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INSIDE THIS ISSUE

PAGE

- 1** CPB Issues 10 + 2 FAQ
(Bonds for ISF Purposes Not
Required Until January 26,
2010)
- 3** Trade-Action Alert: Ni-Resist
Piston Inserts from Argentina &
South Korea
- 3** CBP: Guidelines for Truck e-
Manifest Filing; ELVIS for Haiti
HOPE Claims
- 6** CBP User Fee Contingency
Plan: January 1-31, 2009 -
Extended to February 28, 2009

*"Your most unhappy
customers are your greatest
source of learning."*

[Bill Gates](#)

CBP Issues 10+2 FAQ (Bonds for ISF Purposes Not Required Until January 26, 2010, Etc.) – by Broker Power Inc. -

U.S. Customs and Border Protection has posted to its Web site a frequently asked question (FAQ) document regarding its interim final rule that amended 19 CFR effective January 26, 2009, to require Security Filing (SF) information from importers and additional information from carriers (10+2) for vessel (maritime) cargo before it is brought into the U.S.

Bonds for ISF Purposes Optional Until January 26, 2010

Several of the FAQs address the issue of when bonds for ISF purposes¹, including the stand alone ISF bonds, will be required.

CBP responds to one of the FAQs by stating that due to the structured review and flexible enforcement period, the use of bonds for ISF purposes will not be required until January 26, 2010. ISFs may be filed during this period without obtaining a bond first.

However, CBP notes that it is prepared to accept bond information in the ISF filing starting on January 26, 2009.

(CBP is currently accepting Activity Code 1, 2, 3, or 4 continuous bonds or stand alone ISF continuous bonds. Use of single transaction bonds for ISF purposes may be allowed on a case-by-case basis. CBP is currently in discussions with trade groups regarding the process for the use of a single transaction bond for an ISF filing.)

FAQ is Non-Binding and to be Continually Updated - CBP notes that its responses to the FAQs are for informational purposes only and are non-binding. Questions relating to specific facts and circumstances of a prospective transaction can be the subject of a ruling request under 19 CFR Part 177.

CBP also states that it will be continually updating and clarifying its FAQ document as necessary.

FAQ Organized by Topic - CBP states that its FAQ breaks down most of the subject matter into main topic areas which are listed alphabetically, as follows:

- ABI
- ACE
- Agents
- Amendments
- AMS
- Bills of lading
- Bonds
- Bulk and break bulk
- Carnets
- Client representatives
- Coded transactions
- Confidentiality
- Contact information (CBP)
- Container status messages
- Cruise vessels and ISF
- Data elements
- Enforcement measures
- Exemptions
- Flexible enforcement period
- FTZ shipments
- Identification numbers
- Implementation issues
- Informal shipments
- Instruments of international trade
- ISF filings
- ISF importer
- Messaging
- MID numbers
- Outreach efforts
- Postal codes
- Powers of attorney
- Record keeping requirements
- Rejected ISF filings
- Returned or refused shipments (including U.S. goods returned)
- Self-filing
- Structured review period
- Transmission methods
- Unified ISF-10 and entry filings
- Unique identification number
- Vessel stow plans

¹In CBP's interim final rule, new 19 CFR 149.5(b) states that the ISF Importer must possess a basic importation and entry bond incorporating all the necessary provisions of 19 CFR 113.62, a basic custodial bond incorporating all the necessary provisions of 19 CFR 113.63, an international carrier bond incorporating all the necessary provisions of 19 CFR 113.64, a foreign trade zone (FTZ) operator bond incorporating all the necessary provisions of 19 CFR 113.73, or an ISF bond as provided in new Appendix D to 19 CFR 113. If an ISF Importer does not have a required bond, the agent submitting the ISF on behalf of the ISF Importer may post the agent's bond.

http://cbp.gov/linkhandler/cgov/trade/cargo_security/carriers/security_filing/10_2faq.ctt/10_2faq.doc



GRUNFELD, DESIDERIO, LEBOWITZ, SILVERMAN & KLESTADT LLP
TRADE ACTION REPORT

January 26, 2009

By Robert B. Silverman
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Ni-Resist Piston Inserts from Argentina and South Korea

