

### **CBP Publishes ISF Interim Final Rule Requiring Additional Importer and Carrier Information for Cargo Arriving by Vessel**

U.S. Customs and Border Protection (CBP) recently published an interim final rule entitled "Importer Security Filing and Additional Carrier Requirements" in the Federal Register. The interim final rule requires both importers and carriers to submit additional information pertaining to cargo to CBP before the merchandise is loaded on the vessel. CBP provides that the collection of this information is intended to improve their ability to identify high-risk shipments so as to prevent smuggling and ensure cargo safety and security. The information must be submitted to CBP by way of a CBP-approved electronic data interchange system. The FR notice can be viewed online at: <http://edocket.access.gpo.gov/2008/pdf/E8-27048.pdf>.

---

#### **What is Importer Security Filing (formerly known as 10+2)?**

CBP will require an Importer Security Filing (ISF) prior to the vessel loading at foreign ports. The ISF will consist of 10 additional data elements from U.S. importers, and 2 additional data set items from carriers. The additional data required is as follows.

##### **Importer**

1. Seller
2. Buyer
3. Importer of record number/FTZ applicant identification number
4. Consignee number(s)
5. Manufacturer (or supplier)
6. Ship to party
7. Country of origin
8. Commodity HTSUS number
9. Container stuffing location
10. Consolidator (stuffer)

##### **Carriers**

1. Vessel Stow Plan
  - a. Vessel name (including international maritime organization (IMO) number);
  - b. Vessel operator; and
  - c. Voyage number.

With regard to each container,

- a. Container operator;
- b. Equipment number;
- c. Equipment size and type;
- d. Stow position;
- e. Hazmat code (if applicable);
- f. Port of lading; and
- g. Port of discharge.

2. Container Status Message

The *NGJ International Trade Update* provides information obtained from third parties, primarily government, and advice based on that information. Norman G. Jensen Inc. (NGJ) has not verified the accuracy of the information nor is it capable of verifying the accuracy of the information. As a consequence, NGJ will not be liable for injury suffered as a result of reliance on the information or the recommendations provided in the *NGJ International Trade Update*.

---

If you have questions, no longer wish to receive these notices via fax, or wish to receive these notices via e-mail, contact NGJ's Trade/Compliance Services Department at: [compliance.us@ngjensen.com](mailto:compliance.us@ngjensen.com)

Visit our website at [www.ngjensen.com](http://www.ngjensen.com)

*Norman G. Jensen, Inc. is a validated participant in the Customs-Trade Partnership Against Terrorism (C-TPAT).*

### **Who is responsible for the Importer Security Filing?**

CBP provides that the ISF importer will be responsible for filing the complete, accurate, and timely importer Security Filing. For the purposes of the interim final rule, ISF importer means the party causing goods to arrive within the limits of a port in the United States. For foreign cargo remaining on board, the ISF Importer is construed as the carrier. For immediate exportation (IE) and transportation and exportation (T&E) in-bond shipments, and goods to be delivered to a foreign trade zone (FTZ), the ISF importer is construed as the party filing the IE, T&E, or FTZ documentation with CBP.

### **Is there a grace period to allow carriers and importers to comply with this rule?**

The interim final rule includes a delayed compliance date of 12 months after the interim final rule takes effect (January 26, 2009). During this 12-month period, CBP will show restraint in enforcing the rule, and will take into account difficulties that importers may face in complying with the rule as long as importers are making a good faith effort and satisfactory progress toward compliance.

In addition, CBP will conduct a review to determine any specific compliance difficulties that importers and shippers may experience in submitting all 10 data elements 24 hours before lading. The structured review will cover a range of enterprises, from small to large, and will include both integrated and nonintegrated supply chains.

### **When will the enforcement of this rule take effect?**

The flexible enforcement period ends on January 26, 2010. CBP will begin assessing liquidated damages (**stated to be \$5,000.00 per violation**) for ISF violations.

Pursuant to new 19 CFR 149.2(g), ISF Importers must comply with the ISF requirements on and after January 26, 2010. Therefore, CBP may assess liquidated damages for ISFs that are required to be submitted on January 26, 2010, for ISFs that are not complete, accurate, and/or timely. For example, for goods that are to be laden at 12:01 A.M. on January 27, 2010, the ISF must be submitted no later than 12:01 A.M. on January 26, 2010.

(From the Federal Register page 71730, November 25, 2008)

### **Structured Review Period:**

CBP has indicated that a system is being designed to generate a “report card” that will be sent to each ISF filer to provide feedback to importers/agents on the ISF timeliness and/or accuracy. CBP will consider the totality of the circumstances, on a case-by-case basis when determining whether an importer is making “satisfactory progress towards compliance.”

---

### **NGJ Solutions:**

NGJ is pleased to offer two services to help you submit your Importers Security Filing data on time and in compliance with the U.S. Customs and Border Protection Security Filing Rule. [more](#)

### **ISF Express**

Option A: ISF Express

You and your overseas suppliers and carriers (with your approval) can use the [ISF Express](#) module in NGJ's web-based portal [NGJ Express](#), to file your Importers Security Filing data. ISF Express enables

multiple parties to input the required data - making it quick and simple for you to instantly view, correct and manage your Importers Security Filings.

### **ISF Manual Service**

Option B: ISF Manual Service

You can complete our [NGJ Importer Security Filing Form](#) or add the required data elements to your current commercial importing documents and send it to your NGJ Account Representative by fax or email, and NGJ Customs Brokerage staff will enter, validate and transmit your Importers Security Filing to CBP on your behalf. The information must be filed no later than 24 hours prior to lading, however the information should be provided to NGJ as far in advance as possible to allow time to process the ISF.

- **For additional information about our ISF Express software application, please visit our website at <http://www.ngjensen.com/isfservices.php>**

### **To KEEP UP ... SIGN UP!**

To keep pace with CBP initiatives, NGJ continues to offer new programs featuring the latest technologies. To learn how to take advantage of NGJ's ISF solutions, or any of our other services, contact NGJ today!

- Call Toll Free: 1-888-NGJ-XPRS (1-888-645-9777) or
- E-Mail: [isfexpress@ngjensen.com](mailto:isfexpress@ngjensen.com)

