Customs Law Committee

What’s On for the Spring Meeting?

The ABA Section of International Law’s spring meeting is scheduled to take place April 28 – May 2 in Washington, DC. The Customs Law Committee is sponsoring or co-sponsoring several programs. They are as follows:

April 29, 9:00 – 10:30 am: Holding an Umbrella In a Hurricane: Hot Topics for General Counsel to U.S. Government Agencies, International Organizations, and International NGOs - Sarah E. Fandell of the Inter-American Investment Corporation and Jason Matechak of International Relief & Development will moderate a panel on managing crisis issues in government agency and international organization legal departments. The panelists will cover topics including as cybersecurity, data privacy, and reputational risk, and how to manage crises while contending with budget cuts, public scrutiny, and more.

April 30, 4:30 – 6:30 pm: The Exciting World of Trade Facilitation: Fast-Moving Trade, High Stakes Negotiations, the Fate of the Rules-Based Trading System - An expert panel, moderated by Leah Liston of the United States Department of Commerce, will discuss the unique, “bottom-up” negotiation of the ground-breaking WTO Trade Facilitation Agreement. The panelists will cover the resolution of outstanding contentious issues over the past year, and the steps remaining before the agreement can enter into force.

May 1, 2:30 – 4:00 pm: The Times They Are a Changin’: How to Make Yourself More Marketable In Today’s International Legal Field - Audrey Lustgarten of Lustgarten Global LLC will moderate a discussion of the changing challenges, and opportunities, for lawyers seeking to make a career in international law, covering work in law firms, as general counsel to international corporations, or in government or international organizations. The panel is geared toward law students, younger lawyers, and experienced lawyers looking for a change.

Committee leadership has reserved a table at breakfast each morning for interested members, and have also set up a fixed-menu, family-style dinner for Committee members from 6:30 – 8:30 p.m. on Thursday, April 30 at Del Frisco’s Grille, 1201 Pennsylvania Avenue NW (near Federal Triangle, and the venue for the evening’s reception). Please contact the committee co-chairs, Christine Martinez and Greg Kanargelidis, for more information!

News from the CEES

by Maureen Thorson, Wiley Rein LLP

On April 7, 2015, the Customs Law Committee presented a panel discussion regarding the roll-out of CBP’s Centers for Excellence and Expertise.

The panel discussion, which was moderated by Committee vice-chairs Jaime Joyner and Christopher Skinner, was simultaneously presented at three on-site locations, and nationally via webinar. Speakers included Lynn Fallik, Center Director for the Petrocem, and Natural Gas, and Minerals CEE in Houston, Anthony Orosz, Assistant Center Director for the Pharmaceuticals, Health & Chemicals CEE in New York, and Maya Kamar, Branch Chief the Electronics CEE in Los Angeles. Also participating were as David McGurk and Laura Webb, both Assistant Center Directors for the Houston CEE.

The discussion began with an overview of the Centers, and the decision to bring greater centralization, uniformity, and expertise to CBP’s handling of entries. The Centers represent a significant departure from CBP’s traditional “port-specific” entry processing operations, in which each individual port handled pre-release, release, and post-release operations for all entries. Given the sheer number of imported products, this necessarily resulted in gaps in ports’ knowledge, and disparate treatment of similar products at different ports. By ensuring that all imports within certain tariff classifications are handled by personnel assigned to those particular chapters, and with specialized knowledge of the industries involved in such imports, the CEEs aim to bring greater uniformity to CBP’s activities.

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News from the CEES (cont’d from page 2)

operations, while solidifying institutional knowledge of various products and industries.

The discussion continued with presentations on behalf of each of the three represented CEES, discussing the staging process for the CEE roll-out. The initial stages of the roll-out have involved coordination of the imports for certain voluntary CEE participants in relevant CEES, while imports for non-participants remain with the individual ports of entry.

This initial testing phase has permitted both CEES and voluntary participants to test the system, and to grow the expertise and knowledge of CEE personnel. It has also benefitted voluntary participants by providing them with a single point of contact regarding their imports - even imports that may not fall within the CEE’s designated tariff lines. For example, CEE staff explained that if a petroleum company that is a voluntary participant with the Houston CEE wished to import printed t-shirts as part of a corporate give-away, the processing of these entries would be handled by the CEE, even though the t-shirts would not normally fall within the Houston CEE’s designated tariff codes.

It is not clear, however, that once the CEES are fully rolled out, individual importers’ goods will be handled solely by one CEE or another. In response to a question regarding whether the Houston CEE would process entries of oil and gas equipment, it was stressed that machinery associated with drilling and exploration was not part of the Houston CEE’s designated tariff lines.

Ultimately, each CEE will be charged with post-release processing for all imports within designated tariffs, including penalty activities and the processing of prior disclosures. However, while the roll-out is ongoing, ports will continue to for these activities. And even after the roll-outs are complete, individual ports will remain responsible for all pre-release processing tasks.

As the roll-out process continues, there will doubtless be snags and bumps, but the pay-off should be greater predictability for both CBP and the import community as a whole.

New COAC Membership Announced
by Bryce Jones

Last month, CBP announced the membership roster for the 14th Advisory Committee on Commercial Operations to U.S. Customs and Border Protection (COAC). The COAC, which was established by the Omnibus Budget Reconciliation Act of 1987, meets approximately four times every year in order to provide recommendations to U.S. Customs from outside stakeholders. The newly announced membership roster includes lawyers in private practice, as well as officials from companies such as Microsoft and DHL, and organizations such as the U.S. Chamber of Commerce.

This term, COAC is expected to address issues such as global supply chain security and facilitation, modernization and automation, air cargo security, customs broker regulations, trade enforcement, exports, trusted trader, revenue modernization, the “One U.S. Government” approach to trade and safety of imports, agricultural inspections, and the protection of intellectual property rights.

Interested in the COAC’s proceedings? Meetings are open to the public both in person and via webinar.

The Committee welcomes contributions to the newsletter, including summaries of committee events and developments from other jurisdictions. If you are interested in contributing, please contact the Committee’s vice-chairs for Publications.

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