U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

Commissioner

DATE: August 31, 2015

SUBJECT: ACE Cargo Release Policy for Non-Automated CFS, Bonded Warehouse and Terminal Facilities

U.S. Customs and Border Protection (CBP) is currently transitioning the cargo release processing to a paperless workflow in the Automated Commercial Environment (ACE). On November 1, 2015, CBP will begin a transition period during which use of ACE Cargo Release (formerly known as Simplified Entry) for all electronic entry filings with PGA data will be encouraged. This transition period will last through July 2016 and will consist of two phases:

- On February 28, 2016, filers will only be permitted to file in ACE and no longer permitted to file in the Automated Commercial System (ACS) all electronic entries and associated entry summaries. In addition, electronic data for the following agencies must be filed in ACE and ACS will no longer be available:
    - Food and Drug Administration (FDA);
    - National Highway and Traffic Safety Administration (NHTSA); and
    - Animal and Plant Health Inspection Service (APHIS) Lacey Act filings.

- By the end of July 2016, CBP will issue a Final Rule implementing the no hybrid policy. Upon publication of the Final Rule, filers will only be permitted to use ACE to file data for the following agencies. Hybrid submissions will no longer be allowed.

    - Agricultural Marketing Service (AMS);
    - Bureau of Alcohol, Tobacco and Firearms and Explosives (ATF);
    - Remaining APHIS data;
    - Centers for Disease Control (CDC);
    - Defense Contract Management Agency (DCMA);
    - Directorate of Defense Trade Controls (DDTC);
    - Drug Enforcement Administration (DEA);
    - Enforcement and Compliance Commission (E&C);
    - Environmental Protection Agency (EPA);
    - Fish and Wildlife Service (FWS);
    - Food Safety and Inspection Service (FSIS);
    - National Marine Fisheries Service (NMFS); and
    - Alcohol and Tobacco Tax and Trade Bureau (TTB).

The ACE Cargo Release transaction data set consists of twelve mandatory and three optional data elements that will replace the twenty-seven data elements reported today on CBP Form 3461. Since ACE Cargo Release is a paperless program, filers are not required to submit the 3461 document to CBP; therefore, electronic entry data will only being accepted through the Automated Broker Interface (ABI) via Electronic Data Interchange (EDI). Thus, CBP will not be stamping, perforating or signing courtesy 3461 copies moving forward. ACE Cargo Release also eliminates the current trade requirement of presenting a stamped/perforated/signed copy of the "paper 3461" to a non-automated Container Freight Station (CFS), bonded warehouse or terminal facility for the delivery of CBP-released cargo. CBP recognizes that converting to a paperless environment will pose challenges to non-automated entities who do not receive electronic releases from CBP.

In order to facilitate the transition to a paperless environment, CBP will allow non-automated facilities, **on an interim basis**, to release cargo based on screen printouts presented to them by filers (importers, brokers, etc.). The printout should have at a minimum the shipment ID and quantity being released, the type of release as well as clear identification of who presented the release information. For audit purposes, this will satisfy due diligence on behalf of the non-automated facility. In the event that cargo that is unreleased or on hold is released from a non-automated facility where they received a release from the filer, CBP will seek remedy from the party who provided such information to the non-automated facility. Record retention guidelines will also apply.

It is also important for all parties to understand that this is an interim process and that in order to effectively operate in an increasingly paperless environment, non-automated facilities are strongly encouraged to automate as functionality is delivered in the Automated Commercial Environment to modernize trade processing.