Importer Security Filing and Additional Carrier Requirements

"10+2" Program

Last Updated: February 12, 2009

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Presentation Disclaimer

- The purpose of this presentation is to familiarize the trade with the new Importer Security Filing and Additional Carrier Requirements. Although this presentation attempts to mirror the Interim Final Rule, listeners are cautioned that the actual finalized regulatory text in the Interim Final Rule itself is binding.

- While CBP will respond to some questions during this presentation, certain questions are more appropriate to be responded to in writing. Parties may submit questions about the general application of the new requirements to CBP via the **Security_Filing_General@cbp.dhs.gov** mailbox. CBP will review all questions received through this mailbox and will develop FAQs to be posted on the CBP website.

- Questions relating to specific facts and circumstances of a prospective transaction can be the subject of a ruling request under Part 177 of the CBP regulations.

Today's Presentation on "10+2"

- Introduction and Overview

- Implementation Strategy

- Specific Importer and Filer Requirements

- Additional Carrier Requirements

- Questions and Answers

Background

- Advance Trade Data Initiative (June 2004)

- CBP Targeting Taskforce (March - May 2006)

- SAFE Port Act (October 2006)

- Consultative Process (November 2006 - present)

- ATDI "10+2" Testing (February 2007 – November 2008)

- Notice of Proposed Rule Making Process (January - November 2008)

- Interim Final Rule Published (November 25, 2008)

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Outreach Process

- CBP is conducting an extended round of structured outreach activities to engage with the trade on all aspects of the rule.

- In-person regional seminars and trade round table discussions at all of CBP's major seaports and other ports as needed.
  - Los Angeles-Long Beach: December 9–10, 2008
  - Seattle: December 11, 2008
  - New Jersey (Newark):   December 16-17, 2008
  - Miami: January 12-13, 2009
  - Oakland-San Francisco: January 14, 2009
  - Baltimore: January 22, 2009
  - Philadelphia: January 23, 2009
  - Charleston: January 28, 2009
  - Savannah: January 29, 2009
  - Houston: February 4, 2009
  - New York (JFK):   February 5, 6 and February 12, 2009 (Long Island)
  - Miami   February 10, 2009

  - Los Angeles-Long Beach: February 18, 2009
  - Boston: February 23, 2009
  - Chicago   February 25, 2009
  - Portland, OR: March 5, 2009
  - Norfolk: TBD
  - Atlanta: TBD
  - Detroit: TBD

Note: see the CBP.gov web site for latest information on the "10+2" Trade Outreach schedule.

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"10+2" Implementation Strategy

Effective Date vs. Compliance Date

- Effective Date: The Interim Final Rule took effect on January 26, 2009 (60 days after the publication date).

- Compliance Date: 12 month delayed compliance period from the effective date to allow industry to comply with the new requirements. January 26, 2010.
  - The 12 month delayed compliance period may be extended if circumstances warrant.

- Structured Review Period

- Flexible Enforcement

- Robust Outreach Program

- Public Participation

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"Interim" versus "Final" Rule

Importer Security Filing and Additional Carrier Requirements Docket Number: USCBP-2007-0077

- CBP has concluded that the proposed regulations with the modifications discussed in the Rule should be adopted as follows:

- The requirements in section 149.2(b) regarding the <u>timing of transmission for 2 of the 10</u> Importer Security Filing elements and section 149.2(f) regarding the <u>flexible requirements for 4 of the 10 elements</u> are adopted as an interim final rule.

- All other requirements in this rule are adopted as a final rule. CBP is not inviting comments on these requirements.

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Flexibilities for 6 Elements

- CBP has added flexibility for <u>four</u> Importer Security Filing elements as to the <u>interpretation of the data</u>:
  - *Manufacturer (Supplier) name/address, Ship to Party, Country of Origin and Commodity HTSUS number*
    - These elements are still required 24 hours prior to vessel lading.
    - Importers, in their initial filing, will be permitted to provide a range of acceptable responses based on facts available at the time, in lieu of a single specific response.
    - Importers will be required to update their filings as soon as more precise or more accurate information is available.

- In addition, CBP has added flexibility for <u>two</u> Importer Security Filing elements in terms of <u>timing of the provision</u> of the data:
  - *Container Stuffing Location* and *Consolidator (Stuffer) name/address.*
    - ISF Importer must file this data as soon as possible, but no later than 24 hours prior to U.S. arrival.

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Structured Review Period

- During the first year, CBP will monitor all ISF submissions for timeliness, accuracy and completeness and will work with any non-complying ISF filer in order to help them adhere to the new requirements.

- CBP will consider an entity's progress in the implementation of the rule during the delayed enforcement period as a mitigating factor in any enforcement action following the delayed enforcement period.

- On the basis of information obtained during the structured review and public comments, DHS will undertake an analysis of the elements subject to flexibilities.

