

Publications

Alert to All Shipowners, Managers, Operators and Insurers

U.S. Bureau of Customs and Border Protection Regulations Concerning Automatic Manifest Filing.

A. Introduction

A "Final Rule" relating to Regulations concerning Automatic Manifest Filing, under the authority of the Trade Act of 2002, was issued on December 5, 2003, by the U.S. Bureau of Customs and Border Protection ("CBP"). These regulations replaced the interim rules which had been promulgated on February 2, 2003. The new regulations went into effect on January 5, 2004, and will be enforced by United States Customs from March 5, 2004, going forward.

The new regulations require that all "carriers"¹ of cargo, inbound to the United States, transmit electronically to CBP's Vessel Automated Manifest Systems ("AMS") certain specified information about the cargo. See, 19 CFR §4.7 (b) (copy attached hereto). The regulation states that CBP must receive "from the incoming carrier, ... the CBP-approved electronic equivalent of the vessel's Cargo Declaration (Customs Form 1302)." The new rules for presenting electronic cargo declaration information require that the automated cargo manifest be submitted to the CBP via the Vessel Automated Manifest System, which is operated, maintained, and administered by CBP.

B. Submission Periods

For certain cargoes, including containerised cargo, the cargo manifest information must be submitted to the CBP at least 24 hours prior to loading in a foreign port. 19 CFR §4.7 (b)(2) (see attachment). Under previous regulations, which went into effect on February 2, 2003, certain cargoes (bulk, neo-bulk, and certain breakbulk cargoes²) were exempted from the advance reporting requirement. However, the new regulations mandate that manifest information relating to all inbound cargo be electronically transmitted to CBP via the AMS.³ Under the new regulations, these previously "exempt" bulk and breakbulk cargoes do not require an electronically filed cargo manifests 24 hours before loading, but the carriers of such cargoes must electronically file such manifest 24 hours prior to the vessel's arrival in the first U.S. port.⁴ 19 CFR §4.7 (b)(4). (See attachment). Carriers of such "exempt" cargoes must still report 24 hours in advance of loading any containerized or non-exempt breakbulk cargo transported on the same vessel. The requirements for the time at which electronic filings must be made may be summarized as follows:

<u>Type of Cargo</u>	<u>Qualifier</u>	<u>Time of Receipt by CBP in AMS</u>
Containerized	N/A	24 Hours prior to loading
Breakbulk (non-exempt)	N/A	24 Hours prior to loading
Bulk	Voyage over 24 hrs.	24 hrs. prior to arrival at 1st US port
Bulk	Voyage under 24 hrs.	Time of sailing
Breakbulk (exempt)	Voyage over 24 hrs.	24 hrs. prior to arrival at 1st US port
Breakbulk (exempt)	Voyage under 24 hrs.	Time of sailing

C. Penalties for Failure to Make, or for Improper Manifest Declarations

Failure to make the necessary electronic manifest filing may result in a number of penalties or sanctions. In this regard, any party who fails to provide manifest information as required, or who presents or transmits electronically any document required by the new regulations that is forged, altered or false, may be liable for civil penalties as provided under 19 U.S.C. 1436 (copy attached), in addition to penalties applicable under other provisions of law. Such additional penalties may include a \$1,000 USD administrative penalty for each bill of lading improperly documented (19 USC §1448), or civil penalties for improper documentation of cargo equal to the value of the cargo, or even seizure and forfeiture of the goods (19 USC 1431(a)). In addition, CBP may issue "Do Not Load" orders to carriers for cargoes that are erroneously declared or otherwise misdeclared.

D. Manifest Information Required to be Filed Electronically

The Cargo Manifest Declaration submitted electronically to the CBP must contain the following information:

1. The last foreign port from which the vessel departs for the United States;
2. The carrier SCAC code (the unique Standard Carrier Alpha Code assigned for each carrier; SCAC codes are explained in greater detail below);
3. The carrier-assigned voyage number;
4. The date the vessel is scheduled to arrive at the first U.S. port in Customs territory;
5. The numbers and quantities of cargo listed in the carrier's ocean bills of lading, either master or house, as applicable⁵;
6. The name of the first foreign port where the carrier takes possession of the cargo destined to the United States;
7. A precise description (or the Harmonized Tariff Schedule (HTS) numbers⁶ to the 6-digit level under which the cargo is classified if that information is received from the shipper) of the cargo; the weight of the cargo; or, for a sealed container, the shipper's declared description and weight of the cargo⁷;
8. The shipper's complete name and address, or identification number, from all bills of lading⁸;
9. The complete name and address of the consignee, or identification number, from all bills of lading⁹;
10. The vessel name, country of documentation, and official vessel number¹⁰;

11. The name of the foreign port where the cargo is laden on board;
12. IMDG or CFR hazardous material code when such materials are being shipped (these are code numbers assigned to various hazardous commodities by IMO under the International Maritime Dangerous Goods Code, or by the U.S. Coast Guard under the provisions of 49 CFR Parts 100-185. For more information, we suggest that you contact National Cargo Bureau, Inc., 17 Battery Place, NY, NY 10007, (800) 886-7447);
13. Container numbers (for containerized shipments);
14. The seal numbers for all seals affixed to containers;
15. Date of departure from the foreign port where the cargo was loaded, as will be reflected in the vessel's log.¹¹
16. Time of departure from the foreign port where the cargo was loaded, as will be reflected in the vessel's log. (See fn11, below, for the applicable time frame for reporting this data element to CBP.) (See also, 19 CFR 103.31, attached hereto)

There are two matters of special note regarding the above:

- A. Vessel owners and operators should note that under a different section of the CBP regulations, an importer or consignee may request confidential treatment of its name and address contained in inward manifests, as well as any identifying marks and numbers on its shipment. In addition, an importer or consignee may request confidential treatment of the name and address of the shipper. 19 CFR §103.31(d) and 19 CFR §103.31(3) (a). (copies attached hereto).
- B. The requirement for the submission of information on the hazardous nature of commodities listed in the CBP Cargo Manifest, in no way affects the requirements for producing a Hazardous Cargo Manifest, as required by the U.S. Coast Guard. The carrier may not substitute one form for the other. A Coast Guard approved Hazardous Cargo Manifest must still be maintained and made available for inspection on board the vessel upon arrival in the U.S., regardless of any requirement for the same information by the CBP.

