

Importer Security Filing “10+2” Program

Frequently Asked Questions

Last Updated: July 9, 2010

On November 25, 2008, U.S. Customs and Border Protection (CBP) published an interim final rule entitled “Importer Security Filing and Additional Carrier Requirements” in the Federal Register (73 FR 71730). The interim final rule requires both importers and carriers to submit additional information pertaining to cargo to CBP before the cargo is brought into the United States by vessel. CBP has received numerous questions concerning the interim final rule. To assist the trade community in understanding the expectations of CBP concerning the Importer Security Filing and Additional Carrier Requirements rule, CBP in this document has provided responses to the most frequently asked questions. CBP will continually be updating and clarifying this document as necessary. Should you have additional questions that are not included in this document, please feel free to write to Security_Filing_General@cbp.dhs.gov. Please note that the 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 Part 177 of the CBP regulations.

Please visit <http://www.cbp.gov/> for the latest information on the Importer Security Filing “10+2” program. Most of the information on “10+2” can be found at the following link: http://www.cbp.gov/xp/cgov/trade/cargo_security/carriers/security_filing/

When possible, the most recent updates, including new questions, will be shown in highlights.

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ABI

1. I would like to know if customs brokers are going to be able to use the Automated Broker Interface (ABI) system to do the Importer Security Filing (ISF).

Yes.

2. How do we get signed up for the ABI system?

Entities that want to become Importer Security Filing filers using either AMS or ABI should call **571-468-5500** to be assigned a Client Representative.

ACE

1. Will CBP create a web portal in ACE so Importers can file their own Importer Security Filings in ACE?

CBP has begun development of an internet-based web portal to accept ISF filings. Use of the portal by the public will be very limited in scope. For qualified users, access will be limited to no more than two (2) ISF filings per day, with a maximum of twelve (12) per year. The ISF Portal will be available no earlier than August 2010.

- Importers must pre-register their importer ID numbers with CBP (i.e., IRS# or SSN#)
- Registration of the importer ID number can be done in person at a local Port of Entry or by a licensed customs broker via the use of CBP Form 5106

2. Will Custom House Brokers (CHBs) have the ability to query ISF performance reports from the I track / ACE Portal?

At this time CBP will not make available report cards through ACE; however, CBP has developed a reporting mechanism that is provided directly to registered ISF filers. (See ["ISF Progress Reports"](#)).

CBP is in the process of developing a data warehouse that will allow importers the ability to create and extract reports from CBP; this will include the capability to obtain transactional data. CBP will make every effort to deploy this capability to Tier 3 and Tier 2 C-TPAT importers sometime in the Fall of 2010.

AGENTS

1. If we hire a customs broker to be our agent, do they have to be our agent for all of our ISF's during a single year?

No. Each ISF is done on an individual basis. An ISF Importer may file the ISF themselves, or hire an agent for each individual filing. There is no limit as to how many different agents an ISF Importer may use during the course of a year.

2. Can we use different agents for different filings? Can our agents use both AMS and ABI to do our filings? Will this affect our filings in any way?

The ISF Importer can elect to use different ISF Agents for each separate filing. Also, those ISF Agents may use either vessel AMS or ABI to do these separate filings. However, if a unified entry filing is being done, ABI must be used and the ISF Importer must self-file or use a licensed U.S. customs broker to do the filing on their behalf.

3. If an importer uses multiple CHBs can the importer select one broker to do an ISF and another to make entry (on the same shipment)?

Yes, unless the filing is a "unified filing" in which case the filing must be done by a single entity.

4. Does the ISF Filer need to be located in the U.S.?

No.

5. Does the "filing agent" for the importer have to be a Licensed Customs Broker? Can it be the foreign freight forwarder?

A filing agent does not have to be a customs broker except for the case of a "unified filing." A foreign freight forwarder can also be a filing agent.

6. How will service center notification be handled? For the 24 Hour Manifest Rule, there were specific details that went to CBP notifying that a service center had been appointed. Namely, Company Name, SCAC code, CBP assigned number, Bond number and effective date, and USA discharge ports that will be filed.

a. What is the process for nominating a service center for ISF 10+2 filing?

There is no process for nominating a party to submit the ISF. However, ABI filers may deal with their Client Representatives in establishing an account with reference to their service center.

- b. There are instances where no SCAC code exists. Will there be a CBP assigned number and, if not, which identifier will be used in the service center nomination letter?

The filer needs a filer identification code; either a SCAC if transmitting through AMS, or an ABI filer code if filing through ABI. If a SCAC is not available for AMS participants, CBP will assign a 4-character identifier in order to be an AMS participant. For example, a broker who does not have a SCAC code will still need an identifier if they are using an AMS service center to file ISF transactions.

- c. If the service center nomination comes from an assigned ISF agent, does a separate notification need to be sent for each customer they have been nominated by?

There is no process for nominating a party to submit the ISF.

AMENDMENTS

A. General:

1. When do we have to stop amending the ISF?

The Importer Security Filing must be amended if there is a change or more accurate information becomes available before the goods enter the limits of the port of first arrival in the United States.

However, if the **flexible filing option (“FR”, “FT” or “FX”)** is used, the ISF **MUST** be updated with the correct or more accurate information as soon as it is known, but in any event no later than **24 hours prior to arrival** of the vessel in the first U.S. port. If better information does not become available and/or the original information is the best information, the ISF must still be completed using the “CT” amendment code.

2. Are changes to the ISF after arrival at the port of discharge allowed or required?

Generally, the requirement to update an Importer Security Filing terminates when the vessel calls at the U.S. port of arrival. However, CBP will not restrict updates outside of this window.

3. What happens if I fire my ISF Agent, but still need to update my ISF?

If an ISF Importer needs to update its own ISF that was initially submitted by its agent, the ISF Importer must contact a CBP Client Representative to have the original filing

cancelled. After the original ISF has been cancelled by the CBP Client Representative, a new ISF may be submitted.

4. How will importers be able to amend the security filing if they don't have access to the Importer Security Filing elements in CBP systems?

If the ISF Importer used an agent to perform the filing, the ISF Importer should contact its agent for assistance in amending the ISF.

5. How do I handle shipments sold on the water?

The ISF will need to be updated if the shipment is sold in transit. At a minimum, the ISF Importer must notify CBP that the goods have been sold, and the party must update the Buyer (Owner) field and any other field that the party knows has changed as a result of the sale. The ISF Importer remains liable for the timing and accuracy of the ISF filing.

6. Can I amend the bill of lading number on the ISF?

Yes. From a transactional standpoint, the system will allow an ISF Filer to update an existing ISF with a new bill of lading number. However, the ISF Importer is ultimately responsible for the timely, accurate, and complete submission of the Importer Security Filing.

B. Withdrawals:

1. What happens if I enter an ISF and then the shipments do not ship?

Withdraw the ISF by deleting it.

2. Will you allow the entry to update the ISF?

No. Stand-alone ISF transactions can only be updated by replace transactions. Furthermore, unified entry transactions will only update the ISF if the entry is replaced along with an ISF replace transaction.

C. Codes:

1. CBP should create detailed amendment codes so changes to the ISF can be tracked more easily.

CBP agrees and will post a list of amendment codes, once they have been fully developed, in the next set of implementation guides.

2. If I decide to use the “flexible filing option” and submit my ISF under action reason code FR, FT or FX, will I be required to update my ISF filing?

Yes. If the ISF Importer elects to use the flexibilities provided for under the interim final rule by selecting the “FR”, “FT” or “FX” code when submitting the initial ISF, the ISF **MUST** be updated with the action reason code of “CT” to denote the correct or more accurate information as soon as it is known, but in any event no later than 24 hours prior to arrival of the vessel in the first U.S. port.

One of the following action reason codes must be provided as part of an ISF-10 filing:

CT = Compliant Transaction – All data is present and is based upon the best information available at the time of the filing; no special flexibility rules apply. If “CT” is used, the ISF can be updated if necessary, but CBP does not necessarily expect to see updates for these filings. “CT” is also used to finalize a “FR”, “FT” or “FX” filing.

FR = Flexible Range – A range of data for the Manufacturer, and/or Ship To Party, and/or Country of Origin, and/or Commodity HTSUS number has been provided. In these cases, the ISF must be updated as soon as better information becomes available, but in any event no later than 24 hours prior to arrival. If “FR” is used, CBP will be expecting to receive a timely update.

FT = Flexible Timing – The CS (Consolidator name/address) and/or the LG (Stuffing location) has not been provided. The ISF must be updated as soon as better information becomes available, but in any event no later than 24 hours prior to arrival. If “FT” is used, CBP will be expecting to receive a timely update.

FX = Flexible Range and Flexible Timing - A range of data as described in “FR” has been provided and the CS (Consolidator name/address) and/or LG (Stuffing location) has not been provided. The ISF must be updated as soon as better information becomes available, but in any event no later than 24 hours prior to arrival. If “FX” is used, CBP will be expecting to receive a timely update.

D. ISF Submission Type Changes:

1. In some instances, it becomes necessary to change (amend) the ISF type from an ISF-5 to an ISF-10. For example, a shipment that was going to be immediately exported (I.E.) to Canada upon arrival into the U.S. is actually sold to a U.S. party instead. The new party would like to enter the goods into the U.S. and follow the proper ISF procedures mentioned in 19 CFR 18.5(g). How is CBP tracking the changes from an ISF-5 to an ISF-10? Wouldn't it be useful if a coded transaction were created to make this process a little easier for the importers as well as CBP?

CBP has created a process whereby a new ISF-10 may be filed to replace an existing ISF-5. In these instances, a new ISF-10 must be created and **ISF Submission Type “3”** must be selected to denote that an ISF-10 will be replacing the existing ISF-5. Note that an active ISF-5 filing must already exist for this shipment against the same bill of lading number (i.e., lowest AMS bill of lading number) in order for this new filing to be valid. This ISF submission type change is in accordance with 19 CFR 18.5(g) “[permission to] change the in-bond entry into a consumption entry must be obtained from the port director of the port of origin. 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 of this chapter.”

