

Further Information Regarding Enforcement Guidelines for the Implementation of the Trade Act of 2002 Truck Requirements

Enforcement guidelines for the implementation of the Trade Act of 2002 Truck Requirements were issued on November 2, 2004 to provide a plan for enforcement of the advanced electronic information requirements. This is to provide further guidance and supercede the published enforcement policy as described in Part 2 (Penalties) for Phase 1 (In-bond) and 2 (PAPS) and all groups (See Attachment 1). (The description for Part 2 and Phase 1 can be found under the truck FAQ's on the CBP website at http://www.cbp.gov/xp/cgov/import/communications_to_industry/advance_info/).

For at least the first two weeks of the penalty phases, penalties will only be issued against egregious violators. Egregious violators are defined as those carriers that make no attempt to comply with the requirements. Trucks that arrive in the U.S. without providing PAPS barcodes and advance electronic information filed with CBP are the focus of this enforcement phase. These carriers are subject to the penalty provisions as outlined in Attachment 1. In this phase, CBP Officers should not issue penalties if the carrier provides the PAPS barcode but the information has not been received by CBP. This penalty process will also apply to those carriers that do not provide advance in-bond information electronically to CBP (via QP/WP or CAFES) once the penalty phases begin for Phase 1 (In-bond).

Penalty Guidelines for Truck Operations for the Trade Act of 2002

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

PAPS

The instructions outlined in this section pertain to the assessment of penalties for **Phase 2, Group 1 & 2, Part 2**.

The penalties assessed in this initial phase of enforcement will focus on the egregious

violation for failing to comply with automation, as outlined in the memorandum. Penalties issued for violations of the Truck Trade Act requirements under these guidelines will be issued to the driver (in care of the carrier) under 19 USC1436. The amount of the penalty will be assessed at \$5,000 first time violation, \$10,000 for subsequent violations against same driver.

INBOND

The instructions outlined in this section pertain to the assessment of penalties for **Phase 1, Group 1 & 2, Part 2**.

The penalties assessed in this initial phase of enforcement will focus on the egregious violation for failing to comply with automation, as outlined in the memorandum. Penalties issued for violations of the Truck Trade Act requirements under these guidelines will be issued to the driver (in care of the carrier) under 19 USC1436. The amount of the penalty will be assessed at \$5,000 first time violation, \$10,000 for subsequent violations against same driver.

The current established procedure for initiating manifest penalties at land border ports will be applied to Truck Trade Act violations. The penalty will be issued under:

- 19 USC 1436
- No onsite mitigation
- No seizure of the conveyance or cargo pending payment
- Penalty action should be initiated in SEACATS under FPCA
- All penalties will be forwarded to the FP&F Office