

to electronically present the information on the basis of what the party reasonably believes to be true.

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(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.

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■ 4. Amend § 4.7a by:

■ a. Revising paragraphs (c)(4)(viii) and (c)(4)(ix);

■ b. Removing the word “and” after paragraph (c)(4)(xiii);

■ c. Removing the period after paragraph (c)(4)(xiv), and adding, in its place, a semicolon; and

■ d. Adding new paragraphs (c)(4)(xv) and (c)(4)(xvi).

■ Revised paragraphs (c)(4)(viii) and (c)(4)(ix) and new paragraphs (c)(4)(xv) and (c)(4)(xvi) read as follows:

**§ 4.7a Inward manifest; information required; alternative forms.**

\* \* \* \* \*

(c) *Cargo Declaration.* \* \* \*

(4) \* \* \*

(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);

\* \* \* \* \*

(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).

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■ 5. Amend § 4.61 by adding a new paragraph (c)(24) to read as follows:

**§ 4.61 Requirements for clearance.**

\* \* \* \* \*

(c) *Verification of compliance.*

\* \* \* \* \*

(24) Electronic receipt of required vessel cargo information (see § 192.14(c) of this chapter).

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**PART 103—AVAILABILITY OF INFORMATION**

■ 1. The general authority citation for part 103 continues, and a specific authority citation is added for § 103.31a in appropriate numerical order, to read as follows:

**Authority:** 5 U.S.C. 301, 552, 552a; 19 U.S.C. 66, 1624; 31 U.S.C. 9701;

\* \* \* \* \*

Section 103.31a also issued under 19 U.S.C. 2071 note;

\* \* \* \* \*

■ 2. Amend subpart C of part 103 by adding a new § 103.31a to read as follows:

**§ 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.

**PART 113—CUSTOMS BONDS**

■ 1. The authority citation for part 113 continues to read as follows:

**Authority:** 19 U.S.C. 66, 1623, 1624.

■ 2. Amend § 113.62 by:

■ a. Revising the heading of paragraph (j), and redesignating its current text as paragraph (j)(1);

■ b. Adding a new paragraph (j)(2); and

■ c. Amending paragraph (l)(1) by adding the citation, “(j)(2),” after the citation, “(i),”.

The revision and addition to paragraph (j) read as follows:

**§ 113.62 Basic importation and entry bond conditions.**

\* \* \* \* \*

(j) *Agreement to comply with electronic entry and/or advance cargo information filing requirements.*

(1) \* \* \*

(2) If the principal elects to provide advance inward air or truck cargo information to Customs and Border Protection (CBP) electronically, the principal agrees to provide such cargo information to CBP in the manner and in the time period required, respectively, under § 122.48a or 123.92 of this chapter. If the 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.

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■ 3. Amend § 113.64 by revising the first sentence of paragraph (a); and by revising paragraph (c) to read as follows:

**§ 113.64 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