- I. Type of Action:** Countervailing Duty (“CVD”) Investigation
- II. Product:** The scope of this investigation includes all Ni-resist piston inserts regardless of size, thickness, weight, or outside diameter. Ni-resist piston inserts may also be called “Ring Carriers,” or “Alfin Inserts.” Ni-resist piston inserts are designed for use in diesel engines. Ni-resist piston inserts are alloyed cast iron rings, composed of the material known as Ni-resist, of the nominal chemistry: 15% Ni (nickel), 6.5% Cu (copper), 2% Cr (chrome), 1% Mn (manganese), 2% Si (silicon), 2.5% C (carbon). The cast iron composition is produced primarily to the material specifications of the American Society for Testing and Materials (“ASTM”), ASTM A-436 grade1.
- The scope of this investigation does not include piston rings, or any other product manufactured using the Ni-resist material. The subject imports are properly classified under subheading 8409.99.91.90 of the Harmonized Tariff Schedule of the United States (“HTSUS”), but have been imported under HTSUS 7326.90. HTSUS subheadings are provided for convenience and customs purposes. The written description is dispositive of the scope of this investigation.
- III. HTS classifications:** HTSUS 8409.99.91.90 and 7326.90
- IV. Countries:** Argentina and South Korea.
- V. Date of Filing:** January 26, 2009
- VI. Petitioners:** Korff Holdings, LLC dba Quaker City Castings
- VII. Alleged CVD Rate:** The petition provides no alleged CVD rate.

Please contact our office for details of the products covered, names of exporters and importers, time line of the case, etc.



CBP: Guidelines for Truck e-Manifest Filing; ELVIS for Haiti HOPE Claims

Sandler, Travis & Rosenberg PA

Guidelines for Truck e-Manifest Filing. U.S. Customs and Border Protection has recently issued an information notice providing clarification for truck carriers and customs brokers with regard to manifesting and entry requirements when multiple shippers and/or consignees are involved.

- **Shipper and Consignee Identification** – In the past, shipments from a single shipper, with a single purchaser, to multiple consignees would be consolidated under a single entry and PAPS number. With the advent of ACE e-Manifest, the carrier is now responsible for identifying each shipper and consignee pair as a separate item on the manifest. Carriers achieve this by using multiple shipment control numbers, one for each shipper/consignee pair. The system is designed to accommodate this process.
- **Consolidated Entries, Multiple Shipment Consignees** – Brokers may consolidate multiple SCNs under a single entry number. Brokers should consult the regulations to determine the number of entries that should be filed based on commercial parties, shipment methods and importer/broker contracts. As long as each shipment is manifested, releasable and covered under an entry, CBP officers should make every effort to release the trip.
- **Definitions of Manifest Consignee and Ultimate Consignee** – For manifest purposes, the manifest consignee is defined as the “deliver to party” from the contract of carriage that brings the goods to the U.S. Goods intended to be delivered to multiple destinations in the U.S. at the time of importation need to have the consignee identified at the shipment level. Following are some examples.
 - Single shipper with multiple deliveries arriving in the U.S. under the contract of carriage of the delivering carrier: Each consignee would need to be identified by a separate shipment record with its own SCN
 - Single shipper with a single delivery to a distribution facility: Additional distribution may take place but is not the responsibility of the arriving carrier. One consignee and shipper reported in a single shipment record identified with a single SCN may be reported.
 - Multiple shippers with a single delivery to distribution facility: Additional distribution may take place but is not the responsibility of the arriving carrier. A separate shipment record with its own SCN is required for each shipper even though each shipment is consigned to the same consignee.
 - Carrier delivering merchandise to UPS or the post office for distribution in the U.S.: Each shipper/consignee pair requires a separate SCN. The exception to this is bulk mailings entered as printed material and sent into the mail stream. A single consignee is sufficient for this example.
 - The ultimate consignee for entry purposes is defined as the “U.S. purchaser or owner of the merchandise.” If the purchaser or owner is not identified at the time of entry the “deliver to” party from the invoice will be used. The ultimate consignee is a commercial entity and entry rules apply.

CBP has issued a notice announcing the implementation of the electronic visa system (ELVIS) for claims made under the Haiti HOPE Act. Beginning on February 1, the Government of Haiti will begin issuing visas in ELVIS, which will be transmitted to CBP for each Haiti HOPE claim under Subchapter XX of Chapter 98. CBP is also implementing a three-month test phase during which, in addition to the ELVIS requirements, a paper visa must accompany the entry summary.

Each ELVIS transmission must include the following information.