From the ISF Chapter of the CATAIR:

http://www.cbp.gov/linkhandler/cgov/trade/automated/automated_systems/abi/catair/chapters/isf_50.ctt/isf_50.doc

ISF Submission Type	1N	5	M	1 = Importer Security Filing 10 (ISF-10) submission 2 = Importer Security Filing 5 (ISF-5) submission New Types 3 = ISF-5 submission type is being changed to an ISF-10 4 = ISF-10 submission type is being changed to an ISF-5 5 = <u>Late ISF-10</u> without a bond 6 = <u>Late ISF-5</u> without a bond	1
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In terms of the business process, CBP expects the new ISF-10 to be completed electronically prior to seeking the written permission from the local CBP port director. Accordingly, the ISF-10 transaction number needs to be referenced in the written letter to the local port director as part of the request for the change from a shipment type requiring an ISF-5 to shipment type requiring an ISF-10. At some point in the near future, entry release for these types of importations will be restricted until written permission is granted by the local port director at the port of entry.

Note: The new ISF-10 may be submitted by the original ISF Importer (or their agent) or by another party who would then be liable for the ISF-10. This ISF submission type change allows a new ISF to be filed after the goods have departed a foreign port and prior to entry release of the goods in the United States.

2. Can I replace (amend) an ISF-10 type shipment with an ISF-5 type shipment? Do I need to obtain Port Director approval first?

Yes, an ISF-10 filing can be replaced by an ISF-5 filing; use an ISF Submission Type "4" to show that an ISF-10 is being changed to an ISF-5. As a matter of policy there is no requirement to obtain Port Director approval for these types of changes.

AMS

1. How do we get signed up for the AMS system?

Entities that want to become Importer Security Filing filers using either AMS or ABI should call **571-468-5500** to be assigned a Client Representative. You may also need to complete an Interconnection Security Agreement (ISA).

ANTIQUe SHIPMENTS

1. We import vintage furniture and accents that we buy ourselves overseas at small flea markets and street fairs. We gather our merchandise and stuff the shipping container ourselves, and then send that container to our location in the United States where we operate as domestic sellers. Are we the "buyer" as well as the "seller" at the time the ISF is required?

Since you are purchasing and taking possession of the goods while overseas, it would be acceptable to list yourselves as both the Buyer (Owner) and Seller (Owner).

2. We have an invoice for each purchase but the people we buy from are not the actual manufacturer. Most of the people we buy from are antiques dealers and we have about 20 or 30 dealers per shipment. Do we consider the dealers as the "suppliers"? And if so, do we have to list every single one of them?

You will need to provide the names and addresses of all the "suppliers" of the finished goods (i.e., the invoicing parties).

BILLS OF LADING

1. Is a bill of lading number required at the time of an ISF filing?

Yes. The ISF Importer, or its agent, must obtain this information and provide it to CBP as part of the ISF filing. The ISF needs to be submitted at the lowest bill of lading level (i.e., house bill or regular bill) that is transmitted into the Automated Manifest System (AMS). The bill of lading number is the only common "link" between the ISF and the customs manifest data.

2. Please advise what to do if you do not have a bill of lading number at the time you submit the ISF. Most times the bill of lading numbers are not issued until after sailing.

The ISF Importer must obtain the bill of lading number. The bill of lading number is an integral part of the security filing. Without the bill of lading number, the ISF cannot be matched to a customs manifest. The bill of lading number is part of the customs manifest information that is already required to be presented to CBP by the carrier or automated NVOCC 24 hours prior to vessel lading of cargo destined to enter the United States.

3. If the NVOCC is a non-AMS participant, should we file the master bill of lading instead of the house bill of lading with the ISF?

The ISF needs to be submitted at the lowest bill of lading level (i.e., house bill or regular bill) that is transmitted into the Automated Manifest System (AMS). If the carrier creates and transmits a regular bill of lading number on behalf of a non-automated NVOCC or freight forwarder, the ISF filer must submit the regular bill of lading number that was transmitted into AMS as part of the ISF.

From the **Importer Security Filing (ISF-10, ISF-5)** CATAIR Version: June 1, 2009 Implementation Guide:

http://www.cbp.gov/linkhandler/cgov/trade/automated/automated_systems/sf_transaction_sets/isf_25_catair.ctt/isf_catair_102008.doc

Valid qualifier codes are:

OB (Ocean Bill of Lading – used for **Regular Bills**),
BM (**House Bill** of Lading)

For purposes of the Importer Security Filing, the following bill of lading definitions apply:

Regular Bill – is defined as a non-Master bill of lading with **NO UNDERLYING** house bills. For ISF, this is the bill reported to CBP in AMS, which is also referred to as “Straight Bill” or “Simple Bill”. If multiple Regular Bills exist, the SF15 record is repeated accordingly.

House Bill – is defined as a bill of lading issued under a Master Bill. For ISF, this is the House Bill reported to CBP in AMS. If multiple House Bills exist, the SF15 record is repeated accordingly.

Master Bill – is defined as a bill of lading covering at least one or more underlying house bills of lading. If the filer chooses to provide the optional Master Bill for House Bills provided in the SF15 record, the Master Bill is reported in the SF20

record with an “MB” qualifier. As with the SF15 record, multiple SF20 records are used to report multiple Master Bills.

CBP is requiring only the number for the bill of lading at the lowest level (i.e., the regular straight/simple bill of lading or house bill of lading) and not the master bill of lading number to be reported in an ISF.

4. Can I amend the bill of lading number on the ISF?

Yes. From a transactional standpoint, the system will allow an ISF Filer to update an existing ISF with a new bill of lading number. However, the ISF Importer is ultimately responsible for the timely, accurate, and complete submission of the Importer Security Filing.

5. What should I do when I file my ISF and I receive an “Accepted” message with a subsequent “Bill Not on File” message?

Every Importer Security Filing must reference at least one bill of lading number (BOL) **at the lowest level transmitted to CBP in AMS (i.e., house bill or regular/simple bill)**. The BOL number is part of the customs manifest information that is already required to be transmitted to CBP by the carrier or automated NVOCC in AMS 24 hours prior to vessel lading of cargo destined to the U.S.

The return message “Accepted, no Bill on File” means that the ISF was accepted but the BOL number listed as part of the ISF did not match to a house BOL or regular/simple BOL on file within AMS. There are a few common reasons why there may be a no bill on file message:

- The ISF filing preceded the transmission of the customs manifest information. In these cases, CBP will send out a match message as soon as the manifest data is received in AMS and the BOL number and BOL type match to the BOL number and BOL type referenced on the ISF.
- The BOL number referenced on the ISF may contain a typographical error. In these cases, please check again with the parties that provided the BOL information. In addition, there is a query in ABI that can confirm whether or not a BOL number currently exists in AMS. CBP is working on improving this query. In the near future, CBP will also provide the BOL type (i.e., house, regular/simple or master) and whether or not an ISF is currently on file against a particular bill.
- The BOL type referenced on the ISF does not match the BOL type in AMS.

Please do not send in a replace (amended) ISF to in order to try and force a match message as these types of actions could potentially impact your compliance profile. If you have gone through all these steps and you are confident that the BOL number transmitted as part of your ISF is the lowest level BOL in AMS, the correct bill type code

was referenced, and your VOC or NVOCC transmitted the manifest information in AMS, you can contact your CBP Client Representative for assistance.

BONDS

A. General:

1. How will a bond for an ISF be filed in cases where an importer, or its agent, does not have a continuous bond? How will this actually work? Will there be paperless single transaction bonds for ISF purposes?

The ISF Importer, or its agent, will need to obtain a bond. The ISF Importer, or its agent, may obtain a continuous bond (type 1, 2, 3 or 4) or an Appendix D stand-alone ISF bond (single-transaction or continuous).

2. If an agent allows his bond to be obligated, is he considered the ISF Importer with all of the liabilities associated with the ISF filing?

If an agent is submitting an ISF on behalf of another party and the agent posts its own bond, the agent agrees to have its own bond charged if there are breaches of obligations regarding the filing. However, the ISF Importer remains ultimately liable for the complete, accurate, and timely ISF filing.

3. Does an importer have to have the ISF stand-alone bond to be an ISF Importer?

An importer does not have to have the ISF stand-alone bond to be an ISF Importer.

4. Will CBP accept one bond for the ISF filing and a second bond for entry? Is this true for a continuous bond as well as Single Transaction Bonds?

Yes. CBP will accept one bond for the ISF filing and a separate bond for entry. However, if the ISF Importer and the Importer of Record are the same party and the ISF and entry are submitted to CBP via the same electronic transmission ("unified filing option"), that party must submit one bond that secures both the ISF and the entry.

5. If a unified entry filing (i.e., combined entry & ISF filing) is sent, does the bond obligated on the entry cover both the entry and the ISF? Is this true for both continuous bonds and single transaction bonds? If so does the limit of liability remain the same as it is now?

Yes, the bond covers both. This is true for both continuous and single transaction bonds. The limits of liability are not changed by this rulemaking.

6. How will ISF bonding requirements be determined when the value of the cargo is unknown?

The amount of the ISF bond is not based on the value of the cargo.

7. The interim final rule states that "CBP will enforce the importer security filing, vessel stow plan, and container status message requirement, through the assessment of liquidated damages, in addition to penalties applicable under other provisions of law." Can you give us an example of the types of penalties you had in mind in this regard. (Reference: 71760 - 3rd column, 3rd paragraph)

Penalty statutes available to CBP include 19 U.S.C. 1595a(b) and 1436, depending upon the facts and circumstances of the violation. Penalty assessment and mitigation guidelines have been published in the CBP Bulletin. A copy of the "10+2" Mitigation Guidelines can be found in the legal bulletins section on the CBP.gov web site at the following location:

http://www.cbp.gov/linkhandler/cgov/trade/legal/bulletins_decisions/bulletins_2009/vol43_07172009_no28/43genno28.ctt/43genno28.pdf

The guidelines begin on page 29 and end on page 41.

8. How does the agent agree in writing to allow its bond to be used for an importer who doesn't have a bond and why is this necessary? Is there draft language for such "agreement"? Will the agreement be acceptable on a per-ISF basis, a blanket basis, or either (at the filer's option)? (Reference: Page 71745 – 3rd column top of the IFR)

The written agreement can be a power of attorney or other similar document. The agreement must make it clear that the agent is granting the ISF importer the authority to use its bond for ISF purposes. CBP will not intervene in how this agreement is to be drawn up.

9. The interim final rule provides that every ISF Filer/Importer must have a Basic Importation Bond under which the principal agrees to comply with the new provisions of part 149. To the extent that many ISF Filers/Importers have existing bonds, how does CBP intend to enforce this provision when the existing bonds do not contain this language? Is CBP suggesting that ISF Filers/Importers will need to obtain bond riders to reflect this change? How will CBP monitor compliance with this new bond requirement?

All existing activity 1, 2, 3, and 4 bonds now contain this language. Riders are unnecessary.

