

U.S. CUSTOMS AND BORDER PROTECTION
Department of Homeland Security
Port Huron Field Operations
Pipeline & News



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Date: November 9, 2004

TO : Brokers, Importers, ABI Filers and Other Interested Parties

FROM : Port Director,
Port Huron, Michigan

SUBJECT : Enforcement Guidelines for Truck Operations for the Trade Act of 2002
Information for the Trade

On August 17, 2004, CBP published a notice in the Federal Register to advise the public when CBP must begin to receive the required cargo information in an electronic format for cargo brought into the United States by truck. CBP established three compliance dates (November 15, 2004; December 15, 2004 and January 14, 2005), based on the location of the port where the cargo first arrives into the United States (see attachment):

	Implementation Date	Ports (As specified in the Trade Act)
1	November 15, 2004	Group 1
2	December 15, 2004	Group 2
3	January 14, 2005	Group 3

Beginning on the dates established in the above schedule, CBP will establish the following procedures in each port for any truck that arrives in the United States which is required to transmit information electronically to CBP. There will be three phases, each phase focusing on one of the following three areas: IN-BOND, to include Customs Automated Forms Entry System (CAFES) and ABI in-bond format (QP/WQ), Pre-Arrival Processing System (PAPS) and Border Release Advance Screening and Selectivity (BRASS). The implementation schedule is as follows:

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Phase 1 (IN-BOND)	Phase 2 (PAPS)	Phase 3 (BRASS)
<p>Group 1</p> <p>Part 1: 11/15/04 - 11/29/04 Part 2: 11/30/04 - 01/30/05 Part 3: 01/31/05</p>	<p>Group 1</p> <p>Part 1: 12/01/04 - 12/14/04 Part 2: 12/15/04 - 01/30/05 Part 3: 01/31/05</p>	<p>Group 1</p> <p>Part 1: 12/16/04 - 01/30/05 Part 2: 01/31/05</p>
<p>Group 2</p> <p>Part 1: 12/15/04 - 01/02/05 Part 2: 01/03/05 - 02/27/05 Part 3: 02/28/05</p>	<p>Group 2</p> <p>Part 1: 01/04/05 - 01/18/05 Part 2: 01/19/05 - 02/27/05 Part 3: 02/28/05</p>	<p>Group 2</p> <p>Part 1: 01/20/04 - 02/27/05 Part 2: 02/28/05</p>
<p>Group 3</p> <p>Part 1: 01/14/05 - 01/31/05 Part 2: 02/01/05 - 03/29/05 Part 3: 03/30/05</p>	<p>Group 3</p> <p>Part 1: 02/02/05 - 02/15/05 Part 2: 02/16/05 - 03/29/05 Part 3: 03/30/05</p>	<p>Group 3</p> <p>Part 1: 02/17/05 - 03/29/05 Part 2: 03/30/05</p>

To ensure uniformity in the application of these regulations, CBP will adopt the following procedures at all ports beginning on the dates established in this schedule.

Phase 1 (In-Bond)

For any truck arriving with in-bond shipments (QP/WP and CAFES) that have not been transmitted electronically to CBP, the following guidelines will be implemented:

Part 1: Ports will issue a Notice of Noncompliance (Attachment 2 for in-bond). This notice will supercede the notice currently being issued.

Part 2: A penalty will be issued, with the following guidelines: The driver (in care of the carrier) will be liable under 19 USC 1436. The importer and broker would be assessed liquidated damages pursuant to 19 CFR 113.62(j)(2), as the electronic filer. A single penalty may be assessed against the person in charge of the truck under 19 USC 1436, or a single claim for liquidated damages under 19 CFR 113.62(j)(2) may be assessed against each authorized electronic transmitter responsible for the violations. The amount of the penalty/liquidated damage will be as follows: Carriers

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will be assessed \$5,000 first time violation, \$10,000 for subsequent violations against same driver. Importers and brokers will be assessed \$5,000 for first and subsequent violations.

