Industry Concerns: CBP ACE System Outages

For over 30 years, U.S. international trade and transportation business have relied on Customs' (CBP) automated systems to ensure streamlined movement of goods through our ports of entry. While early automation initiatives included basic functions, such as entry or manifest filing, over time CBP has expanded the number and types of processes that can be executed electronically. Today, it would be impossible for members of the trade community to function effectively without CBP systems.

These systems, now collectively known as the Automated Commercial Environment (ACE), have been extremely reliable over the last decade. Outages have been few and usually of fairly short duration. However, the system has grown tremendously, and greater demands are placed on it all the time. The integration of over 40 other federal partner government agencies into ACE to facilitate the electronic clearance of cargo underscores the criticality of the system. Further, cyber threats are continuously growing, and the possibility of a successful incursion into ACE is very real. These factors have the potential to increase both the frequency and duration of ACE system downtimes.

The full system outage in August 2017 and the shorter, less pervasive, outage in late September provided a taste of what can occur and how CBP and industry might respond. These should serve as "teaching moments" for both CBP and the trade. Yet even prior to these incidents, CBP system downtime processing was at the forefront of issues raised by Delaware River port stakeholders.

Simply stated, the Delaware River port community is concerned that there are no alternate processing mechanisms in place to ensure commerce can continue to flow smoothly during ACE outages.

CBP system-wide downtime procedures. During system downtimes, CBP HQ personnel will notify the trade community when to follow the downtime procedures. However, such communications do not include links to or copies of such procedures, nor are the procedures easily locatable on the CBP website. Not one of the maritime business professionals asked knows the current processes or where to find them. CBP must provide ready access to downtime procedures and notify the trade when updates are made.

Local CBP downtime procedures. It is our understanding that while local ports must adhere to national procedures, port directors may slightly alter the procedures based on local conditions. If this has been done at the Area Port of Philadelphia, such procedures have not been made available to the community. Some business operators are concerned that no such procedures exist and decisions will have to be made "on the fly." Local CBP should work with

stakeholders to develop/update downtime procedures and ensure all interested parties have access to the information.

Uncertainty whether reversion to manual processing is possible. Some companies may be able to provide paper copies of documents using approved CBP forms, but others may not. In some cases, CBP may not be capable of processing the paperwork in any reasonable timeframe, especially in the event of an extended system outage. In any event, as ACE matures over time, the traditional paper forms will no longer be consistent with the data submitted electronically. Downtime procedures must allow for alternate, yet not necessarily "the old," way of clearing cargo.

Alternate processes must consider prioritization. Depending on the time of year, oil cargos may be the highest priority; perishable commodities must always be given a high priority as well. Seafarers must receive their much-needed shore leave. High-risk cargo must be examined in strict concordance with regulations. CBP should work with industry to determine what functionality takes precedence under differing conditions.

Chronic staffing shortage exacerbates downtime processing. The Delaware River maritime community has long noted that current CBP personnel complements are insufficient to process cargos as quickly and efficiently as possible. This situation will be exacerbated exponentially in times of ACE system outage. For example, the 200 agriculture inspectors at another U.S. port could certainly process cargo manually much faster than the 20 or so inspectors here. We recognize that CBP has the capability to redeploy personnel when needed in times of crises, and it should be easier to plan for system outages than for other emergencies, such as natural disasters. CBP should consider possible scenarios and lay personnel plans well in advance of such crises. Further, these plans must be communicated to the industry.

Communications are essential. Effective communications are always critical, and they are even more essential during emergency situations. CBP HQ personnel did an outstanding job of keeping the trade community informed during the August 2017 outage. Regular email messages and teleconferences provided status updates and ensured industry had opportunities to raise questions and concerns. However, in some cases, trade community members had information not yet made available to local CBP, and vice versa. Further, some outage situations may preclude email communications. CBP and industry should work collaboratively to determine alternate means of communications at both the national and port levels and to ensure all stakeholders are receiving the same information at the same time.

24 hour support needed. Under normal operating conditions, there is a demonstrated need for access to CBP client representative support 24 hours a day, seven days a week. Cargo operations, and the many time-based federal filing requirements do not stop at the end of a business day. During extended ACE outages, client representative support is even more important as the client reps are often the only communication link between the trade and CBP to resolve filing issues and to obtain more information on system or cargo status. As ACE continues to mature, CBP must augment its client representative staffing with 24-hour support.