Standard Guidelines for CBP/Trade Outages
Version 1.0

February 7, 2018

U.S. Customs and Border Protection

This document is a "living document" that will be updated as needed
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Section 1. Purpose

This document is intended to provide trade partners with a comprehensive view of CBP downtime policy. The policies and procedures identified in this document reflect current CBP downtime policy provided to CBP ports and field offices. CBP expects that this will allow trade partners to better understand their role in maintaining the flow of trade during ACE system interruptions and will serve as a basis for trade partners in developing their own processes to respond to downtime. This document is being distributed to trade partners as a living document. CBP is continuously reviewing and updating its procedures, as necessary, to adapt to changing circumstances. This document was developed in consultation with trade representatives participating through the Commercial Customs Operations Advisory Committee (COAC) working group on Outages.

CBP develops downtime procedures based on a set of guiding principles:

- Cargo downtime policy must be based on the following pillars, in order of importance:
    - Security
    - Enforcement
    - Facilitation
- Cargo downtime policy is intended to provide basic uniform downtime processes to allow as much uniformity as possible yet still allow sufficient flexibility for ports to adjust and adopt local procedures suited to local risk factors and infrastructure if necessary.
- Cargo downtime policy will utilize existing systems and processes available to CBP users to identify and mitigate risk and facilitate movement of cargo.
- National cargo downtime policy must be flexible enough to allow for local port requirements based on infrastructure, staffing and risk models unique to each mode of transportation and location. Local trade partners also need flexibility due to local business models, infrastructure, emerging changes in trade and automation changes.
- Communication between trade and CBP is critical to a successful downtime policy, including:
    - CBP headquarters chain of command
    - Local port communication with CBP stakeholders (chain of command)
    - National communication with CBP Stakeholders
    - National communication with Trade stakeholders
    - Local communication with trade stakeholders
- Downtime policy includes a plan to recover from downtime events including the plan to capture data for input at the completion of the event.

Section 2. Background

No matter how well designed an automated system may be, all systems experience periods when they become unavailable to users. The risks and impacts are greater in some cases, and this is especially true in an environment where significant dependencies exist – for example, communications between systems, or workflow processing required to complete an action in the system. CBP and its trade partners have worked tirelessly to develop, deploy and maintain systems integral to U.S. commerce and the continued operation of private enterprises. As commerce, including CBP, becomes more automated, the economic and operational impact of

system downtime becomes increasingly critical. Both planned and unplanned downtime has created operational issues and increased overall risk for CBP and its partners. CBP is working to mitigate risk during downtime and ensuring that security, enforcement, health and safety, and legal compliance are all met while still providing as much facilitated movement as possible during system downtime.

Section 3. Definitions

- Automated Commercial Environment (ACE) – The system designed to replace the Automated Commercial System (ACS) for all commercial transactions. A primary operational component of ACE is the truck e-Manifest process that combines passenger, conveyance, and commercial cargo processing into a single interface.
- ACE Cargo Release (ACR) – A processing and review system for commercial transactions including cargo, entry, manifest, financial and associated reference files.
- ACE Web Portal – The ACE Secure Data Portal (ACE Portal) is a web-based entry point for ACE. It provides a centralized online access point to connect CBP, trade representatives and government agencies involved in importing goods into the United States. For CBP, the Web Portal is the primary way that CBP users can view shipment and entry level information to determine release or movement authorization.
- ACE Manifest Systems – A composite phrase used to define CBP collection of carrier and importer information to meet the timeframes of the regulations and statutes including advanced manifest systems for all modes, ACAS and ISF.
- CBP Release Processes – A process that allows for clearance from initial point of landing in the U.S. including release, entry, in-bond movement, permits to transfer, warehouse entry, FTZ admission and any other process identified as requiring movement to other custody.
- Partner Government Agency (PGA) – One of 49 U.S. Government agencies participating in the ACE Single window process. These agencies use ACE data collection and display in lieu of paper documentation forming a single window approach for submission of data to the US Government for imports and exports.
- Non-Intrusive Inspection (NII) – CBP inspection technology that does not require physical inspection of cargo but instead focuses on the conveyance/container by utilization of various screening technologies including imaging and radiation detection.
- CBP downtime – Any time CBP computer system is inaccessible to users either internal, external or both, and as a result, electronic processing of entries, manifests, statements and other processes may not be completed in a timely manner. CBP Downtime may be a combination of either of the paths below but in some way affect processing:
    - CBP is unable to receive and/or process electronic messaging sent by trade partners. This is largely noticed by a stoppage in response messages sent by CBP.
    - CBP web portal is unavailable to users. This affects both CBP users and trade participants by preventing access to systems that may well be processing normally. This becomes especially critical for truck manifest filers and AES Direct users.
- Trade Participant Downtime – Any time computer systems of an ACE participant are inaccessible and, as a result, transaction data cannot be processed within the required time frames for timely reporting or release.

