

AIR AUTOMATED MANIFEST SYSTEM

FREQUENTLY ASKED QUESTIONS

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Updated 7/19/2004

Questions # 2,4,7,8,11,14,24,33

Customs and Border Protection (CBP) has received numerous questions concerning the Trade Act of 2002 of which the final rule was published on December 5, 2003 (68 FR 68140). The final rule provides for advance manifest regulations for all modes of transportation both in and out of the United States. CBP has provided our response, for now, of the most frequently asked questions. CBP is hopeful that this document will assist the trade community in understanding the expectations of CBP concerning the advance manifest rules for air cargo operations. The effective dates of implementation of the final rule will be August 13, 2004 for the Eastern U.S., October 13, 2004 for Central U.S., and December 13, 2004 for the Western U.S. Should you have additional questions that are not answered in this document please feel free to write to Manifest.Branch@dhs.gov. CBP will continue to update this list, adding questions and answers. Please continue to monitor this document for changes and updates.

1. Systems to be Used

Q. How will CBP collect electronic information for imported air cargo?

A. For imported cargo arriving aboard an aircraft, CBP will collect such information through the Air Automated Manifest System (Air AMS). Air AMS is a component of the CBP Automated Commercial System (ACS).

2. Required and Voluntary Participation

Q. What parties are required to participate in Air AMS?

A. The incoming air carrier is always required to provide information through Air AMS when the aircraft is required to enter and there is commercial cargo aboard.

Q. What other parties may voluntarily participate in Air AMS?

A. The information supplied by the incoming carrier may be supplemented by additional information provided by four other eligible parties including:

1. An Automated Broker Interface Filer (Importer or Customs broker)
2. A Container Freight Station
3. An Express Consignment Carrier Facility
4. An air carrier that arranged to have the incoming air carrier transport the cargo to the United States.

Q. Are these parties required to participate in Air AMS?

A. No. Participation for these parties is voluntary. These parties may voluntarily participate in Air AMS for the purpose of providing house air waybill level information directly to CBP without having to provide it to the carrier. If such parties do not voluntarily present the full house air waybill information directly to CBP, that information must be provided by the incoming air carrier.

Q. What is the benefit for an eligible voluntary party to participate in Air AMS?

A. By providing house-level air waybill information directly to CBP, an eligible voluntary Air AMS participant need not disclose to the carrier those data elements of the house air waybill related to the shipper and consignee. Many such parties consider this information to be business proprietary information, which it would prefer to report directly to CBP without having to so disclose to the carrier. In addition, voluntary participants would be able to request in-bond authorization at the house air waybill level through Air AMS. Finally, a Container Freight Station (CFS) or Express Consignment Carrier Facility (ECCF) that voluntarily participates in Air AMS would receive electronic Freight Status Notification (FSN) messages related to CBP processing of entries for cargo located at its facility.

Q. If a freight forwarding company does not fall into one of the categories of eligible participants, may it participate in Air AMS?

A. No. Only those parties specified in the regulation may participate in Air AMS. If a freight forwarding company does not fall into one of these categories, it must fully present the required information to the incoming air carrier or to another eligible party which would then be responsible for providing the information to CBP.

Q. If an ABI filer elects to voluntarily provide house air waybill information to Air AMS, is the same ABI filer (Customs broker or importer) also required to file the entry for the related merchandise?

A. No. Providing advance electronic information to Air AMS does not obligate the ABI filer to file an entry for the same merchandise.

Q. Is an air carrier required to participate in Air AMS at a port where it will never have an aircraft required to make entry under 19 CFR 122.41? In other words, is Air AMS participation mandatory for an air carriers at a port where it only handles in-bond destination cargo?

A. The air carrier is not required to participate in Air AMS at a port where it will not make entry under 19 CFR 122.41. Participation in Air AMS for the purposes of handling in-bond cargo at the destination port is voluntary.

3. When Air AMS Filing Required

Q. Since Air AMS filing is required for aircraft required to enter, when is such entry required?

A. All aircraft coming into the United States from a foreign area must make entry except: public aircraft, private aircraft and aircraft chartered by and transporting cargo that is the property of the U.S. Department of Defense.

Q. What is a private aircraft?

A. A private aircraft is an aircraft engaged in a trip that does not involve carrying passengers or cargo for commercial purposes.

Q. For purposes of Air AMS filing, what areas constitute the United States?

A. The customs territory of the United States contains the fifty states, the District of Columbia and Puerto Rico.

Q. Is Air AMS filing required for flights from foreign locations to the U.S. Virgin Islands, Guam, American Samoa, Wake Island, Midway Islands, Johnston Atoll and the Northern Mariana Islands?

A. As these locations do not fall within the customs territory of the United States, Air AMS filing is not required for flights from other foreign areas to these insular possessions. However, Air AMS filing is required for flights from these insular possessions to ports within the customs territory of the United States.

