ADVISORY COMMITTEE ON COMMERCIAL OPERATIONS TO U.S. CUSTOMS AND BORDER PROTECTION

1. Committee's Official Designation:

Advisory Committee on Commercial Operations to U.S. Customs and Border Protection (COAC).

2. Authority:

The *Omnibus Budget Reconciliation Act of 1987*, Pub. L. No. 100-203, Title IX, Subtitle F, § 9503(c), 101 Stat. 1330, 1330-381 (1987) (codified at 19 U.S.C. § 2071 note) established the COAC. Department of the Treasury Order No. 100-16, dated May 15, 2003, and effective May 23, 2003 (published at 68 FR 28322, May 23, 2003), specified that the COAC will be administered jointly by the Departments of the Treasury and Homeland Security. This COAC is established in accordance with and shall operate under the provisions of the *Federal Advisory Committee Act* (FACA), 5 U.S.C. App.

3. Objectives and Scope of Activities:

The COAC shall advise the Secretaries of the Department of the Treasury and the Department of Homeland Security on the commercial operations of Customs and Border Protection (CBP) and related DHS and Treasury functions. The COAC may consider issues such as: global supply chain security and facilitation, CBP modernization and automation, air cargo security, customs broker regulations, trade enforcement, exports, trusted trader, revenue modernization, One U.S. Government approach to trade and safety of imports, agricultural inspection, and protection of intellectual property rights.

4. Description of Duties:

The duties of COAC are solely advisory in nature.

5. Officials to Whom the COAC Reports:

COAC will provide advice and recommendations to the Commissioner of U.S. Customs and Border Protection, Department of Homeland Security, and the Deputy Assistant Secretary for Tax, Trade and Tariff Policy, Department of the Treasury.

6. Agency Responsible for Providing Necessary Support:

The Department of Homeland Security shall be responsible for providing financial and administrative support to the COAC. Within DHS, the Office of Trade Relations in U.S. Customs and Border Protection will provide this support.

7. Estimated Annual Operating Costs and Staff Years:

The estimated annual operating costs will be approximately $560,027. Staff years devoted to the COAC operations, excluding the Co-chairs, will be approximately 4.5 staff years.

8. Designated Federal Officer:

A full-time or permanent part-time employee of DHS shall be appointed by the Commissioner as the COAC Designated Federal Officer (DFO). The DFO or the Alternate DFO shall approve or call COAC meetings, approve meeting agendas, attend all COAC and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the government Co-Chairs.

9. Estimated Number and Frequency of Meetings:

The COAC is expected to meet approximately four times per year. Members shall not be reimbursed for travel and per diem, and all travel for COAC business must be approved in advance by the DFO. COAC meetings shall be open to the public unless a determination is made by the appropriate DHS official in accordance with DHS policy and directives that the meeting should be closed in accordance with subsection (c) of section 552b of title 5, United States Code (5 U.S.C. § 552b(c)).

10. Duration:

Continuing.

11. Termination:

This charter shall be in effect for two years from the date it is filed with Congress unless sooner terminated. The charter may be renewed at the end of this two year period in accordance with section 14 of FACA (5 U.S.C. App.).

12. Member Composition:

The COAC shall consist of 20 members and two government Co-Chairs. One Co-Chair shall be from the Department of the Treasury and one Co-Chair shall be from the Department of Homeland Security. The government Co-Chairs are not members of the COAC, but they do preside over all COAC meetings. They manage the COAC's deliberations and may participate in the COAC's discussion but do not vote on COAC

actions to provide advice. The government Co-Chairs assist the DFO in setting the COAC's agenda and with other managerial duties to ensure the COAC operates in accordance with law. The COAC members shall be appointed by, and serve at the pleasure of, the Secretary of the Treasury and the Secretary of Homeland Security. The membership is representative of individuals and firms affected by the commercial operations of the CBP. Members represent the viewpoint of their respective interests and are not Special Government Employees as defined in section 202(a) of Title 18, United States Code. In addition, the members shall be selected to avoid geographic or regional concentration. By statute no more than ten members may be affiliated with the same political party. Members shall not be paid compensation.

Membership on the COAC is personal to the appointee. A member may not send an alternate to represent him or her at a COAC meeting.

13. Subcommittees:

The Co-chairs may establish subcommittees for any purpose consistent with this charter in consultation with the DFO. Such subcommittees may not work independently of the chartered committee and must present their work to the COAC for full deliberation and discussion. Subcommittees do not have authority to make decisions on behalf of the COAC and may not report directly to a Federal Government or any other entity.

14. Recordkeeping:

The records of the COAC, formally and informally established subcommittees or other subgroups of the committee, are handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records are available for public inspection and copying, in accordance with the *Freedom of Information Act* (5 U.S.C. § 552).

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GSA Consultation Date

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