

Interim Procedures for Vessel and Cargo Entry Processing For Possible West Coast Trade Disruptions - June 2014

Summary: U.S. Customs and Border Protection (CBP), in conjunction with trade stakeholders, has established procedures for a possible west coast trade disruption that could cause major delays and diversions of vessel cargo arriving and departing from west coast ports. CBP will continue its commitment to facilitate the movement of cargo caused by events out of CBP's control. All port locations that could be impacted have developed business resumption plans to ensure rapid restoration of vessel operations and entry processing of freight.

Procedures: The following are general vessel, cargo, and entry guidelines developed in cooperation with trade stakeholders and take into consideration CBP system capabilities. These instructions should assist the trade stakeholders in developing contingency plans for the possible diversion of vessels and cargo scheduled for discharge at west coast ports. Trade members should work closely with local CBP port management to ensure compliance with all CBP policies and procedures. These procedures are only applicable during the disruptive event. CBP will publish notices when these interim procedures go into effect, and when the interim procedures are terminated and normal processing resumes.

CBP Unified Business Resumption Messaging:

- CBP will provide the trade community instant alerts and up-to-date information if an event occurs that could delay the flow of trade through a port of entry on the public CBP Unified Business Resumption site:
(<http://www.cbp.gov/newsroom/news/advisories/ubrm>)
- CBP will transmit information through the Cargo Systems Messaging Service (CSMS). (http://apps.cbp.gov/csms/csms.asp?display_page=1)
CSMS is augmented by an e-mail subscription service which provides timely notification of new messages based on each or any combination of item groups.
- Impacted west coast ports will designate a point of contact (POC) for trade inquiries regarding specific procedures for each port. The POC information will be disseminated by CBP and will be posted on the CBP Unified Business Resumption site.

Scenario 1: Vessel Diverted to Foreign Port and Discharged: A vessel does not arrive in the intended U.S. port and diverts to a foreign port to discharge freight.

- The manifest and Importer Security Filing (ISF) must be deleted.
- All bills of lading and entries filed against the bills need to be deleted (not cancelled), unless entry summary has been filed and monies paid, in which case the entries need to be cancelled.
- Entry filers can submit a deletion list to the intended U.S. port Cargo Coordinator or Trade Interface Unit (TIU) notating "Strike", and do not need to provide any additional documentation".
- Entries should be removed from the statement.

- For cargo subsequently entering the U.S. through land border or other means, a new entry should be filed at the appropriate port of entry.
- For shipments subject to Food and Drug Administration (FDA) requirements, filers must request deletion and a new Bio-Terrorism Act (BTA) prior notice submission should be transmitted along with the new entry if the cargo subsequently enters the U.S.

Scenario 1a: Vessel Diverted to Foreign Port Not Discharged: A vessel diverted to a foreign port of entry is not discharged but cargo is transferred to an alternative conveyance (i.e. barge) for arrival and discharge at the original intended U.S. port of entry.

- This should be used only in limited situations.
- No change is needed to the manifest, bill of lading, ISF, or pre-filed entries.
- A new FDA prior notice is not required.
- The arrival date will reflect the date the conveyance arrives at the intended U.S. port to be offloaded.

Scenario 2: Vessel Diverted to Another West Coast Port and Discharged: A vessel is intended for one west coast port, but due to work stoppage cannot discharge and diverts to a different U.S. west coast port for discharge. The filer may opt for the following:

- A. Change pre-filed entries to reflect the actual port code of discharge.
 - Manifest and bill information should be updated to reflect the port code where the freight will actually be discharged.
 - No change is needed to the ISF. However, ISF filers should monitor the ISF disposition codes to ensure that any changes to the manifest and bill information did not cause the original bill match to drop.
 - All pre-filed entries filed against the original bills should be deleted.
 - Entry filers can submit a deletion list to the first intended U.S. port Cargo Coordinator or TIU notating "Strike".
 - Entries should be removed from the statement.
 - New entries should be filed to reflect the actual port of entry.
 - A new FDA prior notice is not required; filers can retransmit a corrected/updated prior notice.
- B. Initiate an electronic in-bond movement or use a 7512 to allow for inter-modal transport of the goods to the original intended U.S. port for processing by CBP.
 - Manifest and bill information should be updated to reflect the port code where the freight will actually be discharged.
 - No change is needed to the ISF. However, ISF filers should monitor the ISF disposition codes to ensure that any changes to the manifest and bill information did not cause the original bill match to drop. The 3461 Entry should be filed at the destination port of entry for consumption and should indicate the port of unloading and the in-bond number. CBP at the in-bond port of destination will manually post any pre-filed entries against the in-bond number to close out the in-bond movement.

- If a shipment is designated for a security or agriculture examination, no movement of the cargo will occur until the exam has been completed at the U.S. port of arrival and discharge. Filers must provide documentation requested to the port of arrival and discharge.
- For shipments designated for compliance examinations, the shipment may be transferred under bond to the intended U.S. port for examination.
- When a shipment receives a “Documents Required” message for merchandise requiring FDA examination, coordination with FDA must be made to determine the examination location. In some cases, FDA may grant a conditional release to allow the movement to an importer’s premises, provided the location is permitted by FDA.
- The entry summary must be filed at the intended U.S. port within 10 working days.

Scenario 2a: Vessel Diverted to Another U.S. Port Not Discharged: When a vessel is diverted to another U.S. port of entry but not discharged, no change is needed to the bill of lading or entries. The arrival date for the vessel will reflect the date the ship returns to the intended U.S. port to be offloaded.

Scenario 3: Vessel Diverted from Intended West Coast Port to Gulf or East Coast for Discharge: A vessel is intended to arrive at a west coast port but due to work stoppage is diverted through the Panama Canal for discharge at a gulf or east coast port.

- Manifest and bill information should be updated to reflect the port code where the freight will actually be discharged.
- No change is needed to the ISF. However, ISF filers should ensure that any changes to the manifest and bill information did not cause the original ISF to drop.
- All pre-filed entries filed against the original bills should be deleted.
- Entry filers can submit a deletion list to the first intended U.S. port Cargo Coordinator or TIU notating “Strike”, and do not need to provide any additional documentation..
- Entries should be removed from the statement.
- New entries should be filed to reflect the actual port of entry.
- A new FDA prior notice is not required; filers can retransmit a corrected/updated prior notice.

Scenario 4: Vessel Rests at Anchor and Not Diverted: A vessel arrives in port but due to work stoppage rests at anchor until freight can be discharged.

- Carriers must continue to provide advance notification to local CBP ports of their pending arrival (CBP Form 3171).
- When a vessel arrives at a U.S. port (within CBP territory) and comes to rest whether at anchor, dock, or harbor, carriers must notify local CBP vessel processing personnel.
- Carriers and vessel agents should maintain close communication with local CBP port vessel processing office to share information, updates, instructions, and port-specific guidance.

- CBP will work with carriers on a case-by-case basis so the actual arrival date and time at the first U.S. port closely reflects the actual date/time the vessel begins to unload the cargo.
- CBP will also take into consideration situations where cargo has been unloaded but due to work stoppage cannot be moved from the dock.
- Once the work stoppage is over, ports will make arrangements when possible to increase hours of operation to fully restore port operations.
- Merchandise requiring examination will be held until examination is complete.

Filers that will be temporarily conducting business outside of the Port of Long Beach or Los Angeles Seaport, and that are not currently permitted in that port, may obtain a temporary local permit by contacting the Broker Management Officer at the port. The required fee will be waived.

Please direct all questions regarding this guidance to your local CBP port of entry.

Locate a Port: <http://www.cbp.gov/contact/ports>