E. Definition of "Carriers"

The regulations require that the manifest information be transmitted by the incoming "carrier". However, as with many other regulations, the term "carrier" is not defined by CBP with any specificity. CBP has stated only that it views the carrier as "the entity that controls the conveyance." We have contacted CBP in this regard, and, at the time of this writing, the agency will not clarify this definition in any greater detail. It is CBP's present position that the interested parties will have to work out the meaning of the term as between themselves and/or on their own. On its face, this definition seems to indicate that CBP will look to the head owner,

bareboat charterer, or operator of the vessel for the AMS filings. However, unless the head owner, bareboat charterer, or operator of the vessel is the entity which issues the bills of lading, it is evident that none of those entities will have the necessary information required for filing under the new regulations. The CBP regulations do reference, in several instances, the term "ocean carrier". Such reference would seem to indicate that the entity contemplated under the CBP regulations is the equivalent of the "ocean common carrier" under the Federal Maritime Commission regulations.¹² Furthermore, the regulations and the CBP's interpretive documents reference the carrier as the party "having operational control of the vessel."

Accordingly, in our opinion, CBP will accept the AMS filings from the entity which issues the ocean bills of lading on the subject vessel and operates that vessel, or, in the case of slot sharing agreements, the operator of the vessel who is responsible under the operating agreement for consolidating the requisite information and issuing the cargo manifest for the subject vessel. This view is consistent both with the CBP interpretation of the carrier as the entity that controls the conveyance, and with the practical necessity of the issuer of the bill of lading being the entity with the required information. (Although the CBP has not issued any further interpretations on this issue since the publication of the new regulations, we will continue to monitor the situation closely.)

F. Third Party Filings

While the CBP may be content at this time to let the various private interests sort out for themselves who will do the actual filing, the entities that may file the electronic cargo manifests are restricted to either the carrier, or a party specifically authorized by CBP. In this regard, one major consideration for vessel owners and operators is that the regulations do not provide any authority for a vessel's agent to file the required forms in its own name, or "as agent" for the carrier. Thus, it is quite clear that CBP will not accept filings directly from ship husbanding or protective agencies. Although such agencies may prepare the data for transmission, and may be permitted to transmit the data, they will not be permitted to use their own SCAC or other identifier in place of the carrier on any form. This does not mean, however, that the vessel operator or carrier must interface directly with CBP. Carriers may interface with the AMS through an approved service center (denominated by the CBP as an "authorized transmitting party"). A list of approved service providers is available at CBP's website at www.cbp.com. Carriers may, of course interface directly with the AMS. However, in order to do so, a carrier must either purchase software and communications programs from an approved software vendor, or program their own software interface. This is an involved process, which involves the filing of a letter of intent with CBP, trials and testing before implementation, and a public listing as an AMS participant. Accordingly, a direct interface is not recommended for carriers unless they already have automated documentation systems, or the volume of their manifest production makes this an attractive option.

G. SCAC's and Carrier Bonds

Participation in the AMS, either direct or through a third party, also requires two other key elements. First, the carrier filing the electronic manifest must possess and

use a Standard Carrier Alpha Code (SCAC), and secondly, the carrier must post an International Carrier Bond.

- A. The SCAC required under the regulations is a unique identifier code that is assigned to transportation entities by a private organization on behalf of CBP. The required SCAC may be obtained by any interested party from the National Motor Freight Traffic Association (NMFTA) in Alexandria, Virginia¹³. NMFTA will provide a confirmation of the SCAC to the applicant, and a copy of same may then be faxed to the CBP at (703) 921-7173. Since the SCAC is simply and easily obtained, and the cost is minimal, it is highly recommended that all entities (owners, bareboat charterers, time charterers, operators, etc.) apply for a SCAC, whether or not they will be the actual party that performs the AMS filing.

- B. Under 19 CFR §113.64, (copy attached) an electronic filer must also post a carrier bond. All entities filing must carry an "Activity Code 3 CBP International Carrier Bond" in the minimum amount of \$50,000 USD¹⁴. The minimum bond may, however, be set at a higher amount at the discretion of the local CBP Port Director. (We understand that the minimum bond in New York has been set at \$100,000 USD). A list of approved surety companies providing such bonds is available at the US Treasury website (www.fms.treas.gov). There is no present requirement that the bond be either continuous or a single transaction bond. If any entity seeking a bond feels that the Port Director has not observed the standards for setting the bond amount, or has arbitrarily set the minimum bond at too high a level, they may appeal to the CBP Branch Chief, Entry and Drawback Management in Washington, DC ((202) 927-0300).

Further to the bonding requirement, all non-U.S. companies must have a CBP assigned number. The request for the number may be made on Form CF 5106 (Importer ID Input Record), which is available from the CBP website (www.cbp.com). There is a \$50 USD processing fee for submission of the form. Once the form is received and processed, CBP will notify the applicant of the assigned number. This number is required for the bond application of the foreign entity.

The bond requirements outlined above should be viewed as especially important, since CBP may draw upon such bonds after assessing penalties against carriers who have supplied incorrect information or misdeclared cargoes in their electronic filings, and may also draw upon bonds for claims for liquidated damages. CBP has not, as yet established what the penalties and/or mitigation policies will be, but a final rule is expected this year. The existing final rule indicates, however, that carriers may be liable for penalties under 19 USC 1436, and authorized transmitting parties may be liable for liquidated damages under 19 CFR 113.64.

H. Participation in Customs-Trade Partnership Against Terrorism Program (C-TPAT)

Finally, we note that carriers who currently participate in the existing Customs-Trade Partnership Against Terrorism program (C-TPAT), may enjoy certain preferences under the new regulations. CBP recognizes that its partners in C-TPAT

already provide much of the information required under the new rule as part of their security related procedures, and, as such, those carriers should have already implemented many of the requirements under the new regulations. Accordingly, while C-TPAT participants are not excluded from any of the reporting requirements of the AMS, CBP has indicated that participation in the C-TPAT program may be taken into account during the targeting process (under which selected carriers, exporting countries, and trade routes may receive special review by CBP), and may be considered as a mitigating factor for penalties and assessment of liquidated damages that may be assessed against a non-conforming carrier.

All inquiries and/or comments relating to this Alert should be directed to us at:

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19 CFR 4.7: Vessels In Foreign & Domestic Trades Arrival and Entry of Vessels

§ 4.7 Inward foreign manifest; production on demand; contents and form.

