



News Release

Contacts: Donna Mullins @ (404) 429-6341
Brandan Fried @ (202) 393-2818

For Immediate Release

NCBFAA, Air Forwarders Association Submit Joint Comments on ACAS

WASHINGTON, D.C.: On August 9, the National Customs Brokers & Forwarders Association of America, Inc. (NCBFAA) and the Air Forwarders Association (AfA) submitted their comments on the Interim Final Rule for the Air Cargo Advanced Screening (ACAS) program. These comments are the culmination of NCBFAA and AfA's years spent in on-going discussions with the Transportation Security Administration (TSA), U.S. Customs and Border Protection (CBP) and the air cargo transportation community, as well as with their members who participated in the ACAS program.

In their comments, which can be found in full [here](#), the NCBFAA and AfA focused on the following key areas that need to be addressed to improve both the efficiency and effectiveness of the ACAS program:

- The carrier has the ultimate responsibility to file data within ACAS; however, there may be forwarders who are willing to meet prescribed terms and conditions to file instead of the carrier. We do not support duplicate filings, since minor or inadvertent differences may create anomalies in the targeting process.
 - Bonding of forwarders will discourage forwarder participation due to limited budgets and capacity to meet expansive regulation.
 - The flow of air cargo must not be impeded due to ACAS filing and screening process times.
 - Data needs to be transmitted prior to the completion of the loading process.
 - CBP and TSA should issue DNL instruction documentation that places the appropriate responsibilities on each stakeholder in an event where an ACAS filer is not in possession of a DNL shipment.
 - CBP should consider the consequences of accepting data transmissions without an accompanying master air waybill or house air waybill at the lowest level, as like we mentioned previously, having multiple parties file duplicate data leaves the possibility for data errors since the airline is not familiar with the day-to-day operations of the forwarder.
 - The IFR calls for restraint in enforcement of ACAS requirements during the first twelve months. In other instances, CBP has used the term informed

- compliance. Greater definition must be given the term restraint, perhaps through some comparisons to CBP's recent history of moderating its enforcement of new programs. We believe however that egregious, flagrant and knowing violations should not apply to this grace period.

Donna Mullins, Chair of NCBFAA's Subcommittee on Airfreight, has been working with ACAS since its inception and was a key contributor in the filing of these comments. She stressed the importance in making sure brokers and forwarders contributed to the shaping of ACAS. "Several of our members were early participants in the pilot program," Mullins said. "Based on their experiences, we are able to share their concerns surrounding the ACAS program directly with TSA and CBP. This helps us bring forwarder issues to the table when discussing the best way to reach security and common objectives."

The NCBFAA and AfA want to applaud CBP and TSA for employing the single filing of ACAS data and we appreciate the opportunity to present their comments to both agencies. We hope that these comments will assist in achieving a final rule that meets its objective of enhancing security without impeding the flow of trade.

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Headquartered in Washington, D.C., the NCBFAA represents more than 1,000 member companies with 110,000 employees in international trade - the nation's leading freight forwarders, customs brokers, ocean transportation intermediaries (OTIs), NVOCCs and air cargo agents, serving more than 250,000 importers and exporters. Established in 1897 in New York, NCBFAA is the effective national voice of the industry. Through its various committees, counsel and representatives, the Association maintains a close watch over legislative and regulatory issues that affect its members. It keeps them informed of these and other related issues through its weekly Monday Morning eBriefing, and various meetings and conferences throughout the year.