10. Additions to bond regulations for type 1, 2, 3, and 4 (19 CFR §§ 113.62, 113.63, 113.64, & 113.73) provide for liquidated damages in the amount of \$5,000 per violation in the event of a default in connection with ISF filing requirements. However, the ISF stand alone Continuous Bond (Appendix D bond) provides for payment of "any amount

prescribed by law or regulation upon demand by CBP.” Why is this provision different from the others? When asserting a claim against an ISF Continuous Bond, what law(s)/regulation(s) will CBP cite?

The language in the Appendix D bond is different because the laws or regulations governing assessed amounts might change and the bond language will not need to be amended. The liquidated damages provisions covering ISF violations in 19 CFR §§ 113.62, 113.63, 113.64, & 113.73 govern. See p. 71781 of the Interim Final Rule.

11. Will you consider how to apply liquidated damages if two filings have been done and where one is correct and the other one is incorrect?

There is a breach as to the incorrect filing. It will be a matter of enforcement discretion as to whether liquidated damages will be assessed.

12. Given the potential for rapid and substantial accumulation of liability, will CBP consider a prohibition or limit on customs brokers posting their bond(s) to secure the ISF?

There is no current plan to impose such a prohibition or limit.

13. If the importer does not have a bond, can the filer obligate its own bond?

Yes, the filer can obligate its own bond. See 19 CFR 149.5(b)

14. Will an import bond rider be required to fulfill the regulatory changes required in the ISF rule?

No. The Rule amends the terms and conditions of the activity code 1 (basic importation), 2 (custodial), 3 (international carrier) and 4 (foreign trade zone operator) bonds to include the obligation to meet ISF filing requirements. No rider is necessary for any of these bonds.

15. What is the statute of limitations for liquidated damages for ISF violations? Will CBP consider making this consistent with the bond obligation for entry (i.e., one year)?

Pursuant to 28 U.S.C. § 2415, the statute of limitations for ISF liquidated damages is six years from the date of the breach of the bond. CBP will not limit its authority to enforce the ISF requirements.

B. Continuous Bonds

Type 1, 2, 3, and 4 (19 CFR §§ 113.62, 113.63, 113.64, & 113.73 (CBP Form 301))

1. Is my current continuous bond sufficient to file an ISF?

Yes, if you have a valid activity 1, 2, 3, or 4 continuous bond.

2. Can the custodial bond (Type 2) be used for all of the ISF requirements?

Yes.

3. Can I use an FTZ bond to file an ISF for a shipment that is not being entered into an FTZ?

Yes.

C. Single Transaction Bonds

Type 1, 2, 3, and 4 (19 CFR §§ 113.62, 113.63, 113.64, & 113.73) (CBP Form 301))

1. Can a single transaction bond (CBP Form 301) be used as a stand-alone ISF bond?

No. A single transaction bond that is submitted on the CBP Form 301 secures the entry, payment of duties, etc. Only the Appendix D stand-alone ISF bond can be used as a stand-alone single transaction ISF bond.

2. Can a single transaction bond (CBP Form 301) be utilized when making a unified entry filing?

Yes. But the single transaction bond (CBP Form 301) may only be used in conjunction with a unified entry filing. In these cases, the single transaction bond will be used to cover both the ISF and customs entry requirements. Additionally, the single transaction bond (CBP Form 301) may only be used when the ISF Importer is the same as the Importer of Record.

3. As single transaction bonds for entry require a paper submission to CBP, how will a single transaction bond for a unified entry and submitted on the CBP Form 301 be matched to an electronic ISF filing? What is the process of notifying CBP that a single transaction bond is actually on file?

For ISF purposes, use of single transaction bonds using the CBP Form 301 is only allowed with the unified entry filing. If a single transaction bond is used, the ISF Importer must denote the usage of the single transaction bond on the ISF by identifying activity type 01 (basic importation), bond type 9 (single transaction), the surety code and the bond reference number. The bond reference number is a unique serial number that appears on CBP Form 301 and is used for surety company tracking purposes. It should be noted that this is not the same as the "Bond Number assigned by CBP", which is found in the "CBP use only" block.

In addition, the unique ISF transaction number should be noted in block 29 of the CBP Form 3461, customs entry, upon paper document submission to CBP for unified entry filings. This will alert CBP that the single transaction bond covers both the ISF and the entry.

4. How will the limit of liability be determined for a single transaction bond that secures a unified entry filing?

CBP will issue guidance after discussion with interested trade groups.

D. Appendix D Stand-Alone ISF Bonds:

1. When is the final draft of the new Appendix D bond expected?

The amended 'Appendix D' bond was published in the 12/24/09 Federal Register notice.

2. Is the Appendix D bond expected to be used primarily for single entry bond importers (this is what we suspect)? Will the Appendix D bond also be used by bond holders who have a basic importation bond that is deemed insufficient to cover Importer Security Filing bond needs, or will continuous bond holders be required to increase their continuous activity code 1/2/3/4 bond?)

The Appendix D bond may be used as a single or a continuous bond. The bond limits of liability were not changed by the rulemaking.

3. Will CBP create a new bond activity code for the Appendix D stand-alone bond?

Yes. The Appendix D ISF bond will be designated as **activity code "16"**.

4. How will the limit of liability be determined for an Appendix D stand-alone **single transaction** ISF bond?

The bond amount for the Appendix D stand-alone ISF bonds will be \$10,000.

5. How will the limit of liability be determined for an Appendix D stand-alone **continuous** ISF bond?

The minimum bond amount for the continuous Appendix D bonds has been set at \$50,000.

6. Under what circumstances will CBP require or allow the new Appendix D ISF stand-alone **continuous** bond in lieu of an Activity Code 1, 2, 3, or 4 continuous bond, or single transaction bond?

If a party has a continuous Activity Code 1, 2, 3 or 4 (19 CFR §§ 113.62, 113.63, 113.64, & 113.73) bond, it needs to do nothing further with regard to bonding requirements. It has appropriate bonding so as to be eligible to submit ISF information. The decision to take out a bond on the CBP Form-301 with one of the noted Activity

Codes or an Appendix D stand-alone ISF bond is one to be made between the bond principal and surety. CBP will accept either.

7. How should the ISF Importer or its agent provide a copy of the Appendix D stand-alone **single transaction** ISF bond to CBP?

CBP requires that an electronic copy of the Appendix D stand-alone **single transaction** ISF bond be created and sent to CBP within 12 hours of receipt of an accepted ISF filing.

Step 1: The ISF Importer, or its agent, must denote the usage of the Appendix D stand-alone **single transaction** ISF bond on the ISF by identifying bond activity code 16, bond type 9 (single transaction), the valid surety code and the bond reference number. The bond reference number is the unique serial number issued by the surety that appears on the bond for surety company tracking purposes. This number ensures that CBP will not receive the same bond twice for multiple transactions.

Step 2: After CBP has received and accepted the ISF, the ISF filer will receive a unique ISF transaction number from CBP. The ISF Importer, or its agent, must affix a legible copy of the ISF transaction number (e.g., typed and of a font size 12) onto the Appendix D stand-alone ISF bond.

Step 3: An electronic copy of the bond containing the unique ISF transaction number must be created in a .pdf or .tif format and e-mailed to the **ISF_Bond@cbp.dhs.gov** mailbox within 12 hours of receipt of the unique ISF transaction number.

Note: The subject line of the e-mail must begin with “ISF” followed by the unique ISF transaction number (and only the unique ISF transaction number). Only 1 bond should be sent per transmission.

8. How should the ISF Importer or its agent provide a copy of the Appendix D stand-alone **continuous** ISF bond to CBP?

Appendix D stand-alone **continuous** ISF bonds must be submitted to, and approved by CBP’s Office of Finance in advance of the filing of an ISF. Once approved, CBP will record the bond information within the Automated Commercial System (ACS) and issue a unique bond identification number.

Upon the filing of an ISF, the ISF Importer, or its agent, must denote the usage of the Appendix D stand-alone **continuous** ISF bond on the ISF by identifying the bond activity code 16, bond type 8 (continuous) and the importer ID number that the bond was recorded against.

E. Exemptions:

1. I do not have to secure my informal entry with a bond today. Will CBP provide for any exemptions to the bond requirements for the ISF?

The Interim Final Rule does not provide any exemptions to the bond requirements.

However, as a matter of policy, certain types of ISF coded transactions will not require a bond to cover the ISF filing requirements. The bond requirements have been waived for the following ISF coded transactions:

- Type 3 "Household Goods/Personal Effects"
- Type 4 "Government and Military"
- Type 5 "Diplomatic"
- Type 6 "Carnets"
- Type 9 "International Mail"
- Type 11 "Informal Shipments"

(See also [Coded Transactions](#))

F. Sufficiency:

1. I filed an ISF and my customer's bond was deemed to be "insufficient". Who should I contact at CBP?

The trade may contact the Revenue Division directly at (317) 614-4880 or send an email to cbp.bondquestions@dhs.gov. Be sure to include your contact information as well as the importer number and the bond number in any correspondence.

BULK and BREAK BULK

(See also [EXEMPTIONS](#))

1. Existing rules exempt bulk and some break-bulk cargoes (e.g., most forest, steel products) from the 24 Hour Rule reporting requirements. Please advise if these commodities are exempt from the new "10+2" rules as well.

Bulk cargo is exempt from the ISF filing, vessel stow plan and container status messages requirements.

Break-bulk shipments, while exempt from the vessel stow plan and CSM requirements, require the filing of an ISF*.

For the purposes of the Importer Security Filing rule, the following definition will be used for bulk cargo:

“Homogenous cargo that is stowed loose in the hold and is not enclosed in any container such as a box, bale, bag, cask, or the like. Such cargo is also described as bulk freight. Specifically, bulk cargo is composed of either: (A) free flowing articles such as oil, grain, coal, ore, and the like which can be pumped or run through a chute or handled by dumping; or (B) uniform cargo that stows as solidly as bulk cargo and requires mechanical handling for lading and discharging.”

*Customs and Border Protection (CBP), Cargo & Conveyance Security (CCS), has determined that the following list of commodities and commodity types can be classified as bulk cargo. To be classified as bulk, this cargo may not be containerized and must be easily identifiable as laden on the vessel. Any bundling of the following commodities must only be for the purposes of securing the cargo. This list may be changed and updated as deemed appropriate by CBP.