(a) The master of every vessel arriving in the United States and required to make entry shall have on board his vessel a manifest, as required by section 431, Tariff Act of 1930 (*19 U.S.C. 1431*), and by this section. The manifest shall be legible and complete. If it is in a foreign language, an English translation shall be furnished with the original and with any required copies. The manifest shall consist of a Vessel Entrance or Clearance Statement, Customs Form 1300, and the following documents: **(1)** Cargo Declaration, Customs Form 1302, **(2)** Ship's Stores Declaration, Customs Form 1303, **(3)** Crew's Effects Declaration, Customs Form 1304, or, optionally, a copy of the Crew List, Customs and Immigration Form I-418, to which are attached crewmember's declarations on Customs Form 5129, **(4)** Crew List, Customs and Immigration Form I-418, and **(5)** Passenger List, Customs and Immigration Form I-418. Any document which is not required may be omitted from the manifest provided the word "None" is inserted in items 16, 18, and/or 19 of the Vessel Entrance or Clearance Statement, as appropriate. If a vessel arrives in ballast and therefore the Cargo Declaration is omitted, the legend "No merchandise on board" shall be inserted in item 16 of the Vessel Entrance or Clearance Statement.

(b)(1) With the exception of any Cargo Declaration that has been filed in advance as prescribed in paragraph **(b)(2)** of this section, the original and one copy of the

manifest must be ready for production on demand. The master shall deliver the original and one copy of the manifest to the Customs officer who shall first demand it. If the vessel is to proceed from the port of arrival to other United States ports with residue foreign cargo or passengers, an additional copy of the manifest shall be available for certification as a traveling manifest (**see § 4.85**). The port director may require an additional copy or additional copies of the manifest, but a reasonable time shall be allowed for the preparation of any copy which may be required in addition to the original and one copy.

(2) Subject to the effective date provided in paragraph **(b)(5)** of this section, and with the exception of any bulk or authorized break bulk cargo as prescribed in paragraph **(b)(4)** of this section, Customs and Border Protection (CBP) must receive from the incoming carrier, for any vessel covered under paragraph **(a)** of this section, the CBP-approved electronic equivalent of the vessel's Cargo Declaration (Customs Form 1302), 24 hours before the cargo is laden aboard the vessel at the foreign port (**see § 4.30(n)(1)**). The current approved system for presenting electronic cargo declaration information to CBP is the Vessel Automated Manifest System (AMS).

(3)(i) Where a non-vessel operating common carrier (NVOCC), as defined in paragraph **(b)(3)(ii)** of this section, delivers cargo to the vessel carrier for lading aboard the vessel at the foreign port, the NVOCC, if licensed by or registered with the Federal Maritime Commission and in possession of an International Carrier Bond containing the provisions of § 113.64 of this chapter, may electronically transmit the corresponding required cargo manifest information directly to Customs through the Vessel Automated Manifest System (AMS) that must be received 24 or more hours before the related cargo is laden aboard the vessel at the foreign port (**see § 113.64(c) of this chapter**); in the alternative, the NVOCC must fully disclose and present the required manifest information for the related cargo to the vessel carrier which is required to present this information to Customs via the vessel AMS system.

(ii) A non-vessel operating common carrier (NVOCC) means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier. The term "non-vessel operating common carrier" does not include freight forwarders as defined in part 112 of this chapter.

(iii) Where the party electronically presenting to CBP the cargo information required in § 4.7a(c)(4) receives any of this information from another party, CBP will take into consideration how, in accordance with ordinary commercial practices, the presenting party acquired such information, and whether and how the presenting party is able to verify this information. Where the presenting party is not reasonably able to verify such information, CBP will permit the party to electronically present the information on the basis of what the party reasonably believes to be true.

(4) Carriers of bulk cargo as specified in paragraph **(b)(4)(i)** of this section and carriers of break bulk cargo to the extent provided in paragraph **(b)(4)(ii)** of this section are exempt with respect to that cargo from the requirement set forth in paragraph **(b)(2)** of this section that a cargo declaration be filed with Customs 24 hours before such cargo is laden aboard the vessel at the foreign port. Any carriers

of bulk or break bulk cargo that are exempted from the filing requirement of paragraph **(b)(2)** of this section must present their cargo declarations to Customs 24 hours prior to arrival in the U.S. if they are participants in the vessel AMS program, or upon arrival if they are non-automated carriers. These carriers must still report 24 hours in advance of loading any containerized or non-qualifying break bulk cargo they will be transporting.

- i. A carrier is exempt from the filing requirement of paragraph **(b)(2)** of this section with respect to the bulk cargo it is transporting. Bulk cargo is defined for purposes of this section as homogeneous cargo that is stowed loose in the hold and is not enclosed in any container such as a box, bale, bag, cask, or the like. Such cargo is also described as bulk freight. Specifically, bulk cargo is composed of either:
 - A. Free flowing articles such as oil, grain, coal, ore, and the like, which can be pumped or run through a chute or handled by dumping; or
 - B. Articles that require mechanical handling such as bricks, pig iron, lumber, steel beams, and the like.
- ii. A carrier of break bulk cargo may apply for an exemption from the filing requirement of paragraph **(b)(2)** of this section with respect to the break bulk cargo it will be transporting. For purposes of this section, break bulk cargo is cargo that is not containerized, but which is otherwise packaged or bundled.
 - A. To apply for an exemption, the carrier must submit a written request for exemption to the U.S. Customs Service, National Targeting Center, 1300 Pennsylvania Ave., NW., Washington, DC 20229. Until an application for an exemption is granted, the carrier must comply with the 24 hour advance manifest requirement set out in paragraph **(b)(2)** of this section. The written request for exemption must clearly set forth information such that Customs may assess whether any security concerns exist, such as: The carrier's IRS number; the source, identity and means of the packaging or bundling of the commodities being shipped; the ports of call, both foreign and domestic; the number of vessels the carrier uses to transport break bulk cargo, along with the names of these vessels and their International Maritime Organization numbers; and the list of the carrier's importers and shippers, identifying any who are members of C-TPAT (The Customs-Trade Partnership Against Terrorism).
 - B. Customs will evaluate each application for an exemption on a case by case basis. If Customs, by written response, provides an exemption to a break bulk carrier, the exemption is only applicable under the circumstances clearly set forth in the application for exemption. If circumstances set forth in the approved application change, it will be necessary to submit a new application.
 - C. Customs may rescind an exemption granted to a carrier at any time.

(5) Within 90 days of December 5, 2003, all ocean carriers, and NVOCCs electing to participate, must be automated on the Vessel AMS system at all ports of entry in the United States.

(c) No Passenger List or Crew List shall be required in the case of a vessel arriving from Canada, otherwise than by sea, at a port on the Great Lakes or their connecting or tributary waters.