Section 4. General Policy – Downtime Matrix – Timeframes and Procedures

Documents Required –
During downtime, CBP officers should accept the following documentation as required downtime documentation necessary for manual clearance of entry. Not all of this documentation is required for each shipment but each item provided as needed will facilitate CBP clearance during downtime. These are the standard documents (or an alternative trade-provided document) traditionally utilized by CBP for risk assessment and clearance purposes.

Document Name	Document Description
CBP Form 7533	Inward Cargo Manifest
Truck Manifest Cover Sheet	Carrier created document that identifies trip number, BOL number Driver information etc.
CBP Form 1302	Cargo Declaration
Plain Paper Cargo Declaration	Carrier created document with AWB/BOL data and descriptions, shippers, consignees etc.
Paper Rail Consist	Carrier created document
Invoice	Either original commercial invoice or pro-forma invoice as needed
CBP Form 301 (or equivalent)	Document providing proof of a valid bond for the importer
CBP Form 7512	In-bond document
Carrier in-bond documentation	In lieu of a 7512, automated filers may wish to provide a carrier-created document containing in-bond number, bonded party information origin and destination ports and other relevant information from the 7512
CBP Form 3461 or 7501	Entry or Immediate Delivery or Entry Summary documentation. Not required for electronic filings but the information contained may be needed by CBP to facilitate clearance.
Cargo Release documentation	Importer and others may provide a system print out or plain paper document containing the entry information sent to CBP via electronic system. This is used in lieu of a CBP Form 3461 or 7501
Packing Lists	Shipper generated list of contents
Bills of Lading/Air Waybills	Copies of actual documents may be utilized for risk assessment by CBP
PGA Documentation as Appropriate per Regulations	Any document or information required by PGAs for clearance as defined in the regulations
Downtime Letter (only required for non-CBP outages)	A broker generated letter identifying that the filer system is not operational and requesting manual clearance of a specific shipment
Downtime Request Document	A request from any trade participant

	identifying the shipment or shipments requiring clearance during downtime. This can apply to entry/releases, in-bond moves, Permits to Transfer, Warehouse entries, FTZ Admissions and any other movement from CBP custody without electronic clearance.
Other documents as required	TBD

*Note: Additional documentation may be required as deemed necessary for security or clearance purposes.

Processing of Cargo During Downtime –
When ACE processing is not available the following steps should be followed based on CBP or trade participant systems availability.

General Processing (applies to all shipment modes followed by processes that may be specific to mode and downtime scenarios).

- For all cargo requesting clearance or movement authorization during downtime, the trade partner must request the downtime process identified using a downtime request document and all available additional documentation that may be required to effect the clearance or movement. The document is not a form designated by CBP (although CBP Forms may be used) and should include the following data elements to facilitate clearance:
    - Name of the requestor
    - Port the request is being made to
    - Identifying information as appropriate, including:
        - Conveyance identifying information (Flight #, Vessel name, Train or Trip number)
        - Bill of lading, shipment ID number or AWB number
        - Entry number, in-bond number, FTZ admission ID
        - Bonded carrier ID number, FIRMS code
    - Shipment level information, including:
        - Shipper, consignee, importer, etc.
        - Description of merchandise
        - Value as appropriate
- Requests for clearance and movement will be considered for:
    - Cargo Release/Entry processing of all types including warehouse entries
    - In-bond movements
    - Permits to Transfer (PTT) including transfers for exam
    - FTZ Admissions
    - Other releases and movement requests as identified to ports
- Downtime request documents may be utilized for single shipments or multiple including at the master bill or conveyance level. The document must include all relevant information on shipments for which requests are made and the type of release or movement being requested under downtime.
- If automated systems are not available, additional physical inspection as well as document review should be considered appropriate to risk as assessed by ports. Port personnel should assess risk when making determinations on release with or without inspection.

