

U.S. CUSTOMS AND BORDER PROTECTION E-MANIFEST ENFORCEMENT CLARIFICATION

August 10, 2007

Dear Trade Association Member:

U.S. Customs and Border Protection (CBP) has issued the following announcement on E-Manifest Enforcement Clarification:

DISTRIBUTION TO: All Interested Trade Partners

SUBJECT: E-Manifest Enforcement Clarification

The purpose of this announcement is to provide the most current information on e-Manifest enforcement. Enforcement plans for six ACE e-Manifest groups have been published and include information about regulatory exceptions and administrative exceptions to filing e-Manifests. Changes to the administrative exceptions are made as additional release types and conditions are identified and must be accommodated.

There has also been confusion over the applicability of the Section 321 exemption when shipments eligible for the exception are loaded on the same truck as other shipments that require the use of an e-Manifest. All mixed-loads not covered by the exceptions articulated below require an e-Manifest.

Beginning on September 1, 2007, a permit to proceed into the U.S. will be denied to a truck entering ports in Washington, Arizona, eastern North Dakota, Texas, New Mexico, California, New York and Michigan, when no attempt is made to transmit all applicable shipments via the e-Manifest. In the remaining ports, Phase 2 enforcement will begin on the dates previously published.

The following shipments are currently exempt by regulation from the advance electronic filing requirement for incoming cargo:

- Cargo in transit from point to point in the United States after transiting Canada or Mexico
- Certain informal entries:
 - Merchandise which may be informally entered on Customs and Border Protection Form (CBPF) 368 or 368A (cash collection or receipt);
 - Merchandise unconditionally or conditionally free, not exceeding \$2,000 in value, eligible for entry on CBPF 7523
 - Products of the United States being returned, for which entry is prescribed on CBPF 3311.

The following shipment types are not specifically exempted by the regulation but use of e-Manifest is not currently required for:

- Trips consisting solely of merchandise that is subject to the provisions of 19 USC 1321 (Sec. 321 releases). If a trip is made up of Section 321 eligible shipments and shipments requiring an entry or in-bond move, all shipments on that trip must be manifested.
- Empty trucks and truck cabs may be reported via e-Manifest but are not currently required.
- These shipment types are not currently able to be reported on an e-Manifest and are therefore not required even when an e-Manifest has been filed.
 - Shipments consisting solely of Instruments of International Traffic (IIT) eligible for release under 19 CFR 10.41(a). IIT can be reported on an e-Manifest as associated to a conveyance or shipment but cannot be used as a shipment release type.
 - International mail shipments moving via a contract carrier from a foreign postal service to the US Postal Service.
 - Carnets.
 - A delivery ticket (CBPF 6043) for movement to a CBP bonded warehouse or a direct Foreign Trade Zone admission on a CBPF 214.
 - Shipments imported for the Department of Defense using 19 CFR 10.102/103 as a release mechanism.

All other shipments are required to provide advance electronic cargo information via an eManifest including personal effects using form CBP 3299.

Questions or comments can be directed to your local port.