Q. Is Air AMS filing required for flights from Puerto Rico to any of the fifty states?

A. No. Puerto Rico is within the customs territory of the United States.

4. Participant Procedures

Q. What methods may be used to transmit information through Air AMS?

A. A potential Air AMS participants has three options:

1. Develop its own software interface based on the technical specifications as provided in the Customs Automated Manifest Interface Requirements – Air (CAMIR-Air) document.
2. Provide the data through an Air AMS service center.
3. Purchase a commercially available software and communications package.

Q. Does CBP provide a list of service centers and software vendors?

A. CBP will maintain a list of Air AMS service centers and software vendors on its web site. This list is currently available at:

http://www.cbp.gov/ImageCache/cgov/content/import/operations_5fsupport/ams/vendor_5fair_2edoc/v1/vendor_5fair.doc

Q. Once a software and communications package has been selected, how does one become an Air AMS participant?

A. The potential Air AMS participant may complete the Air AMS Respondent Checklist and then mail or fax the document to:

Customs and Border Protection
Client Representative Branch
7501 Boston Blvd. Rm. 211
Springfield, VA 22153
FAX: (703) 921-7563

The Air AMS Respondent Checklist is the last page of the document attached to the service center and software vendor list found at:

http://www.cbp.gov/ImageCache/cgov/content/import/operations_5fsupport/ams/vendor_5fair_2edoc/v1/vendor_5fair.doc

Q. If an air carrier is already an Air AMS participant but chooses to expand its Air AMS participation to additional ports, what must that carrier do?

A. The air carrier must notify the CBP port and its assigned client representative prior to expanding its Air AMS participation to additional locations. The assigned client representative may establish a user record for the air carrier participant in that port upon receipt of confirmation that the port has acknowledged the commencement date of Air AMS participation.

5. Bond Requirements

Q. What type of bond is required for carriers to participate in Air AMS?

A. An international carrier's bond (activity code type 3) is required for air carriers.

Q. What type of bond is required for container freight station operators, express consignment carrier facilities and ABI filers?

A. To participate in Air AMS, a container freight station operator or an express consignment carrier facility must have an international carrier's bond (activity code type 3). To participate in Air AMS, an ABI filer must have an importer's bond (activity code type 1).

Q. How does an Air AMS participant obtain a bond?

A. A bond may be obtained from a Department of the Treasury approved surety company. A current list of such approved surety companies may be found at:

www.fms.treas.gov/c570/index.html/

Q. What bond amount is required for Air AMS participants?

A. The amount of the bond is set by the port director of the port where the bond has been filed. The minimum bond amount has been set at \$50,000 but the port director may require a higher amount.

Q. Does an Air AMS participant need to have a separate bond filed at each port where it intends to participate in Air AMS?

A. No. A continuous bond filed at one port is valid for Air AMS purposes at all ports where the party so participates in Air AMS.

Q. If a voluntary Air AMS participant elects to create in-bond movements at the house air waybill level, does it need to have a custodian of bonded merchandise bond (activity code type 2)?

A. When requesting an in-bond movement at the house air waybill level, a voluntary Air AMS participant is required to identify the onward bonded carrier. If the onward carrier is an air carrier, it is identified by its carrier code. Alternatively, the onward carrier may be identified by its bonded carrier identification number (IRS #, Social Security Number or CBP-assigned number). For further information see question #13.

The voluntary Air AMS participant requesting the in-bond movement may obligate its bond by specifying its own bonded carrier identification number if it has the required activity code type 2 bond. If the voluntary Air AMS participant does not have the required activity code type 2 bond, it may specify the onward carrier identification of another bonded party. The voluntary Air AMS participant must have authorization from the party whose bond is so obligated.

6. Air AMS Documentation

Q. What type of documentation is available to explain all the data elements in Air AMS?

A. The Customs Automated Manifest Interface Requirements-Air (CAMIR-AIR) is the source document for electronic data interchange between CBP and Air AMS participants.

Q. How does an Air AMS participant obtain a copy of the CAMIR-Air?

A. The CAMIR-Air is available on the CBP web site at:

http://www.cbp.gov/xp/cgov/import/operations_support/automated_systems/ams/camir_air/

Q. If changes are made to the CAMIR-Air, how are these distributed?

A. When a change is made to the CAMIR-Air the version of the document on the CBP web site is updated. Air AMS client representatives also distribute copies of the changes to their assigned clients.

7. Compliance Dates

Q. When will CBP expect compliance with the provisions of the Final Rule?

A. CBP has established the following implementation schedule when CBP will require electronic transmission of inbound air cargo information, depending on the location of the airport where cargo arrives in the United States.

| Date | Ports in the Following Locations |
|-----------------------------------|---|
| August 13, 2004 Eastern U.S. | Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Vermont, Virginia, West Virginia |
| October 13, 2004 Central U.S. | Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin |
| December 13, 2004 Western U.S. | Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, North Dakota, Oregon, Utah, Washington |

Q. If cargo arrives on an aircraft after August 13 but before December 13 and the first port of arrival is in one of the locations that comprise the Western U.S. in the above chart, but the final destination of the cargo is in one of the locations that comprise the Eastern U.S. in the above chart, what is the required compliance date?