- Coils of steel and other metals
- Rails of steel and other metals
- Wire rods of steel and other metals (may be coiled or flat)
- Ingots of metal (precious or otherwise)
- Round bars of steel or other metal
- Deformed Bars/Rebars (of metal)
- Plates (of metal)
- Billets (of metal)
- Slabs (of metal)
- Pipes (of metal)
- Beams (of metal)
- Tubes/Tubing (of metal)
- Angles, shapes and sections (of metal)
- Sheets (of metal)
- Expanded metal
- Flat bars (of metal)
- Strand wire (of metal)
- Sawn Timber/Lumber as a commodity (not as packaging material)
- Paperboard/Fiberboard/Plywood as a commodity (not as packaging material)
- Paper products as commodity (wood pulp, newsprint and paper rolls and not as packaging material)
- Certain perishable goods, not in boxes, bags or containerized, and not frozen, but laden and stowed in a way similar to other types of bulk cargo (includes seafood and produce)
- Blooms (similar to “billets and of metal)
- Anodes/Cathodes, in sheets only (may be corrugated)

2. Existing rules exempt bulk and certain break-bulk cargoes (e.g. most forest and steel products) from the 24 hour **timing requirements** of the 24 Hour Manifest Rule. Please advise if these shipments are exempt from the new rules as well.

Break-bulk cargo that is exempt from the **timing** requirements of the 24 Hour Rule are automatically exempt from the **timing** requirements of the ISF filing. ISFs for break-bulk cargo that are exempt from the timing requirements of the 24 Hour Rule must be filed no later than 24 hours prior to arrival.

Only carriers may apply for and receive an exemption to the 24 Hour Manifest Rule for break-bulk cargo. Please review the latest information on the 24 Hour Manifest Rule, including definitions of bulk and break-bulk cargo at the following link:

http://www.cbp.gov/linkhandler/cgov/trade/trade_outreach/advance_info/vessel_faq.ctt/vessel_faq.doc

The preferred method of requesting an exemption is through email. Requests may be submitted to:

24hour.exemptions@dhs.gov

Exemption requests may be mailed to U.S. Customs and Border Protection, Cargo and Conveyance Security, Room 2.2-A, Attention: NTCC, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

Generally, exemption processing takes approximately two to three weeks for a complete review.

The following information should be supplied in order to be considered for an exemption (per 19 CFR 4.7(b)(4)(ii)(A)): The carrier's IRS number; the source, identity and means of the packaging or bundling of the commodities being shipped; the ports of call both foreign and domestic; the number of vessels the carrier uses to transport break bulk cargo, along with the names of the vessels and their International Maritime Organization numbers; and the list of the carrier's importers and shippers, identifying any who are members of C-TPAT (Customs-Trade Partnership Against Terrorism). CBP reserves the right to request any additional information it deems necessary and appropriate to ensure adequate compliance with 19 CFR 4.7(b)(4) and to perform necessary national security risk analysis.

NOTE: Any cargo stowed in containers, including containers referred to as "ship's convenience," will be considered general cargo. No such containerized cargo will be exempt from the manifesting reporting requirements. For example, palletized boxes of bananas (not loose or loaded directly into a hold) stowed in shipping containers will be treated the same as all containerized cargo requiring information to be submitted 24 hours prior to loading.

3. Is an ISF required for roll-on roll-off (RORO) cargo?

Yes. RoRo cargo is considered break-bulk and thus requires an ISF.

4. My question is regarding break-bulk cargo, specifically Chilean produce. We handle fruit that is imported on break-bulk vessels. Many times the holds of the vessel are filled to capacity. So the excess produce is loaded into "ship's convenience" (meaning that although the importer did not book containers, the steamship line loaded the fruit in containers), which are lashed on the deck. Is the fruit in the containers (on the break-bulk vessel) still considered break-bulk, exempt to the 24-hours prior to loading; or is it now considered containerized, subject to the 24-hours prior to loading?

Cargo placed in a container, even for "ship's convenience," is containerized cargo and requires an ISF. This is consistent with CBP's advance cargo declaration requirements as per the Trade Act of 2002 for cargo stored for "ship's convenience." See,

http://www.cbp.gov/linkhandler/cgov/trade/trade_outreach/advance_info/vessel_faq.ctt/vessel_faq.doc.

5. Does this new rule engage the shipment and imports of liquid cargoes (mainly crude oil) to ports or unloading offshore designated areas of the US or does it only affect the import of containerized cargoes?

Bulk shipments (dry or liquid) are outside the scope of the rulemaking.

CARNETS

1. I am curious as to how containerized import shipments traveling under a carnet are to be handled in regards to Commodity HTS numbers. Goods shipped under a carnet are required to be described on the General List, which is part of the carnet, but does not require the application of HTS numbers. When the final rule is ultimately in effect, will carnet goods now require classification pre-shipment?

Carnets are not exempted from the ISF requirements, including the six-digit HTS number.

2. What will the coded transaction for carnets look like? Will carnets need to be bonded?

Bonds will not be required for these types of transactions.

Carnets can be handled using a "Type 06" ISF filing. In most cases, CBP expects that a U.S. based agent will act as the ISF Importer on behalf of the actual ISF Importer.

For example:

ISF Type “06” Carnet Filing Guidelines

ISF Filer:	ABI or AMS filer code
ISF Type:	06 “Carnet”
Carnet Issuing Country:	ISO Country Code (e.g., US)
Carnet Number:	Required for US (Optional for non-US)
ISF Importer: Agent or Importer	IRS#, CAN#, SSN
ISF Bond Holder: Not required	Exempt per policy
Bill of Lading Numbers(s):	SCAC/bill number(s) of the lowest bill of lading recorded in AMS.

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1. Importer of Record #: [Agent or Importer](#) IRS#, CAN#, SSN (CBP will **not** permit the use of a passport number in lieu of an IRS#, CAN# or SSN#.)
 2. Consignee #: [“US Rock Band”](#) IRS#, CAN#, SSN
 or passport number, country of issuance and date of birth
 3. Buyer (Owner): [“US Rock Band”](#) Name and address
 or IRS# or SSN if already on file with CBP (via CBP Form 5106)
 4. Seller (Owner): [“US Rock Band”](#) Name and address
 or IRS# or SSN if already on file with CBP (via CBP Form 5106)
 5. Ship to Parties: Name and Addresses of locations to be visited in the U.S. example: “Las Vegas Casino”
 6. Manufacturer (Supplier): [“US Rock Band”](#) Name of company owning the goods and last foreign address.

7. Country of Origin: ISO codes of all countries previously visited with under this carnet.
8. HTS Codes: Generic 6-digit HTS codes that describe the general nature of the goods:
- For traveling theaters and trade shows, HTSUS codes of: 95089000 "Merry-go-rounds, boat-swings, shooting galleries and other fairground amusements; traveling theaters; parts and accessories thereof" and 90230000 "Instruments, apparatus and models, designed for demonstrational purposes, unsuitable for other uses, and parts and accessories thereof" are accepted.*
- For rock bands, use 9208900040 for "Musical instruments NSPF"*
9. Consolidator (Stuffer): Follow normal requirements.
10. Container Stuffing Location: Follow normal requirements.

CLIENT REPRESENTATIVES (CBP)

1. Who do we contact at CBP if we are having system problems?

Parties should contact their assigned CBP Client Representative if they have any questions or are experiencing problems. If one has not yet been assigned, please call the general CBP Client Representative number at **571-468-5500**.

CODED TRANSACTIONS

CBP has programmed its system to accept 11 different ISF-10 Transaction types. More types will be added as needed.

- 01 Standard** This transaction type covers the vast majority of commercial shipments.

- 02 **Ship To/To Order** Should be used for shipments that have not yet been sold to a buyer in the U.S. This is typically used for commodities shipments (e.g., coffee beans, cocoa, etc.).
- 03 **HHG/PE** Should be used for all household goods & personal effects shipments. This includes shipments for returning military members, other U.S. government personnel and their families. **No bond is required.**
- 04 **Gov't. & Military** Only to be used for actual government or military shipments and not the personal effects or household goods of individual government personnel. **No bond is required.**
- 05 **Diplomatic** Only to be used by foreign entities entitled to diplomatic immunity. Returning U.S. diplomatic personnel are not entitled to use this transaction type. **No bond is required.**
- 06 **Carnet** Covers shipments arriving under a carnet. **No bond is required.**
- 07 **U.S. Goods** Reserved for shipments containing solely U.S. Goods Returned.
- 08 **FTZ Shipments** Reserved for shipments going into a Foreign Trade Zone.
- 09 **International Mail** Reserved for USPS mail shipments. **No bond is required.**
- 10 **OCS Shipments** Reserved for shipments arriving from a U.S. outer continental shelf point or from vessels operating over a U.S. OCS point (e.g. rigs, derrick barges, seismic vessels).
- 11 **Informal** Reserved primarily for low-value shipments where formal entry is not required. **No bond is required.**

Sub Codes:

- 01 Section 321
- 02 Informal under \$2,000
- 03 General Note 3(e)

A. Regular Shipments (ISF Type 01):

1. I noticed there are several “types” of security filings. Which one should I use?

The answer depends on the type of entry at issue. The most common ISF transaction type is the “Type 01” which is for most consumption entries. This is also the “default” ISF type. However, shipments that are expected to be sold prior to U.S. arrival should be filed under the ISF “Type 02” also known as the “Ship To/To Order” ISF filing.

B. Ship To/To Order Shipments (ISF Type 02):

1. How do I handle shipments sold on the water?

The ISF will need to be updated if the shipment is sold in transit. At a minimum, the ISF Importer must notify CBP that the goods have been sold, and the party must update the Buyer (Owner) field and any other field of which they are aware. The ISF Importer remains liable for the timing and accuracy of the ISF filing.

C. Household Goods and Personal Effects (Informal Shipments) (ISF Type 03):

1. Can CBP please explain in more detail how household goods and personal effects shipments can be handled? I act as an agent for several hundreds of these shipments per month. Typically, these shipments are on one bill of lading and are co-loaded in the same container. Can I provide my own IRS# as the “Importer of Record#” as long as I provide my clients information in the “Consignee#” field?

Household goods (HHG) and personal effects (PE) can be handled by using a coded transaction type “03” filing. In this question the agent becomes the ISF Importer and would provide its own Importer of Record # as long as all of the actual consignees are properly identified within the ISF filing.

Note: CBP has noted that some of the SSNs provided to-date have been fake; especially those that begin with “000”. Therefore, CBP will tighten up the system edits and will reject all SSNs that are clearly fictitious.

