

Commercial Customs Operations Advisory Committee (COAC)

(Export Sub-Committee, Post Departure Filing Working Group)

February 2018



**U.S. Customs and
Border Protection**

Office of Field Operations, Cargo and Conveyance Security
Export Sub-Committee, Post Departure Filing Working Group
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Action Required:

- Informational Only

Background:

- A post-departure filing program working group was established to attempt to address the CBP security concerns with the old Option 4 program.
- The working group has developed a concept of how a post-departure filing program in conjunction with the electronic export manifest might work and address CBP concerns about a post departure filing program.
- The proposal is under review by CBP to determine if the CBP identified concerns have been addressed, determine if the program is operationally viable, and if any adjustments are necessary.
- Part of the proposal includes a test with a carrier participating in the electronic vessel export manifest pilot efforts.
- The identified carrier is still working to be certified and subsequently able to file the electronic export manifest data for one or more post departure filers.
- The proposal includes a number of conditions for participation in the post-departure filing program.
- An agricultural based post departure program has been vaguely discussed within the working group with very limited suggestions regarding how the program might work for Ag exporters.
- The Census Bureau, the Bureau of Industry and Security and CBP have discussed and agreed upon a set of program requirements.
- The Post Departure filing program does not eliminate any of the export manifest requirements in terms of the data elements that are to be submitted.
- The Post Departure filing program is a privilege based filing program. Not all exporters may qualify for the program.
- All previously approved exporters will be required to re-apply to participate in the future post departure filing program.
- A separate application period will be established for new potential program participants.

Issue:

- CBP is committed to maintaining post departure filing of Census information as part of the overall export process.
- CBP believes that much of the nation's export security and enforcement needs can be moved from the export filing requirements of AES to an export manifest process allowing the continuation of the post departure exemption.

Next Steps:

- A timeline for implementation of any post departure filing program will be dependent upon the results of a test with limited participants to see if the path forward addresses the identified concerns exported by CBP. Additionally, the program is dependent upon carriers participating in the electronic export manifest pilot. There is only a limited number of carriers participating in the pilots.
- CBP is looking for potential participants for the proposal test that meet the industry recommended program requirements for both regular and Ag exporters.
- CBP is planning to announce a formal post departure pilot some time during FY 2018.
- The working group will identify two current Option 4 participants willing to participate in the testing for both regular exporters and Ag exporters.
- CBP is still looking for air carriers to participate in the pilot efforts.
- CBP, the Census Bureau and the Bureau of the Industry and Security continue discussions regarding the program requirements and how to implement the program. Regulatory changes to 19 CFR Part 192 and 15 CFR Part 30 by CBP and the Census Bureau may be required for the implementation of the program.

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