

**U.S. CUSTOMS AND BORDER
PROTECTION**
FIELD OPERATIONS, NEW YORK
NEW YORK/NEWARK AREA

INS-1:AD:N:SOD KM

INFORMATIONAL PIPELINE NO. 09-014-NWK

TO All Importers, Ocean Carriers, Non-Vessel Operating Common Carriers, Marine Terminal Operators, Centralized Examination Station Operators, Container Freight Station Operators, Bonded Warehouse Proprietors, Customs Brokers, Forwarders and Others Concerned

SUBJECT Confidentiality and Timeliness of U.S. Customs and Border Protection Seaport Anti-Terrorism Cargo Exams

DATE JUN 08 2009

***REFERENCE:** New York Region Informational Pipeline No. 2266 (Centralized Examination Sites in the Newark Area – dated 4/16/93) and New York Region Informational Pipeline No.04-04 (Confidentiality and Timeliness of CBP Seaport Anti-Terrorism Cargo Exams – dated 7/15/04)*

PURPOSE

This pipeline re-emphasizes the need to ensure the timely transfer of containerized cargo to Centralized Examination Stations (CES). Specifically, we need to emphasize that the anti-terrorism/enforcement exams must be transferred without notification to the consignee. Our goal is to complete the anti-terrorism/enforcement exam within seventy-two (72) hours of designation.

BACKGROUND

The original pipeline (No.2266), establishing the CES Program identified two types of examination: enforcement and commercial. Since the establishment of the Department of Homeland Security (DHS) and the creation of U.S. Customs and Border Protection (CBP), we have expanded the definition of enforcement to include anti-terrorism exams.

Reference is made to the original guidelines that mandated the transfer of containers requiring enforcement exams without notification to the consignee. We expect those guidelines to be followed when addressing the movement of exams that are designated in response to anti-terrorism criteria.

REPORT DRUG SMUGGLING TO CUSTOMS AND BORDER PROTECTION 1-800-BE-ALERT

ACTION

A series of meetings were held with the Trade Community to identify a reasonable timeline for completing anti-terrorism/enforcement exams. We recognize that commercial considerations have dictated that some carriers and/or terminal operators request receipt of "charge guarantees" prior to transferring the container to the CES. Although sympathetic to economic decisions, we cannot allow the anti-terrorism mission to be halted or compromised. Therefore, effective upon the publication date of this document, the following operating procedures must be followed:

When cargo is selected for an Enforcement Exam, it must be moved to the CES exam site within one business day of receipt of the transfer authorization from CBP.

Cargo selected for examination by CBP can only be delivered to an authorized CES driver.

The transfer is not to be delayed pending guarantees of carrier, terminal or examination charges, and all parties involved (Importers, Customs Brokers, Ocean Carriers, Non-Vessel Operating Common Carriers (NVOCCs), Marine Terminal Operators and CES Operators) must take immediate measures to ensure that the transfer of the cargo is not delayed.

It is the responsibility of all the parties involved in the collection of fees and payments to establish business relationships and cooperatively work together to facilitate the movement of containers requiring enforcement examinations.

Due to the sensitive nature of the cargo, all possible efforts must be made to preserve the confidentiality of the examination until such time the cargo arrives at the CES.

Failure to follow the guidelines provided in this pipeline will necessitate CBP intervention which could include physically escorting the cargo to the designated CES. Continued non-compliance will require CBP to re-direct terminal operations and result in Fines, Penalties and Forfeiture (FP&F) actions on all culpable parties.

Should you require further information, you may contact the Assistant Area Director, John Lava, Seaport Operations at (201) 443-0200.



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