Note: An IRS# or CAN# may be provided for the *ISF Importer* and/or the *Importer of Record* as long as it has been previously registered with CBP (CBP Form 5106). If a social security number (SSN) or passport number (PPN) is provided for the *ISF Importer* and/or the *Importer of Record*, the following information will also have to be provided:

Full name
Date of Birth

Please note that this type of filing should also be used for household goods and personal effects shipments for returning members of the U.S. military, other U.S. government agencies, and their families. U.S. citizens working in a diplomatic capacity abroad must also meet these requirements. (see also [Diplomatic Shipments](#))

2. Can the “Type 03 HHG/PE” coded transaction be used for personal use automobiles?

Yes. For automobiles or motorcycles, use an HTS from Chapter 87 such as 8703.21 (autos) and 8711.30 (motorcycles).

3. I purchased some large souvenirs on a recent vacation overseas and was not able to take them on the airplane with me. The bronze statues I purchased are for my own personal use and not for resale. Can I file a “Type 3 ISF” for these types of non-commercial shipments?

Yes. The “Type 3” ISF can be used to cover non-commercial shipments of this nature.

ISF Type “03” HHG/PE Filing Guidelines

ISF Filer:	ABI or AMS Filer Code
ISF Type:	03 “HHG/PE”
ISF Importer: Agent (or Importer)	IRS# or CAN# ok if previously registered with CBP (CBP Form 5106) or Valid SSN Plus full name and date of birth or Full name, passport number, country of issuance and date of birth
ISF Bond Holder:	EXEMPT per policy
Bill of Lading Numbers(s):	SCAC/bill number(s) of the lowest AMS bill of lading number(s)

1. Importer of Record #: **Agent** (or Importer) IRS# CAN# ok if previously registered with CBP (CBP Form 5106)

or

Valid SSN
Plus full name and date of birth

or

Full name, passport number, country of issuance and date of birth

2. Consignee # for **John Smith**

Valid SSN XXX-XX-XXXX
Plus full name and date of birth

or **full name**, passport number, country of issuance and date of birth

Consignee # for **Jane Smith**

Valid SSN YYY-YY-YYYY
Plus full name and date of birth

or **full name**, passport number, country of issuance and date of birth

Consignee # for **Jan Doe**

Valid SSN ZZ-ZZ-ZZZZ
Plus full name and date of birth

or **full name**, passport number, country of issuance and date of birth

3. Buyer (Owner):

Owner's full name and new address in the United States.

or IRS# or SSN if already on file with CBP (via CBP Form 5106)

4. Seller (Owner):

Owner's full name and last foreign address

5. Ship to Parties:

Generally, the importer's new address in the United States.

6. Manufacturer (Supplier):

Owner's full name and last foreign address.

7. Country of Origin: Country code from Owner's last foreign address
8. HTS Codes: Generic 6-Digit HTS codes that describe the general nature of the goods:

9804.00 for household goods and personal effects

9805.00 for personal effects of U.S. Gov't extended duty employees & family or evacuees
9. Consolidator (Stuffer): Follow normal requirements.
10. Container Stuffing Location: Follow normal requirements.

D. Government and Military

E. Diplomatic: see [Diplomatic Shipments](#)

F. Carnets: see [Carnets](#)

G. U.S. Goods Returned: see [U.S. Goods Returned](#)

H. FTZ Shipments

I. International Mail Shipments

J. Outer Continental Shelf (OCS) Shipments: see [Outer Continental Shelf \(OCS\)](#)

K. Informal Shipments

The importing public has requested that CBP develop a specific coded transaction type for "informal entry" types and to provide some relief to the bonding requirements for these shipments. CBP has agreed to this, but with very specific stipulations. Importers using the new **ISF Type 11** coded transaction type will need to provide a sub-code, as well as an **estimated value (U.S. dollars), estimated quantity (smallest external packaging units) and estimated weight (kg or lbs)** of their shipment. A bond will not be required to cover the ISF requirements for eligible shipments.

Valid Sub Code(s)

01	Section 321 Shipments	Total value under \$200
02	Informal Shipments	Total value \$2,000 or less
03	General Note 3(e) Shipments	See note below:

Note for Sub-type 01: Waste, garbage and textile shipments are not generally eligible for usage of the "Section 321" clearance and therefore are not eligible for this sub-code on the ISF.

Note for Sub-type 02: Quota entries valued at \$250 or more are generally not eligible for informal entry status and therefore are not eligible for this sub-code on the ISF.

Note for Sub-type 03: The General Note 3(e) exemptions include:

- Corpses and accompanying coffins and flowers;
- **Undeliverable articles returned within 45 days and which have remained in the custody of the carrier or foreign customs service;**
- Aircraft parts or equipment removed from U.S. registered aircraft in international traffic because of accident, breakdown or emergency and returned within 45 days of removal.

CONFIDENTIALITY

1. Will any of the new data that is being submitted be considered to be part of the carrier "manifest" and thereby become public record? Does CBP have a form that can be filled out to request confidentiality of ISF information?

ISF information is not considered part of the carrier manifest. Pursuant to 19 CFR 103.31a, Importer Security Filing information that is electronically presented to CBP for inbound vessel cargo is per se exempt from disclosure under § 103.12(d), unless CBP receives a specific request for such records pursuant to § 103.5, and the owner of the information expressly agrees in writing to its release.

(Also see the [powers of attorney](#) section)

2. Will the importer have access to carrier's data (CSMs and stow plans)?

No.

CONTACT INFORMATION (CBP)

1. What type of assistance will CBP provide the trade to help us through this new process? Will there be a phone number available for general help?

CBP will provide assistance to the trade via extensive outreach and postings on the CBP.gov website. In addition, National Account Managers and Client Representatives are available to assist the trade. Parties may submit questions about the general application of the new requirements to CBP via the Security_Filing_General@cbp.dhs.gov mailbox. 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.

CONTAINER STATUS MESSAGES (CSM)

1. How do you know that the repaired container will eventually be scheduled for the U.S.? How would this reporting requirement be complied with? Is the repair only required to show a CSM when the container is issued against a booking?

The decision of whether a container is destined to arrive within the limits of a port in the United States is made by the carrier.

CRUISE VESSELS and ISF

1. Are ISFs required for non bulk cargo carried on a passenger vessel?

Passenger vessels that are required to file cargo declarations (CBP Form 1302) must file ISFs as to the same cargo. However, ISFs are not required for ship's equipment.

2. Are vessel stow plans required for passenger vessels?

A vessel stow plan is required if there are containers onboard the vessel.

3. How will vessel supplies for immediate exportation (VSIE) goods be handled? For example, liquor being stored in an FTZ on U.S. soil being laden on an outgoing vessel.

Domestic cargo (whether of U.S. origin, or of foreign origin and having been formally entered), including cargo intended for repair or emergency work, that is transported between CBP ports, or other places within the customs territory of the United States, including an OCS facility, is not subject to Importer Security Filing requirements.

DATA ELEMENTS (GENERAL)

1. Repeat Data: In many of our transactions, a single entity may be the same for several of the different required ISF elements. For instance, the “Seller (Owner) Name and Address” might be the same as the “Manufacturer (Supplier) Name and Address”. Likewise, the “Buyer (Owner) Name & Address” might be the same entity as the “Importer of Record Number”. Is it ok to repeat the same information if the entities are the same?

Yes. If the information is exactly the same, it may be provided multiple times to cover the required ISF elements.

DATA ELEMENTS (SPECIFIC)

A. Importer of Record Number:

1. Can the importer of record number be a CBP assigned number?

Yes. 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 must be provided. However, the consignee number is the IRS number, EIN, SSN, or CBP assigned number of the individual(s) or firm(s) in the United States on whose account the merchandise is shipped.

2. What identification number is required for parties without U.S. social security numbers shipping household goods?

In this instance, the passport number, passport country of issuance and date of birth will be accepted.

3. Can a foreign entity be identified as the *Importer of Record Number*?

Yes. However, a U.S. entity must be provided for the consignee number element.

B. Consignee Number:

1. What identification number is required for parties without U.S. social security numbers shipping household goods?

In this instance, the passport number, passport country of issuance and date of birth will be accepted.

2. The ISF-10 record asks for a Consignee. According to the ISF Implementation Guide, for unified entry, the EI-10 record is used to report the Ultimate Consignee, not Consignee. Are we to presume that the Ultimate Consignee and Consignee are the same?

Yes, in this instance the Ultimate Consignee and Consignee must be the same.

C. Ship To Party:

1. If the container has to be devanned in more than one location (i.e. container does multiple stops after arriving in the US and drops cargo off at each location), does 10+2 require listing of all locations for the ship to addresses? You may see this scenario where it is one company but has multiple divisions underneath it. Thus, there would be only one BL reflecting the IOR but several separate divisions under the one IOR. What would CBP want to see as the ship to location—the first ship to location or all?

Pursuant to new 19 CFR 149.3(a)(6), 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 must be provided. ISF Importers are not required to provide subsequent ship to parties; however, they may do so if they choose.

2. Who should be listed as the “Ship to Party” when a shipment is shipped to a distribution facility that is owned by one company and operated by another related company?

Pursuant to new 19 CFR 149.3(a)(6), 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 must be provided. The party physically receiving the goods must be provided and not an entity that merely owns the facility.

3. Please provide clarification regarding the data element “ship-to name and address”. It would be helpful to have explanatory examples. The requirement is for 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.

Please address the following scenarios:

- a. Full container load (FCL) cargo clears prior to arrival at the port of discharge. Is the terminal/pier the ship-to, since the cleared freight is no longer in customs custody? How would the ISF filer know this 24 hours prior to lading?

In this scenario, the terminal was not the first deliver-to party scheduled to physically receive the goods after the goods have been released from customs custody. Rather, the party who, at the time of ISF filing, was scheduled to physically receive the goods must be provided.

- b. FCL cargo moves in-bond to an inland point by rail. After clearance at the inland port, the container is delivered to the ultimate consignee. Is the ship-to party the railroad, since they receive the cargo 1st after the freight leaves the pier, or is it the ultimate consignee since they receive the cargo first after Customs clearance?

The bonded carrier should not be provided as the ship to party. In this example, the identity of the ultimate consignee should be provided as the ship to party.

- c. FCL or LCL cargo moves on a PTT to a CFS warehouse for transloading to trucks for delivery. The cargo clears Customs while at the CFS. Is the ship-to the CFS, or is it the ultimate consignee?

The identity of the first deliver-to party scheduled to physically receive the goods after the goods have been released from customs custody must be provided. In this instance, CBP wants the ultimate consignee's physical address where the goods are scheduled to be received.

