

## **Customs won't meet Oct.1 target for issuing advance manifest rules**

The following article is excerpted from "American Shipper" on 24 September 2003.

U.S. Bureau of Customs and Border Protection officials said they will not meet the Oct. 1 target for issuing final rules requiring freight carriers to pre-file cargo declarations prior to arrival at the border.

The rules are primarily designed to prevent terrorists from smuggling weapons or themselves into the United States through the international freight transportation system. Customs wants shipping data in advance so it can run it through targeting systems, make risk assessments and notify a carrier to hold the cargo for further examination if necessary.

Speaking Monday [22 September] at the National Customs Brokers and Freight Forwarders Association of America's government affairs conference in Washington, Customs Commissioner Robert Bonner said he hopes Customs can present the rules to Congress for review in October and publish the final rules in the Federal Register "hopefully by the end of October."

Bonner received the final package of advance manifest regulations Monday, said John Considine, director of cargo verification, during a Tuesday panel on Customs issues. After Bonner signs off on the rules, they will go to the Department of Homeland Security and the Office of Management and Budget for final approval before being delivered to Congress 15 days prior to publication.

Since January, Customs has underscored its intent to have the rule in place by Oct. 1 as spelled out in the Trade Act of 2002, which mandated that the government collect advance manifest information by electronic means for all modes of transportation. Customs officials point out that Oct.1 was never a hard deadline because the legislation said the agency "must endeavor" to promulgate an initial set of regulations by that date.

It took the Bush administration almost two months from the time Customs finished its draft notice of proposed rules and the time they were cleared for publication on July 22.

Customs is already collecting ocean manifests 24 hours prior to lading in foreign ports under a separate agency initiative predating the Trade Act. Considine said Customs averages about 20 "do not load" messages to carriers per week. Most holds involve issues of incomplete or vague data, and companies typically are able to provide the information in time to get the cargo on the vessel before it departs, he said.

Full implementation of the "special bill" modification to the Automated Manifest System also has been delayed from a fall release until Dec. 6, Considine said.

Customs agreed to make special software fixes to its vessel manifest system to help non-vessel-operating common carriers that complained that steamship lines were not releasing their cargo in a timely fashion after Customs clearance. Under the 24-hour rule, NVOCCs were allowed to use the AMS program previously reserved for carriers, but had to take charge of their shipments after they reached the port. The redesigned system is supposed to identify the house bill of lading and the master bill of lading in a consolidated shipment so that it is clear to the carrier exactly what Customs has approved for release and allow the NVOCC to move its shipment off the terminal.

The "special bill" also allows carriers and NVOCCs to submit electronically submit requests for in-bond moves through the Automated Manifest System after the manifest has been

filed rather than presenting paper documents at the inland destination.

Customs officials also said they are working closely with the Food and Drug Administration to coordinate implementation of bio-terrorism legislation designed to protect the food supply through prior notice of food imports. FDA is expected to publish its final rule by Oct. 10, they said.

Similar cooperation is taking place between Customs and the Transportation Security Administration in defining the agencies' roles and responsibilities for international transportation moves, said Brian Goebel, Customs' counsel and senior policy advisor to Bonner. There will be some overlap between the agencies, but TSA's focus is on the domestic transportation system while Customs is concerned with ant smuggling efforts related to terrorism, he said.

Kenneth Bargteil, a vice president in the U.S. office of international forwarder Kuehne & Nagel, said the primary concern of importers and brokers is that Customs continue to collect trade data.

---

William M. Gottlieb - President	Email: <a href="mailto:w-gott@kirsch.ca">w-gott@kirsch.ca</a>
David Kirsch Forwarders Ltd.	Tel: 1 (514) 636-0233
185 Dorval Avenue, Suite 600	Fax: 1 (514) 636-0325
Dorval, Quebec H9S 5J9	Direct: 636-8893 ext 110
Canada	Internet: <a href="http://www.kirsch.ca">www.kirsch.ca</a>

---

Business transacted subject to the standard trading conditions of the Canadian International Freight Forwarders Association (CIFFA) copy of which can be obtained on application