



9111-14

**DEPARTMENT OF HOMELAND SECURITY**

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

**Extension of the Air Cargo Advance Screening (ACAS) Pilot Program**

**AGENCY:** U.S. Customs and Border Protection, DHS.

**ACTION:** General notice.

**SUMMARY:** On October 24, 2012, U.S. Customs and Border Protection (CBP) published a notice in the **Federal Register** that announced the formalization and expansion of the Air Cargo Advance Screening (ACAS) pilot program that would run for six months. CBP subsequently published several notices extending the pilot period and/or reopening the application period to new participants for limited periods. The most recent notice extended the pilot period through July 26, 2016. This document announces that CBP is extending the pilot period for an additional year. The ACAS pilot is a voluntary test in which participants submit a subset of required advance air cargo data to CBP at the earliest point practicable prior to loading of the cargo onto the aircraft destined to or transiting through the United States.

**DATES:** CBP is extending the ACAS pilot program through July 26, 2017. Comments concerning any aspect of the announced test may be submitted at any time during the test period.

**ADDRESSES:** Written comments concerning program, policy, and technical issues may be submitted via email to [CBPCCS@cbp.dhs.gov](mailto:CBPCCS@cbp.dhs.gov). In the subject line of the email, please use “Comment on ACAS pilot”.

**FOR FURTHER INFORMATION CONTACT:** Craig Clark, Cargo and Conveyance Security, Office of Field Operations, U.S. Customs & Border Protection, via email at [craig.clark@cbp.dhs.gov](mailto:craig.clark@cbp.dhs.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 24, 2012, CBP published a general notice in the **Federal Register** (77 FR 65006, corrected in 77 FR 65395<sup>1</sup>) announcing that CBP is formalizing and expanding the ACAS pilot to include other eligible participants in the air cargo environment. The notice provides a description of the ACAS pilot, sets forth eligibility requirements for participation, and invites public comments on any aspect of the test. In brief, the ACAS pilot revises the time frame for pilot participants to transmit a subset of mandatory advance electronic information for air cargo. CBP regulations implementing the Trade Act of 2002 specify the required data elements and the time frame for submitting them to CBP. Pursuant to title 19, Code of Federal Regulations (19 CFR) 122.48a, the required advance information for air cargo must be submitted 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 is a voluntary test in which participants agree to submit a subset of the required 19 CFR 122.48a data elements (ACAS data) at the earliest point

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<sup>1</sup> This **Federal Register** notice, published on October 26, 2012, corrected the email address under the **ADDRESSES** heading for submitting applications or comments. The correct email address is [CBPCCS@cbp.dhs.gov](mailto:CBPCCS@cbp.dhs.gov).

practicable prior to loading of the cargo onto the aircraft destined to or transiting through the United States. The ACAS data is used to target high-risk air cargo. 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 time frame within which data must be submitted to permit CBP to effectively target, identify and mitigate any risk with the least practicable impact on trade operations, and any other related procedures and policies.

### **Extension of the ACAS Pilot Period**

The October 2012 notice announced that the ACAS pilot would run for six months. The notice provided that if CBP determined that the pilot period should be extended, CBP would publish another notice in the **Federal Register**. The October 2012 notice also stated that applications for new ACAS pilot participants would be accepted until November 23, 2012. CBP subsequently published several notices extending the pilot period and/or reopening the application period to new participants for limited periods. On December 26, 2012, CBP published a notice in the **Federal Register** (77 FR 76064) reopening the application period for new participants until January 8, 2013. On January 3, 2013, the **Federal Register** published a correction (78 FR 315) stating that the correct date of the close of the reopened application period was January 10, 2013. On April 23, 2013, CBP published a notice in the **Federal Register** (78 FR 23946) extending the ACAS pilot period through October 26, 2013, and reopening the application period through May 23, 2013. On October 23, 2013, CBP published a notice in the **Federal Register** (78 FR 63237) extending the ACAS pilot period through July 26, 2014, and reopening the application period through December 23, 2013. On July 28, 2014, CBP

published a notice in the **Federal Register** (79 FR 43766) extending the ACAS pilot period through July 26, 2015, and reopening the application period through September 26, 2014. Finally, on July 27, 2015, CBP published a notice in the **Federal Register** (80 FR 44360) extending the ACAS pilot period through July 26, 2016, and reopening the application period through October 26, 2015.

Each extension of the pilot period and reopening of the application period has allowed for a significant increase in the diversity and number of pilot participants. The current pilot participants now represent a strong sample size of the air cargo community and new pilot participants will not be accepted.

CBP intends to issue a notice of proposed rulemaking to incorporate ACAS as an ongoing regulatory program taking into account the results of the pilot and has begun work on that process. CBP would like the pilot to continue during the rulemaking process. This will provide continuity in the flow of advance air cargo security information and serve as a stop-gap measure to address the vulnerability of the air cargo supply chain identified by the October 2010 Yemen cargo plot. CBP would also like to provide pilot participants with the additional opportunity to adjust and test business procedures and operations in preparation for the forthcoming rulemaking.

For these reasons, CBP is extending the ACAS pilot period through July 26, 2017.

Dated: July 19, 2016

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Todd C. Owen  
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Office of Field Operations

[FR Doc. 2016-17366 Filed: 7/21/2016 8:45 am; Publication Date: 7/22/2016]