- If CBP alternate systems are also unavailable or for additional information/verification, ports will require entry documents as outlined in the document section to determine risk and admissibility.
- When the downtime is due to a broker system outage rather than a CBP system outage, the broker should provide a downtime letter covering the entry with the appropriate documentation for entry if immediate clearance is needed.
- When limited information is available, CBP will be reviewing shipments for clearance or movement by focusing on the **Documents Required** and **Intensive Exams** identified in ACR. Additionally, CBP will work on releasing warehouse entries, and processing Corrections and Cancellations. CBP may require paper documentation including CBP Forms 3499, 7512 or 3461/7501 or a plain paper alternative with the same information, and will process Permits to Transfer manually in order to move cargo when ACE manifest systems are down.
- Ports will require examinations, including NII, when processing in downtime based on local risk and capabilities. It is important to note that after CBP determines that security and enforcement risk is low for a shipment, all effort should be made to facilitate the release of that shipment. All shipments that are targeted for security, selectivity or local holds will be referred for examination.
- Trade should be advised they have the option of waiting for the system to come back online and that advised PGA redelivery may be required once system is restored.
- Ports will retain copies of the documents and downtime cover sheets, or create a log to allow users to complete/verify completion of automated transactions at the conclusion of the downtime event.
- Ports will provide stamped or perforated copies of release documents or cover sheets to filers to allow released goods to move out of ports of entry as appropriate.
- If Trade partners identify perishables or other "hot" shipments that need to be cleared to avoid losses, paper documents including bills of lading, invoices and an entry cover sheet or CBP Form 3461 (if available) must be submitted.
    - Please note that CBP may require the submission of a CBP 3461 (ACE) to utilize for input of data when CBP systems are up and EDI/ABI is down. This is to allow for automated review by CBP systems if risk determination requires additional information.
- In cooperation with crossing operators and foreign customs, provide extended hours of operation when resources permit, to address any backlog caused by the system issue.
- At this time, single entry bonds will only be processed when CBP systems are operational to allow for verification of the bond.
- At the completion of downtime, electronic processing of shipments will need to be completed in ACE (or verified). Ports should plan for this allocation of resources as part of downtime planning. Specific instructions for each mode are included below.
- At the resumption of ACE functionality, ports should verify that all cargo that arrived during downtime have been arrived in ACE. Additionally, ports should verify that all shipments have been released/accounted for via entry release, hold and inspection or in-bond movement authorization as appropriate.
- Please note that ACE downtime may not be complete when shipments begin processing as data queued for processing may take time to complete. CBP will report when normal real time processing resumes.

Truck Processing: When ACE Portal is not available for Primary or Secondary processing.

- Land border truck ports will initiate downtime procedures as soon as possible after notification, or when ACE is experiencing slowness that causes the system to time out or when ACE portal is not available as applicable. CBP users should be notified locally to use the appropriate port ACE Downtime Procedures.
- Driver arriving at the primary processing booth with an ACE Manifest cover sheet (containing a Trip Number, Entry number, Shipment control number (SCN), SCAC, or Bill of Lading Number) that contains information that can be verified.
- If the driver arrives at the primary processing booth without any information that can be verified, refer them to secondary processing area to obtain any required documentation/information required for release.
- Officer must ensure that copies of the cargo paperwork (ACE Manifest cover sheet, Invoice, Bill of Lading, Prior Notice, etc.) are collected during downtime. Annotate the manifest as downtime to indicate that this entry was released during ACE downtime.
- *Note: the information above is usually found or can be annotated on the ACE truck cover sheet but the cover sheet is only a recommended best practice and not a requirement. A properly annotated paper CBP Form 7533 may also be utilized.*
- When ACE is restored, Officers should clear the E-Manifests that were collected on primary in secondary. Officers will enter the license plate in the ACE Primary screen and follow normal Port procedures for clearing the ACE Trips.
- Any holds that are identified shall be brought to the attention of a shift supervisor for a determination if redelivery will be necessary.

Truck Processing: ACE Portal is available but one or more ACE back-end processes are down.

