

A List That Was Never Supposed to Exist?

CBP has made the identities of CTPAT-validated customs brokers public. Does the partner agreement permit it? Is this what the SAFE Port Act contemplated? And should importers, carriers and every other partner category expect to be next?

By Dan Garcia, Director and Senior Analyst, SIMS World Wide Inc. · September 2026

What exactly happened?

For a quarter of a century the working assumption across the trade was simple. CTPAT membership was a private fact. CBP would neither confirm nor deny a company's participation, verification ran through the Status Verification Interface, and the partner, not the government, decided who saw its status. That assumption has now ended, at least for one partner category. CBP has made the identities of CTPAT-validated customs house brokers publicly available. And because the roster of permitted customs brokers has always been public, the disclosure works in both directions. Anyone can now derive, by simple subtraction, which licensed brokers are not validated, including brokers who never joined the program and never consented to any inference being drawn about them at all.

At the time of writing, CBP has offered no accompanying statement of legal basis. So, the question is worth asking plainly. Was this CBP's to publish?

Is validation status “proprietary business information”?

Start where a partner would start, with the CTPAT-Partner Agreement to Voluntarily Participate, the document every applicant signs in the Portal. Its confidentiality language is a single paragraph, and it is narrower than most people remember. CBP acknowledges that during the course of the membership relationship it may become privy to proprietary business information, recognizes the confidential nature of such information, and agrees to maintain its confidentiality in accordance with U.S. law.

Now press on the words. Who authored the fact of validation? The partner submits the security profile, but CBP renders the verdict. Can a company claim as its own proprietary information a determination it did not make? And can an industry that routinely announces its certifications in press releases, on websites and in capability statements claim that the bare status was ever customarily kept private? One can surmise that the drafters were protecting the contents of the file, the profiles, the vulnerabilities, the routings, and not the existence of the relationship. Notice, too, what the agreement does not say. CBP undertakes eleven commitments, and not one of them is a promise to keep membership secret. The closest is the commitment to provide verification through the SVI. Does a consent-based verification channel imply that it will be the exclusive channel? The text is silent, and silence is doing a great deal of work in this debate.

Is this what the SAFE Port Act meant?

Congress codified the program in 2006 and directed the Secretary to implement procedures ensuring the protection of confidential data collected, stored or shared as part of the application, certification, validation and revalidation processes. Is a list of validated names “data collected”? Or is it an outcome the government generated? The statute does not define the boundary, and the one place Congress spoke directly about names is instructive in both directions. The Act authorizes publication of partner names in exactly one scenario, naming in the Federal Register those removed for knowingly providing false or misleading information.

Does that lone authorization mean Congress considered names otherwise off limits, so that routine publication was never contemplated? Or does it prove the opposite, that partner identity was never inside the protected class, since Congress felt free to order its disclosure as a sanction? Both readings are available from the same sentence. That is precisely the problem, and precisely why the trade's confidence that “the statute forbids this” deserves a second look before anyone stakes a position on it.

Does FOIA silence equal a promise?

It is widely believed, and correctly, that a FOIA request aimed at CTPAT files goes nowhere. Security profiles are confidential commercial information, much of the material carries law enforcement sensitivity, and the program's records notices were built to keep it that way. But be careful about what that fact proves. FOIA exemptions entitle an agency to withhold. Do they also forbid it to speak? An exemption is a shield the government may raise, not a gag it must wear.

And would the bare fact of membership even survive the modern confidentiality test, which asks whether the submitter customarily keeps the information private? When thousands of partners advertise their own CTPAT status, the answer thins considerably. The profile is protected. Is the membership? One can surmise that the program's famous FOIA resilience always rested on the substance of the files, while the anonymity of the roster rested on something softer, a policy choice CBP was free to reverse.

Did Executive Order 14411 change the answer?

Almost certainly yes, and this may be the most important point in the entire episode. Executive Order 14411, signed June 3, 2026, requires foreign importers of record filing formal entry to be CTPAT-validated if eligible, or to file through a CTPAT-validated licensed customs broker. Under current program rules most foreign importers outside North America cannot self-validate, so the order defaults them to the broker pathway. Follow the mechanics. Those foreign importers are outside the program. They have no Portal access and no SVI relationship. The order therefore created an entire population that is legally required to rely on a credential it has no lawful means to verify.

