

November 7, 2006

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CBP Proposal for Advance Trade Data Elements

I. Background

U.S. Customs and Border Protection operates at the nexus of national security and American economic security. Designing approaches to ensure that U.S. Customs and Border Protection contributes fully to these imperatives is critical to fulfilling the agency's mission to secure the nation's borders and to facilitate the free flow of international trade. Finding the right equilibrium is a challenge that requires CBP to consistently monitor and evaluate the processes and systems the agency employs to screen and clear the millions of import ocean cargo containers and millions of entries that cross our ports of entry every year.

In this environment Congress recognized the need for more robust security targeting and recently passed the SAFE Port Act. The SAFE Port Act sets forth the following requirement to enhance the capability of CBP's Automated Targeting System:

"Section 203(b): Requirement. – The Secretary, acting through the Commissioner, shall require the electronic transmission to the Department of additional data elements for improved high-risk targeting, including appropriate elements of entry data ... to be provided as advanced information with respect to cargo destined for importation into the United States prior to loading of such cargo on vessels at foreign ports."

Prior to enactment of the SAFE Port Act CBP had already undertaken an internal review of its targeting and inspection processes in recognition that physically examining every cargo container entering the United States would impose an unacceptable cost on the American economy. Consequently, CBP had implemented a comprehensive strategy designed to enhance national security while protecting the economic vitality of the United States. The Container Security Initiative (CSI), the 24-Hour Rule, and the Customs-Trade Partnership Against Terrorism (C-TPAT) are cornerstone approaches implemented to further this goal. Additionally, CBP has developed cargo risk assessment capabilities in its Automated Targeting System (ATS) to screen all maritime containers before they are loaded aboard vessels in foreign ports. Each of the initiatives is dependent upon data supplied by trade entities, including carriers, non-vessel operating common carriers, brokers, importers or their agents.

The information that CBP currently analyzes to generate its risk assessment prior to vessel loading contains the same data elements that were originally established by the 24 Hour Rule. For the most part, this is the ocean carrier's or non-vessel operator's cargo declaration. While this was a sound initial approach to take after

November 7, 2006

the tragic events of September 11th; internal and external government reviews have concluded that more complete advance shipment data would produce more effective and more vigorous cargo risk assessments.

In late 2004, the Departmental Advisory Committee on Commercial Operations of Customs and Border Protection (COAC) forwarded to the Department of Homeland Security and CBP one of its subcommittees' recommendations, which provided that: "For ATS to provide enhanced security screening, the system should acquire additional shipment data to be used in the pre-vessel loading security screening process." COAC recommended that CBP undertake a thorough review of the data element recommendations with the Trade Support Network to determine what data elements the government required to improve the agency's risk assessment and targeting capabilities.

Accordingly, CBP undertook further internal review and analysis of its targeting and inspection processes and worked with the Trade Support Network on this issue. CBP convened a group of its senior level field targeting experts to review existing screening and examination procedures, and to evaluate the information requirements necessary to ensure the foundation of the agency's targeting efforts. The group met over several months to make recommendations on data elements required prior to vessel lading, the processes and procedures utilized to screen and examine cargo, and the infrastructure that supports the ATS. The task force reviewed thousands of data elements for potential value as targeting keys, evaluated current targeting approaches, and recommended areas for improvement.

Based upon its analysis, CBP offers for the trade's consideration the following draft proposal to be used as a strawman to facilitate the development of regulations, in consultation with the trade community as provided by the new statutory mandate under the SAFE Port Act. In keeping with the parameters of the Trade Act of 2002, the additional data elements requested under this proposal will be used for security and enhanced targeting and are not intended for commercial or trade enforcement purposes.

CBP will post this document to the Customs and Border Protection website and will provide guidance on how to direct your comments on the proposal to the agency as the process moves forward.