  - DHS, in coordination with other parts of the Executive Branch, will determine whether to eliminate, modify, or leave unchanged these requirements.

    - This only applies to the flexible requirements.

Comments on Rule Making

- Interested persons are invited to submit written comments on those data elements for which CBP is providing some type of flexibility and the requirements related to those elements discussed in section 149.2(b) and (f).

- CBP also invites comments on the revised Regulatory Assessment and Final Regulatory Flexibility Analysis.

- Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments via docket number USCBP-2007-0077.

- Mail: Border Security Regulations Branch, Office of International Trade, U.S Customs and Border Protection, 799 9th Street, NW, Washington, DC 20001.

- Comments are due by June 1, 2009.

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Flexible Enforcement

- CBP is committed to fully supporting the trade community in its efforts to successfully implement the requirements of this rule.

- In order to provide the trade sufficient time to adjust to the new requirements and in consideration of the business process changes that may be necessary to achieve full compliance, CBP will show restraint in enforcing the rule, taking into account difficulties that importers may face in complying with the rule, so long as:

  - importers are making satisfactory progress toward compliance and

  - are making a good faith effort to comply with the rule to the extent of their current ability.

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Enforcement Options

- CBP will enforce the Importer Security Filing, vessel stow plan, and container status message requirements through the assessment of liquidated damages, in addition to penalties applicable under other provisions of law.

- However, during the Structured Review and Flexible Enforcement Period, CBP will <u>not</u>:
    - issue liquidated damages for failure to comply with the "10+2" requirements
    - use the do not load (DNL) hold function for failure to comply with the "10+2" requirements (i.e. timely, accurate and complete filings).

- This policy will last for twelve months after the effective date.

- If circumstances warrant, CBP reserves the right to take any and all actions required to protect the security of the United States.

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"10+2" Importer and Filing Requirements

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What is the Security Filing?

The Security Filing, commonly known as the "10+2" initiative, is a Customs and Border Protection (CBP) regulation that requires importers and vessel operating carriers to provide additional advance trade data to CBP pursuant to Section 203 of the SAFE Port Act of 2006 and section 343(a) of the Trade Act of 2002, as amended by the Maritime Transportation Security Act of 2002, for non-bulk cargo shipments arriving into the United States by vessel.

Importer Requirements:

U.S. Bound Cargo (Includes FTZ and IT) : requires the electronic filing of an Importer Security Filing (ISF) comprised of 10 data elements.

Transit Cargo (FROB, IE and TE): requires the electronic filing of an Importer Security Filing (ISF) comprised of 5 data elements.

Carrier Requirements:

Vessel Stow Plans required for arriving vessels with containers.
Container Status Messages required for containers arriving via vessel.

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New Security Filing Data Requirements

ISF-10 "US Bound" Cargo

(3461 Entries, IT, FTZ)

24 Hrs Prior to Lading*

1. **Importer of Record Number**
2. **Consignee Number**
3. **Seller (Owner) name/address**
4. **Buyer (Owner) name/address**

5. **Ship to Party**
➢6. **Manufacturer (Supplier) name/address**
➢7. **Country of Origin**
➢8. **Commodity HTS-6**

ASAP, But NLT 24 Hrs Prior to Arrival

9. **Container Stuffing Location**
10. **Consolidator (Stuffer) name/address**

➢ Must be linked together as a line-item at the shipment level

*ISFs for "exempt" break bulk shipments are required 24 Hrs prior to arrival.

ISF-5 "Transit" Cargo

(FROB*, IE, TE)

24 Hrs Prior to Lading*

1. **Booking Party name/address**
2. **Ship to Party**
3. **Commodity HTS-6**
4. **Foreign Port of Unlading**
5. **Place of Delivery**

*FROB ISF-5 is required anytime prior to lading

Additional Carrier Requirements

Vessel Stow Plan

NLT 48 Hrs After Departure*

*Anytime prior to arrival for voyages less than 48 Hrs

Container Status Message (CSM) Data

Within 24 Hrs of Creation or Receipt

Link to Comparison Slide

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Filing Requirements

- All ISF filings are to be done electronically via vessel Automated Manifest System (AMS) or the Automated Broker Interface (ABI).

- There will be no paper forms (e.g., CBP Form 3461 equivalent)

- Note: CBP is not creating an internet-based web portal to accept the ISF filings. However, some service providers allow self-filers indirect access to CBP systems.

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Importer Security Filing (ISF) Importer

- The party required to submit the Importer Security Filing (ISF) is the party causing the goods to enter the limits of a port in the United States. This party is known as the "ISF Importer".

    - Could be the owner, purchaser, consignee, or agent (e.g. customs broker).

    - For foreign cargo remaining on board (FROB), this party is the <u>carrier</u> (vessel operating carrier).