D. Manufacturer (Supplier) Name/Address:

- 1. We import containers with thousands of parts, potentially having literally hundreds of different manufacturers, from a related party who, in turn, purchases the parts from those manufacturers. These parts may be commingled prior to importation. On the ISF filing, can we provide the identity of our related party to fulfill the Manufacturer (Supplier) ISF requirement as this is the party from whom we actually buy the parts or do we need to list all the manufacturer's individually?

The party who supplied the goods can be provided as long as that party is a separate legal entity from the ISF Importer. If both of these parties are the same entity, the identity of the party who last manufactured, assembled, produced, or grew the commodity or the party who supplied the finished goods to the ISF Importer must be provided. Generally, the manufacturers provided on the CBP Form 3461 will satisfy the ISF requirement.

- 2. Please advise if we need to submit both the manufacturer and the supplier info on the 10+2 ISF filing. Or, will the supplier data be sufficient?

The identity of the entity that last manufactures, assembles, produces, or grows the commodity or the name and address of the party supplying the finished goods in the country from which the goods are leaving must be provided. However, CBP would

prefer that the identity of the actual manufacturer be provided where that entity is known.

3. Can the manufacturer (supplier) be a U.S. company?

The manufacturer (supplier) can be U.S. a company, if the party who last manufactured, assembled, produced, or grew (or supplied) the commodity is a U.S. company.

E. Country of Origin:

1. If the merchandise is assembled in one country, but parts are from many other countries which country of origin do I list?

Generally, the country of origin for the imported product that is provided on the CBP Form 3461 will satisfy the ISF requirements.

2. Can you advise if the country of origin needs to be linked to each Harmonized Tariff Schedule of the United States (HTSUS) number or is it enough that the data is given electronically against each part number?

The manufacturer (or supplier), country of origin, and commodity HTSUS number must be linked to one another at the line-item level. This linking is similar to the CBP Form 3461 requirements. Line-item linking is required at the ISF shipment level and not at the invoice, container, parts or bill of lading level.

F. Commodity HTS-6:

1. When you talk about line-item linking requirement are you talking at the HTS 6 digit level or at a SKU level on the commercial invoice from the manufacturer/supplier? I am asking as we have shipments from one manufacturer/supplier that might contain 100 different SKUs but would only result in five of HTS numbers.

If the 100 different SKUs result in just five HTS numbers at the 6 digit level, the ISF Importer or its agent may provide the five HTS numbers. However, the manufacturer (or supplier), country of origin, and commodity Harmonized Tariff Schedule of the United States (HTSUS) number must be linked to one another at the line-item level. This linking is similar to the CBP Form 3461 requirements. Line-item linking is required at the ISF shipment level and not at the invoice, container, parts or bill of lading level.

2. Parts: If an importer of parts brings in container loads of thousands of parts with multi manufacturers, country of origin, and Harmonized Tariff Schedule of the United States (HTSUS) numbers, does the importer, upon filing the ISF, have to show every part HTSUS number or can they show a general number such as 8714.190060 which is

parts and accessories of motorcycles? The exact parts in the shipment may not be known upon filing the ISF and since 8714.190060 is specifically parts and accessories of motorcycles is it acceptable?

The duty/statistical reporting number under which the article is classified in the HTSUS must be provided. The HTSUS number must be provided to the six digit level. The ISF Importer can submit an initial response or responses based on the best available data at the time of the filing. However, the ISF must be updated as soon as more precise or more accurate information is available in no event less than 24 hours prior to arrival at a U.S. port (or upon lading at a foreign port that is less than a 24 hour voyage to the closest U.S. port).

3. FROB: How many HTS digits are required for foreign cargo remaining on board (FROB)?

The commodity HTSUS number for FROB cargo must be provided to the six-digit level. The HTSUS number may be provided to the 10-digit level.

4. Garments on hangers: At the time of shipping, our electronic purchase orders that we provide to our overseas third party logistics provider (3PL) do not specify when garments will ship with hangers. Upon entry, however, our U.S. customs brokers have this information and classify the hangers separate from the garments because they qualify for the lower duty treatment. For ISF purposes, do we need to provide the 6-digit HTS number for the hangers in addition to the HTS number for the garments that are hanging on them?

The ISF needs to include the 6-digit HTS number for the hangers if the ISF importer is aware of the existence of the hangers. If the ISF Importer is initially unaware that the hangers are shipped with the garments, then the ISF Importer should update the ISF as soon as they become aware of this information.

G. Container Stuffing Location:

1. Regarding the Container Stuffing Location and Consolidator (Stuffer) (the 2 data elements that are to be filed as soon as possible, but no later than 24 hours prior to arrival) – is the timing flexibility just for the one-year flexible enforcement period?

The flexibility as to timing for the Container Stuffing Location and Consolidator (Stuffer) elements will remain in place unless and until CBP determines that a change should be made. Interested persons are invited to submit written comments on the flexibility as to timing provided pursuant to the Interim Final Rule. CBP will consider these comments and, if CBP determines that a change to the flexibility as to timing is necessary, CBP will amend the regulations accordingly.

2. If a single container is stuffed in multiple locations, must I enter all locations into the ISF?

Yes. When a container is stuffed at more than one location and/or more than one container is on a single bill of lading, all of the stuffing locations for the goods listed on the bill of lading must be provided.

3. The interim final rule states that for break bulk cargo the Container Stuffing Location should be the party that made the goods "Ship ready." This term is somewhat vague when it comes to the shipping of motor vehicles on ro-ro vessels. Does "Ship ready" refer to the preparation for transport of the vehicle such as the application of protective tape and suspension blocks or does it refer to the actual movement onboard the vessel and lashing of the vehicle?

"Ship ready" refers to the location(s) where the cargo is made ready (taped, banded, packaged, etc.) to be laden on the vessel. This could be the factory, terminal, intermediate warehouse, or other location.

4. I need a simple way to explain what Container Stuffing Location & Consolidator (Stuffer) mean to my foreign shippers. Do you have anything that explains exactly what these 2 data elements are, and how my shippers can obtain the information, in simple terms?

Also, do you have a sample or mock-up of an ISF so that we can better understand what we'll be utilizing?

The container stuffing location(s) are the physical location(s) where the goods were stuffed into the container. This does not mean the location of the goods *within* the container. For break bulk shipments, this is the physical location(s) where the goods were made "ship ready."

The consolidator (stuffer) is the party who stuffed the container or arranged for the stuffing of the container. For break bulk shipments this is the party who made the goods "ship ready" or arranged for the goods to be made "ship ready".

5. An export shipment is loaded into a container at a facility in Germany in which the brick and mortar, as well as the goods in the facility, are owned by Company AG. However, the facility is operated by a related firm, Company AG Logistics Services. Who would be listed as the "Container Stuffing Location" for the ISF? Company AG or Company AG Logistics Services?

Provide the name of the operator of the facility and the address of the facility where the goods were stuffed into the container or made "ship ready."

H. Consolidator (Stuffer) Name/Address:

1. Regarding the Container Stuffing Location and Consolidator (Stuffer) (the 2 data elements that are to be filed as soon as possible, but no later than 24 hours prior to arrival) – is the timing flexibility just for the one-year flexible enforcement period?

The flexibility as to timing for the Container Stuffing Location and Consolidator (Stuffer) elements will remain in place unless and until CBP determines that a change should be made. If CBP determines that such a change is necessary, CBP will amend the regulations accordingly.

2. If there are multiple stuffing locations and there are multiple consolidators do all consolidators need to be listed? An example would be an NVOCC doing a milk run where it stops at multiple locations and the container is stuffed at each location by a different party. Would all stuffers need to be listed for just the party who ARRANGED for the stuffing?

In this scenario, the name of the party that arranged for the stuffing of the container should be provided.

3. For a “Shipper Loaded” Container that is shipped by a manufacturer directly with the steamship line, who would be shown as the Consolidator or Stuffer?

If the manufacturer is the party that stuffed the container or arranged for the container to be stuffed, then the manufacturer is the consolidator (stuffer).

4. If I have one shipment going to one importer that has multiple containers which are stuffed by various consolidators, do I have to list them all as part of my ISF?

Yes. It is important to note that there can be more than one “Consolidator” involved in a transaction. CBP requires that if multiple “Consolidators” are involved (e.g., some co-load situations), multiple “Consolidators” need to be provided as part of the Importer Security Filing.

UNIQUE ISF-5 DATA ELEMENTS

I. Foreign Port of Unlading:

1. “Foreign port of unlading” is defined as the port code for the foreign port of unlading at the intended final destination. How should a location be reported when the location is not a port or when there is no port code associate with the destination?

If the intended final destination is not a port, or if there is no port code associated with the final destination, provide the nearest Schedule K code or UNLocode.

2. A vessel carrying transit cargo destined for Mexico departs from Hong Kong and discharges said cargo in Los Angeles, CA, USA. The cargo is then put on a truck bound for Laredo, TX, USA. The cargo exits the U.S. and enters Mexico at Nuevo Laredo, Mexico. The final destination of the cargo is Mexico City, Mexico.

What do we use for the Foreign Port of Unlading?

For shipments that are being exported to Canada or Mexico via truck or rail, the UNLocode of the first foreign port of entry (or nearest city) after export from the United States may be used; in this case, MX LRD (the code for Nuevo Laredo) would be acceptable.

J. Place of Delivery:

1. A vessel carrying transit cargo destined for Mexico departs from Hong Kong and discharges said cargo in Los Angeles, CA, USA. The cargo is then put on a truck bound for Laredo, TX, USA. The cargo exits the U.S. and enters Mexico at Nuevo Laredo, Mexico. The final destination of the cargo is Mexico City, Mexico. What do we use for the “Place of Delivery”?

In this case, the known “Place of Delivery” is Mexico City, Mexico (MX MEX)

DIPLOMATIC SHIPMENTS (see [coded transactions](#))

1. Can a returning U.S. diplomat, U.S. embassy personnel or other U.S. citizens working on behalf of the U.S. government use the Diplomatic Type 5 coded transaction?

No. This shipment type is reserved for representatives of foreign governments and members of their families and their baggage and effects as provided for in 19 CFR 148.82.

Returning U.S. personnel and their goods are not considered diplomatic shipments and are not eligible to use the Type 5 coded transaction.

2. Do bona fide diplomatic shipments require a bond to cover the ISF requirements?

No.