(d)(1) The master or owner of --

(i) A vessel documented under the laws of the United States with a registry, coastwise license, or Great Lakes license endorsement, or a vessel not so documented but intended to be employed in the foreign, coastwise, or Great Lakes trade, or

(ii) A documented vessel with a fishery license endorsement which has a permit to touch and trade (**see § 4.15**) or a vessel with a fishery license endorsement lacking a permit to touch and trade but intended to engage in trade -- at the port of first arrival from a foreign country shall declare on Customs Form 226 any equipment, repair parts, or materials purchased for the vessel, or any expense for repairs incurred, outside the United States, within the purview of section 466, Tariff Act of 1930, as amended (*19 U.S.C. 1466*). If no equipment, repair parts, or materials have been purchased, or repairs made, a declaration to that effect shall be made on Customs Form 226.

(2) If the vessel is at least 500 gross tons, the declaration shall include a statement that no work in the nature of a rebuilding or alteration which might give rise to a reasonable belief that the vessel may have been rebuilt within the meaning of the second proviso to section 27, Merchant Marine Act, 1920, as amended (*46 U.S.C. 883*), has been effected which has not been either previously reported or separately reported simultaneously with the filing of such declaration. The port director shall notify the U.S. Coast Guard vessel documentation officer at the home port of the vessel of any work in the nature of a rebuilding or alteration, including the construction of any major component of the hull or superstructure of the vessel, which comes to his attention unless the port director is satisfied that the owner of the vessel has filed an application for rebuilt determination as required by 46 CFR 67.27-3.

(3) The declaration shall be ready for production on demand for inspection and shall be presented as part of the original manifest when formal entry of the vessel is made.

(e) Failure to provide manifest information; penalties/liquidated damages. Any master who fails to provide manifest information as required by this section, or who presents or transmits electronically any document required by this section that is forged, altered or false, or who fails to present or transmit the information required by this section in a timely manner, may be liable for civil penalties as provided under *19 U.S.C. 1436*, in addition to penalties applicable under other provisions of law. In addition, if any non-vessel operating common carrier (NVOCC) as defined in paragraph **(b)(3)(ii)** of this section elects to transmit cargo manifest information to Customs electronically and fails to do so in the manner and in the time period

required by paragraph **(b)(3)(i)** of this section, or electronically transmits any false, forged or altered document, paper, manifest or data to Customs, such NVOCC may be liable for the payment of liquidated damages as provided in § 113.64**(c)** of this chapter, in addition to any other penalties applicable under other provisions of law.

**Title 19, Chapter I, Part 4
Arrival and Entry of Vessels**

19 CFR 4.7a

§ 4.7 Inward manifest; information required; alternative forms.

The forms designated by § 4.7 **(a)** as comprising the inward manifest shall be completed as follows:

(a) Ship's Stores Declaration. Articles to be retained aboard as sea or ship's stores shall be listed on the Ship's Stores Declaration, Customs Form 1303. Less than whole packages of sea or ship's stores may be described as "sundry small and broken stores."

n17 [Reserved]

(b) Crew's Effects Declaration. (Customs Form 1304). (1) The declaration number of the Crew Member's Declaration, Customs Form 5129, prepared and signed by any officer or crewmember who intends to land articles in the United States, or the word "None," shall be shown in item No. 7 on the Crew's Effects Declaration, Customs Form 1304 opposite the respective crewmember's name.

(2) In lieu of describing the articles on Customs Form 1304, the master may furnish a Crew List, Customs and Immigration Form I-418, endorsed as follows:

I certify that this list, with its supporting crewmembers' declarations, is a true and complete manifest of all articles on board the vessel acquired abroad by myself and the officers and crewmembers of this vessel, other than articles exclusively for use on the voyage or which have been duly cleared through Customs in the United States.

(Master.)

The Crew List on Form I-418 shall show, opposite the crewmember's name, his shipping article number and, in column 5, the declaration number. If the crewmember has nothing to declare, the word "None" shall be placed opposite his name instead of a declaration number.

(3) For requirements concerning the preparation of Customs Form 5129, see subpart G of part 148 of this chapter.

(4) Any articles which are required to be manifested and are not manifested shall be subject to forfeiture and the master shall be subjected to a penalty equal to the value thereof, as provided in section 584, Tariff Act of 1930, as amended.

(c) Cargo Declaration. (1) The Cargo Declaration (Customs Form 1302 or a Customs-approved electronic equivalent) must list all the inward foreign cargo on board the vessel regardless of the U.S. port of discharge, and must separately list any other foreign cargo remaining on board ("FROB"). For the purposes of this part, "FROB" means cargo which is laden in a foreign port, is intended for discharge in a foreign port, and remains aboard a vessel during either direct or indirect stops at one or more intervening United States ports. The block designated "Arrival" at the top of the form shall be checked. The name of the shipper shall be set forth in the column calling for such information and on the same line where the bill of lading is listed for that shipper's merchandise. When more than one bill of lading is listed for merchandise from the same shipper, ditto marks or the word "ditto" may be used to indicate the same shipper. The cargo described in column Nos. 6 and 7, and either column No. 8 or 9, shall refer to the respective bills of lading. Either column No. 8 or column No. 9 shall be used, as appropriate. The gross weight in column No. 8 shall be expressed in either pounds or kilograms. The measurement in column No. 9 shall be expressed according to the unit of measure specified in the Harmonized Tariff Schedule of the United States (HTSUS) (*19 U.S.C. 1202*).

- i. **(2)(i)** When inward foreign cargo is being shipped by container, each bill of lading shall be listed in the column headed "B£ Nr." in numerical sequence according to the bill of lading number. The number of the container which contains the cargo covered by that bill of lading and the number of the container seal shall be listed in column No. 6 opposite the bill of lading number. The number of any other bill of lading for cargo in that container also shall be listed in column No. 6 immediately under the container and seal numbers. A description of the cargo shall be set forth in column No. 7 only if the covering bill of lading is listed in the column headed "B£ Nr."
- ii. As an alternative to the procedure described in paragraph **(i)**, a separate list of the bills of lading covering each container on the vessel may be submitted on Customs Form 1302 or on a separate sheet. If this procedure is used:
 - A. Each container number shall be listed in alphanumeric sequence by port of discharge in column No. 6 of Customs Form 1302, or on the separate sheet; and
 - B. The number of each bill of lading covering cargo in a particular container, identifying the port of lading, shall be listed opposite the number of the container with that cargo in the column headed "B£ Nr." if Customs Form 1302 is used, or either opposite or under the number of the container if a separate sheet is used.
- iii. All bills of lading, whether issued by a carrier, freight forwarder, or other issuer, shall contain a unique identifier consisting of up to 16 characters in length. The unique bill of lading number will be composed of two elements.