    - The party filing the immediate exportation (IE), transportation and exportation (T&E), or foreign trade zone (FTZ) documentation is the ISF Importer for those types of shipments.

- The ISF Importer is ultimately responsible for the timely, accurate and complete submission of the ISF filing.

Additional ISF Responsibilities

- Pursuant to the Trade Act of 2002, where the <u>presenting party is not able to reasonably verify the information</u> required for the ISF filing, that party may submit the information on the basis of what it <u>reasonably believes to be true</u>.

- The party who <u>filed</u> the Importer Security Filing <u>must update</u> the Importer Security Filing as additional or more accurate information becomes available.

ISF Agents

- The ISF Importer, as a business decision, may designate an authorized agent to file the Importer Security Filing on the ISF Importer's behalf.

  - If an agent is used for ISF purposes, a power of attorney (POA) is required.

- Agents must have access to one of CBP's approved automated systems. For ISF requirements, the approved systems are the vessel Automated Manifest System (AMS) and the Automated Broker Interface (ABI).

- The filing of an ISF does not constitute "customs business".

  - Exception is the "Unified Entry" filing.

- The Vessel Operating Carrier (VOC) may hire a Non-Vessel Operating Common Carrier (NVOCC), or another party, to be its agent for ISF purposes.

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Powers of Attorney

- POAs are executed between and maintained by private parties, not by CBP.

- POAs must be done in English.

- There is no particular form that needs to be followed. However, 19 CFR 141.32 contains an example of an acceptable general power of attorney.

- POAs must be retained until revoked.

- Revoked powers of attorney and letters of revocation must be retained for five years after the date of the revocation.

- In most cases, existing POAs between certain parties (e.g. U.S. Customs Brokers and their clients) are broad enough to cover the new ISF requirements.

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ISF Bonding Requirements

- ISF filings must be secured by a bond. Continuous bonds will be accepted. Single Transaction Bonds (STBs) will be accepted on a case by case basis.

- The ISF Importer must possess a bond <u>or</u> designate an agent to file under the agent's bond prior to filing of an ISF.

- An agent can file under the agent's bond <u>OR</u> under the ISF Importer's bond.

- The following types of bonds have been amended to cover the new ISF requirements:
    - Type 1: Basic Importation and Entry Bond § 113.62
    - Type 2: Basic Custodial Bond § 113.63
    - Type 3: International Carrier Bond § 113.64
    - Type 4: Foreign Trade Zone Operator Bond § 113.73

- Existing continuous bonds do not require a bond rider.

- After the informed compliance period officially ends, the ISF Importer must provide a complete, accurate and timely filing or risk liquidated damages in the amount of $5,000.

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CBP is Hiring

See "Careers" at WWW.CBP.GOV

5 Minute Break

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"Non-Technical" Discussion of the "10+2" Importer and Filer Technical Requirements

ISF-10 Filing

Parameters of an ISF-10 filing:

- One ISF Importer per filing

- One Importer of Record Number per filing

- Must be part of the same "shipment"

- Must be arriving on the same vessel/voyage

- ISFs are to be done at the "lowest" bill of lading level that has been (or will be) recorded in the vessel AMS system. CBP will accept an ISF at either the house bill of lading level or regular (i.e., simple, straight) bill of lading level.

  - A single ISF may cover multiple bills of lading

  - While ISF filings may naturally match up with CBP Form 3461 Entries, there is no actual requirement that they do so.

Structure of ISF-10 Filing

- ISF Filer: ABI Filer Code or AMS Filer Code (SCAC)
- ISF Importer: Importer ID#* (CBP 5106)**
- Bond Holder: Importer ID# **and** Bond Activity Type (1, 2, 3, 4)

<div align="right">

If bond activity type 1, Subtype 8 (continuous)
Subtype 9 (STB) **and** Surety Code

</div>

- Bill of Lading#:   SCAC/bill # at house or regular (simple, straight) level
- Flexible Filing Option: Default is "No". May select "Yes"

1. **Importer of Record#:**	**Limited to one per filing**			
2. Consignee#:	Multiple	3. Buyer (Owner)	Multiple
4. Seller (Owner)	Multiple	5. Ship To Parties	Multiple
6. Manufacturer (Supplier)	Multiple/Linked	7. Country of Origin	Multiple/Linked
8. HTS-6	Multiple/Linked	9. Container Stuffing Loc.	Multiple
10. Consolidator (Stuffer)	Multiple		

Note: Container Numbers and Master Bill of Lading Numbers are OPTIONAL.

*In most cases, the ISF Importer and the Importer of Record Number will be the same.

**The ISF Importer must ensure that their importer ID number has been registered with CBP via the CBP Form 5106 process.

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Bill of Lading Number

- Identifier commonly known as the "11th Element".

- Required as part of the ISF Filing. The ISF Importer, or their agent, must obtain this information and provide it to CBP as part of the ISF filing NLT 24 Hours prior to vessel lading for ISF-10 filings.