A. The required compliance date is based on the first airport of arrival for the cargo. In the above example, the required compliance date would December 13,

2004. This is true if the cargo is unladen from the aircraft at the first airport of arrival and transported to the destination airport under the in-bond procedures or if the cargo remains aboard the same aircraft and is transported to the destination airport under a permit to proceed.

8. Enforced Compliance Procedures

Q. What compliance actions will CBP undertake for those air carriers that are required to participate in Air AMS but fail to do so before the required compliance date?

A. Beginning on the dates established in the above schedule, CBP will establish the procedures in each port for any aircraft that arrives in the United States which is required to transmit information through Air AMS but has not yet established Air AMS communications for that port with CBP. There will be 4 phases of this initial enforcement. The schedule for each of these phases is noted in the table below.

| Phase 1 | Phase 2 | Phase 3 | Phase 4 |
|------------------------------|------------------------------|------------------------------|--------------------------|
| Eastern 8/13/04-8/22/04 | Eastern 8/23/04-8/29/04 | Eastern 8/30/04-9/6/04 | Eastern After 9/7/04 |
| Central 10/13/04-10/24/04 | Central 10/25/04-10/31/04 | Central 11/01/04-11/08/04 | Central After 11/9/04 |
| Western 12/13/04-12/19/04 | Western 12/20/04-12/26/04 | Western 12/27/04-1/3/05 | Western After 1/4/05 |

Phase 1

- CBP will not grant new landing rights for a carrier to land at a landing rights airport or permission to land at an international airport, if the carrier has not yet established an Air AMS user record at that port.
- In addition, CBP will establish the following procedures for entrance and unloading for those carriers that previously had landing rights or permission to land but are not yet Air AMS participants. Although no penalties will be issued in this phase, the following procedures will allow CBP conduct a full and complete review of the manifest information before any cargo may be unladen from an arriving aircraft.
 - The new regulations (part 122.38(c)) specifically state that term permits and special licenses to unladen will not be applicable to any flight with respect to which CBP has not received the required advance electronic information.
 - Therefore, for carriers that are not Air AMS participants, CBP will no longer honor any term permit or special license to unladen that may already be on file with CBP. This does not mean that CBP will deny an aircraft from landing if that air carrier is not in compliance with the regulations. In the first phase of enforcement, the carrier must complete the following process before unloading any cargo from the aircraft. If any unloading occurs prior to the completion of the process, CBP will

issue a penalty for violation of 19 USC 1453 – penalty equal to the value of the merchandise for unloading without a special permit or license.

- Upon arrival of each flight, the carrier must present a paper copy of the manifest on the existing CBP Form 7509 (Air Cargo Manifest) with copies of the attached air waybills, in addition to all other required documentation for arrival reporting and entrance purposes. The carrier will also prepare and submit CBP Form 3171 (Application-Permit-Special License Unloading-Lading-Overtime Services) for each flight since the any previously filed term versions of the document will no longer be valid. Ports should designate an inspector to act as a rover on the airfield to ensure that air carriers are not unloading their aircraft without a valid CBP Form 3171. Those air carriers that are in violation of this requirement should be issued penalties for unloading without a permit.
- Upon receipt of the above-mentioned documentation, CBP will conduct a paper review of the manifest information. Upon completion of this review, the CBP officer will sign the CBP Form 3171 to allow the unloading of the merchandise from the aircraft. CBP will conduct manifest reviews for as long as it takes to determine the threat. Be advised, the air carrier is required to submit the cargo manifest no later than four hours prior to arrival or no later than wheels-up/time of departure for designated locations. CBP will not expedite the review process upon request by the air carrier. Upon completion of this review, the CBP officer will sign the CBP Form 3171 to allow the unloading of the merchandise from the aircraft.

Phase 2

- In the second phase, CBP will begin to issue penalties for failure to submit the required electronic information to CBP. CBP will issue a penalty under 19 USC 1436 (b) / 19 CFR 122.48a for failure to file the air waybill information electronically. The penalty is \$5,000 for the first violation and \$10,000 for subsequent violations.
- In addition to issuing a penalty, CBP will only allow the unloading of cargo for carriers that are not Air AMS participants when the procedures outlined in Phase 1 have been completed.

Phase 3

- In the third phase, CBP will no longer grant permission to unlade cargo for carriers that are not Air AMS participants even if the carrier follows the procedures outlined in phase 1. The cargo may not be unladen at the first U.S. port of arrival or at any subsequent U.S. port. CBP will still require that the carrier present a paper copy of the CBP Form 7509 (Air Cargo Manifest) in the required timeframes The cargo will remain aboard the aircraft while CBP conducts its manifest review. CBP will conduct a full manifest review before granting permission for the aircraft to depart. Such permission to depart is granted either by signing the permit to proceed if the aircraft is continuing to another U.S. port or signing the outbound General Declaration (CBP 7507) if the aircraft is travelling to a foreign port.
- In addition to disallowing the unloading of cargo, CBP will also issue a penalty as outlined in phase 2.

