

# COAC Advance Data Elements Subcommittee Recommendations

February 14, 2007

## The 10+2 Data Elements and Definitions

1. Where not inconsistent with the recommendations in this document, the proposed security filing (SF) data elements and definitions should align with those of the World Customs Organization (WCO) SAFE Framework.
2. Where not inconsistent with the recommendations in this document, the proposed SF data elements and definitions should also align with the ISO UNTEDE 2005 7372:2005 definitions and the ACE/ITDS definitions should also be in accordance with the ISO standard and the SF definitions/information.
3. Where possible the name and address of the actual manufacturer should be shown. Where this is not known or the shipment consists of commingled articles, filers should indicate the name and address of the seller/supplier or shipper in their SF.
4. The SF will include an HTS number at only the 6-digit level; however the system used for filing should be capable of accepting up to a 10-digit HTS.
5. There should be no mandatory linking of the 6-digit HTS to the country of origin and manufacturer/supplier/shipper name and address SF data elements. If this linking is proposed by CBP in its NPRM, the agency must first ensure this specific topic is addressed in a separate cost/benefit analysis, with the participation of the trade, and the results separately reported, because the linking would potentially impose a significant cost burden on the trade both from a programming perspective but also from a service provider fee perspective. The data in question is also generally not provided at the line level to foreign entities such as freight forwarders.
6. The Manufacturer ID, as defined in CBP directives, should be accepted in lieu of the full name and address of the manufacturer/supplier/shipper.
7. The SF process should be created in such a way as to allow a capability to designate that the SF for a specific type of shipment involves a transaction for which all the required information cannot be provided at time of filing. Examples include, but are not limited to: Carnets, DDP/DDU shipments, consigned goods, returned goods, and samples
8. CBP's current layered targeting approach, along with the additional proposed SF data elements, such as container stuffing and consolidator data, provide CBP with the needed information with which to determine the last country of manufacture, production, assembly or shipping. Therefore, the current regulatory definition of country of origin as articulated by existing Customs regulations and free trade agreements should remain an option for satisfying the SF definition of country of origin.

9. Freight Remaining on Board (FROB), Instruments of International Traffic and Immediate Exportation (I.E.) should be exempt from the SF requirement in the near term.
10. In lieu of the Importer of Record and/or Consignee Number, the filer should be able to indicate the name and address of the importer of record and ultimate consignee. American companies remain concerned about the misuse of the IR number by parties to whom such information is generally not provided for business confidential and other similar reasons.
11. CBP should more clearly define the term “Shipper” as used in the data definitions.
12. The CBP proposal and data elements must include bill of lading number.

### **Parties to File the Data**

1. Access to approved interfaces, such as ABI and AMS, should be expanded to include non-US based freight forwarders and other parties who may be capable of filing the SF. CBP should post information detailing who may file the advance data and explaining how a party may qualify to file information through these interfaces.
2. Flexibility of who may send SF should be enhanced by allowing other formats and interfaces in addition to ABI and AMS.
3. Query functionality should be designed into the system to provide the Importer of Record or its designated agent visibility as to whether a security filing has been made for a specific bill of lading or SF identifier number. Agents making inquiry should be able to learn whether or not a SF has been filed against a specific shipment. At the same time, the system should be designed so that importers have full visibility, meaning they are able to read the actual data elements as filed and also who made the filing.
4. The filing should be done by a single party; however that party may rely on information from more than one source for the purpose of preparing the SF. CBP and the trade should remain open to proposals for any viable means by which a single SF could be done by more than one party.

### **How the Data Elements Will be Filed**

1. CBP should transmit a confirmation or acceptance message with a unique identifier that the advance data has been successfully filed. The acceptance message is not expected to validate the data transmitted, simply to confirm that it has been received in the required format. At a minimum, the unique identifier will be needed for amendments and other changes. In addition, as there are legitimate reasons why shipments may be canceled, the unique identifier is also needed in case shipments will be deleted, a function that should also be programmed into the SF interfaces.