- Absolutely necessary to properly link the Importer Security Filing (ISF) to the customs manifest data.

Unified Entry Filing Option

- Four of the Importer Security Filing elements are identical to elements submitted for entry (CBP Form 3461) and/or entry summary (CBP Form 7501) purposes. These elements:
  - *importer of record number*
  - *consignee number*
  - *country of origin*, and
  - *commodity HTSUS* number when provided at the 10-digit level.

- An importer may submit these elements once to be used for both Importer Security Filing and entry/entry summary purposes. If an importer chooses to have these elements used for entry/entry summary purposes, the Importer Security Filing and entry/entry summary must be <u>self-filed by the importer</u> **or** <u>filed by a licensed customs broker</u> in a single transmission to CBP no later than 24 hours prior to lading.

- In addition, the HTSUS number must be provided at the 10-digit level.

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Line-Item Linking Requirement

- Only required for the ISF-10 (not the ISF-5)

- Manufacturer (Supplier) name/address, Country of Origin, Commodity HTS-6 must be linked at the shipment or entry level.
  - For each item of merchandise being imported, the ISF filer must tell CBP what the item is, who made or supplied the item and the item's country of origin.

Line#	Manf. (Supp)	HTS-6	C/O
001	**ABC Manufacturing** 224 Xingong Rd SHANGHAI, CN 200000	**630210** (bed linens)	**CN**
002	**ABC Manufacturing** 224 Xingong Rd SHANGHAI, CN 200000	**630221** (pillow cases)	**CN**

- Line-item linking is not required at the container, bill of lading or invoice level.

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Alternative Address Identifiers

- A widely recognized commercially accepted identification number may be provided in lieu of the name and address for certain elements. At this time, CBP will accept a DUNS number in lieu of the name and address for the following elements:

    - Seller (Owner) name/address
    - Buyer (Owner) name/address
    - Manufacturer (Supplier) name/address
    - Ship To Party
    - Container Stuffing Location
    - Consolidator (Stuffer) name/address
    - Booking Party name/address

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Address Components

- Postal Code information is "conditional". If a country uses postal codes, it will be required. The postal code is akin to the U.S. ZIP code.

  - China (CN) uses postal codes

- During the structured review and flexible enforcement period, the lack of a postal code (when required) will result in an "accepted with warning" message.

SHANGHAI, CN
200000

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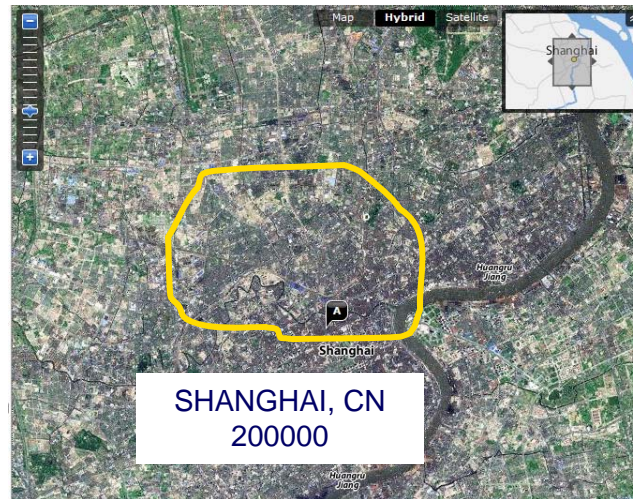
Coded Transactions

- Necessary because not all importations are exactly alike.
    - Type 01 Regular
    - Type 02 "To Order" (importer unknown, e.g. "sold on the water")
    - Type 03 Household Goods/PE (informal entries)
    - Type 04 Government, Military
    - Type 05 Diplomatic
    - Type 06 Carnets
    - Type 07 U.S. Goods Returned
- More types will be added if necessary.
- CBP will work with the Trade to develop these types of filings.

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Coded Transactions: Type 02 "To Order"

- This is where the goods are being shipped to the United States without a known U.S. Importer of Record 24 hours prior to lading. For example, a container full of cocoa beans. All ISF-10 elements are required.

    - *Importer of Record #:* A foreign entity may be identified as the *Importer of Record Number.* However, this must be updated prior to arrival if the actual element becomes known. This party's importer number (see CBP Form 5106) must be on file with CBP prior to the filing of the ISF.

    - *Consignee #:* Must be a U.S. entity. Could be the U.S.-based commodities agent, trading company, customs broker or some other party that has oversight over or nexus with the transaction. This must be updated prior to arrival if the element becomes known. (Often, this is the "Notify Party" on the customs manifest).

    - *Buyer (Owner):* May provide the name of the <u>owner</u> of the goods. This may be the same as the *Seller (Owner)* ISF-10 data element if the parties are the same.

