

# Updated Truck Trade Act Enforcement Guidelines

Port of Buffalo Pipeline

CBP created three enforcement phases: Phase 1 for in-bond, Phase 2 for PAPS and Phase 3 for BRASS. Phases 1 & 2 have been implemented on schedule. The compliance date for the implementation of Phase 3 enforcement was relaxed due to a surge in FAST driver applications.

Following are the most current guidelines that will be followed:

## Phase 1 (in-Bond) All Groups

For any truck arriving with in-bond shipments (QP/WP and CAFES) that have not been transmitted electronically to CBP, the following guidelines will be implemented:

Effective **May 16, 2005** a Denial of Entry (turning the truck around) will be issued to the driver who fails to provide CBP with electronic cargo information prior to arrival and does not have a QP barcode (or in-bond number). For carriers that can provide proof that the information was timely provided to the broker prior to arrival, a noncompliance letter will continue to be issued to the broker and carrier. No denial of entry will be issued to the carrier.

Denial of entry will be issued to a driver who does not have a valid CAFES barcode that transmits the required electronic cargo information.

## Phase 2 (PAPS) All Groups

For any truck arriving with a PAPS entry that was not electronically received by CBP, the following guidelines will be implemented:

Effective **May 16, 2005** a Denial of Entry (turning the truck around) will be issued to the driver who fails to provide CBP with electronic cargo information prior to arrival and does not have a PAPS barcode (or entry number). For carriers that can provide proof that the information was timely provided to the broker prior to arrival, a noncompliance letter will continue to be issued to the broker and carrier. No denial of entry will be issued to the carrier.

## Phase 3 (BRASS) All Groups

For BRASS entries where the driver does not present a valid FAST ID card, the following guidelines will be implemented:

Ports will issue the BRASS Notice of Noncompliance through April 30, 2005.

Effective **May 1, 2005** if a driver arrives at the border with a BRASS shipment but does not present a FAST ID card, the driver (in care of the carrier) will be liable to a penalty under 19 USC 1436. Having applied for a FAST ID card will not excuse the driver from the violation.

Effective **May 16, 2005** if a driver arrives at the border with a BRASS shipment but does not present a FAST ID card, the conveyance will be denied entry into the United States (turned around). Having applied for a FAST ID card will not excuse the driver from the violation.

This requirement does not currently apply at the ports of Eastport, Idaho; International Falls, Minnesota; Grand Portage, Minnesota; and Jackman, Maine, where FAST Driver Cards are not available but will be required by a separate **Federal Register** Notice when they become available.

**Note:** CBP recognizes that there are restrictions on how many hours a driver is allowed to drive before having to meet mandatory rest requirements. Subsequently, in trucks arriving with a BRASS shipment where there are two drivers, CBP only requires that the driver with the FAST ID card be the one who signs the manifest. CBP does not require that the driver with the FAST ID card be physically driving at the time of entry. However, he must be in the truck and present his FAST ID card at the time of entry.