3. What does the diplomatic type coded transaction look like? Must we provide all “10” ISF elements?

Example of an ISF for a diplomatic shipment:

ISF Type “05” Diplomatic Shipment Guidelines

ISF Filer:	ABI or AMS Filer Code
ISF Type:	05 “Diplomatic”
ISF Importer: Agent or Importer	IRS# of Agent or Customs Assigned Number (CAN#) of the foreign embassy or consulate in the United States.
ISF Bond Holder:	EXEMPT per policy
Bill of Lading Numbers(s):	SCAC/bill number(s) of the lowest AMS bill of lading number(s)

1. Importer of Record #: [Agent or Importer](#) IRS# of Agent **or** Customs Assigned Number (CAN#) of the foreign embassy or consulate in the United States
2. Consignee # IRS# of Agent **or** Customs Assigned Number (CAN#) of the foreign embassy or consulate in the United States **or** passport number, country of issuance and date of birth of accepting party
3. Buyer (**Owner**): The name and address of the foreign embassy or consulate in the United States. **or** the IRS#, CAN# of the foreign embassy or consulate in the United States
4. Seller (**Owner**): The name and address of the foreign embassy or consulate in the United States. **or** the IRS#, CAN# of the foreign embassy or consulate in the United States
5. Ship to Parties: Name and address of the party receiving the goods in the United States

- or the name and address of the foreign embassy or consulate in the United States.
 - or the IRS#, CAN# of the foreign embassy or consulate in the United States
- 6. Manufacturer (Supplier): Name and address of the foreign government
- 7. Country of Origin: ISO country code of the foreign country
- 8. HTS Codes: **9806.00** Diplomatic effects/articles
- 9. Consolidator (Stuffer): Follow normal requirements.
- 10. Container Stuffing Location: Follow normal requirements.

ENFORCEMENT MEASURES

The full compliance (enforcement) date for the “10+2” requirements commenced on **January 26, 2010**, thus ending a 12-month flexible enforcement period during which CBP provided extensive outreach to educate the trade community on the new requirements.

As the flexible enforcement period has ended, the guiding principle is to exercise the least punitive measures available to obtain full compliance. In order to achieve maximum compliance with the least amount of disruption to the trade and to domestic port operations, CBP will apply a measured, common sense approach to enforcement. This deliberative approach towards enforcement should not be viewed by the trade community as a further extension of the structured review and flexible enforcement period.

At the outset, CBP will concentrate its enforcement efforts on importers who are not filing ISFs for U.S.-bound shipments. At the very least, non-compliant ISF Importers should expect to receive a warning and/or will experience delays in the release of their cargo while CBP analyzes and mitigates the potential risk of the cargo. At a minimum, non-compliant importers should expect their shipments to undergo non intrusive inspection (NII) exam upon arrival in the U.S.

As CBP’s enforcement regime matures, non-compliant importers will continue to see increases in the amount of manifest holds and examinations, and will be subject to the greater use of stricter enforcement measures such as liquidated damages and do not

load (DNL) holds. For C-TPAT companies that remain non-compliant, CBP will consider suspending, reducing and even revoking their C-TPAT status.

CBP will evaluate instances of non-compliance on a case-by-case basis and will consider factors surrounding potential violations before applying enforcement actions.

A. Do Not Load Messages:

1. If CBP issues a DNL for the ISF, how will the carrier know if it was because the ISF or manifest?

CBP will provide a message to the carrier via vessel AMS that the DNL was specifically due to the ISF.

B. Liquidated Damages:

1. Will CBP assess liquidated damages for multiple violations on one ISF?

CBP will assess liquidated damages in accordance with the relevant mitigation guidelines which were published in the CBP Bulletin on July 17, 2009. While there may be multiple errors on an ISF transmission, in accordance with the guidelines, CBP may assess a claim for liquidated damages as follows: \$5,000 per late ISF, \$5,000 per inaccurate ISF, and \$5,000 for the first inaccurate ISF update.

C. Mitigation Guidelines

1. Where can I find a copy of the ISF Mitigation Guidelines?

The guidelines for the assessment and cancellation of claims for liquidated damages for failure to comply with the vessel stow plan, container status message, and importer security filing requirements were published in the Customs Bulletin on July 17, 2009 and are available through the link below.

http://www.cbp.gov/linkhandler/cgov/trade/legal/bulletins_decisions/bulletins_2009/vol43_07172009_no28/43genno28.ctt/43genno28.pdf

The guidelines begin on page 29 and end on page 41.

EXEMPTIONS TO ISF REQUIREMENTS

A. 24 Hour Manifest Rule Exemptions (for “exempt” Break-Bulk):

1. Existing rules exempt bulk and certain break-bulk cargoes (e.g. most forest and steel products) from the 24 hour **timing requirements** of the 24 Hour Rule. Please advise if these commodities are exempt from the new rules as well.

See section on [Bulk and Break-Bulk](#)

B. General ISF Requirements (Exemptions):

2. Are “containerized bulk” shipments exempt?

No. Once cargo is placed in a container it can no longer be considered bulk cargo. See 19 CFR 4.7(b)(4)(i).

3. Are there any bond exemptions?

Yes. (See [Bonds](#))

4. What about outer continental shelf (OCS) shipments? Are they exempt from the ISF requirements?

(See [OCS shipments](#))

C. Instruments of International Trade (IIT)

1. Are **EMPTY CONTAINERS** exempt from the importer security filing requirements?

Yes, empty containers are exempt from § 149.2 “Importer security filing—requirement, time of transmission, verification of information, update, withdrawal, compliance date.”

However, CBP requires that empty containers be reported via vessel stow plans and container status messages.

2. Are empty shipper (or importer) owned containers subject to the Importer Security filing requirements?

No. But they must still be reported via vessel stow plans and container status messages where appropriate by the carrier.

3. Are **ISO TANKS** exempt from the ISF Requirements?

ISO tanks are treated like any other containers. If the ISO tanks contain cargo, then they require the filing of an ISF. If the ISO tanks are empty (no residue), they do not require the filing of an ISF.

4. Are ship's equipment and carrier's intercompany moves exempt from the Importer Security Filing requirements?

An Importer Security Filing is not required for ship's equipment. However, unless otherwise exempted, the ISF Importer must submit an Importer Security Filing for intercompany moves.

5. Are **SHIP'S SPARES** exempt from the ISF filing requirements?

Yes.

6. Is **SHIP'S EQUIPMENT** exempt from the ISF filing requirements?

Yes.

FLEXIBLE ENFORCEMENT PERIOD (See also [Enforcement Measures](#))

1. Are the flexibilities (i.e., "acceptable range of responses" and "flexible timing") only for the flexible enforcement period or is it CBP's intent to keep these flexibilities in the filing after the flexible enforcement period expires?

The flexibility as to interpretation for the *Manufacturer (Supplier)*, *Ship to Party*, *Country of Origin*, and *HTSUS number*, and flexible timing provisions for the *Consolidator (Stuffer)* and/or *Container Stuffing Location* will remain in place unless and until CBP determines that a change should be made. If CBP determines that such a change is necessary, CBP will amend the regulations accordingly.

IDENTIFICATION NUMBERS

A. General:

1. Can you provide a list of all the widely recognized commercially accepted identification numbers for the ISF entities such as the buyer, seller, etc.? It was mentioned in the interim final rule that CBP will accept widely recognized commercially accepted identification numbers such as Dun and Bradstreet Data Universal Numbering System (DUNS) numbers. Are there any other numbers that will be accepted?

CBP will allow the trade to provide widely recognized commercially accepted identification numbers such as DUNS numbers as an alternative to the name and address for the following elements: Seller, Buyer, Manufacturer (or supplier), Ship to party, Container stuffing location, Consolidator (stuffer), and Booking party. In addition, CBP will accept Facilities Information and Resources Management System (FIRMS) codes for the ship to party, when applicable. CBP will continue to consider, in coordination with the trade, accepting other widely recognized commercially accepted identification numbers.

B. DUNS:

1. Will CBP provide query functionality for DUNS numbers?

No. **It is the ISF filer's responsibility to obtain the correct DUNS number(s).**

IMPLEMENTATION GUIDES

CBP's most current implementation guides (data transaction sets) can be found at the following link:

http://www.cbp.gov/xp/cgov/trade/automated/automated_systems/sf_transaction_sets/

INFORMAL SHIPMENTS (See also [Coded Transactions](#))

A. General:

1. Are ISFs required for informal shipments?

Yes. ISFs are required for informal shipments. **See [Coded Transactions](#) for more details.**

B. Military Shipments:

1. Are ISFs required for returning U.S. military household goods shipments?

Yes. Please utilize the ISF "Type 03" Filing (See also [Coded Transactions](#)).

2. Are bonds required for ISFs for U.S. military household goods shipments?

No. The bond requirements for these types of shipments have been waived as a matter of policy.

3. For U.S. military household goods, can the moving company contractor be the ISF Importer?

Household goods and personal effects, including U.S. military household goods, can be handled by using a coded transaction type "03" filing. The agent can be the ISF Importer and provide its own importer of record number as long as all of the actual consignees are properly identified on the ISF filing.

ISF FILINGS

A. **General:**

1. Can an ISF cover more than one vessel and voyage?

No.

2. Is there going to be a paper ISF Form?

No. It is all electronic.

3. Since manifested quantity is not a part of the ISF filing, how will CBP handle multiple ISFs for one bill of lading?

CBP will return a unique identification number for each unique ISF filing even if against the same bill of lading. (See [unique identification number](#))

4. Can bills of lading on the same vessel and voyage for the same importer be combined in the same ISF if the ports of loading or discharge are different?

An ISF filing covers a single "shipment" going to a single ISF Importer arriving on a single vessel voyage. While ISF filings may naturally match up with CBP Form 3461 entries, there is no actual requirement that they do so.

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. CBP will not accept ISFs that are filed against a Master bill of lading.

Additionally, a single ISF may cover multiple bills of lading as long as they are all going to the same importer* as part of the same shipment on the same vessel voyage.

***Note: In the case of FROB, IE and TE cargo, the carrier may not “bundle” non-related shipments under a single ISF filing. These shipments are not ultimately “going to” the carrier.**

5. It is possible to transmit one ISF for multiple bills of lading on the same vessel for one importer if they are one shipment. We see several possible scenarios here:

-multiple bills of lading for the same importer that will all be cleared under one entry

-multiple bills of lading for the same importer that will result in multiple entries for that importer

The question now is does the word “shipment” mean entry as in example one? Or can the word shipment be applied to multiple entries as in example two? If the definition of "shipment" can be construed to mean example two we are confused as to how we could file a combined ISF/entry. Would we simply pick any one of the entries and attach the ISF filing for all the bills of lading to that one?