    - *Ship To Party:* May provide the identity of the facility where the goods will be unladen (e.g., FIRMS code).

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Type 03: "Household Goods and PE"

- Type 03 "Household Goods and Personal Effects": This is where non-commercial goods are being shipped to the United States. For example, a student that has been studying overseas is shipping his/her goods home.

  - *Importer of Record #:* For U.S. Residents, a Social Security Number may be provided as long as it has been recorded by CBP (see CBP Form 5106).

    In the alternative (and for non U.S. residents), a passport number, with country of issuance and a date of birth must be provided.

  - *Consignee #:* May be the same as Importer of Record #.

  - Seller (Owner): Owner's name and last foreign address.

  - Buyer (Owner): Owner's name and new address in the United States.

  - Ship To Party: Generally, the importer's new address in the United States.

  - Manufacturer (Supplier) name/address: Owner's last foreign address.

Type 03: "Household Goods and PE"

- Type 03 Continued:
  - Country of Origin: Country code from Owner's <u>last foreign address</u>.
  - Commodity HTS-6: 9804.00 for household goods and personal effects
  - Container Stuffing Location: Follow normal requirements.
  - Consolidator (Stuffer) name/address: Follow normal requirements.

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Exemptions from the Security Filing

- Bulk Cargo is exempt from all ISF requirements.

- "Exempt" Break Bulk is cargo that has already received a temporary exemption from CBP for the purposes of the 24 Hour Manifest Rule requirements. An ISF for "Exempt" Break Bulk cargo needs to be filed no later than 24 Hours prior to U.S. arrival.

- Ship's Equipment (From ISF filings)

- Instruments of International Trade (From ISF filings)

- Cargo arrivals into the U.S. by modes other than vessel.

- Department of Defense shipments that are exempt from manifest requirements.

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Amendment Process

- The ISF Importer is ultimately responsible for updating the Importer Security Filing.

- If an ISF agent was used to file the initial ISF, the agent can update the ISF via ABI or AMS.

- If the ISF Importer needs to update the original ISF (e.g., the ISF agent refuses to update or withdraw the original filing), the ISF Importer must contact a CBP Client Representative and have the original filing cancelled before a "new" filing can be sent in to replace the original one.

- The ISF must be updated, if after the filing and <u>before the goods enter the limits of a port in the United States</u>, there were changes to the information filed or more accurate information becomes available.
  - <u>Note</u>: The requirement to amend an ISF generally terminates when the vessel calls into the FIRST U.S. Port.

Amendment Process for "Flexible Option"

- Note: If the ISF Importer took advantage of the flexibility as to interpretation for the Manufacturer (or supplier), Ship to party, Country of origin, and Commodity HTSUS number, the ISF filing must be updated as soon as more precise or more accurate information is available, in no event later than 24 hours prior to arrival at a U.S. port.

ISF Filer Messaging Components

- CBP will return system messages to the ISF filer.

- Accept, Accept with Warning, Conditional Acceptance* or Reject

- A <u>unique identification number</u> will be returned for all ISF filings that have been accepted; with the exception of the Unified ISF-5 filing.
  - Receipt that a filing has been submitted
  - Used to perform amendments or withdrawals
  - There may be multiple separate ISFs per same bill of lading

- A bill of lading "match" or "no match" message will be returned if an ISF matches to a bill. If "no match" the system will periodically check for a match. If a match is made, a message will be sent back to the filer.
  - If "no match" after 5 days, the system will return a warning.
  - If "no match" after 20 days, the system will return a second warning.
  - If "no match" after 30 days, the system will return a final warning message. Please note that the ISF will not actually "expire".

*After the informed compliance period ends, there will be conditional acceptance of an ISF-10 if the <u>*container stuffing location*</u> and <u>*consolidator name/address*</u> data elements are not provided with the initial ISF filing.

ISF Filer Messaging Components

- Do Not Load (DNL) notification messaging

  - CBP will not send an actual DNL hold message to the ISF Filer. DNLs are made against bills of lading and are only sent to the appropriate carriers.

  - CBP will send a notification to the ISF Filer that <u>their ISF prompted a DNL</u> hold message.

  - This messaging will give the ISF Filer an opportunity to correct a mistake or mitigate a perceived national security risk prior to vessel lading.
    - For example, an ISF may have been sent with the HTS code of 2844.10 which indicates the presence of nuclear materials.

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Carrier Messaging Components

- CBP will return system messages to the issuer of the bill of lading at the house or regular bill level (not the master bill level).

- A status notification of "ISF on File" will be sent to the issuer of the bill of lading (e.g., NVOCC or carrier) and all second notify parties.

- The issuer of the bill of lading (i.e., NVOCC or carrier) will <u>not</u> be able to access the actual ISF data elements.

- This messaging was created at the request of the trade.

- CBP will <u>not</u> issue "affirmative load" messages.

