



**Pipeline 04-34
December 8, 2004**

TO: Customs Brokers, Importers and Others Concerned

SUBJECT: Selectivity – Estimated Date of Arrival

With the implementation of the 24-hour rule requiring carriers to electronically transmit manifest information prior to lading, and the requirement that all carriers and deconsolidators use AMS, CBP now has the capability to review merchandise prior to the submission of the entry. This enables CBP to conduct a more thorough review without adding to selectivity processing time. The result is that CBP is better able to conduct enforcement operations without impeding the flow of commercial trade.

Recently it has been noted that when the Advance Targeting Unit (ATU) attempts to put a hold on a targeted shipment, the freight has already been released. This occurs because the filer has transmitted an incorrect estimated date of arrival.

For air shipments, selectivity is performed after “wheels up.” Because ACS does not know when “wheels up” is, selectivity is actually performed on the same calendar day as the flight. Thus if a flight were on Thursday, the estimated date of arrival would be Thursday, and selectivity would be performed on Thursday. When filers transmit an estimated date of arrival of Tuesday, instead of Thursday, selectivity is performed on Tuesday. Therefore a paperless release will be issued on Tuesday, even though the ATU may not have been able to review the manifest yet.

Similarly for rail shipments, selectivity is performed when the train crosses the border, or technically, on the same calendar day that the train enters the United States. CBP has experienced the same problem with rail shipments as with air. That is, when CBP attempts to put a hold on a shipment, the shipment has already been released because the filer transmitted an incorrect estimated date of arrival.

CBP understands that when selectivity is performed the same calendar day as arrival, and when the manifest is not required to be transmitted by the carrier much in advance, there are going to be instances when the freight will be released in ACS before the manifest is on file and before CBP can put a hold on it. Thus filers may receive a release message and later find that a shipment has been placed on manifest hold. Filers should remember that a release message or a perforated copy notwithstanding, the freight is not released until the carrier/deconsolidator receives an electronic release.

Brokers should not arrange for pick-up based on a paperless release or perforated copy of an entry if the carrier has not transmitted their AMS data.

CBP is concerned with instances in which filers transmit a date of arrival prior to the actual date of arrival. Filers should exercise reasonable care in order to ensure this information is accurate. In the case of rail shipments, the IT date is rarely, if ever, the estimated date of arrival into the U.S. The carrier usually provides the filer (or notify party) with an estimated date of arrival into the U.S. If the carrier does not provide this information, contact the carrier and request it. In addition, most containerized freight imported by rail can be tracked via the rail carriers' websites. With regard to air shipments, it is understood that in many cases the carrier is unable to fit the merchandise on the plane, resulting in split shipments. However, in almost all cases, at least some of the merchandise arrives on the original ETA. Hence, there should be very few instances of entries transmitted with incorrect ETAs.

CBP has begun tracking entries that are incorrectly prefiled. Filers who continually transmit incorrect estimated dates of arrival may face corrective action, including penalties for failure to use reasonable care, negligence or fraud, depending upon how egregious the violation.

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