II. Security Filing: Proposed Data Requirements

A. In addition to the current data elements specified under the 24-Hour Rule (19 CFR 4.7(a)), CBP proposes to require an additional set of data elements 24 hours prior to vessel loading. These data elements will be linked, via the Automated Manifest System (AMS) or Automated Broker Interface (ABI) to the existing 24 Hour Rule data collected in the AMS. This new Security Filing (SF) is focused on those

November 7, 2006

specific data elements that further identify the entities involved in the supply chain, the entities' locations, as well as a corroborating and potentially more precise description of the commodities being shipped to the United States. This data will significantly enhance the risk assessment process by enabling CBP to more efficiently separate higher-risk shipments from lower-risk shipments that should be afforded more rapid release decisions. In addition, these additional data elements will enable CBP to make critical decisions during and immediately after elevated alert levels when business resumption is essential to the well being and security of the U.S. economy.

For maritime cargo that is destined to remain in the U.S. the data elements listed below will be required to be transmitted 24 hours prior to loading the U.S. bound vessel. As further described in Section III, this portion of the Security Filing will be required to be transmitted by the importer or its designated agent.

The following ten (10) data elements were selected because of their probative value and because of their ready availability in current logistics processes. (See Annex A for proposed definitions of the data elements.)

1. **Manufacturer name and address**
2. **Seller name and address**
3. **Container stuffing location**
4. **Consolidator name and address**
5. **Buyer name and address**
6. **Ship to name and address**
7. **Importer of record number**
8. **Consignee number**
9. **Country of origin of the goods**
10. **Commodity Harmonized Tariff Schedule number (6 digit)**

B. In addition to the data elements outlined above, CBP will require ocean carriers to provide two additional data sets to complete the security filing:

Vessel Stow Plan

Container Status Messages

The **vessel stow plan** is used to transmit information about containers loaded aboard a vessel. The CBP proposal will require the vessel stow plan, no later than, 48 hours after the departure from the last port foreign. For voyages less than 48 hours in duration, the vessel stow plan must be transmitted to CBP prior to arrival of the vessel at the first U.S. port.

Vessel Stow Plan information consists of:

Vessel Name (IMO number)

November 7, 2006

Vessel Operator
Voyage number
Container Operator
Equipment Number
Equipment size/type
Stow position
Hazmat-UN Code
Vessel Location –load/discharge ports

Container status messages serve to facilitate the intermodal handling of containers by streamlining the information exchange between trading partners involved in administration, commerce and transport of containerized shipments. The messages can also be used to report terminal container movements (e.g. loading and discharging the vessel) and to report the change in status of containers (e.g. empty or full). The container status messages data elements will provide CBP with additional transparency into the custodial environment through which inter-modal containers are handled and transported before arrival and after unloading in the U.S. This enhanced view (corroboration with other advanced data messages) into the international supply chain will contribute to the security of the U.S. and in the international supply chain through which containers and import cargos reach U.S. ports.

The CBP proposal, currently undergoing further review, is focused on the following data elements of the existing container status messaging set.

Equipment Number
Event
Event Date and Time
Event Location
Vessel

III. Security Filing: Responsible Parties

In developing regulations pursuant to the SAFE Port Act, CBP is required to follow the parameters of the Trade Act of 2002. The Trade Act of 2002 states that "the requirement to provide particular information shall be imposed on the party most likely to have direct knowledge of that information." (19 U.S.C. 2071 Note (a)(3)(B)).

In accordance with the provisions of the Trade Act cited above and based upon the internal and external discussions to date, CBP believes that the importer (or its designated agent) is the party most likely to have direct knowledge of the ten data elements of the Security Filing data. CBP has determined that the ocean carrier is the most likely party to have direct knowledge of the vessel stow plan and container status messages which complete the security filing.

November 7, 2006

In order to receive the Security Filing data, CBP will utilize existing modules of the Automated Commercial System (ACS): the Automated Broker Interface (ABI) and the Automated Manifest System (AMS). CBP proposes that current authorized transmitting entities for these modules (i.e. ABI filers and AMS participants) may transmit the Security Filing data. CBP is committed to integrating this data submission process with the future ongoing developmental work and implementation of the ACE.