- The vessel operator, vessel operating carrier and NVOCCs are <u>not required</u> to verify that an ISF has been filed against a bill of lading. The onus is on the ISF importer to provide a complete, valid and timely ISF to CBP.

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In-Bond Diversions 18.5 (g)

- In-bond shipments which, at the time of transmission of the Importer Security Filing as required by § 149.2 are intended to be entered as an immediate exportation (IE) or transportation and exportation (T&E) shipment, permission to divert the in-bond movement to a port other than the listed port of destination or export <u>or to change the in-bond entry into a consumption entry</u> must be obtained from the port director of the port of origin (of the original destination).

  - For example, cargo shipped from Hong Kong to Long Beach, CA was originally going to be TE'd through Laredo, TX to Nuevo Laredo, Mexico. An ISF-5 was filed 24 Hours prior to lading. Before the shipment could be "changed" into a consumption entry, permission would need to be granted from the Port Director in Long Beach, CA

  - Such permission would only be granted upon receipt by Customs and Border Protection (CBP) of a complete Importer Security Filing as required by part 149.

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Enforcement Measures Quiz

Q.   Liquidated Damages in the first year?

Q.   Do Not Load (DNL) hold messages for ISF <u>compliance</u> reasons in first year?

Q.   DNLs for national security reasons?

Available Resources

- Available Today on CBP.gov:
  - Copy of the Interim Final Rule
  - Copy of the Regulatory Assessment
  - General Frequently Asked Questions (FAQs) Document
  - Technical File Formats
  - News Releases
  - Security_Filing_General@cbp.dhs.gov mailbox

- Available in the Near Future:
  - Updated General Information FAQ
  - Updated Technical FAQ
  - Update File Formats

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Questions?

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Additional Carrier Requirements

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Stow Plans

Stow Plan ID: 585 | Received on: 1/19/2008 5:23:00 AM

Bay 034

Stow Plans

- Carriers (i.e. the <u>Vessel Operator</u>) are required to submit a vessel stow plan for vessels destined to the United States.
  - Only for vessels carrying Containerized Cargo
  - Vessels carrying only Bulk or Break-Bulk cargo are exempted (e.g., vehicle carriers)

- Required no later than 48 Hours after departure from the last foreign port. For voyages less than 48 Hours, the stow plan is required prior to arrival.

- Vessel Automated Manifest System (AMS), secure file transfer protocol (sFTP) or e-mail.

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Stow Plans

- The vessel stow plan must include standard information relating to the vessel and each container laden on the vessel, including the following standard information:

With regard to the <u>vessel</u>,

       (1) Vessel name (including international maritime organization (IMO) number);

       (2) Vessel operator; and

       (3) Voyage number.

With regard to <u>each container</u>,

       (1) Container operator;

       (2) Equipment number;

       (3) Equipment size and type;

       (4) Stow position;

       (5) Hazmat code (if applicable);

       (6) Port of lading; and

       (7) Port of discharge

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Container Status Messages

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CSMs

- Carriers are required to submit container status messages (CSMs) to CBP daily for certain events relating to all containers destined to arrive within the limits of a port in the United States by vessel.

    - CSMs are required for empty containers.

- CSMs created under either the American National Standards Institute (ANSI) X.12 standard or the United Nations rules for Electronic Data Interchange For Administration, Commerce and Transport (UN EDIFACT) standard are acceptable.

- Carriers must submit a CSM when any of the required events occurs if the carrier creates or collects a CSM in its equipment tracking system reporting that event.

CSMs

- Carriers are not required to create or collect any CSM data other than those which the carrier already creates or collects on its own and maintains in its electronic equipment tracking system.

- Carriers must submit CSMs no later than 24 hours after the message is entered into the carrier's equipment tracking system.

- The events for which CSMs are required are:
  - Booking Confirmed
  - Terminal Gate Inspection
  - **Arrives/Departs a Facility ("Gate-in, Gate out")**
  - **Loaded or Unloaded from a Conveyance ("Loaded-on, Unloaded-from")**
  - **Departs from or Arrives at a Port ("Vessel Departure, Vessel Arrival")**
  - Intra-terminal Movement
  - Ordered Stuffed or Stripped
  - Confirmed Stuffed or Stripped
  - Shopped for Heavy Repair

U.S. Customs and
Border Protection

CSMs

- Carriers may transmit their "global" CSM messages, including CSMs relating to containers that do not contain cargo destined for importation into the United States and CSMs relating to events other than the required events.

- By transmitting CSMs in addition to those required by this interim final rule, a carrier authorizes CBP to access and use that data.

- For each CSM submitted to CBP by the carrier, the following information must be included:
    - (1) Event code being reported, as defined in the ANSI X.12 or UN EDIFACT standards;
    - (2) Container number;
    - (3) Date and time of the event being reported;
    - (4) Status of the container (empty or full);
    - (5) Location where the event took place; and
    - (6) Vessel identification associated with the message if the container is associated with a specific vessel.

