

§ 143.1

§ 143.1 Eligibility.

The Automated Broker Interface (ABI) is a module of the Customs Automated Commercial System (ACS) which allows participants to transmit data electronically to Customs through ABI and to receive transmissions through ACS. Its purposes are to improve administrative efficiency, enhance enforcement of Customs and related laws, lower costs and expedite the release of cargo. Participants in ABI may be:

- (a) Customs brokers as defined in § 111.1 of this chapter;
- (b) Importers as defined in § 101.1 of this chapter; and
- (c) ABI service bureaus, that is, an individual, partnership, association or corporation which provides communications facilities and data processing services for brokers and importers, but which does not engage in the conduct of customs business as defined in § 111.1(c) of this chapter.

[T.D. 90-92, 55 FR 49884, Dec. 3, 1990, as amended by T.D. 97-82, 62 FR 51771, Oct. 3, 1997; T.D. 01-14, 66 FR 8767, Feb. 2, 2001]

§ 143.2 Application.

A prospective participant in ABI shall submit a letter of intent to the port director closest to his principal office, with a copy to the Assistant Commissioner, Information and Technology, or designee. The letter of intent shall set forth a commitment to develop, maintain and adhere to the performance requirements and operational standards of the ABI system in order to ensure the validity, integrity and confidentiality of the data transmitted. The letter of intent must also contain the following, as applicable:

- (a) A description of the computer hardware, communications and entry processing systems to be used and the estimated completion date of the programming;
- (b) If the participant has offices in more than one location, the location of each office and the estimated start-up date for each office listed;
- (c) The name(s) of the participant's principal management and contact person(s) regarding the system;
- (d) If the system is being developed or supported by a data processing com-

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pany, the data processing company's name and the contact person;

- (e) The software vendor's name and the contact person; and
- (f) The participant's entry filer code and average monthly volume.

§ 143.3 Action on application.

(a) *Approval.* Permission to use ABI will be granted by the Assistant Commissioner, Information and Technology, or his designee, only to those applicants who are not delinquent or otherwise remiss in their transactions with Customs and are in compliance with the ABI system performance procedures and standards as described in § 143.5 of this subpart. If there is any cause to question the qualifications or fitness of the applicant to participate in ABI, the application may be referred for investigation and report. The investigation may include, but need not be limited to:

- (1) The accuracy of the information provided in the letter of intent;
- (2) The business integrity of the applicant;
- (3) The character and reputation of an individual applicant or a member of a partnership or an officer of an association or corporation; and
- (4) The character and reputation of the software vendor.

(b) *Denial.* If permission to use ABI is denied to an applicant by the Assistant Commissioner, Information and Technology, or his designee, written notice, including the grounds for the denial, will be given to him and to the port director. The applicant may appeal the denial in the manner prescribed in § 143.8 of this subpart and those procedures for handling an appeal shall apply.

§ 143.4 Confidentiality of data.

The electronic data received and exchanged by a service bureau shall be considered confidential, and the service bureau shall maintain the accuracy of data received in the process of formatting and transmitting such data on behalf of a filer, and shall not disclose this data or any information connected therewith to any persons other than the filer or Customs (see § 111.24 of this chapter).