- Officer must ensure that copies of the cargo paperwork (ACE Manifest cover sheet, Invoice, Bill of Lading, Prior Notice, etc.) are collected during downtime. Annotate the manifest as downtime to indicate that this entry was released during ACE downtime.
- If the trip has been queried in ACE, leave the trip open, there will be an open action in the inbox for "request entry docs". When ACR comes back up, the entry bill match will occur, the "request entry docs" action will be closed by ACE and a "review verify" action will open for the CBPO working downtime to close.
- If the ACE trip is not available but has been transmitted, treat as portal downtime utilizing all of the procedures above. Creating trip shells is not recommended as trips will need to be processed when ACE service is resumed.
- When ACE is restored, Officers should clear the E-Manifests that were collected on primary in secondary. Officers will enter the license plate in the ACE Primary screen and follow normal Port procedures for clearing the ACE Trips.
- Any holds that are identified shall be brought to the attention of a shift supervisor for a determination if a request for redelivery will be necessary.

Rail Processing- for clearance at rail (does not include rail in-bond moves that are covered under general processes)

Rail operators should be contacted immediately as part of trade downtime notifications to ensure they are aware that downtime procedures are in effect.
Prior to the arrival of the train:

- Rail Operators will provide CBP with a paper consist.
- Downtime documents must contain the Bill of Lading Number, Entry Number, Description of Merchandise, Quantity, Hazmat Information, and Empty/Loaded All shipments that are targeted for security, selectivity or local holds will be referred for examination.
- If automated systems, additional physical inspection as well as document review should be considered appropriate to risk as assessed by ports. Port personnel will assess risk when making determinations on release with or without inspection indicator.
- Officers will query the train number, trip number, entry, shipment control number or in-bond number in ATS and/or ACE Cargo Release.

Air Cargo Processing

Air operators, filers and other trade partners should be contacted immediately as part of trade downtime notifications to ensure they are aware that downtime procedures are in effect. Based on the projected time of the outage the following guidelines may be followed:

- When the operational impact is expected to be minimal and the outage is short enough that it does not cause significant backlogs, entries are held in a queue to be processed once ACE is fully operational.
- When the operational impact is major and the outage begins to cause business and trade interruptions, manual downtime procedures will commence which may be utilizing paper or via e-mail based on port operations.
- Prior to the arrival of the aircraft: Air carriers will contact CBP to provide and update flight and bill level manifest data during downtime.
- Requests for clearance and movement will be considered for:
    - Cargo Release/Entry processing of all types including warehouse entries
        - Ports should indicate which shipments are available for immediate clearance.
    - In-bond movements
    - Permits to Transfer (PTT) including transfers for exam
    - FTZ Admissions
    - Other releases and movement requests as identified to ports
- Downtime request documents may be utilized for single shipments or multiple including at the master bill or flight level. The document must include all relevant information on shipments for which requests are made and the type of release or movement being requested under downtime.

Air Express Processing

- Using alternate CBP systems as available, query high risk shipments subject to mandatory exams and have a CBP officer place holds on the shipments in both CBP systems and directly into express carrier's proprietary system (as applicable). Ask brokers to flag shipments that typically have additional entry requirements such as: Department of State licenses, DEA licenses, NRC licenses and ATF forms. Conditionally release all other shipments with management's approval.
- If CBP alternate systems are not available, have CBP officers target high risk shipments in express carrier's proprietary system and place holds on those shipments. The express carrier will see these holds in their system and will not release them until they are presented for exam. Conditionally release all other shipments with management's approval.

Sea Cargo Processing

- Prior to the arrival of the vessel, Ocean carriers and agents will contact CBP to provide and update vessel arrival information during downtime.
- Officers will query Bill of Lading, entry number or in-bond numbers in CBP alternate systems for shipments requesting clearance.
- Identify non-carrier trade partners including CES, CFS, and cruise ship industry to allow communication to be established in the event of downtime. This would include both national messaging via CSMS and local messaging.

Section 5. Action – Downtime CBP & Trade Responsibilities

CBP Headquarters Responsibilities

- Cargo and Conveyance Security (CCS) issues and maintains downtime processing instructions. Procedures will be reviewed with the assistance of field input after events to determine the effectiveness of procedures and identify corrections or improvements needed.
- CBP Headquarters will keep industry apprised of system outages through processes such as the Cargo System Messaging Service (CSMS) or teleconferences with the trade community. The responsible parties should subscribe to CSMS and establish and maintain a contact list and make available to all designated parties.