U.S. Customs and
Border Protection

CSMs

- Carriers are exempt from the CSM requirement for bulk and break bulk cargo.

- Carriers must submit CSMs via the CBP-approved electronic data interchange system. The current electronic data interchange system for CSMs approved by CBP is sFTP.
  - MQ Series (AMS link)

U.S. Customs and
Border Protection

ISF 10 Data Elements

U.S. Customs and
Border Protection

Importer of Record Number

- Internal Revenue Service (IRS) number, Employer Identification Number (EIN), Social Security Number (SSN), or CBP assigned number of the entity liable for payment of all duties and responsible for meeting all statutory and regulatory requirements incurred as a result of importation.

  - The importer of record number for Importer Security Filing purposes is the same as "importer number" on CBP Form 3461.

  - The importer of record number can be a foreign entity. However, a U.S. entity must be provided for the consignee number element.

- For goods intended to be delivered to an FTZ, the IRS number, EIN, SSN, or CBP assigned number of the party filing the FTZ documentation with CBP must be provided.

U.S. Customs and
Border Protection

Consignee Number

- Internal Revenue Service (IRS) number, Employer Identification Number (EIN), Social Security Number (SSN), or CBP assigned number of the individual(s) or firm(s) in the United States on whose account the merchandise is shipped. This element is the same as the "consignee number" on CBP Form 3461.

U.S. Customs and Border Protection

Seller (Owner)

- Name and address of the last known entity <u>by whom</u> the goods are sold or agreed to be sold. If the goods are to be imported otherwise than in pursuance of a purchase, the name and address of the owner of the goods must be provided.

- The party required for this element is consistent with the information required on the invoice of imported merchandise. <u>See</u> 19 CFR 141.86(a)(2).

- A widely recognized commercially accepted identification number for this party may be provided in lieu of the name and address. CBP will accept a DUNS number in lieu of the name and address.

U.S. Customs and Border Protection

Buyer (Owner)

- Name and address of the last known entity <u>to whom</u> the goods are sold or agreed to be sold. If the goods are to be imported otherwise than in pursuance of a purchase, the name and address of the owner of the goods must be provided.

- The party required for this element is consistent with the information required on the invoice of imported merchandise. <u>See</u> 19 CFR 141.86(a)(2).

- A widely recognized commercially accepted identification number for this party may be provided in lieu of the name and address. CBP will accept a DUNS number in lieu of the name and address.

Ship To Party

- Name and address of the first deliver-to party scheduled to physically receive the goods after the goods have been released from customs custody.

  - CBP is looking for the actual deliver to name/address; <u>not the corporate address</u>

  - If unknown, provide the name of the facility where the goods will be unladen.

  - May provide a FIRMS code of a warehouse or terminal if the specific ship to name/address is unknown at the time of the filing. For example, a container freight station is acceptable.

  - May provide the name and address of an in-land distribution center if the specific ship to name/address is unknown at the time of the ISF filing.

- A widely recognized commercially accepted identification number for this party may be provided in lieu of the name and address. CBP will accept a DUNS number in lieu of the name and address.

Manufacturer or Supplier

1. Name and address of the entity that <u>last</u> manufactures, assembles, produces, or grows the commodity

2. <u>Or</u>, name and address of the <u>supplier of the finished goods</u> in the country from which the goods are leaving.

3. In the alternative, the name and address of the manufacturer (or supplier) that is currently required by the import laws, rules and regulations of the United States (i.e., entry procedures) may be provided (this is the information that is used to create the existing manufacturer identification (MID) number for entry purposes).

▪ A widely recognized commercially accepted identification number for this party may be provided in lieu of the name and address. CBP will accept a DUNS number in lieu of the name and address.

U.S. Customs and Border Protection

Country of Origin

- Country of manufacture, production, or growth of the article, based upon the import laws, rules and regulations of the United States. This element is the same as the "country of origin" on CBP Form 3461.

U.S. Customs and Border Protection

Commodity HTS-6 Number

- Duty/statistical reporting number under which the article is classified in the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS number must be provided to the six-digit level.

- In the alternative, the filer may choose to provide the HTSUS number to the 10-digit level.

U.S. Customs and Border Protection

Container Stuffing Location

- Name and address(es) of the physical location(s) where the goods were stuffed into the container. For break bulk shipments, the name and address(es) of the physical location(s) where the goods were made "ship ready" must be provided.

  - The "scheduled" stuffing location may be provided.
  - This may be the same name/address as the manufacturer (supplier)
  - If a "factory load", simply provide the name and address of the factory

- A widely recognized commercially accepted identification number for this party may be provided in lieu of the name and address. CBP will accept a DUNS number in lieu of the name and address.