Does a credential that conditions market access have to be discoverable by the market? The permitted broker license list has been public for decades on exactly that logic. Once validation became an eligibility gate rather than a private program benefit, publication starts to look less like a betrayal and more like administration. It also folds neatly into the agreement's own qualifier. “In accordance with U.S. law” once

pointed toward silence. It may now point toward disclosure. Can one surmise that the broker list is not a policy reversal at all, but the mechanical consequence of the Executive Order? That is the most charitable reading of CBP's action, and probably the most accurate one.

So, are importers next?

Here is the question every importer, carrier, consolidator, 3PL and eligible entity should now be asking. The broker list exists because a population outside the program must rely on the credential. Apply that test to each partner category and see what it yields.

Who outside the program must rely on an importer's validation or other entity type? CBP verifies importer eligibility at the point of entry itself, and it needs no public list to do so. Business partners verify one another through SVI, as they always have. Sureties are a more interesting case. The order tightens bonding for foreign importers and conditions continuous bonds on CBP's satisfaction that revenue is protected, so one can imagine sureties wanting, or being pointed to, an authoritative status source. Section 2(f) goes further still and orders recurrent vetting of all import-related actors, importers, affiliates, brokers, freight forwarders and custodians. But vetting is an internal act. Publication is not implied by it.

So, the honest answer is that the broker list may be *sui generis*, the one category where the verification need lands on outsiders. And yet precedent is a solvent. Once one category's validation status has been published, the presumption of confidentiality is spent for all of them, and the operative question quietly shifts from “may CBP publish” to “why would it not”. The implementing regulations due around December 2026 are where the answer will surface. If those regulations build eligibility gates on the status of forwarders, custodians or importers, expect lists to follow the gates. Status follows structure. It always has.

What should a partner do while the question hangs?

- Assume your status is, or will become, a public fact, and manage it as a credential rather than a secret. For validated partners this is shelf presence. Say it yourself before a government list says it for you.
- Reread the agreement you actually signed. Know precisely what CBP promised in text, and what was merely twenty-five years of practice. They are not the same thing, and the difference is now visible.
- If you are certified but not yet validated, understand the subtraction problem. Absence from a validated list is visible and ambiguous, and it deserves a prepared answer for clients who ask.
- Direct objections where they can operate. COAC, the trade associations and the comment record on the EO 14411 implementing regulations are live channels. A breach claim on an agreement that is terminable at will and creates no remedy is not.

The cornerstone was never really the paragraph in the agreement. It was a practice, sustained since 2001, of government silence about who stood inside the partnership. Practices are not promises, and the next twelve months will show how far the lesson extends.

About SIMS World Wide Inc.

SIMS World Wide Inc. is a supply chain analysis and optimization company, through and through, with security and compliance built in. From Alpharetta, Georgia, SIMS serves importers, brokers, carriers and logistics providers across six continents, from trusted-trader programs (CTPAT and AEO) and customs compliance to cargo integrity, customs modernization and trade technology.

The CTPAT heritage runs to the origin. In late 2001 SIMS trained the original twenty validators, CBP's precursor agents, then designed, delivered and evaluated Supply Chain Security Specialist training through 2014, with more than 1,500 CBP Regulatory Auditors trained over fourteen consecutive years. And CBP is one customs authority among many. Through the WCO Regional Training Centre in Lima, managed by SUNAT, SIMS training has reached approximately 467 customs officials from the administrations of Peru, Brazil, Colombia, Chile, Uruguay, Paraguay, Bolivia, Honduras, Mexico, Guatemala, Nicaragua, Argentina, El Salvador, Panama, the Dominican Republic, Costa Rica and Canada, and a September 2026 Ecuador engagement added approximately 180 SENA and FEDA participants. In Africa, SIMS has delivered supply chain security training linked to AEO in Eswatini, Lesotho, South Africa, Botswana, Namibia, Ghana, Kenya, Uganda and Rwanda, and was selected for a WCO and SIDA-supported AEO and cargo-security pilot in Southern Africa. SIMS has collaborated with Egypt on digital trade corridors, extended its AEO work to China, Indonesia and India, and counts Mexican Customs and HMRC, the United Kingdom customs authority, among its engagements. Letters of commendation from U.S. CBP and SUNAT recognize the work, and elements of SIMS custodial control work have been incorporated into Peruvian law. Security as the byproduct of a well-run supply chain has been the SIMS doctrine since before the program had a name.

Dan Garcia, Director and Senior Analyst · Dan.Garcia@simsworldwide.com · +1 (404) 229-8580

Analysis and opinion for the trade community, not legal advice; positions may evolve as CBP issues implementing guidance.