The first element will be the first four characters consisting of the carrier or issuer's four digit Standard Carrier Alpha Code (SCAC) assigned to the carrier in the National Motor Freight Traffic Association, Inc., Directory of Standard Multi-Modal Carrier and Tariff Agent Codes, applicable supplements thereto and reissues thereof. The second element may be up to 12 characters in length and may be either alpha and/or numeric. The unique identifier shall not be used by the carrier, freight forwarder or issuer for another bill of lading for a period of 3 years after issuance. Customs processing of the unique identifier will be limited to checking the validity of the Standard Carrier Alpha Codes (SCAC) and ensuring that the identifier has not been duplicated within a 3-year period. Carriers and broker/importers will be responsible for reconciliation of discrepancies between manifests and entries. Customs will not perform any reconciliation except in a post-audit process.

(3) For shipment of containerized or palletized cargo, Customs officers shall accept a Cargo Declaration which indicates that it has been prepared on the basis of information furnished by the shipper. The use of words of qualification shall not limit the responsibility of a master to submit accurate Cargo Declarations or qualify the oath taken by the master as to the accuracy of his declaration.

- i. If Cargo Declaration covers only containerized or palletized cargo, the following statement may be placed on the declaration:

The information appearing on the declaration relating to the quantity and description of the cargo is in each instance based on the shipper's load and count. I have no knowledge or information which would lead me to believe or to suspect that the information furnished by the shipper is incomplete, inaccurate, or false in any way.

- ii. If the Cargo Declaration covers conventional cargo and containerized or palletized cargo, or both, the use of the abbreviation "SLAC" for "shipper's load and count," or an appropriate abbreviation if similar words are used, is approved: Provided, That abbreviation is placed next to each containerized or palletized shipment on the declaration and the following statement is placed on the delaration:

The information appearing on this declaration relating to the quantity and description of cargo preceded by the abbreviation "SLAC" is in each instance based on the shipper's load and count. I have no information which would lead me to believe or to suspect that the information furnished by the shipper is incomplete, inaccurate, or false in any way.

- iii. The statements specified in paragraphs **(c)(3) (i)** and **(ii)** of this section shall be placed on the last page of the Cargo Declaration. Words similar to "the shipper's load and count" may be substituted for those words in the statements. Vague expressions such as "said to contain" or "accepted as containing" are not acceptable. The use of an asterisk or other character instead of appropriate abbreviations, such as "SLAC", is not acceptable.

(4) In addition to the cargo manifest information required in paragraphs **(c)(1) -- (c)**

(3) of this section, for all inward foreign cargo, the Cargo Declaration, either on Customs Form 1302, or on a separate sheet or Customs-approved electronic equivalent, must state the following:

- i. The last foreign port before the vessel departs for the United States;
- ii. The carrier SCAC code (the unique Standard Carrier Alpha Code assigned for each carrier; see paragraph **(c)(2)(iii)** of this section);
- iii. The carrier-assigned voyage number;
- iv. The date the vessel is scheduled to arrive at the first U.S. port in Customs territory;
- v. The numbers and quantities from the carrier's ocean bills of lading, either master or house, as applicable (this means that the carrier must transmit the quantity of the lowest external packaging unit; containers and pallets are not acceptable manifested quantities; for example, a container containing 10 pallets with 200 cartons should be manifested as 200 cartons);
- vi. The first foreign port where the carrier takes possession of the cargo destined to the United States;
- vii. A precise description (or the Harmonized Tariff Schedule (HTS) numbers to the 6-digit level under which the cargo is classified if that information is received from the shipper) and weight of the cargo or, for a sealed container, the shipper's declared description and weight of the cargo. Generic descriptions, specifically those such as "FAK" ("freight of all kinds"), "general cargo", and "STC" ("said to contain") are not acceptable;
- viii. The shipper's complete name and address, or identification number, from all bills of lading. (At the master bill level, for consolidated shipments, the identity of the Non Vessel Operating Common Carrier (NVOCC), freight forwarder, container station or other carrier is sufficient; for non-consolidated shipments, and for each house bill in a consolidated shipment, the identity of the foreign vendor, supplier, manufacturer, or other similar party is acceptable (and the address of the foreign vendor, etc., must be a foreign address); by contrast, the identity of the carrier, NVOCC, freight forwarder or consolidator is not acceptable; the identification number will be a unique number assigned by CBP upon the implementation of the Automated Commercial Environment);
- ix. The complete name and address of the consignee, or identification number, from all bills of lading. (For consolidated shipments, at the master bill level, the NVOCC, freight forwarder, container station or other carrier may be listed as the consignee. For non-consolidated shipments, and for each house bill in a consolidated shipment, the consignee is the party to whom the cargo will be delivered in the United States, with the exception of "FROB" (foreign cargo remaining on board). However, in the case of cargo shipped "to order of [a named party]," the carrier must report this named "to order" party as the consignee; and, if there is any other commercial party listed in the bill of

lading for delivery or contact purposes, the carrier must also report this other commercial party's identity and contact information (address) in the "Notify Party" field of the advance electronic data transmission to CBP, to the extent that the CBP-approved electronic data interchange system is capable of receiving this data. The identification number will be a unique number assigned by CBP upon implementation of the Automated Commercial Environment);

- x. The vessel name, country of documentation, and official vessel number. (The vessel number is the International Maritime Organization number assigned to the vessel);
- xi. The foreign port where the cargo is laden on board;
- xii. Internationally recognized hazardous material code when such materials are being shipped;
- xiii. Container numbers (for containerized shipments);
- xiv. The seal numbers for all seals affixed to containers;
- xv. Date of departure from foreign, as reflected in the vessel log (this element relates to the departure of the vessel from the foreign port with respect to which the advance cargo declaration is filed (**see § 4.7(b)(2)**); the time frame for reporting this data element will be either:
 - a. No later than 24 hours after departure from the foreign port of lading, for those vessels that will arrive in the United States more than 24 hours after sailing from that foreign port; or
 - b. No later than the presentation of the permit to unlade (Customs Form (CF) 3171, or electronic equivalent), for those vessels that will arrive less than 24 hours after sailing from the foreign port of lading); and
- xvi. Time of departure from foreign, as reflected in the vessel log (**see § 4.7a(c)(4)(xv) for the applicable foreign port and the time frame within which this data element must be reported to CBP**).

(d) Crew List. The Crew List shall be completed in accordance with the requirements of the Immigration and Naturalization Service, United States Department of Justice (8 CFR part 251).

(e) Passenger List. (1) The Passenger List shall be completed in accordance with § 4.50 and with the requirements of the Immigration and Naturalization Service, U.S. Department of Justice (8 CFR part 231), and the following certification shall be placed on its last page:

I certify that Customs baggage declaration requirements have been made known to incoming passengers; that any required Customs baggage declarations have been or will simultaneously herewith be filed as required by law and regulation with the

proper Customs officer; and that the responsibilities devolving upon this vessel in connection therewith, if any, have been or will be discharged as required by law or regulation before the proper Customs officer. I further certify that there are no steerage passengers on board this vessel (46 U.S.C. 151-163).