Phase 4

- For any aircraft that arrives where the carrier is not an Air AMS participant, CBP will continue to disallow the unloading of cargo and issue a penalty as outlined in phase 3 of these procedures.
- In addition, CBP will inform the carrier that future violations may subject it to the provisions of 19 USC 1436(b) which states that any conveyance used in connection with violations of manifest requirements may be subject to seizure and forfeiture. Any such decision to seize an aircraft must be made with concurrence from CBP headquarters.

9. Delivery Authorization

Q. What is considered the electronic equivalent of delivery authorization for Air AMS participants?

A. Delivery authorization in the electronic environment requires that the four following conditions must be met:

1. The cargo has arrived in the port.
2. An entry has been filed.
3. Examinations, if required, have been completed.
4. All holds placed on the air waybill have been removed.

Q. If a carrier utilizes the services of a ground handling agent to handle its cargo, does that ground handling agent need to be an Air AMS participant?

A. All participants in Air AMS are required to honor the electronic freight status notifications. A carrier is required to maintain control of the cargo pending CBP disposition whether its staff handles the cargo or if such services are provided by a ground handling agent. How the carrier communicates such information to its ground handling agent is a business decision for the carrier and its agent.

10. Split Shipments

Q. What is a split shipment?

A. A split shipment occurs when cargo covered by a single air waybill arrives in the United States on more than one conveyances.

Q. When a carrier splits a consolidated shipment, is it required to send any information for the associated house air waybills?

A. For consolidated shipments covered by a master air waybill, the carrier is required to report to CBP certain information regarding each associated house air waybill to indicate which house air waybills have been laden on each flight.

Q. Since the Automated Broker Interface (ABI) cannot accommodate multiple flight arrival information for split shipments how can a single entry be filed for a split shipment and the proper freight status notifications be sent?

A. CBP has an existing policy to allow a single entry to be filed for a split shipment provided that the conditions of part 141.57 of the Customs Regulations have been satisfied. If these conditions are satisfied, the entry filer must include additional information on the CBP Form 3461.

For purposes of completing boxes 12, 13, 15, 16 and 17 of the CBP 3461, the filer will include the transportation information for the first portion of the split shipment. For the purposes of completing boxes 21, 22 and 23, the filer must enter all air waybills and the quantities for which a single entry or a special permit for immediate delivery are requested. In box 29, the filer will enter the following information for all portions of the split shipment covered by the single entry or special permit for immediate delivery:

- Carrier Code
- Flight Number
- Arrival Date
- Piece Count for that Arrival.

In order to transmit an electronic permit to release for each portion of a split shipment, CBP must post such release to each portion covered by the single entry or special permit for immediate delivery. To effect such release, the importer must provide a copy of the CBP 3461 to CBP with the information noted above. If the release is to occur incrementally, the filer must provide such notification to CBP upon arrival of each portion of the shipment.

11. Cargo that Fails to Arrive in the United States

Q. If an air waybill record has been transmitted to Air AMS, but the cargo will not be transported to the United States (i.e, the cargo is re-routed outside the U.S), what must the Air AMS participant do?

A. The Air AMS participant that transmitted the air waybill record must delete the air waybill record from Air AMS.

12. Consolidated Shipments

Q. Does CBP require a separate air waybill record for each shipper/consignee relationship? In other words, if a freight forwarding agent arranges transportation for a single consignee to import merchandise from multiple vendors, suppliers or manufacturers, may the freight forwarding agent be listed as the shipper on a

single air waybill or must there be a separate air waybill record for each vendor/supplier/manufacturer?

A. CBP requires detailed shipper information on each air waybill record for the purposes of targeting high-risk shipments. If a freight forwarder or other consolidator receives merchandise from multiple foreign vendors and arranges for such transport to the United States, listing the freight forwarder as the shipper would not provide sufficient information for CBP to conduct its targeting. Air AMS does not have the capability of accepting multiple shippers or consignees for a single air waybill record, nor could it be readily adapted to so accept multiple shippers/consignees.

Q. The regulations require that a carrier transmit a conditional data element referenced as a “consolidation identifier.” What is this data element and what is it used to indicate?

A. The consolidation identifier is a conditional element in the air waybill line of an Air AMS message. An Air AMS participant includes the value “M” to identify the air waybill as a master air waybill which indicates that one or more house air waybills is associated with that master air waybill.

Q. If a master air waybill record has only one associated house air waybill, can the carrier report this as a simple air waybill?

A. No. When a master air waybill references only one house air waybill, both the master air waybill and the house air waybill must be reported.

13. Order of Receipt of Master and House Air Waybill

Q. Does Air AMS require the carrier to transmit the master air waybill record before another party may transmit house air waybill records associated to that master air waybill?

A. CBP has undertaken to modify certain critical aspects of Air AMS by May 13, 2004. One of these new processing edits will allow the receipt of house air waybill information prior to the receipt of the master air waybill record from the importing carrier.

14. Simple and Master Air Waybill Format

Q. How many characters does the data field for simple and master air waybill numbers accommodate?

A. The data field for simple and master air waybill numbers must contain an 11-character identifier.

Q. Does Air AMS require that the 11-character identifier for a simple or master use a 3-digit air waybill prefix assigned by the International Air Transportation Association (IATA)?

