

# Port Congestion and the Challenge of Entry Filing

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# Port Congestion and the Challenge of Entry Filing

## Panelist:

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Dan Meylor, Customs Administration Manager, Carmichael

# New Normal

- When to entry when we are not sure when a vessel will actually be arrived or when it will reach the berth to be unloaded?
- Making proper entries and corrections in this environment
- Fixes and workarounds to make the entry process more efficient



# Challenges

- To transmit or not to transmit? That is the question
  - Where are the goods
  - Delays at anchor
  - Delayed at the dock
  - Delays to get on the rail
- File Now?
  - Need to meet regulatory filing requirements such and Prior Notice, EPA of first port of arrival
- Wait to file?
  - Provisional Release vs. Actual arrival release
  - Pay duty when actual release, move statement date forward. Potential risk of improper release date update and LD
  - 15 Day bill of Lading update limitation



# Estimated Date Challenges

- Estimated Dates are triggers for CBP actions and Notifications
- Carrier (Master Bill) Conveyance arrival vs. NVOCC (House Bill) Conveyance arrival
- Manifest query shows ETD/ETA – why not updated by the Vessel Operating Carrier?



# Arrival of Conveyance

- Arrival of Conveyance (Carrier Regulations 19CFR Part 4, 122, 123) vs. 19 CFR 142 Time of Entry and burden of proof for post entry
  - Ocean – Vessel Operating Carrier
  - Air – CBP
  - Rail – Carrier
  - Truck – CBP
- PGA ramifications, CPSC, FDA



# Best Practice

- Manifest Query is your friend
  - Ports/Dates
  - Quantity
  - House / IT Number
  - ISF on file – Manifest Add/Delete
  - Bill Type
  - Holds
- Manage Actual arrival vs. ETA



# OH NO!

- Manifest / Quantity Piece Count issue
  - Over Post/Under Posting
  - G.O. Messages
  - House Bill Release – will this help?
- Split Discharge – Memo Bills
- Bill of 90 days old





# Now What

- Update within 15 days of release/arrival – regardless of paid status
- After 15 days – Not in CBP Control
- After 15 days - In CBP Control
- Replacement Entry? Last resort... Not monopoly money, processing time on all sides



# C/R Update within 15

- When broker only needs to update the bill of lading and specific transportation information, use the Bill of Lading Update submission rather than the Replace submission as there is an important distinction between an Update and a Replace
- “U” Update does not need to be reviewed by CBP Officer
- “R” Replace has to be reviewed by CBPO when cargo release has arrived or is under review or hold/exam
- Once Arrived and Released – “R” is not allowed



# C/R Replace

- ACE Cargo Release (SE) Correction requests are sent as a “R”  
**Replace**
  - This allows full replacement of the data elements on the ACE Cargo Release transaction.
  - The data which may not be changed includes the Importer of Record and Entry Number
  - **NO** correction after **both arrival and release**
  - Filer will receive “Replace Request Pending” status if entry has arrived/Not Released or has Document Review/Hold/Under Review or Intensive
  - Correction must be actioned by CBP before filer can submit a subsequent correction / Update
  - If correction request is rejected CBPO must provide a reason
  - No FDA or FDA Disclaim (unless 5 days prior to ETA Import Port)



# Update after 15 days and in CBP Control

- If the entry is past the 15 day window or in CBP Control then one may:

Contact CBPO to update  
MBL/HBL numbers  
Quantity  
PORT?

- Send a request for CBP to update the bill of lading #, Quantity etc.
- Best contact at the port? CBP.gov / NCBFAA



# Release Suspended

- If carrier Updates the Estimated Date of Arrival (EDA) now the entry falls outside the 5 day variable release window, the release suspends
- Variable/Provisional Release vs. Actual



# Split Discharge

- A carrier unloads at two terminals in the same Port. Sometimes shipments with more than one container have that shipment partially unloaded at one terminal and the balance at the second terminal
- The carrier issues a new bill of lading for second portion
  - A new ISF is not required for the new bill of lading.
  - The original ISF can be corrected to add the new bill of lading. Correction is Late?



# Split Discharge

- In the event the carriers notify the parties about the split more than 15 days after the arrival and the broker cannot do a bill of lading update
  - The broker can request CBP to do the bill of lading update for the shipment if the broker cannot do it
  - TIU can do the update regardless of pay status



# Bill of 90 days old

- If the vessel arrived more than 90 days ago, ACE does not recognize bills or inbonds older than 90 days
- ABI error: NO BILL MATCH, INBOND DOES NOT MATCH OR NOT ON FILE
  - Must send this entry as NON AMS
  - Remove the house bill and the inbond from the entry
  - Send the master bill as a regular bill and flag it as non-ams
  - Contact CBPO at the port of entry
  - CBPO will manually release the entry
  - CBPO must also post the release to the bill to show a 1C
- This is the procedure for all vessels that have an EDA more than 90 days ago. Manifest query?





# No Selectivity – Entry will cancel in 7 days

- Entry to cancel in 7 days message
- Broker submits a SE Update Action, or a SE Replace Action this *does* restart the 30 day clock



# Port Changes

- What is the broker to do?
- Do not want to cancel an entry to fix a port code
  - Emergency Diversions
  - Bill of Lading update change port code



**QUESTIONS?**



# Manifest Query

A0201551 020818 C1 19CHG-L1  
 B 3901551C1 19CHG-L1  
 WR1 CMDUEVER LUCKY 122LB021918  
 WR4 DUS0224035 00000020PCS CMDU MN1  
 WR5020618124569 BILL ON FILE 20 001  
 WN1 4601 42157020718  
 WR1 CMDUEVER LUCKY 122LB021918  
 WR4 DUS0224035 HBGA0305360 00000020PCS CMDUCMDUHN1  
  
 WR5020618124569 BILL ON FILE 20 001  
 WR502061812451Y MVOC-NVOCC BILL OF LADING  
 MATCH 20 002  
 Y 3901551C100008  
 Z0201551 020818

## WR1 Record

Carrier Code  
 Vessel  
 Voyage  
 Estimated date of Arrival

## WR4 Record

In-Bond Number  
 Master Bill Number  
 House Bill Number  
 Sub-House Bill Number  
 Manifest Quantity  
 Unit of Measure  
 Issuer Code of Master Bill Number  
 Issuer Code of House Bill Number

## Bill of Lading Type

O = Regular Bill of Lading  
 M = Master Bill of Lading  
 H = House Bill of Lading  
 F = FROB (Freight Remaining on Board)

## Importer Security Filing Indicator

Y = ISF on file  
 N = ISF not on file

## Mode of Transportation Code