Master

(2) If the vessel is carrying steerage passengers, the reference to steerage passengers shall be deleted from the certification, and the master shall comply with the requirements of § 4.50.

(3) If there are no steerage passengers aboard upon arrival, the listing of the passengers may be in the form of a vessel "souvenir passenger list," or similar list, in which the names of the passengers are listed alphabetically and to which the certificate referred to in paragraph **(e)(1)** of this section is attached.

(4) All baggage on board a vessel not accompanying a passenger and the marks or addresses thereof shall be listed on the last sheet of the passenger list under the caption "Unaccompanied baggage."

(f) Failure to provide manifest information; penalties/liquidated damages. Any master who fails to provide manifest information as required by this section, or who presents or transmits electronically any document required by this section that is forged, altered or false, may be liable for civil penalties as provided under 19 U.S.C. 1436, in addition to penalties applicable under other provisions of law. In addition, if any non-vessel operating common carrier (NVOCC) as defined in § 4.7 **(b)(3)(ii)** elects to transmit cargo manifest information to Customs electronically, and fails to do so as required by this section, or transmits electronically any document required by this section that is forged, altered or false, such NVOCC may be liable for liquidated damages as provided in § 113.64(c) of this chapter, in addition to other penalties applicable under other provisions of law.

**Title 19, Chapter I, Part 103, Subpart C
Other Information Subject To Restricted Access**

19 CFR 103.31

§ 103.31 Information on vessel manifests and summary statistical reports.

- a. Disclosure to members of the press. Accredited representatives of the press, including newspapers, commercial magazines, trade journals, and similar publications shall be permitted to examine vessel manifests and summary statistical reports of imports and exports and to copy therefrom for publication information and data subject to the following rules:
 1. Of the information and data appearing on outward manifests, only the name and

address of the shipper, general character of the cargo, number of packages and gross weight, name of vessel or carrier, port of exit, port of destination, and country of destination may be copied and published. However, if the Secretary of the Treasury makes an affirmative finding on a shipment-by-shipment basis that disclosure of the above information is likely to pose a threat of personal injury or property damage, that information shall not be disclosed to the public.

2. Commercial or financial information, such as the names of the consignees, and marks and numbers shall not be copied from outward manifests or any other papers.
 3. All the information appearing on the cargo declaration (Customs Form 1302) of the inward vessel manifest may be copied and published. However, if the Secretary of the Treasury makes an affirmative finding on a shipment-by-shipment basis that the disclosure of the information contained on the cargo declaration is likely to pose a threat of personal injury or property damage, that information shall not be disclosed to the press.
- b. Review of data. All copies and notations from inward or outward manifests shall be submitted for examination by a Customs officer designated for that purpose.
- c. Disclosure to the public. Members of the public shall not be permitted to examine vessel manifests. However, they may request and obtain from Customs, information from vessel manifests, subject to the rules set forth in paragraph **(a)** of this section. However, importers and exporters, or their duly authorized brokers, attorneys, or agents may be permitted to examine manifests with respect to any consignment of goods in which they have a proper and legal interest as principal or agent, but shall not be permitted to make any general examination of manifests or make any copies or notations from them except with reference to the particular importation or exportation in which they have a proper and legal interest.
- d. Confidential treatment --
1. Inward manifest. An importer or consignee may request confidential treatment of its name and address contained in inward manifests, to include identifying marks and numbers. In addition, an importer or consignee may request confidential treatment of the name and address of the shipper or shippers to such importer or consignee by using the following procedure:
 - i. An importer or consignee, or authorized employee, attorney or official of the importer or consignee, must submit a certification (as described in paragraph **(d)(1)(ii)** of this section) claiming confidential treatment of its name and address. The name and address of an importer or consignee includes marks and numbers which reveal the name and address of the importer or consignee. An importer or consignee may file a certification requesting confidentiality for all its shippers.
 - ii. There is no prescribed format for a certification. However, the certification shall include the importer's or consignee's Internal Revenue Service Employer Number, if available. There is no requirement to provide sufficient facts to support the conclusion that the disclosure of the names and

addresses would likely cause substantial harm to the competitive position of the importer or consignee.

- iii. The certification must be submitted to the Disclosure Law Officer, Headquarters, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.
 - iv. Each initial certification will be valid for a period of two years from the date of receipt. Renewal certifications should be submitted to the Disclosure Law Officer at least 60 days prior to the expiration of the current certification. Information so certified may be copied, but not published, by the press during the effective period of the certification. An importer or consignee shall be given written notification by Customs of the receipt of its certification of confidentiality.
2. Outward manifest. If a shipper wishes to request confidential treatment by Customs of the shipper's name and address contained in an outward manifest, the following procedure shall be followed:
- i. A shipper, or authorized employee or official of the shipper, must submit a certification claiming confidential treatment of the shipper's name and address. The certification shall include the shipper's Internal Revenue Service Employer Number, if available.
 - ii. There is no prescribed format for a certification.
 - iii. The certification must be submitted to the Disclosure Law Branch, Headquarters, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.
 - iv. Each certification will be valid for a period of two (2) years from the date of its approval.
3. If any individual shall abuse the privilege granted him to examining inward and outward manifests or shall make any improper use of any information or data obtained from such manifests or other papers filed in the customhouse, both he and the party or publication which he represents shall thereafter be denied access to such papers.
- e. Availability of manifest data on magnetic tapes --
1. Availability. Manifest data acquired from the Automated Manifest System (AMS) is available to interested members of the public on magnetic tape. This data, compiled daily, will contain all manifest transactions made on the nationwide system within the last 24 hour period. Data for which parties have requested confidential treatment in accordance with paragraph **(d)** of this section will not be included on the tapes. These tapes may be purchased at the government's production cost. Tapes are available for specific days or on a subscription basis.
 2. Requests and subscriptions. Requests for tapes must be in writing and submitted to: U.S. Customs Service, Accounting Services -- Accounts Receivable, P.O. Box

68907, Indianapolis, Indiana 46278. Requests must include a check to cover the cost of the tapes requested. Actual costs and other specific information should be ascertained by contacting the National Finance Center, Revenue Branch at (317) 298-1330. Bills for subscriptions will be issued monthly, with the first month's fee due in advance. Requested tapes will be mailed from the Customs Data Center, first class, on the next business day after compilation. Parties desiring another form of delivery will have to make their own arrangements and notify Customs in advance. Subscriptions may be canceled provided Customs receives written notice at least 10 days prior to the end of the month. The U.S. Customs Data Center must be notified in writing within seven days of technical problems with tapes or non-receipt of tapes in order to receive a replacement or credit towards future tape purchases. Refunds will not be provided. Information regarding the technical specifications of the tapes, problem tapes or the non-receipt of tapes should be directed to U.S. Customs Data Center, on (703) 644-5200.