Part 3: According to the dates reflected in Phase 1 (in-bond), entry will be denied for any truck arriving at the border that is non-compliant. A penalty/liquidated damage will also be issued as appropriate.

Phase 2 (PAPS)

For any truck arriving with a PAPS entry that was not electronically received by CBP, the following guidelines will be implemented:

Part 1: Ports will issue a Notice of Noncompliance (Attachment 2 for PAPS). This notice will supercede the notice currently being issued. Each port is also directed to place this notice in all broker boxes.

Part 2: The driver (in care of the carrier) will be liable under 19 USC 1436. The importer and broker would be assessed liquidated damages pursuant to 19 CFR 113.62(j)(2), as the electronic filer. A single penalty may be assessed against the person in charge of the truck under 19 USC 1436, or a single claim for liquidated damages under 19 CFR 113.62(j)(2) may be assessed against each authorized electronic transmitter responsible for the violations. The amount of the penalty/liquidated damage will be as follows: Carriers will be assessed \$5,000 first time violation, \$10,000 subsequent violation against same driver. Importers and brokers will be assessed \$5,000 for first and subsequent violations.

Part 3: According to the dates reflected in Phase 2 (PAPS), entry will be denied for any truck arriving at the border that is non-compliant. A penalty/liquidated damage will also be issued as appropriate.

Phase 3 (BRASS)

For BRASS entries where the driver does not present a valid FAST card, the following guidelines will be implemented:

Part 1: CBP recognizes that a backlog exists for FAST card applications. Subsequently, CBP is allowing enough time to elapse prior to initiating enforcement actions. Ports will issue a Notice of Noncompliance (Attachment 2 for BRASS). This

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notice will supercede the notice currently being issued. Each port is also directed to place this notice in all broker boxes.

Part 2: According to the dates reflected in Phase 3 (BRASS), entry will be denied for any truck arriving at the border that is non-compliant.

Each subsequent phase will continue to enforce the elements of the preceding phases(s).

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Interim Port Director

Attachment

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GROUP 1:

Effective November 15, 2004, truck carriers must commence the advance electronic transmission to CBP of required cargo information for inbound cargo at the following 40 ports of entry (corresponding port code and field office location appear in parenthesis next to port location):

- (1) Buffalo, NY (0901, Buffalo);
- (2) Alexandria Bay, NY (0708, Buffalo);
- (3) Ogdensburg, NY (0701, Buffalo);
- (4) Massena, NY (0704, Buffalo);
- (5) Detroit, MI (3801, Detroit);
- (6) Port Huron, MI (3802, Detroit);
- (7) Sault Ste. Marie, MI (3803, Detroit);
- (8) Algonac, MI (3814, Detroit);
- (9) Blaine, WA (3004, Seattle);
- (10) Sumas, WA (3009, Seattle);
- (11) Lynden, WA (3023, Seattle);
- (12) Oroville, WA (3019, Seattle);
- (13) Frontier, WA (3020, Seattle);
- (14) Laurier, WA (3016, Seattle);
- (15) Point Roberts, WA (3017, Seattle);
- (16) Danville, WA (3012, Seattle);
- (17) Ferry, WA (3013, Seattle);
- (18) Metaline Falls, WA (3025, Seattle);
- (19) Laredo, TX (2304, Laredo);
- (20) Eagle Pass, TX (2303, Laredo);
- (21) Brownsville, TX (2301, Laredo);
- (22) Progreso, TX (2309, Laredo);
- (23) Del Rio, TX (2302, Laredo);
- (24) Hidalgo/Pharr, TX (2305, Laredo);
- (25) Roma, TX (2310, Laredo);
- (26) Rio Grande City, TX (2307, Laredo);
- (27) El Paso, TX (2402, El Paso);
- (28) Presidio, TX (2403, El Paso);
- (29) Fabens, TX (2404, El Paso);
- (30) Columbus, NM (2406, El Paso);
- (31) Santa Teresa, NM (2408, El Paso);
- (32) Douglas, AZ (2601, Tucson);
- (33) Lukeville, AZ (2602, Tucson);

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- (34) Naco, AZ (2603, Tucson);
- (35) Nogales, AZ (2604, Tucson);
- (36) Sasabe, AZ (2606, Tucson);
- (37) San Luis, AZ (2608, Tucson);
- (38) Tecate, CA (2505, San Diego);
- (39) Calexico, CA (2507, San Diego);
- (40) Otay Mesa, CA (2506, San Diego).

