

Customs-Trade Partnership Against Terrorism (C-TPAT) Enforcement and Appeal Process

The C-TPAT program is one layer in U.S. Customs and Border Protection's (CBP) multi-layered cargo enforcement strategy. Through this program, CBP works with the trade community in adopting tighter security measures throughout their international supply chains. In exchange for adopting these stronger security practices and after verification by CBP that the measures are in place, CBP generally affords C-TPAT members reduced inspections. C-TPAT is a voluntary program with a "trust but verify" focus and, as such, the program must take immediate action to suspend or remove members that are not in compliance with the program's minimum security criteria. This informational notice outlines the program's enforcement and appeal process.

C-TPAT members may be suspended or removed from the program for several reasons including, but not limited to, the following: narcotics seizures or other security related incidents such as human smuggling; failed validations or lack of compliance with C-TPAT requirements regarding supply chain or other security measures; failure to provide required information or filing false or misleading information; or actions or inaction that shows a lack of commitment to the program.

The C-TPAT Headquarters (HQ) Program Director makes the final decision to suspend or remove a member based on all available information, including reports and recommendations made by C-TPAT Field Managers. In certain aggravated circumstances companies may be immediately removed from the program, for example, when they are found to have provided false information, have demonstrated inadequate security, or have demonstrated a flagrant disregard for the program's requirements. In other instances, which may not be as egregious, but are nonetheless significant, a company may be suspended from C-TPAT with an opportunity to resume membership once it comes into compliance with program requirements.

Once a security related incident or other program violation occurs, C-TPAT officials determine the appropriate next steps on a case-by-case basis. These steps normally include suspending benefits such as FAST lane access and allowances in the risk assessment process, as well as conducting a post incident analysis to determine the circumstances that led to the violation.

To be reinstated into the program after an incident or violation, the company must agree to a corrective action plan which identifies specific objectives and time frames within which those objectives should be reached. In addition, the company must consent to un-announced visits by C-TPAT staff to monitor progress. In the case of a failed validation, the company must demonstrate that it has successfully addressed all vulnerabilities and complied with all other requirements before being fully reinstated.

Companies that are suspended or removed may appeal this decision to CBP HQ. Appeals should include all relevant information which demonstrates how the company has addressed the issues which resulted in the suspension or removal, or provide corrected factual information in the case where a company claims that a mistake of fact or other misunderstanding has resulted in the suspension or removal. CBP will decide the appeal in a timely fashion.

To avoid suspension or removal, C-TPAT members must ensure they are in full compliance with the minimum security criteria and be cognizant of, and responsive to, mandated timeframes established by CBP. To view the C-TPAT minimum security criteria, please visit:

http://www.cbp.gov/xp/cgov/trade/cargo_security/ctpat/.

NOTE: as specifically provided for in the SAFE Port Act, nothing in these procedures limit the ability of the Commissioner to take actions to protect the national security of the United States.

C-TPAT members may address specific questions to their assigned SCSS and non-members may contact the C-TPAT HQ at industry.partnership@dhs.gov.