3. Data elements. The following are the data elements from the AMS manifest which will be provided to the public via magnetic tape:
 1. Carrier code.
 2. Vessel country code.
 3. Vessel name.
 4. Voyage number.
 5. District/port of unloading.
 6. Estimated arrival date.
 7. Bill of lading number.
 8. Foreign port of lading.
 9. Manifest quantity.
 10. Manifest units.
 11. Weight.
 12. Weight unit.
 13. Shipper name. n1
 14. Shipper address. n1
 15. Consignee name. n1
 16. Consignee address. n1
 17. Notify party name. n1
 18. Notify party address. n1
(n1 Designates data element which will be deleted where confidentiality has been requested.)
 19. Piece count.
 20. Description of goods.
 21. Container number.
 22. Seal number.

**Title 19, Chapter I, Part 103, Subpart C
Other Information Subject To Restricted Access**

19 CFR 103.31a

§ 103.31a Advance electronic information for air, truck, and rail cargo.

Advance cargo information that is electronically presented to Customs and Border Protection (CBP) for inbound or outbound air, rail, or truck cargo in accordance with § 122.48a, 123.91, 123.92, or 192.14 of this chapter, is per se exempt from disclosure under § 103.12(d), unless CBP receives a specific request for such records pursuant to § 103.5, and the owner of the information expressly agrees in writing to its release.

Title 19, Chapter I, Part 113, Subpart G Custom Bond Conditions

19 CFR 113.64

§ 113.64 International carrier bond conditions.

A bond for international carriers shall contain the conditions listed in this section and may be either a single entry or continuous bond.

International Carrier Bond Conditions

- a. **Agreement to Pay Penalties, Duties, Taxes, and Other Charges.** If any vessel, vehicle, or aircraft, or any master, owner, or person in charge of a vessel, vehicle or aircraft, slot charterer, or any non-vessel operating common carrier as defined in § 4.7(b)(3)(ii) of this chapter or other party as specified in § 122.48a(c)(1)(ii)-(c)(1)(iv) of this chapter, incurs a penalty, duty, tax or other charge provided by law or regulation, the obligors (principal and surety, jointly and severally) agree to pay the sum upon demand by Customs and Border Protection (CBP). If the principal (carrier) fails to pay passenger processing fees to Customs no later than 31 days after the close of the calendar quarter in which they were collected pursuant to § 24.22(g) of this chapter, the obligors (principal and surety, jointly and severally) agree to pay liquidated damages equal to two times the passenger processing fees which have been collected but not timely paid to Customs as prescribed by regulation.
- b. **Agreement on Unlading, Safekeeping, and Disposition of Merchandise, Supplies, Crew Purchases, Etc.** The principal agrees to comply with all laws and Customs Regulations applicable to unlading, safekeeping, and disposition of merchandise, supplies, crew purchases, and other articles on board the vehicle, vessel, or aircraft; and to redeliver the foregoing to Customs upon demand as provided by Customs Regulations. If principal defaults, obligors agree to pay liquidated damages equal to the value of the merchandise involved in the default or three times the value of the merchandise involved in the default if the merchandise is restricted or prohibited merchandise or alcoholic beverages, or such other amount as may be authorized by law or regulation. It is understood and agreed that the amount to be collected under this condition shall be based upon the quantity and value of the merchandise as determined by Customs. Value as used in these provisions means value as determined under 19 U.S.C. 1401a.
- c. **Non-vessel operating common carrier (NVOCC); other party.** If a slot charterer, non-vessel operating common carrier (NVOCC) as defined in § 4.7(b)(3)(ii) of this chapter, or

other party specified in § 122.48a(c)(1)(ii)-(c)(1)(iv) of this chapter, elects to provide advance cargo information to CBP electronically, the NVOCC or other party, as a principal under this bond, in addition to compliance with the other provisions of this bond, also agrees to provide such cargo information to CBP in the manner and in the time period required under those respective sections. If the NVOCC or other party, as principal, defaults with regard to these obligations, the principal and surety (jointly and severally) agree to pay liquidated damages of \$ 5,000 for each regulation violated.

- d. Agreement to Deliver Export Documents. If the principal's vessel, vehicle, or aircraft is granted clearance without filing a complete outward manifest and all required export documents, the principal agrees to file timely the required manifest and all required export documents. If the principal defaults, the obligors agree to pay liquidated damages of \$ 50 per day for the first 3 days, and \$ 100 per day thereafter, up to \$ 1,000 in total.
- e. Agreement to comply with Customs Regulations applicable to Customs security areas at airports. If access to Customs security areas at airports is desired, the principal (including its employees, agents, and contractors) agrees to comply with the Customs Regulations applicable to Customs security areas at airports. If the principal defaults, the obligors (principal and surety, jointly and severally) agree to pay liquidated damages of \$ 1000 for each default or such other amount as may be authorized by law or regulation.
- f. Exoneration of the United States. The obligors agree to exonerate the United States and its officers from any risk, loss, or expense arising out of entry or clearance of the carrier, or handling of the articles on board.
- g. Unlawful disposition.
 1. Principal agrees that it will not allow seized or detained merchandise, marked with warning labels of the fact of seizure or detention, to be placed on board a vessel, vehicle, or aircraft for exportation or to be otherwise disposed of without written permission from Customs, and that if it fails to prevent such placement or other disposition, it will redeliver the merchandise to Customs within 30 days, upon demand made within 10 days of Customs discovery of the unlawful placement or other disposition.
 2. Principal agrees that it will act, in regard to merchandise in its possession on the date the redelivery demand is issued, in accordance with any Customs demand for redelivery made within 10 days of Customs discovery that there is reasonable cause to believe that the merchandise was exported in violation of the export control laws.
 3. Obligors agree that if the principal defaults in either of these obligations, they will pay, as liquidated damages, an amount equal to three times the value of the merchandise which was not redelivered.