A. Air AMS has been modified to accept and process air waybill records that do not utilize a 3-digit air waybill prefix assigned by IATA.

If an air carrier does not have an assigned IATA air waybill prefix, it may substitute its 3-character International Civil Aviation Organization (ICAO) code or its CBP-assigned carrier code for the air waybill prefix number. For further information regarding Air AMS certification testing for non-IATA carriers, please contact your assigned client representative.

Q. May the air waybill number be used as the in-bond control number if the air waybill number is not an IATA-standard 11-digit air waybill number with a valid IATA air waybill prefix?

A. In this case, a CBP 9-digit CBP Form 7512 in-bond number must be used as the in-bond control number.

15. House Air Waybill Format

Q. How many digits does the data field for house air waybill numbers accommodate?

A. The data field for house air waybill numbers will accept 1-12 digits of alphanumeric characters.

Q. Is the Air AMS participant required to transmit all the alphanumeric characters as printed on the paper copy of the house air waybill?

A. Yes. The Air AMS participant is required to report the full house air waybill identifier as printed on the hard copy document. This includes alpha characters preceding or contained within the house-level shipment identification.

Q. Can Air AMS accept sub-house air waybill records associated with a house air waybill record?

A. A sub-house air waybill refers to multiple house air waybills that are consolidated into a single (consolidated) house air waybill record. The sub-house air waybill would contain the identity of the shipper and consignee while the consolidated house air waybill record may only list the consolidator/forwarding agent as the shipper and consignee.

Since Air AMS can only accommodate one level of house air waybill identification, the Air AMS participant must report the sub-house air waybill

information in the house air waybill field. The consolidated house air waybill information need not be reported.

16. In-bond Authorization

Q. If an Air AMS participant other than an air carrier requests in-bond authorization electronically through Air AMS, how does it identify the bonded carrier?

A. When requesting in-bond authorization in Air AMS, an Air AMS participant must indicate the air carrier code of an onward air carrier or the bonded carrier identification number. Such identification number must be in one of the following formats (hyphen included):

NN-NNNNNNNAA or NN-NNNNNNNNN (IRS #)
NNN-NN-NNNN (Social Security Number) or
NNNNNN-NNNNN (CBP Assigned).

Q. If a party does not transmit Air AMS information for a particular shipment, may it still submit a paper CBP Form 7512 document to request an in-bond movement?

A. Yes. For example, an air carrier may transmit an air waybill record to Air AMS for the initial transportation from a foreign location to the United States. Another party that did not transmit Air AMS information for the shipment may file a CBP Form 7512 to request in-bond movement authorization.

Q. If an in-bond authorization message has already been received, can the in-bond record be cancelled through Air AMS?

A. Yes. An in-bond movement authorization may be cancelled. According to the CAMIR-Air, the transfer line (TRN) is used to indicate a request for both in-bond and local transfer (permit to transfer) authorization. To cancel in-bond and permit to transfer authorization, an Air AMS participant may transmit a Freight Report Change (FRC) message with TRN/000 (numeric zeros).

Q. To what party does Air AMS transmit an electronic in-bond movement authorized freight status notification?

A. Electronic in-bond movement authorization (1D) freight status notification (FSN) messages are transmitted to the Air AMS participant in custody of the cargo. Therefore, if the cargo is in the custody of an airline Air AMS participant and another eligible Air AMS participant that submitted the house air waybill information requests an in-bond movement at the house air waybill, a 1D freight status notification (FSN) message is transmitted to the airline. A 1D freight status information (FSI) message may be transmitted to the Air AMS participant

that filed the house air waybill record if such party elects to receive such FSI messages.

Q. If electronic in-bond authorization is received at the in-bond origin port, how does the bonded carrier notify CBP of the in-bond arrival at the destination port?

A. An Air AMS participant that is also a participant at the in-bond destination port may electronically notify CBP of the in-bond arrival by transmitting a freight status notification (ASN3) message to CBP upon arrival of the cargo at the in-bond destination port.

Alternatively, if an Air AMS participant is not an Air AMS participant at the in-bond destination port, it must present one of these two paper documents to CBP at the destination port.

1) If an air waybill is utilized as the in-bond control document, it must contain all required information in accordance with IATA agreements governing the issuance of the air waybill. In addition, the following information must be included on the air waybill as noted in 19 CFR 122.92:

- Origin Port
- Entry Type (61,62,63)
- Destination Port
- Importing Carrier/Flight Number/Arrival Date
- Bonded Carrier Identification Number (IRS #, SSN, CBP assigned)
- Signature of Carrier's Agent/Exporter

Upon confirmation that the in-bond authorization has been electronically received, the Air AMS participant will note **AAMS** on the document. Such documentation must be presented to CBP upon arrival at the destination port.

2) If the shipment is not identified by a standard IATA air waybill, then a paper copy of the CBP Form 7512 must be produced and completed with all required information. Upon confirmation that the in-bond authorization has been electronically received, the Air AMS participant will note **AAMS** on the document. Once again, such documentation will be presented to CBP upon arrival at the destination port.