U.S. Customs and
Border Protection

Consolidator (Stuffer) Name/Address

- Name and address of the party who stuffed the container or <u>arranged for the stuffing</u> of the container. For break bulk shipments, the name and address of the party who made the goods "ship ready" or the party who arranged for the goods to be made "ship ready" must be provided.

  - If no consolidator is used, e.g., "factory load" shipments, provide the name/address of the manufacturer (supplier).

- A widely recognized commercially accepted identification number for this party may be provided in lieu of the name and address. CBP will accept a DUNS number in lieu of the name and address.

U.S. Customs and
Border Protection

ISF 5 Data Elements

Booking Party Name/Address

- Name and address of the party who initiates the reservation of the cargo space for the shipment.

- A widely recognized commercially accepted identification number for this party may be provided in lieu of the name and address. CBP will accept a DUNS number in lieu of the name and address.

Ship To Party

- Name and address of the first deliver-to party scheduled to physically receive the goods after the goods have been released from customs custody.

  - CBP is looking for the actual deliver to name/address; <u>not the corporate address</u>

  - If unknown, provide the name of the facility where the goods will be unladen.

  - May provide the name and address of an in-land distribution center if the specific ship to name/address is unknown at the time of the ISF filing.

- A widely recognized commercially accepted identification number for this party may be provided in lieu of the name and address. CBP will accept a DUNS number in lieu of the name and address.

U.S. Customs and
Border Protection

Commodity HTS-6 Number

- Duty/statistical reporting number under which the article is classified in the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS number must be provided to the six-digit level.

- The HTSUS number may be provided to the 10-digit level.

U.S. Customs and Border Protection

Foreign Port of Unlading

- Port code for the foreign port of unlading at the intended final destination.

- CBP will accept the Bureau of Census "Schedule K" codes.

U.S. Customs and Border Protection

Place of Delivery

- City code for the place of delivery.

- Foreign location where the carrier's responsibility for the transport of the goods terminates.

- UN LOC codes and Bureau of Census "Schedule K" codes are acceptable.

U.S. Customs and Border Protection

Current Status Versus New Requirements

Required Manifest Data

- Bill of Lading Number
- Foreign Port before vessel departs for U.S.
- Carrier SCAC
- Carrier Assigned Voyage Number
- Date of Arrival at First U.S. Port
- U.S. Port of Unlading
- Quantity
- Unit of measure of Quantity
- First Foreign Place of Receipt
- Commodity Description (or HTS-6)
- Commodity Weight
- Shipper Name
- Shipper Address
- Consignee Name
- Consignee Address
- Vessel Name
- Vessel Country
- Vessel Number
- Foreign Port of Lading
- Hazmat Code
- Container numbers
- Seal Numbers
- Date of departure from Foreign Port
- Time of Departure from Foreign Port

Security Filing Data

ISF-10 "Regular" Cargo

(3461, IT, FTZ)

24 Hours Prior to Lading
- Seller (Owner) name/address
- Buyer (Owner) name/address
- Importer of record number
- Consignee number

24 Hours Prior to Lading –Range of Responses
- Manufacturer (Supplier) name/address
- Ship to Party
- Country of Origin
- Commodity HTS-6

No Later than 24 Hours Prior to Arrival
- Container Stuffing location
- Consolidator name/address

ISF-5 "Transit" Cargo

(FROB, IE, TE)

- Booking Party Name/Address
- Ship to name/address
- Commodity HTS-6
- Foreign Port of Unlading
- Place of Delivery

Stow Plan Data
Container Status Message (CSM) Data

Entry Data Elements

- Entry Number & Type
- Entry – Dist & Entry – Port
- Filer Code
- Importer of Record
- Ultimate Consignee
- Surety Number
- Filing Date & Time
- Importing Carrier
- Vessel Name
- Country of Origin
- Exporting Country
- Exporting Date
- Foreign Port of Arrival
- Estimated Arrival Date
- Entry Value
- HSUSA (10)
- Manufacturer ID

Identification of:
- Supply Chain Entities
- Cargo Descriptions
- Cargo Origins
- Container Routing
- Conveyance Routing

U.S. Customs and Border Protection

SAFE Port Act of 2006

(October 2006)

- ## New Data Requirements

    Section 203 (a) (1): Secretary shall "…identify and seek the submission of data related to the movement of a shipment of cargo through the international supply chain…"

    Section 203 (b): Secretary shall "…require…additional data elements for improved high-risk targeting, including appropriate security elements of entry data…to be provided as advanced information …prior to lading…" at the foreign port.

- ## Consultative Process Required

    Requires consultation with stakeholders (including COAC) and that the Secretary "identify to them the need for such information and the appropriate timing of its submission".

    Requires consideration of costs, benefits, and feasibility of requiring additional non-manifest data, reducing the time period for revising cargo manifests and for submission of certain elements of entry data.

U.S. Customs and Border Protection