

**Commercial Customs Operations Advisory Committee
Secure Trade Lanes Subcommittee
De Minimis Working Group
Draft Recommendations**

December 2024

COAC

**COMMERCIAL CUSTOMS OPERATIONS
ADVISORY COMMITTEE**

Commercial Customs Operation Advisory Committee (COAC)
Secure Trade Lanes Subcommittee
De Minimis Working Group
De Minimis Automation Task Force
Draft Recommendations

1. COAC recommends that CBP identify the specific action and official system of record that triggers the date and time for arrival of merchandise into the commerce of the United States by mode of transportation (truck, air, air express, ocean, etc.) through a series of FAQs to be released to the trade community.
2. COAC recommends that, in consultation with the trade community, CBP establishes the official datetime of the arrival of a conveyance for each mode of transportation (truck, air, air express, ocean, etc.) and records it in the proper ACE system.
3. COAC recommends that CBP issue a series of FAQs or fact sheets to the public prior to initiating the proposed enforcement of the \$800 per person, per day, limitation, including but not limited to, the initiation of any advanced warning messages.
4. COAC recommends that CBP develop responses to the frequently asked questions (FAQs) outlined in recommendations 5 through 27, and reviews said responses with the COAC De Minimis Task Force, prior to releasing the responses publicly.
5. COAC recommends that CBP develop a FAQ response to answer: *How a “person” is defined for the purpose of enforcing the \$800 per person, per day, limitation?*
6. COAC recommends that CBP develop a FAQ response to answer: *Whether the “deliver to” party or ultimate consignee is considered the party “claiming” or “receiving” the de minimis benefit, and alternatively could another party be eligible to “claim” or “receive” the benefit for the de minimis benefit for purpose of enforcing the \$800 per person, per day, limitation.*
7. COAC recommends that CBP develop a FAQ response answer: *How a person claiming the de minimis preference can be identified in ACE, and if it varies by mode?*
8. COAC recommends that CBP develop a FAQ response to answer: *Whether businesses with different locations will be considered a single person or multiple persons for the purpose of enforcing the \$800 per person, per day, limitation.*
9. COAC recommends that CBP develop a FAQ response to answer: *When does the “day” start for the purpose of enforcing the \$800 per person, per day, limitation? (e.g. E.S.T? How long is a day? 24hrs or 30hrs to account for Hawaii and Alaska).*
10. COAC recommends that CBP develop a FAQ response to answer: *Which parties (e.g. shipper, importer, consignee, carrier, broker, postal operator) will CBP notify if a shipment has met or exceeded the de minimis limit?*
11. COAC recommends that CBP develop a FAQ response to address: *Whether the parties notified of the de minimis threshold breach will differ depending on the type of entry (e.g. Entry Type 86, postal entry, or manifest release) and mode by mode.*

12. COAC recommends that CBP develop a FAQ response to answer: *How will the ACE system notify the relevant parties (e.g. shipper, importer, consignee, carrier, broker, postal operator) that a shipment has met or exceeded the de minimis limit? In particular, how will CBP notify parties that do not have ACE access?*
13. COAC recommends that CBP develop a FAQ response to answer: *“What is the difference between the Estimated Date of Arrival (EDA) warning and the final de minimis ineligibility notification?”*
14. COAC recommends that CBP develop a FAQ response to answer: *Whether there be two different types of warning messages based on estimated date of arrival. Specifically, one before a person’s limit has been officially reached, will a warning message about potential ineligibility be sent and when the person’s eligibility has ended, will later filers get a different message saying that the person’s limit has been reached, or will they continue to get a message saying the person’s limit may have been reached?*
15. COAC recommends that CBP develop a FAQ response to answer: *When CBP arrives a conveyance a period of time after the actual arrival of the conveyance is the arrival date set at the actual time of arrival or the time the arrival is finally entered into the system?*
16. COAC recommends that CBP develop a FAQ response to answer: *How will the U.S. Postal Service, the foreign postal operator, U.S. consignee, and the foreign shipper involved be notified when there is a violation of the \$800 per day per person limitation.*
17. COAC recommends that CBP develop a FAQ response to answer: *Will postal shipments be included in the total aggregate daily de minimis value compiled through other modes of entry?*
18. COAC recommends that CBP develop a FAQ response to answer: *Whether consignees in the postal environment be forced to pay the relevant duty before the shipment is released and, if so, how payment will be made.*
19. COAC recommends that CBP develop a FAQ response to answer: *When will CBP transmit a warning message to the party(ies) that a shipment might not qualify for de minimis treatment? Manifests are continuously updated at various stages so can a filer transmit its manifest multiple times to make sure of eligibility or alternatively, will all relevant filers be notified once a potential violation is identified in the system?*
20. COAC recommends that CBP develop a FAQ response to answer: *If CBP intends to transmit a reject code to the carrier via ACE after the final manifest is transmitted, will the entire manifest be rejected or just the individual shipment?*
21. COAC recommends that CBP develop a FAQ response to answer: *If a broker files an Entry Type 86 entry then is later notified that the shipment is part of others that in total exceeded \$800, will CBP require the broker to file a cancellation of the Entry Type 86 entry and refile as an informal entry and pay duties and fees?*
22. COAC recommends that CBP develop a FAQ response to answer: *Will shipments that are determined to be ineligible for de minimis entry, and that contain commodities subject to Section 301 duties, require formal entries rather than informal?*

23. COAC recommends that CBP develop a FAQ response to answer: *Will shipments sent to the attention of individuals at a corporate entity qualify for Entry Type 86?*
24. COAC recommends that CBP develop a FAQ response to answer: *If a carrier files a manifest entry, it is released and delivered, then the carrier is later notified that the shipment is part of others that in total exceeded \$800, will CBP require the carrier to cancel the manifest entry and file an informal or formal entry?*
25. COAC recommends that CBP develop a FAQ response to answer: *How will CBP address port specific in-bond policies and procedures that may impact or unnecessarily restrict the movement of shipments that are deemed ineligible for de minimis treatment due to the \$800 per person per day limitation?*
26. COAC recommends that CBP develop a FAQ response to answer: *How will de minimis merchandise exceeding the \$800 threshold be handled to ensure efficient transfer to a bonded warehouse or container freight station within the port, considering that land border carriers are not required to have the Basic custodial bond as outlined in § 113.63, in order to reduce truck congestion at the port of entry?*
27. COAC recommends that CBP develop a FAQ response to answer: *Will de minimis merchandise exceeding the \$800 threshold be allowed to move to a facility within the port of arrival, a different port, or a location outside of a port under an in-bond type 61 (IT – Immediate Transportation) if the carrier has an international carrier bond or custodial bond on file, whether the facility the carrier is moving the shipment to in-bond be unbonded, and whether the facility be outside of a port’s limit?*