

<p align="center">U.S. DEPARTMENT OF HOMELAND SECURITY U.S. Customs and Border Protection</p> <p align="center">DELEGATION ORDER</p> <p align="center">CUSTOMS DIRECTIVE</p>	<p>ORDER NUMBER 14-004</p>
	<p>ISSUE DATE September 11, 2014</p>
	<p>EFFECTIVE DATE September 11, 2014</p>
<p>SUBJECT</p> <p>Delegation of Authorities to Center Directors</p>	
<p>DELEGATED BY</p> <p>Commissioner</p>	<p>DELEGATED TO</p> <p>Directors, Centers of Excellence and Expertise or any CBP official acting in that capacity</p>
<p>SOURCE OF AUTHORITY BEING DELEGATED</p> <p>Homeland Security Act of 2002 (Public Law 107-296), Treasury Order 100-16 (May 23, 2003), DHS Delegation No. 7010.3 (May 11, 2006), and all applicable statutes and regulations granting authority to the Commissioner, U.S. Customs and Border Protection.</p>	<p>SUPERSEDED ORDER(S) (ORDER NUMBER(S) AND DATES(S) ONLY)</p> <p>None</p>
<p>DELEGATION</p> <p>By virtue of the authority vested in me as the Commissioner of U.S. Customs and Border Protection, and to the extent permitted by law, I hereby delegate to the Directors, Centers of Excellence and Expertise (Center Directors), currently the Assistant Director of Field Operations, Trade (ADFO) in the Office of Field Operations, all functions, authorities, rights, privileges, powers, and duties vested in Port Directors by law, regulation, or otherwise.</p> <p>These functions, authorities, rights, privileges, powers, and duties may be exercised concurrently by Port Directors and Center Directors.</p> <p></p> <p>Commissioner U.S. Customs and Border Protection</p>	

Delegation Order Guidance for Trade Community

Executive Summary

Delegation Order, Number 14-004, effective on September 11, 2014 (“Delegation Order”), delegates all authorities provided by law, regulation (e.g., in Title 19, Code of Federal Regulations), or otherwise that are vested in Port Directors to the Directors, Centers of Excellence & Expertise (Center Directors). The Delegation Order facilitates the Office of Field Operations rollout of the Electronics Center; the Pharmaceutical, Health & Chemicals Center; and the Petroleum, Natural Gas, and Minerals Center. The Delegation Order does not remove any authority from the Port Directors but serves to share authority with Center Directors. This notification serves to provide clarity on the specific authorities that, by policy, Center Directors will exercise under the Delegation Order as implemented by this guidance. Port Directors and Center Directors will communicate and collaborate to issue informed and consistent determinations and decisions effectively. With certain exceptions, identified below, any reference to the Port Director in those aspects of the regulations enumerated in the “Regulatory References” section of this guidance should be read to grant the Center Director concurrent authority.

Status

As of January 28, 2015, the Delegation Order will be implemented for the following three Center Directors in a phased approach:

- Electronics Center Director;
- Pharmaceutical, Health & Chemicals Center Director; and
- Petroleum, Natural Gas & Minerals Center Director.

These Centers will transition trade work from the ports of entry, as defined by the regulatory citations in this document, within their respective industry sector in phases. Prior to executing a particular phase, CBP will provide extensive messaging on CBP.gov, as well as notifications through automated systems, to the trade community on the extent of the impending phase.

The Delegation Order grants concurrent trade authority to the Port Director and Center Director. By policy, CBP has limited the authorities that Center Directors will have responsibility to exercise at this time. In particular, Center Directors will have responsibility for exercising the authorities and functions identified in the “Regulatory References” section at the end of this document. In other areas, such as release of cargo, the responsibility will remain exclusively with the Port Directors. As the responsibility for exercising certain post-release processing within the Center’s industry is transitioned from the Port Director to the Center Director, CBP will provide advanced external notification on CBP.gov and through automated systems.

Examples of Excepted Authorities

Until further notice, Port Directors will retain singular authority over those matters pertaining to the control, movement, examination, and release of cargo. While a Port Director may consult a Center Director regarding these matters, Center Directors will not issue decisions or determinations.

Additionally, Port Directors will retain responsibility for matters related to Drawback.

Finally, the Port Director will also retain responsibility for exercising authority over all matters related to Fines, Penalties and Forfeitures (FP&F). All notices to the trade regarding these cases (including CBPF 5955A, pre-penalty/penalty notices, and seizure notices) are issued under the authority of the FP&F Officer.

Examples of Joint Authorities

Port Directors and Center Directors will both have the authority to demand redelivery of cargo when necessary to ensure safety and security, and to protect the revenue. Both Port Directors and Center Directors will have the authority to take samples of merchandise as needed.

Port Directors and Center Directors have the authority to demand single transaction bonds when necessary to ensure safety and security, and to protect the revenue. Revenue collections can be accepted by Port of Entry (POE) staff and/or Center personnel on behalf of CBP.

Document Submissions from the Trade

In instances where a regulation requires documentation or information to be submitted to a Port Director, the filer/importer may continue to file such documentation at, or transmit such information to, the POEs. Alternatively, the documentation or information may be submitted to the appropriate Center Director. This includes instances when CBP has requested the documentation or information and when the filer/importer initiates the submission without a specific request by CBP.

Regulatory References

Effective January 28, 2015, and until further notice, the authority for all trade functions and activities may be exercised, with certain exceptions outlined above, by the Center Directors for the Electronics; Pharmaceuticals, Health & Chemicals; and Petroleum, Natural Gas & Minerals Centers. Such trade functions and activities include, but are not limited to, decisions and determinations in the following areas:

- Entry/Entry Summary processing such as: articles conditionally free or subject to a reduced rate, DCMAO, American Goods Returned, Permanent Exhibition Entries, special classes of merchandise, importations temporarily free of duty, quota, informal entries, trade fair entries, warehouse entries and withdrawals, FTZ entry summaries, and other special entry procedures.
- Decisions and activities regarding packing, stamping, country of origin marking, rules of origin, trademarks, copyrights, bonds, classification, appraisalment, and the sampling of merchandise.
- Processing of liquidations, protests, petitions, recordkeeping, and financial and accounting matters.