17. Permits to Transfer (Local Transfer)

Q. Is an Air AMS carrier required to request a permit to transfer electronically through Air AMS?

A. Yes. The Final Rule requires that the local transfer destination facility must be provided electronically through Air AMS. The local transfer destination facility

may be a Container Freight Station/Express Consignment Carrier Facility identified by a FIRMS code or another air carrier identified by its carrier code.

Q. If a master air waybill record references split arrival information, must the carrier request and receive electronic authorization for each part of the split shipment?

A. Yes. For each portion of the split master air waybill that is transferred to another facility, the carrier must request and receive electronic transfer authorization.

Q. To what party does Air AMS send the electronic local transfer authorization message?

A. Air AMS transmits local transfer authorization messages (1F) to the carrier requesting the permit to transfer and the facility to which the cargo will be transferred if that facility is also an Air AMS participant at that port.

Q. If the permit to transfer is approved electronically through Air AMS, does a paper copy of the permit to transfer need to be presented to CBP for authorization before the cargo may be so transferred?

A. No. The electronic permit to transfer eliminates the need to present CBP a copy of the permit to transfer document.

Q. If cargo is transferred to a Container Freight Station (CFS), Express Consignment Carrier Facility (ECCF) or other another air carrier that is not an Air AMS participant in the port, does Air AMS continue to transmit electronic freight status notification messages?

A. No. Once the cargo is transferred to a facility that is not an Air AMS participant, Air AMS will no longer transmit freight status notifications. The facility that is now the cargo custodian must receive paper delivery authorization documents for the release of the cargo.

18. Incomplete House Air Waybills

Q. Can a container freight station, ABI filer or ECCF transmit house air waybill information to Air AMS even if the carrier has not yet provided confirmed flight information?

A. Changes to Air AMS will allow those parties that file house air waybill level information to do so prior to the transmission of the master air waybill by the importing carrier. In addition, the incoming air carrier will no longer need to “nominate” such party for the purpose of allowing such party to transmit house air waybills.

Q. When an eligible Air AMS participant files house air waybill information independently of the incoming air carrier, does such party need to supply the flight transportation information including the scheduled date of arrival, carrier code, flight number and airport routing information.

A. Such house air waybill records provided independently of the carrier need not contain flight transportation information. When the master air waybill record is provided by the incoming air carrier, the transportation information is applied to all of the house air waybill records with the same master air waybill number. This process will not occur for split master air waybills.

19. Manifest Holds

Q. If an air waybill has an outstanding hold may the cargo be moved in-bond or transferred to another facility within the port?

A. No. The cargo must be held by the Air AMS participant until the hold has been removed by CBP.

20. Foreign Cargo Remaining on Board (FROB)

Q. Is Air AMS filing required for cargo that arrives aboard an aircraft, is not unladen and subsequently exported from the U.S. aboard the same aircraft?

A. Yes. Such cargo meets the definition of Foreign Cargo Remaining on Board (FROB). Air AMS will include a new indicator in the transfer line for purposes of identifying such cargo as FROB. (TRN/R) This indicator will be used for simple and master air waybill records. House air waybill records must be reported for consolidated shipments even though the FROB indicator need not be used for the house air waybill records. The FROB indicator at the master air waybill level will be applied to all associated house air waybills.

Q. If cargo is reported as FROB, does Air AMS respond with an electronic in-bond authorization message (1D)?

A. No. FROB cargo does not meet the definition of cargo requiring in-bond authorization. No electronic in-bond authorization message is sent.

21. Flights Without Cargo

Q. If a flight does not have any cargo aboard, is the carrier required to transmit a message through Air AMS?

A. No. If there is no cargo aboard a flight, there is no need to transmit Air AMS information.

22. Air AMS Problem Resolution

Q. When Air AMS participants have not received expected freight status notification messages, what should they do?

A. If an Air AMS participant has not received an expected freight status notification that results from the filing of any entry, the Air AMS participant and the entry filer should compare information to determine if the air waybill record and flight record information filed by each of the parties match. The most common reason that Air AMS does not reconcile entry information with the Air AMS air waybill record is that the record has been incorrectly transmitted by one of the parties. For example:

| | |
|-------------------------------|------------------------|
| Air waybill number in Air AMS | 000-12345678-123456 |
| Air waybill number on entry | 000-12345678-ABC123456 |

When this occurs, the party that made the error must change its record to correct such an error.

Air AMS also has a feature called the Freight Status Query (FSQ) which allows an Air AMS participant to request routing information, current record status, the nominated agent information and the retransmission of freight status notification messages. Air AMS participants are encouraged to use the FSQ message to determine the reason that expected messages have not been received.

If the Air AMS participant has done everything possible to resolve the problem but has not been successful, it should contact CBP at the local port to determine why the expected freight notification message has not been received. The Air AMS participant should provide CBP with the complete air waybill number and the associated entry number. In addition, the Air AMS participant should notify CBP what information it expected to receive and what information it actually has received.

If the Air AMS participant and CBP cannot resolve the reason for the failure of Air AMS to process or transmit information related to an air waybill record, CBP may authorize release of the cargo without electronic authorization in accordance with local CBP policy.

