a better way CBP, and the Commerce Department may better inform the trade of when a certification may be required to be filed with the entry summary documents. These discussions may result in recommendations in the future.

The AD/CVD WG does not have any recommendations to submit for the June 2023 public meeting.

Bond Working Group:

The Bond Working Group (WG) will continue building upon the work and recommendations of the 15th and earlier COAC Bond WGs. The Bond WG met in early April and late May during this quarter and has transitioned to a bi-monthly schedule because most of its efforts involve monitoring development of earlier recommendations.

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 will also continue its discussions on how CBP may strengthen the accuracy of physical addresses reported by parties dealing with CBP. The Bond WG will also give an update on the progress of earlier recommendations involving the Bond Amount Directive and the Trade Support Network's progress on ACE eBond enhancements for STBs involving Importer Security Filings, non-conforming vehicles, and Section 337 investigations.

The Bond WG does not have any recommendations to submit for the June 2023 public meeting.

Forced Labor Working Group:

The Forced Labor Working Group (FLWG) met in May this quarter. The focus of the FLWG meeting was to provide feedback on the publication of FAQs, statistics, and additional forms of guidance to importers to aid in complying with the Uyghur Forced Labor Prevention Act (UFLPA) with the shared goal to eradicate the use of forced labor.

For the remainder of the year, the FLWG will continue to work with CBP as it relates to identifying opportunities for intelligent enforcement, maximizing outreach, develop additional FAQs and visual tools to help enable two-way communication and training with the trade on forced labor related topics. Furthermore, the FLWG will partner with CBP on further discussions to identify opportunities for technology tools applicable to Supply Chain mapping and forced labor prevention.

Finally, as reported in previous quarterly updates, 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 June 2023 public meeting.

Intellectual Property Rights (IPR) Modernization Process Working Group (IPRWG):

The IPRWG continues to evaluate CBP's operational mechanisms for processing IPR interdictions and to identify opportunities for enhancing communications concerning such events with CBP internally, with importers, and with rights' holders.

The IPRWG met regularly during the last quarter and has focused its efforts on developing recommendations regarding the creation of a portal on the CBP IPR web page that would allow for interactive communications between CBP and the trade. The IPRWG was fortunate to attend a live presentation provided by the European Union Intellectual Property Office concerning the EU's IPR Enforcement Portal (IPEP). This presentation provided an in-depth look at potential functionalities that might be beneficial for a future U.S. portal.

In addition to its work developing recommendations concerning the portal, the IPRWG met with the CBP Office of Regulations and Rulings to learn of recent updates to the Intellectual Property Rights Search (IPRS) database, which contains public versions of CBP intellectual property rights recordations. These updates helped the IPRWG to better understand how its recommendations might impact CBP internally.

The IPRWG looks forward to continuing its work in the next quarter and anticipates providing recommendations at the September meeting of the COAC.

Conclusion

The IE Subcommittee looks forward to providing updates from the AD/CVD, Bond, Forced Labor and IPR Modernization Process WGs at the June meeting. All four of the IE WGs continue to be active. Looking forward, the IE Subcommittee 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.