Because of the similarity of the ten data elements of the Security Filing and entry data, importers may be interested in fulfilling both Security Filing and entry obligations at the same time by filing 24 hours before vessel loading. CBP will consider any comments in this regard within the context of existing statutory schemes and technological capacity.

November 7, 2006

Annex A: Proposed Data Definitions

Manufacturer/Supplier Name/ Manufacturer/Supplier Address

Manufacturer/Producer/Grower/: Name and Address

The name and address of the entity that last manufactures, produces, or grows the imported commodity. These entities produce or grow raw materials that are shipped to the United States or transform raw materials into a finished product or article that is shipped to the United States. The transformation of the raw material may involve processing into finished goods, or the production of goods to be further assembled to create a finished product, or the assembly of goods into a finished product.

Seller Name/ Seller Address

The last named overseas (foreign) sellers/addresses on the transaction invoice/purchase order.

Buyer Name/Buyer Address

The last named buyer and address 24 hours prior to foreign lading.

Ship To Name and Address

The named party and the address on the transaction that will physically receive the merchandise, which may be different from the consignee (e.g. de-consolidator warehouse)

Container Stuffing Location

The physical foreign location (street, city, country,) where the goods were stuffed into the container prior to the closing of the container.

Consolidator Name and Address (if applicable)

Foreign receiving party that physically stuffs the container prior to receipt by carrier for shipment to the US. The consolidator's address identifies the physical location of cargo, which may differ from the usual manufacturer or shipper premises. Typically, this is a fixed location.

Importer (of Record Number)

The unique identifying number of the entity primarily responsible for the payment of any duties on the merchandise, or an authorized agent acting on his behalf. The importer may be any one of the parties noted below:

- The consignee
- The importer of record
- The actual owner of the merchandise
- The transferee of the merchandise

November 7, 2006

For any of the above named parties, the unique identifying number can be the IRS, EIN, SSN, or the CBP assigned number, is required on the Security Filing.

Consignee (Number)

The unique identifying number of the entity to which the goods are to be consigned. Typically, the consignee is the "deliver to" party at the end of the supply chain who has a fiduciary interest in the cargo. This is normally the party defined at the house bill level.

For of the above named party, the unique identifying number can be the IRS, EIN, SSN, or the CBP assigned number, is required on the Security Filing.

Country of Origin

The country of origin of a good is the country in which the good is wholly obtained or produced, as defined in CFR 19 102.11, Subpart B – Rules of Origin.

Commodity 6-Digit HTS

Indicates the initial classification required of a shipment prior to entry being filed. Provides specific HTS identification of the commodity being ordered from the purchase order.

November 7, 2006

ANNEX B – DATA ELEMENTS COMPARISON

Current Required Manifest Data

Bill of Lading Number
Foreign Port prior to Depart to U.S.
Carrier SCAC
Carrier Assigned Voyage Number
Date of Arrival at First U.S. Port
U.S. Port of Unlading
Quantity
Unit Measure of Quantity
First Foreign Place of Receipt
Commodity Description (HTS/6)
Commodity Weight
Shipper Name
Shipper Address
Consignee Name
Consignee Address
Vessel Name
Vessel Country
Vessel Number
Foreign Port of Lading
Hazmat Code
Container Numbers
Seal Numbers
Date of Departure from Foreign Port
Time of Departure from Foreign Port

Security Filing Data

Manufacturer/Shipper name/address
Seller name/address
Container Stuffing Location
Buyer name/address
Ship to name/address
Importer of Record Number
Consignee Number
Country of Origin
Commodity HTS-6

Stow Plan
Container Status Message

Entry Data

Entry Number/Type
Entry – Port/Entry
Filer Code
Importer of Record
Ultimate Consignee
Surety Number
Filing Date & Time
Importing Carrier
Vessel Name
Country of Origin
Exporting Country
Exporting Date
Foreign Port Arrival
Estimated Arrival Date
Entry Value
HSUSA (10)
Manufacturer ID