CBP Supervisors responsibilities:

- Upon unscheduled system outage or significant system slowdown, the shift Supervisor will immediately assess the nature and scope of the outage to identify if operations will be adversely affected and if possible determine the nature of the system slowdown.
- Supervisors will ensure all CBP officers assigned to cargo are familiar with the SOP(s) on ACE Downtime Procedures.
- Supervisors will ensure that all mitigation preparations are completed once those system operations that will be or have already been adversely affected have been identified.

CBP Officers Responsibilities:

- All officers assigned to Cargo will become familiar with the Standard Operating Procedures for ACE Downtime Procedures.
- CBP officers will utilize their training, expertise, available tools, and technology to facilitate legitimate trade and travel when ACE Downtime Procedures are in effect.
- Holds (exams): CBP officers should respond promptly to inquiries from trade participants concerning holds. Officers should keep a manual record of inspection results until CBP Systems become available, at which time the CBP officers will record inspection results in the systems.

Trade Partner Responsibilities:

- Notify CBP locally of system issues that are impacting operations. These may be specific to one or a small number of operations and not system wide.
- Identify shipments, including those on hold that may be perishable or otherwise need expedited clearance.
- Provide appropriate documentation as needed to CBP when requested or when requesting releases under downtime procedures.
- Record Keeping – Trade participants should keep copies of documentation readily available for inspection by CBP officers until electronic transmissions resume. After recordation in

ACE, participants will archive documentation (entry/manifest) in accordance with CBP recording keeping regulations and guidelines.

Section 6: Communication:

- CBP's Office of Information Technology (OIT) will notify CBP users via CAMS message as soon as possible (industry recommends within 30 minutes) when national system issues are identified. The message will include the subsystems involved and when known (or in subsequent messages as identified) a statement identifying operational impact and projected time to resolution. The message will also identify if the outage requires cargo or entry summary downtime procedures.
- To facilitate these notifications, port and Center personnel and management working in cargo and trade functions should subscribe to CAMS and/or CSMS.
- OIT will notify trade users via CSMS messages as soon as possible (industry recommends within 30 minutes) when national system issues are identified. The message will include the subsystems involved and when known (or in subsequent messages as identified) a statement identifying operational impact and projected time to resolution. The message will also identify if the outage requires cargo or entry summary downtime procedures.
    - OFO CCS will establish national notification protocols via eMail to supplement both CSMS and CAMS messages as well as establish conference calls to provide and receive updates. OFO OPS will be included to provide reporting requirements.
    - Best Practice: During local trade outreach, ports should strongly encourage that trade partners subscribe to CSMS. Information is available at https://apps.cbp.gov/csms/csms.asp?display_page=1.
- CBP ports and centers should notify trade users that local downtime procedures are in effect and provide guidance for the specific event. These notifications should include reminders of local procedures including points of contact and documentation requirements for downtime. Ports should also notify local trade partners when normal operating procedures resume and all backlog has been cleared.
    - Best Practices: Ports have established local e-mail networks for trade partners to disseminate notices and provide guidance. Ports also have established contact information to answer questions and provide guidance during emergencies.
- All ports and Centers should establish downtime procedures consistent with this document and tailored to local environments. A public version of these requirements should be made available to local trade participants. That document should be updated as required. Such documentation should be maintained as part of the Continuation of Operations Plan (COOP) and Business Resumption plans.
    - Best Practice: Ports have provided training, walk-throughs and conducted local exercises/tabletops with trade partners on downtime procedures as part of local COOP and business resumption planning.
- All ports should recognize that communication is a two-way street. Ports and Centers should work with trade to receive both notification of trade-identified issues as well as feedback at the completion of a downtime event. Trade partners are often the first to recognize the beginning of a system event and can provide early notification of system issues that can be used to ease the transition into downtime.
    - Brokers experiencing downtime with their systems should submit a letter indicating a request for manual clearance with the entry number that will be filed

for the shipment. This should be submitted as a cover letter with all documents (invoice, bill of lading, PGA documents, etc.) attached.

- Industry recommendation – CBP will notify Software Vendors and self-programmers immediately upon discovery of a CBP Systems issue so these vendors can work closely with their clients during the downtime.

Section 7. For AES downtime see AES Downtime Procedures. Exists as stand-alone policy at the following link.
https://www.cbp.gov/document/guidance/aes-downtime-guidelines