GROUP 2:

Second Implementation

Effective December 15, 2004, truck carriers must commence the advance electronic transmission to CBP of required cargo information for inbound cargo at the following 43 ports of entry:

- (41) Champlain, NY (0712, Buffalo);
- (42) Trout River, NY (0715, Buffalo);
- (43) Pembina, ND (3401, Seattle);
- (44) Noyes, MN (3402, Seattle);
- (45) Portal, ND (3403, Seattle);
- (46) Neche, ND (3404, Seattle);
- (47) St. John, ND (3405, Seattle);
- (48) Northgate, ND (3406, Seattle);
- (49) Walhalla, ND (3407, Seattle);
- (50) Hannah, ND (3408, Seattle);
- (51) Sarles, ND (3409, Seattle);
- (52) Ambrose, ND (3410, Seattle);
- (53) Antler, ND (3413, Seattle);
- (54) Sherwood, ND (3414, Seattle);
- (55) Hansboro, ND (3415, Seattle);
- (56) Maida, ND (3416, Seattle);
- (57) Fortuna, ND (3417, Seattle);
- (58) Westhope, ND (3419, Seattle);
- (59) Noonan, ND (3420, Seattle);
- (60) Carbury, ND (3421, Seattle);
- (61) Dunseith, ND (3422, Seattle);
- (62) Warroad, MN (3423, Seattle);
- (63) Baudette, MN (3424, Seattle);
- (64) Pine Creek, MN (3425, Seattle);
- (65) Roseau, MN (3426, Seattle);
- (66) International Falls, MN (3604, Seattle);

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- (67) Grand Portage, MN (3613, Seattle);
- (68) Richford, VT (0203, Boston);
- (69) Derby Line, VT (0209, Boston);
- (70) Norton, VT (0211, Boston);
- (71) Beecher Falls, VT (0206, Boston);
- (72) Highgate Springs, VT (0212, Boston);
- (73) Houlton, ME (0106, Boston);
- (74) Bridgewater, ME (0127, Boston);
- (75) Fort Fairfield, ME (0107, Boston);
- (76) Limestone, ME (0118, Boston);
- (77) Van Buren, ME (0108, Boston);
- (78) Madawaska, ME (0109, Boston);
- (79) Fort Kent, ME (0110, Boston);
- (80) Calais, ME (0115, Boston);
- (81) Vanceboro, ME (0105, Boston);
- (82) Eastport/Lubec, ME (0103, Boston);
- (83) Jackman, ME (0104, Boston).

GROUP 3:

Third Implementation

Effective January 14, 2005, truck carriers must commence the advance electronic transmission to CBP of required cargo information for inbound cargo at the following 16 ports of entry:

- (84) Eastport, ID (3302, Seattle);
- (85) Porthill, ID (3308, Seattle);
- (86) Sweetgrass, MT (3310, Seattle);
- (87) Raymond, MT (3301, Seattle);
- (88) Turner, MT (3306, Seattle);
- (89) Scobey, MT (3309, Seattle);
- (90) Whitetail, MT (3312, Seattle);
- (91) Piegan, MT (3316, Seattle);
- (92) Opheim, MT (3317, Seattle);
- (93) Roosville, MT (3318, Seattle);
- (94) Morgan, MT (3319, Seattle);
- (95) Whitlash, MT (3321, Seattle);
- (96) Del Bonita, MT (3322, Seattle);
- (97) Alcan, AK (3104, Portland);
- (98) Skagway, AK (3103, Portland);
- (99) Dalton Cache, AK (3106, Portland).