

Information Notice

Customs and Border Protection, Detroit Field Office
613 Abbott Street, Detroit, Michigan 48226

Number: DFO-06-03

Date : April 21, 2006

TO : Carriers, Brokers and Other Interested Parties

SUBJECT: Phase Four Enforcement Guidelines for Truck Trade Act Enforcement

The purpose of this notice is to provide information to the trade regarding the phase four enforcement guidelines of the Truck Trade Act regulations.

Currently, when a truck arrives at a port and the required cargo information has not been transmitted to Customs and Border Protection (CBP), no enforcement action is taken if the driver is able to present proof that the required electronic cargo information was sent to an Automated Broker Interface (ABI) filer prior to the arrival at the port. This procedure was implemented due to the fact that the truck carrier did not have the ability to transmit cargo information to CBP and had to depend upon a third party (the ABI filer) to transmit the required cargo information to CBP on the carrier's behalf.

Today, with the implementation of the Automated Commercial Environment (ACE) at various Northern and Southern Border Ports, the carrier no longer has to depend upon the ABI filer to transmit the required cargo information to CBP. Instead, the carrier may transmit its advance electronic cargo information to CBP directly via the ACE Truck Manifest system either through the carrier's own ACE portal or through its Electronic Data Interface (EDI) system. In addition, the carrier may have its information transmitted to CBP with the assistance of a service provider or other party that has direct transmission capabilities. It is the carrier's business decision to send the required electronic cargo information to CBP via an ABI filer, or directly to CBP via ACE by becoming an ACE participant.

Non-ACE Participants

The current policy of not taking enforcement action when a **non-ACE participating driver** fails to comply with the Trade Act, but presents proof that the required electronic cargo information was sent to an ABI filer will be terminated. Beginning **May 15, 2006**, any conveyance arriving at an ACE implemented port without having transmitted advance cargo information (PAPS, QP) to CBP by the time of arrival will neither receive

a permit to unlade nor a permit to proceed. The conveyance will be returned to Canada.

The exception to this procedure for non-ACE participants involves quota class merchandise (live entries). In the case of quota merchandise, the manifest must clearly identify the quota merchandise. However, at this time, the advance manifesting requirements for quota class merchandise (PAPS, QP) will not be enforced. These shipments shall be referred for processing and the entry/entry summary will be prepared after the carrier arrives in secondary.

ACE Participants

In cases where an **ACE participant driver** arrives at the border and has failed to comply with the Trade Act, the driver will be referred to secondary and will wait until the required cargo information is electronically received by CBP. Once the required cargo information is received, the conveyance and cargo will be processed in accordance with existing procedures. At this time, no action (penalty or denial of entry) will be taken against an ACE participating driver who fails to comply with the Trade Act.

Please contact the appropriate local port management if you have any questions regarding this Information Notice.

Kimberly A. Nott
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