2. A minimum of 24 hours prior to loading, at the option of the importer, the SF requirement may be satisfied by any one of the following:

1. Filing the SF
2. Filing CBP Forms 3461 or 214, and two data elements\*
3. Filing CBP Forms 7501 or 214
4. Filing CBP Forms 7501 or 214, and the two data elements\*

\*Name and address of consolidator/forwarder name and container stuffing location

3. When one shipment to one importer of record includes multiple bills of lading, only one security filing should be required. The multiple bills of lading will not be identified at the line level.
4. CBP should establish a procedure for cancellation of a SF (for goods not shipped, changes in itineraries, etc.)
6. There should be capability for the SF to be done at the house bill of lading level with no reference to the master bill of lading.
7. In the case of transshipped goods, the system programming should allow reporting at the house bill of lading level based upon the feeder vessel at time loading, which can then be married to the arriving/mother vessel through the AMS filing by that arriving/mother vessel.

### **Implementation of the Data Elements**

1. CBP should complete a cost/benefit and feasibility study and report, as recommended by the SAFE Port Act, before the Final Rule is published. CBP should continue to consult with the trade and seek input during and after the NPRM process.
2. COAC should have a continuing consultative role in the development and deployment of the security filing for all modes of transportation, including ocean. This includes quarterly reports to COAC during the implementation.
3. There should be a test of the concept and the mechanics of all of the advance data elements filing with a volunteer group before the concept moves to the phase-in period. The test should involve the proposed data set and should include the approved interfaces (such as ABI and AMS) for initial programming. In order for the test results to have the greatest validity, CBP should seek participation from parties in the supply chain who ship from varying parts of the world and include small, medium and large companies as well as those who ship using forwarders and those who do not. An invitation to participate in the testing should be published in the Federal Register and on the CBP web site.

4. CBP should supplement the promulgation of the security filing with a set of Frequently Asked Questions to address issues associated with implementation. FAQs should be updated periodically as warranted.
5. The security filing should be based on the best information available at the time of filing. CBP, in consultation with the trade, should develop a process to amend a filing prior to arrival. An entry (CBP Form 3461, 7501 or 214) filed prior to arrival should be accepted as the amendment, except to change the name and address of the consolidator and/or place of container stuffing. CBP should issue FAQs clarifying when an amendment is required or recommended.
6. CBP needs to provide instruction to the trade as to how to handle those situations where despite due diligence, all of the necessary data elements are simply not available 24 hours prior to loading.
7. CBP should develop a tool by which an importer can verify that the SF has been completed properly. The ACE Portal and ABI are the suggested vehicles for this tool. The importer or its authorized agent should be able to query by IoR number, bill of lading number or SF unique identifier. For the importer only, the query should display the data sets that have been filed, the status of the filing and the party who performed the filing.
8. The phase-in period should include a set of FAQs addressing issues associated with the SF, and specific guidelines on how the phase-in will work and what rules will apply.
9. During any test period or phase-in period, CBP should consider commencing its SF test using fewer than the full 10+2 data elements.

### **Final Regulations**

1. The final regulations should define transactions exempt from the security filing. Such transactions should include, but are not limited to, FROB and Immediate Export (I.E.) cargo, as specified above, plus Instruments of International Traffic (e.g., containers, racks, pallets, ISO containers, etc.), and other types of transactions identified by CBP in consultation with the trade.

### **Other Recommendations**

1. CBP should consider extending the 5-day minimum entry and selectivity time frame for entry release and FTZ admission purposes to after confirmed departure of the vessel from its last foreign port to the U.S.

2. CBP should also consider establishing account profiles for importers of repetitive shipments. These accounts could be based on the ACE account example or the BRASS (line release) example at the U.S.-Canada and U.S.-Mexico borders. A repetitive low-security risk importer would then give its account information, together with anything unique/different about the specific shipment, in lieu of the full security filing.
3. CBP's outreach on implementation of the SF should include other countries.
4. CBP should keep all the SF data confidential from disclosure. It should be held as not eligible for disclosure under 5 USC 552 et. seq. or any other statute or regulation.