



Import Security Filing Summary

Terms

Import Security Filing Importer (ISF Importer) is the party that caused the cargo to be transported to the United States.

Import Security Filer is the party filing the Import Security Filing. This party must have access to file an ISF with CBP either via AMS or ABI.

Definition of ISF

The interim final rule requires Importer Security Filing (ISF) Importers, or their agents, to transmit an Importer Security Filing to CBP, for cargo destined to the United States no later than 24 hours before cargo is laden aboard a vessel destined to a United States port. An ISF is required for all USA destined cargo and all IE and T&E shipments that enter a US Port.

Goods entering the United States via Rail or Truck are exempt, including goods that reach North America via a Non-US Port and travel to the United States via Truck or Rail*.

*We are anticipating that this portion of the rule will be amended to exclude the exemption.

An ISF must be submitted for smallest unit of shipment.
Every Shipper / Consignee pair = an ISF, hence there must be an ISF for every House Bill of Lading or FCR in the case of Consolidator shipments.

The ISF must reference the corresponding AMS Bill of Lading. This would be the VOCC Bill of Lading for importers working directly with Vessel Operators and the House Bill of Lading for importers working with NVOCC.

The Customs Entry may be submitted in Lieu of the ISF as long as the submission is via ABI and the Filer is a Self Filer or Customs House Broker.

CBP will issue a unique ISF Number to every ISF when it is received. CBP will also acknowledge receipt of the ISF with a date and time stamp.

Do Not Loads

CBP will issue Do Not Load or Hold Messages to carriers via AMS after January 25, 2010 for the following reasons:

- a) No ISF has been filed after 24 hours prior to cargo loading on vessel and associated with a corresponding AMS Bill of Lading
- b) The ISF data does not match the AMS Bill of Lading
- c) The ISF data is not complete
- d) The ISF data is deemed to be inaccurate
- e) Security Risk Assessment

CBP will not send a DNL or Hold Message to the ISF Filer unless the ISF Filer has been shown as the Second Notify on the AMS Bill of Lading transmission.

Required Elements

Seller: The name and address of the last known entity by whom the goods are sold or agreed to be sold. The name and address of the owner of the goods must be provided if the party that is importing the goods owns the goods.

Buyer: The name and address of the last known entity to whom 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. A widely recognized commercially accepted identification number for this party may be provided in lieu of the name and address.

Importer of Record Number: The 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.

Consignee Number(s): The 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. The warehouse where the goods are destined to be devanned may be submitted if the actual consignee is not known at the time of shipment.

Manufacturer or Supplier: The name and address of the entity that last manufactures, assembles, produces, or grows the commodity or name and address of the party supplying the finished goods in the country from which the goods are leaving. 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.

Ship to Party: The name and address of the first deliver-to party scheduled to physically receive the goods after the goods have been released from customs custody.

Country of Origin: The country of manufacture, production, or growth of the article, based upon the import laws, rules and regulations of the United States.

Commodity HTSUS Number: The 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 up to the 10-digit level. This element can only be used for entry purposes if it is provided at the 10-digit level or greater by the importer of record or its licensed customs broker. The HTSUS code may be the code used for export clearance if the country requiring export clearance subscribes to the Harmonized Tariff Code. Only the six-digit level may be submitted if the filer is using the exporting country's Harmonized Tariff Schedule.

Container Stuffing Location: The name and address(es) of the physical location(s) where the goods were stuffed into the container.

Consolidator (Stuffer): The name and address of the party who stuffed the container or arranged for the stuffing of the container.

Data Accuracy

The ISF Importer or its Agent must update an ISF anytime that the data that was submitted is found to be inaccurate or to have changed. This must be done no later than the filing of the Customs Entry or the ISF will be subject to penalty.

Responsible Party

The party responsible for causing the cargo to be transported to the United States is the ISF Importer. The ISF Importer is the party responsible for collecting and transmitting the ISF to CBP 24 Hours prior to cargo laden on board the vessel at origin.

Power of Attorney

The ISF Importer may assign an "Agent" to collect and transmit the ISF on its behalf. The ISF Importer must complete a Power of Attorney appointing the ISF Agent to file the ISF on its behalf.

The Power of Attorney must be in English and must give the ISF Agent "unlimited authority" to act on its behalf. The ISF Agent must keep a copy of the Power of Attorney on record at all times.

The Agent may only be terminated with a corresponding Letter of Revocation. Both the Power of Attorney and Letter of Revocation must be kept on file for five (5) years from the date of the termination of service.

The ISF Importer may only have one agent at any one time.

Time Frames

Enforcement

The interim final rule is effective on November 25, 2008. It allows for a 60 day grace period then a one year Delayed Enforcement Period. The rule will have full enforcement on January 25, 2010 unless otherwise advised by CBP.

Delayed Enforcement

The Delayed Enforcement Period begins on January 25, 2009. CBP will not issue penalties or Do Not Load (DNL) messages or Hold Messages during this period due to Import Security Filings. However, CBP reserves the right to issue penalties during the Delayed Enforcement Period to parties that can not evidence progress toward developing the capacity to comply with the rule. CBP will also consider efforts made during the Delayed Enforcement Period to comply with the rule for mitigation of penalties issued after the rule goes into full effect.

Flexible Enforcement

For six months beginning January 25, 2009, CBP will allow submission of the following elements based on the ISF Importer or their Agent's best available data:

- a)Manufacturer
- b)Ship To Party
- c)Country of Origin
- d)HTSUS Code

The ISF must be updated no later than 24 hours prior to vessel arrival in the first US Port with correct information.

For six months beginning January 25, 2009, CBP will allow submission of the following elements at any time up to 24 hours prior to vessel arrival at the first US Port.

- a)Consolidator
- b)Container Stuffing Location

Bonds

The ISF Importer and its Agent must update their current bonds to include coverage for ISF or secure a separate ISF bond.

Penalties

CBP will issue penalties for Liquidated Damages in the amount of \$5,000 per ISF for untimely or inaccurate filings.