An assigned client representative may provide technical guidance to an Air AMS participant regarding the performance of the system. The client representative cannot transmit freight status notification (FSN) messages or authorize release of the cargo without electronic authorization. Such requests must be directed to CBP at the local port.

23. Scheduled Air AMS Downtime

Q. When is Air AMS scheduled for downtime maintenance?

A. CBP is required to initiate scheduled downtime for system maintenance and updates. The regularly scheduled downtime includes:

- Saturday @ 0500 - 0700 EST
- Saturday @ 2300 – Sunday @ 0300 EST
- Sunday @ 2200 – Monday @ 0200 EST
- Wednesday @ 0500 – 0700 EST

Q. If an Air AMS participant transmits information during the scheduled downtime period, when will CBP receive the information?

A. The information sent by Air AMS participants is stored in a queue and is received and processed when the system maintenance and updates have been completed.

Q. When Air AMS has scheduled downtime, must an Air AMS participant transmit information sufficiently in advance so that the information may be received by CBP in the time frames required by regulation?

A. CBP informs Air AMS participants of the scheduled Air AMS downtime so that such participants may transmit the information sufficiently in advance so that CBP may receive the information in the required time frames. CBP will not make allowances for the untimely submission of Air AMS information because of scheduled downtime.

Q. How does an Air AMS participant know if CBP is experiencing an unscheduled downtime?

A. Unscheduled or unanticipated Air AMS downtime is rare and is generally for a short duration. However, in the event that the CBP system is unexpectedly down, CBP will grant “credit” to the Air AMS participant for the amount of time the system is down. An Air AMS participant must contact CBP if expected freight status notifications are not received for a period of 2 hours. During this time, the Air AMS participant should troubleshoot its own operations or that of its service provider/software vendor to ensure that its own systems are working properly.

To determine if Air AMS is experiencing an unscheduled downtime, the Air AMS participant may contact the CBP help desk at (703) 921-6000, which is a 24 hours a day, 7 days a week operation. The CBP help desk will verify if Air AMS is experiencing downtime, record the time of the Air AMS participant’s call, and, if available, give an expected time when Air AMS will be operational.

24. Presentation of Documents

Q. Must a paper copy of the air cargo manifest (CBP Form 7509) and the air waybill documents be presented to CBP in paper format upon arrival of the aircraft?

A. Upon enactment of the compliance date, the air cargo manifest (CBP Form 7509) and the air waybill documents will no longer need to be filed or retained aboard the aircraft except to report that information which cannot be reported through Air AMS. This includes unaccompanied baggage and accompanied baggage in transit reported pursuant to part 122.48 (d) & (e) of the Customs Regulations.

Q. If the advance electronic cargo information is presented through Air AMS, must the air carrier present all other documentation upon arrival?

A. Upon arrival, all other documentation including the General Declaration (CBP Form 7507) must be presented to CBP at the place of entry at once.

25. Manifest Discrepancy Reporting

Q. Can Air AMS participants change previously transmitted air waybill information in Air AMS?

A. Yes. Air AMS participants are required to report changes to air waybill information through Air AMS. Changes to air waybill information may be reported to Air AMS through the Freight Report Change (FRC) message. Air waybill records may also be deleted using the Freight Report Cancellation (FRX) message. All Manifest Discrepancy Reports (MDRs) must be made in the time frames required by the Customs Regulations, currently no later than 30 days after aircraft entry. Each time that information is changed for an air waybill record, the cargo is subject to additional targeting and possible examination. For further information on the use of FRC and FRX messages, please review the Customs Automated Manifest Interface Requirements – Air (CAMIR-Air) document.

26. Freight Report Inbound and Freight Report Change

Q. The Final Rule requires that CBP receive the electronic information regarding the cargo prior to the arrival of the aircraft, but Air AMS permits the use of the Freight Report Inbound (FRI) message until four (4) hours after the arrival time of the aircraft. Does this represent an inconsistency?

A. No. Air AMS will accept air waybill records reported with the Freight Report Inbound (FRI) standard message identifier until four hours after the recorded arrival time of the aircraft in Air AMS. After such time, any additional air waybill records must be reported using the Freight Report Change (FRC) standard message identifier.

Although Air AMS will accept FRI and FRC messages to report air waybill records after the required regulatory time frames for receipt of the information, such transmission may be considered non-compliant and the Air AMS participant may receive a penalty or claim for liquidated damages.

27. Carrier Nomination/Agent Field

Q. Will the importing air carrier need to nominate another party before that party may input house air waybill records?

A. With the implementation of changes to Air AMS, the inbound air carrier will no longer need to nominate another party for that party to file house air waybill information.

Q. For what purpose will the Agent (AGT) field be used by the importing air carrier?

A. Although the Agent (AGT) field will no longer be used by the inbound air carrier to nominate an alternate transmitting party, the inbound air carrier will be required by regulation (part 122.48a(d)(1)(xv)) to use the AGT field for the purpose of identifying the party which is to submit the house air waybill information, when it does not submit such information on its own.

