

## **Aviation Group Client Update**

Date: April 23, 2013

Contact: Lisa A. Harig, Partner Lindsay W. McGuire, Associate

Washington DC Office New York Office

lharig@mklawdc.com lmcguire@mklawnyc.com

+1 703 247 5487 +1 516 364 1095

## **CBP ANNOUNCES EXTENSION OF ACAS**

Today, the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) released a <u>general notice</u> of the extension of the Air Cargo Advance Screening (ACAS) Pilot Program for an additional six months, through October 26, 2013, and reopening the application period for new participants for 30 days. CBP first announced the ACAS pilot in <u>October 2012</u>.

Current CBP regulations specify that required data elements for air cargo must be submitted to CBP no later than the time of departure of the aircraft for the United States (from specified locations) or four hours prior to arrival in the United States for all other locations. The ACAS Pilot revises the timeframe for transmission of a subset of the currently required data elements (ACAS data) by program participants to the earliest point practicable prior to loading the cargo onto aircraft destined to or transiting through the United States.

Currently, the ACAS data consists of (1) the air waybill number, (2) total quantity based on the smallest external packing unit, (3) total weight, (4) cargo description, (5) shipper name and address, and (6) consignee name and address. This data is used to target high-risk air cargo. These data elements were chosen because they are available to air carriers and other participants early in the lifecycle of a cargo transaction and allow the risk assessment and workflow to be completed early enough in the supply chain to enhance security while minimizing disruption to the flow of goods.

CBP is seeking participation from stakeholders in the air cargo environment, including express

couriers, passenger carriers, all-cargo carriers, and freight forwarders. There are no restrictions with regard to organization size, location, or commodity type. However, participation is limited to those parties with sufficient information technology infrastructure and support.

CBP is considering possible amendments to the regulations regarding advance information for air cargo. The results of the ACAS pilot will help determine the relevant data elements, the timeframe within which data must be submitted to permit CBP to effectively target, identify and mitigate any risk with the least impact practicable on trade operations, and any other related procedures and policies.

Applications are due on or before **May 23, 2013**. If you have any questions about applying to the ACAS Pilot or if you would like assistance in the preparation or submission of an application, please contact our office.

\* \* \* \* \*

McBreen & Kopko's Aviation Group represents air carriers, fixed base operators (FBOs), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors' rights.