- **Visa Number.** The visa number must begin with one numeric digit of the year of export from Haiti, followed by the two character alpha code Haiti (HT), as specified by the International Organization for Standardization (ISO), followed by either the number one or two, to indicate the country of export (1 for Haiti, 2 for the Dominican Republic), followed by a five-digit alpha-numeric code. For example,

9HT123456 would represent a shipment exported from Haiti in 2009; 9HT223456 would represent a shipment exported from the Dominican Republic in 2009.

- **Date of Issuance.** The date of issuance is the day, month and year on which the visa was issued by the Government of Haiti.

- **Textile Category(ies).** The category is the category listed in ‘Correlation: U.S. Textile and Apparel Industry Category System with the Harmonized Tariff Schedule of the United States of America, 2009’ or its successor publications. Some Haiti HOPE claims may be made on HTS numbers that do not have a textile category. In these cases, importers should use category number 900. For example, HTS number 6116.10.0500 has no category so the Government of Haiti would transmit “900” in the category field and the importer would indicate category “900” on the entry summary. These requirements only apply to claims made on certain goods classified in HTS Chapters 42, 61, 62, and 65.

- **Quantity and Unit of Measure.** Quantities must be stated in whole numbers. CBP will not accept a transmission that describes the quantity in decimals or fractions. The unit of measure will be the unit associated with the category listed in the correlation of textile and apparel categories.

- **Manufacturer Identification Code (MID).** The MID must begin with HT, followed by the first three characters from each of the first two words of the name of the entity performing the origin-conferring operations, followed by the largest number on the address line of the entity, up to the first four digits, followed by the first three letters from the city name where the entity is located. For example, if the transmission relates to a product manufactured by “Acme Textiles Company” located at 1234 Acme Boulevard, Port-Au-Prince, Haiti, the MID will be HTACMTEX1234POR.

CBP also advises of the following.

- The U.S. will not permit a Haiti HOPE claim if an ELVIS transmission has not been received or if it is missing any of the following information: (1) visa number, (2) date of issuance, (3) textile category (ies), (4) quantity and unit of measure, and/or (5) MID.

- The U.S. will not permit a Haiti HOPE claim if the ELVIS transmission for the shipment does not match the information supplied by the importer regarding the following: (1) visa number, (2) textile category (ies), and/or (3) quantity and unit of measure.

- The U.S. will permit a Haiti HOPE claim for the quantity transmitted on the visa if the quantity entered exceeds the visa quantity (the excess will be subject to the column one HTS rate of duty).

- The U.S. will not permit a Haiti HOPE claim if the visa number has been cancelled or previously used, except in the case of a split shipment.

- If the quantity in the ELVIS transmission is greater than that of the shipment, the U.S. will charge only the amount entered against any applicable level. Any additional quantity may not be used on subsequent shipments; a separate ELVIS transmission must be received for the additional shipment.

- During any period in which ELVIS is not operating, CBP will accept claims based on visa data provided by the Government of Haiti if the government is able to provide the data by a means other than an ELVIS transmission. The Government of Haiti must promptly retransmit all data that was affected by the system failure when the system resumes operation.



CBP User Fee Contingency Plan: January 1-31, 2009 - Extended to February 28, 2009 - USCBP

http://www.cbp.gov/xp/cgov/travel/pleasure_boats/user_fee/user_fee_contingency.xml

The purpose of this notice is to notify you of the approval to extend the user fee contingency plan to allow conveyances that normally pay annual user fees to be cleared by U.S. Customs and Border Protection (CBP) without a per crossing/arrival payment until February 28, 2009. This contingency plan does not affect the collection of per crossing/arrival fees for conveyances that normally pay per crossing/arrival fees.

The contingency plan has been extended due to a backlog in processing decal and transponder applications that were submitted to the CBP National Finance Center prior to January 1, 2009.

In order to be eligible for the waiver of the per crossing/arrival fee, commercial and private conveyance operators must present a certified Finance Center acknowledgment or, one of the following pieces of evidence:

Commercial Conveyances:

- 2008 transponder, or
- DTOPS transmission receipt, or
- CBP Finance Center electronic receipt, or
- Verification through the ACE system of the 2008 annual fee payment

Private Conveyances:

- 2008 transponder, or
- DTOPS transmission receipt, or
- CBP Finance Center electronic receipt, or
- CBP Form 368 (Cash Collection or Receipt)

Questions regarding this notice may be directed to Mr. Chris Kennally at (202) 344-2476.



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