**Title 19, Chapter 4, Administrative Provisions
Report, Entry, and Unlading of Vessels and Vehicles**

19 USCS § 1436 (2003)**§ 1436. Penalties for violations of arrival, reporting, entry, and clearance requirements**

a. Unlawful acts. It is unlawful--

1. to fail to comply with section 431, 433, or 434 of this Act [19 USCS § 1431, 1433, or 1434] or section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91);
2. to present or transmit, electronically or otherwise, any forged, altered, or false document, paper, information, data or manifest to the Customs Service under section 431, 433(d), or 434 of this Act [19 USCS § 1431, 1433(d), or 1434] or section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91) without revealing the facts;
3. to fail to make entry or to obtain clearance as required by section 434 or 644 of this Act [19 USCS § 1434 or 1644], section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91), or section 1109 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1509) [19 USCS § 1644a**(b)(1)** or **(c)(1)**]; or
4. to fail to comply with, or violate, any regulation prescribed under any section referred to in any of paragraphs **(1)** through **(3)**.

b. Civil penalty. Any master, person in charge of a vehicle, or aircraft pilot who commits any violation listed in subsection **(a)** is liable for a civil penalty of \$ 5,000 for the first violation, and \$ 10,000 for each subsequent violation, and any conveyance used in connection with any such violation is subject to seizure and forfeiture.

c. Criminal penalty. In addition to being liable for a civil penalty under subsection **(b)**, any master, person in charge of a vehicle, or aircraft pilot who intentionally commits any violation listed in subsection **(a)** is, upon conviction, liable for a fine of not more than \$ 2,000 or imprisonment for 1 year, or both; except that if the conveyance has, or is discovered to have had, on board any merchandise (other than sea stores or the equivalent for conveyances other than vessels) the importation of which into the United States is prohibited, such individual is liable for an additional fine of not more than \$ 10,000 or imprisonment for not more than 5 years, or both.

d. Additional civil penalty. If any merchandise (other than sea stores or the equivalent for conveyances other than a vessel) is imported or brought into the United States in or aboard a conveyance which was not properly reported or entered, the master, person in charge of a vehicle, or aircraft pilot shall be liable for a civil penalty equal to the value of the merchandise and the merchandise may be seized and forfeited unless properly entered by the importer or consignee. If the merchandise consists of any controlled substance listed in section 584 [19 USCS § 1584], the master, individual in charge of a vehicle, or pilot shall be liable to the penalties prescribed in that section.

ENDNOTES

1. See item D, below for "definition" thereof.
2. The new regulations define bulk cargoes as "a homogeneous cargo that is stowed loose in the hold and is not enclosed in any container ..." It includes free flowing articles such as oil, grain, coal, ore, and similar cargoes which can be pumped, dumped, or run through a chute. It also includes articles that require mechanical handling such as bricks, pig iron, lumber, steel beams, and the like. 19 CFR §4.7 (b)(4)(I)(A),(B). CBP interpretive documents also include the following as "bulk" cargoes: metal coils, rod, rails, pipe, plates, billets, slabs, sheets, and wire, pulp, newsprint, linerboard, and other paper products (not used as packaging material), and certain unpackaged perishable commodities, such as seafood and produce.
3. The only cargoes exempt from the notice/filing requirement are shipments consisting entirely of empty articles (pallets, tanks, cores, containers, etc.) that are designated as Instruments of International Traffic (IIT's). However, if any other cargoes are carried on the same vessel, all such IIT's must be identified as such and listed on the carrier's cargo declaration.
4. In the event that the transit time between a foreign port and the first U.S port is less than 24 hours, the electronic filing must be made at the time of sailing from the foreign port.
5. This means that the carrier must transmit the quantity of the smallest external packaging unit - containers and pallets are not acceptable designations for manifested quantities (for example, a container containing 10 pallets with 200 cartons should be manifested as 200 cartons)
6. The HTS is available from the U.S. International Trade Commission (USITC) at www.usitc.gov/taffairs.htm. The schedule provides the applicable commodity designated numbers, tariff rates and statistical categories for all merchandise imported into the United States. It is based on the international *Harmonized System*, the global classification system that is used to describe most goods in world trade. Although the USITC publishes and maintains the HTS in its various forms, the CBP is the only agency that can provide legally binding advice or rulings relating to classification of imports. Accordingly, CBP should be contacted if there are any questions about how potential imports into the U.S. should be designated and/or classified.
7. Generic descriptions, specifically those such as "FAK" ("freight of all kinds"), "general cargo", and "STC" ("said to contain") are not acceptable.
8. At the master bill level, for consolidated shipments, the identity of the Non Vessel Operating Common Carrier (NVOCC), freight forwarder, container station or other carrier is sufficient. For non-consolidated shipments, and for each house bill in a consolidated shipment, the identity of the foreign vendor, supplier, manufacturer, shipper or other similar party is acceptable (the address of the foreign vendor, etc., must be a foreign address). By contrast, the identity of the carrier, NVOCC, freight forwarder or consolidator is not acceptable. The identification number will be a unique number assigned by CBP upon the implementation of the Automated Commercial Environment.
9. For consolidated shipments, at the master bill level, the NVOCC, freight forwarder, container station or other carrier may be listed as the consignee. For non-consolidated shipments, and for each house bill in a consolidated shipment, the consignee is the party to whom the cargo will be delivered in the United States, with the exception of "FROB" (foreign cargo remaining on board). However, in the case of cargo shipped "to order of [a named party]," the carrier must report this named "to order" party as the consignee; and, if there is any other commercial party listed in the bill of lading for delivery or contact purposes, the carrier must also report this other commercial party's identity and contact information (address) in the "Notify Party" field of the advance electronic data transmission to CBP, to the extent that the CBP-approved electronic data interchange system is capable of receiving this data. The identification number will be a unique number assigned by CBP upon implementation of the Automated Commercial Environment.
10. The vessel number is the International Maritime Organization number assigned to the vessel.

11. This element relates to the departure of the vessel from the foreign port with respect to which the advance cargo declaration is filed. The time frame for reporting this particular data element will be either:
 - A. No later than 24 hours after departure from the foreign port of lading, for those vessels that will arrive in the United States more than 24 hours after sailing from that foreign port; or
 - B. No later than the presentation of the permit to unload (Customs Form (CF) 3171, or electronic equivalent), for those vessels that will arrive less than 24 hours after sailing from the foreign port of lading);
12. The Ocean Shipping Reform Act, at 46 U.S.C. §1702 (16), defines an "ocean common carrier" as a vessel operating common carrier. While this may not be helpful by itself, the statute also defines an NVOCC as "a common carrier that does not operate the vessels by which the ocean transportation is provided ..." 46 U.S.C. §1702 (17)(B).
13. Application for the SCAC may be made at the NMFTA website (www.nmfta.org), or by telephone at (703) 838-1810. The cost of a SCAC is \$30.00 USD per year.
14. Furthermore, depending upon the identity and/or business of the filer (usually customs house brokers or entities involved in creating in-bond shipments), an additional bond (Activity Code 2 Custodial Bond) may also be required.

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