28. Emergency/Forced Landings

Q. If an emergency or forced landing is made by an aircraft when necessary for safety or the preservation of life or health and such aircraft is coming into the U.S. from a foreign location or travelling from airport to airport in the U.S. under a permit to proceed, what must the carrier do?

A. The aircraft commander, owner or other person in charge must notify CBP at the intended place of first landing, nearest international airport or nearest port of entry as soon as possible and make a full report of the flight and the emergency or forced landing.

29. Location of Data Input

Q. Does the manual input of information into Air AMS need to occur in the United States or may such data input occur at a foreign location?

A. CBP does not require that data entry occur in the United States. An Air AMS participant must be able to communicate with Air AMS at all locations where it participates in Air AMS.

30. Duplicate Air Waybills

Q. Once an air waybill number has been used by the issuer for an air waybill, when may the number be used for another shipment?

A. Once an air waybill number has been used to report a cargo shipment in Air AMS, the same air waybill number may not be used for a period of one year after issuance. Air AMS is programmed to archive an air waybill record one year after its use. Air AMS will not archive an air waybill record if there is an outstanding hold on the air waybill. An Air AMS participant may use the freight status query (FSQ) message to determine if such a hold exists on an air waybill record.

31. Quantity to Be Reported

Q. When reporting the quantity of pieces for cargo loaded on a pallet, unit load device (ULD) or other similar equipment, what quantity should be reported in Air AMS?

A. The Final Rule requires that the Air AMS participant report the quantity based on the smallest external packing unit. For example, one pallet loaded with 100 boxes would be reported with a quantity of 100.

Q. In the above example, if the carrier incorrectly reports the master air waybill record as 1 and the carrier or other Air AMS participant attempts to transmit the house air waybill records with a sum total quantity of 100, what will happen?

A. Air AMS has an edit that prevents the sum total of the house air waybill quantities from exceeding the associated master air waybill quantity. Attempts to input or change air waybill quantities in violation of the edit will result in rejection of the transmission.

Q. For hanging garments not otherwise packaged that are transported in a crate, igloo or ULD, should the total number of garments be reported as the quantity?

A. In the case hanging garments transported in such containers, the smallest external packing unit would be the container. For example, one container transporting 300 hanging ladies' leather jackets would be reported with a quantity of "1". The cargo description would be "300 hanging ladies' leather jackets."

32. Freight Status Information Messages

Q. Since freight status notification (FSN) messages are transmitted to the Air AMS participant in custody of the cargo, how does an Air AMS participant that transmitted the house air waybill record but does not have custody of the cargo know what information was sent to the cargo custodian?

A. An Air AMS participant that transmits house air waybill information but will not assume physical custody of the cargo may elect to receive electronic Freight Status Information (FSI) messages. The Freight Status Information message contains the same information that is sent to the Air AMS cargo custodian as Freight Status Notification (FSN) message. The FSI message is for informational purposes only and is not to be interpreted as an authorization for delivery of the cargo by the Air AMS participant in custody of the cargo. An Air AMS participant may request its assigned client representative to activate the FSI messaging function.

33. Carrier Codes

Q. How does an airline obtain a carrier / International Civil Aviation Organization (ICAO) code?

A. ICAO three-letter identifier codes are registered by the civil aviation authority of the carrier's country of jurisdiction. Each country may establish its own criteria for the assignment of such codes. In the United States, requests for the assignment of a three-letter identifier should be addressed to the FAA Regional Office, Air Traffic Division.

For further information from the FAA regarding this issue please consult:

www.faa.gov/atpubs/CNT/1-4.htm

Non-U.S. based air carriers should submit requests for the registration and assignment of a three-letter identifier to the civil aviation authority of its country.

Q. If an air carrier does not qualify to have an assigned ICAO code, how will it participate in Air AMS?

A. If an air carrier does not qualify for an ICAO code, the CBP client representative will assign a 3-character code to the carrier for the purpose of participating in Air AMS.

34. Company Material / Postal Mail / Letters and Documents

Q. When cargo is imported by the carrier for its own use (company material), does such cargo need to be reported in Air AMS?

A. Yes. Cargo imported by the carrier for its own use is subject to the advance electronic presentation of cargo information rule.

Q. Is the carrier or any other party required to provide advance electronic cargo information for shipments of international mail through the United States Postal Service (USPS)?

A. The Federal Register Notice published on December 5, 2003 noted that CBP will consult with the Postmaster General to determine what type of electronic cargo information requirements should be imposed upon carriers of mail shipments through the USPS. This issue is still under consideration. As such, shipments of mail through the USPS are not currently subject to the advance electronic presentation of cargo information rule.

Q. Are shipments of letters and documents transported by air otherwise than through the USPS subject to the advance cargo information requirements? Is there a weight limit for a shipment to qualify as a letter or document?

A. The Federal Register Notice published on December 5, 2003 also noted that letters and documents, including the material described in General Headnote 19(c) of the Harmonized Tariff Schedule of the United States would be the subject of a separate publication in the Federal Register. CBP has not established a weight limit for letters and documents for purposes of this rule.