There are several possible filing options, as long as there is one shipment, one importer of record number, on the same vessel and same voyage number, including the following:

- One ISF per bill of lading
- One ISF to cover multiple bills of lading*.
- In a “unified entry” one ISF per entry regardless of the number of bills of lading (as long as these bills of lading are for the same shipment* and are represented on the entry).

***Note: In the case of FROB, IE and TE cargo, the carrier may not “bundle” non-related shipments under a single ISF filing. These shipments are not ultimately “going to” the carrier.**

6. My company regularly imports to the U.S., Canada and Mexico; sometimes at the same time. At the time the ISF is required, we don’t always know the specific destination for a particular shipment. For instance, sometimes the decision is made to divert a portion of a U.S. bound shipment to an FTZ or to Canada/Mexico after vessel sailing. In these cases, should I file an ISF-10 instead of an ISF-5 filing?

In these cases, an ISF-10 should be submitted. The ISF-10 must be updated at a later time with an ISF-5 if the decision is made to divert the shipment to Mexico or Canada via an IE or T&E or once better information becomes available prior to vessel arrival at the first U.S. port. However, if better information does not become available until after vessel arrival in the first U.S. port, the ISF importer is no longer bound to update the ISF-10 but may still do so at their discretion. As a matter of policy, updating an ISF-10 to an ISF-5 does not require Port Director approval. (See also [Splits, Diversions and Rolling of Cargo](#))

B. Self Filer:

1. We currently use a broker to file our entry documents via the ABI interface. As an importer, is there a way to connect via the ACE system to only file the ISF-10? Will CBP create a web portal in ACE so importers can file their own Importer Security Filings?

The ISF cannot be submitted through ACE at this time. However, CBP will continue to explore additional ISF functionality as ACE is developed. An importer may also contact a CBP Client Representative at 571-468-5500 to discuss self filing options.

C. Timing Requirements:

(See also, [Container Stuffing Location](#), [Consolidator Name/Address](#).)

1. Pursuant to the new regulations, some ISF elements must be submitted no later than 24 hours before the cargo is laden aboard the vessel at the foreign port. When cargo is first laden aboard a feeder vessel, are these elements required no later than 24 hours before the cargo is laden aboard the feeder vessel or the vessel destined to the United States? When are ISFs for FROB required?

For ISF elements that must be submitted no later than 24 hours before the cargo is laden aboard the vessel at the foreign port, the elements must be submitted no later than 24 hours before the cargo is laden aboard a vessel destined to the United States. Similarly, for FROB, the required elements must be submitted prior to lading aboard a vessel destined to the United States.

D. ISF-5 Filings:

1. On the I.E.'s and T&E's are we required to transmit the inbond number prior to or at the same time the 5 additional elements are transmitted or can we transmit that later?

No. An in-bond number is not required as part of the ISF.

2. Who is the responsible party for filing an ISF-5 for FROB? Who is responsible for filing the ISF-5 for IE and T&E shipments?

Under the interim final rule, the party required to submit the Importer Security Filing is the party causing the goods to enter the limits of a port in the United States. This party is the carrier for FROB and the party filing for the immediate exportation (IE), transportation and exportation (T&E) for those types of shipments.

3. I am an automated NVOCC filing manifest data via AMS. Am I also responsible for submitting the ISF5 to CBP for FROB shipments? The IFR states that the carrier is the responsible party. However, NVOCCs are also specifically included as carriers under 19 CFR 4.7.

As the Rule is currently written, the carrier, defined as the vessel operator, is responsible for filing the ISF-5 for FROB shipments. However, CBP is aware that NVOCCs are included as carriers in 19 CFR 4.7 but are not included as carriers in 19 CFR 149. CBP plans to address this issue through the regulatory process.

Until such time as CBP addresses this issue, filers of ISF-5 FROB data will be treated with wide discretion by CBP relative to ISF enforcement issues, provided CBP receives the required ISF5 FROB data. In the interim, vessel operating carriers must submit the ISF-5 for FROB shipments if they have direct access to the data as the entity that received the booking directly from the shipper.

In those instances where an NVOCC is filing manifest data via AMS, the NVOCC may file the ISF-5 for the appropriate transactions; and this action may be done without obtaining a power of attorney from the carrier. CBP will receive these transactions and process them using standard data edits and messaging.

Carriers and NVOCCs will be operating under the same considerations as will importers and brokers during the graduated enforcement period for ISF.

E. ISF Territories of Coverage (Geographic):

1. Are imports into Puerto Rico (ocean shipments from non-US locations) subject to ISF/10+2 filing requirements?

The rule covers cargo destined to arrive within the customs territory of the United States. Puerto Rico is part of the customs territory of the United States. Therefore, imports into Puerto Rico are subject to the filing requirements.

2. Are shipments originating from a U.S. insular possession (such as U.S. Virgin Islands, American Samoa, or Guam) and being exported into the United States subject to the ISF/10+2 filing requirements?

Yes. U.S. insular possessions (such as U.S. Virgin Islands, American Samoa, or Guam) are not part of the customs territory of the United States.

3. Are ocean shipments from non-US locations into a U.S. insular possession (such as U.S. Virgin Islands, American Samoa, or Guam) subject to ISF/10+2 filing requirements?

No. U.S. insular possessions (such as U.S. Virgin Islands, American Samoa, or Guam) are not part of the customs territory of the United States

F. ISF Areas of Coverage (Mode of Transport):

1. Are ISFs required for goods arriving in the U.S. via rail or truck? Will I need to do the ISF filing if my cargo will not be on a vessel until the point it is leaving the United States?

ISFs are only required for goods scheduled to arrive in the United States by vessel.

2. My goods are scheduled to arrive in Canada by vessel and will then be imported into the U.S. via truck or rail. While it's understood that an ISF is not required for shipments arriving into the U.S. via modes other than vessel, may I still file an ISF-10 for these shipments?

Yes, as long as there is an associated bill of lading at the lowest level in AMS for the ISF to connect with.

G. Less than Container Load (LCL) Shipments

1. I am a small importer that rarely brings in a whole container; most shipments are a few pallets or boxes. If we are just bringing in small shipments and not containers do the same reporting requirements apply?

An ISF is required for non-bulk cargo, regardless of the size of the shipment.

H. Late ISF Filings

1. I've never imported before and was unaware of the ISF requirements. I want to submit my ISF, but my shipment already departed the last foreign port and now I cannot obtain a single transaction bond to cover the ISF since I've obviously run afoul of the requirements.

Importers who are unable to secure a bond after the deadline required to file an ISF may elect to use the **ISF Submission Type 5 "Late ISF-10 - No Bond"** or **ISF Submission Type 6 "Late ISF-5 – No Bond"** (these new submission types are replacing the concept of the coded transaction ISF-10 Type 13). The usage of these new ISF submission types is an explicit acknowledgement that the ISF requirements were not properly met and that the ISF is late. CBP reserves the right to take any and all appropriate action (e.g., cargo holds and examinations) to enforce the ISF requirements in these cases. In addition, ISF Submission Types 5 and 6 are expected to be in effect for a limited amount of time. Unless otherwise noted, ISF Submission Types 5 and 6 are scheduled to expire on June 30, 2011.

Please note that ISF importers who already have coverage under an existing Type 1, 2, 3 or 4 continuous bond are not to utilize these new submission types since they already have an eligible bond on file.

In addition, CBP will closely monitor the usage of these new ISF submission types and will pay particular attention to any entity that attempts to utilize these submissions on more than one occasion.

ISF IMPORTER

A. General:

1. What if I am the ISF Importer at the time the ISF was filed and I no longer want to take responsibility for the shipment?

The ISF Importer is ultimately responsible for the complete, accurate, and timely filing of the ISF. This responsibility cannot be transferred to another party.

2. How can an importer be responsible for an ISF if they are not aware of a shipment?

The party causing the goods to enter the limits of a port in the United States is the party responsible for filing the ISF. This party could be the owner, purchaser, consignee, or agent.

3. Can a foreign entity be the ISF Importer?

Yes. However, a U.S. entity must be provided for the consignee element.

B. Transit Cargo (FROB, IE, TE):

1. Can the NVOCC file an ISF even though there is no legal requirement to do so?

Yes, an NVOCC can file an ISF on its own behalf (as an ISF Importer) or file an ISF as an agent for another party.

2. If the VOC is the ISF Importer for FROB, does this mean the VOC is required to be the ISF filer for T&E and I.E. cargo?

No. The ISF Importer for both I.E. and T&E shipments is the party filing the I.E. and T&E documentation with CBP. If the VOC is the party filing the I.E. and T&E documentation with CBP, the VOC is also the ISF Importer.

3. We currently handle some shipments that move to an inland port on the ocean liner's I.T. Once the shipment arrives to the I.T. destination port, we cancel the I.T. with either an I.E. or T&E inbond to be exported. Since they will not be consumption entries, can we submit only the ISF-5?

An immediate transportation (IT) entry requires an ISF-10 filing. For T&E and I.E. shipments, the ISF importer must provide an ISF-5 or an ISF-10 in lieu of an ISF-5.

MESSAGING

A. General:

1. When an ISF is transmitted to CBP by a Customs broker through ABI and a response received back to the Filer, how will the carrier know it is okay to load the shipment? Will the carrier get a message?

CBP does not issue "affirmative load" messages. Additionally, there is no requirement that a carrier verify that an ISF has been filed against a particular bill of lading. However, at the request of the trade, CBP provides a status notification message to both the ISF Filer as well as the appropriate carrier that an ISF has successfully matched to a bill of lading that is on file with CBP.

2. Does CBP maintain a list of ISF error codes?

Yes. Please see: CATAIR Appendix S

http://www.cbp.gov/linkhandler/cgov/trade/automated/automated_systems/abi/catair/appendices/app_s_50.ctt/app_s_50.doc

3. Does CBP maintain a list of ISF disposition codes?

Yes. Please see: CATAIR Appendix N

http://www.cbp.gov/linkhandler/cgov/trade/automated/automated_systems/abi/catair/appendices/appendix_n.ctt/appendix_n.doc

B. Accepted ISF Filings:

1. Can the ISF Importer provide the ISF unique identification number to the AMS notify party for shipments where the ISF has been matched to the manifest?

Yes. As a business decision, the ISF Importer may share their unique identification number with other parties. However, this must be done outside of the AMS system.

C. Unique ISF Transaction Number:

1. Will CBP provide feedback when the ISF is filed?

Yes. Upon receipt of an ISF submission, CBP processes the data and provides immediate feedback to the ISF Filer. The return messages include an acceptance or rejection message. For those filings that CBP accepts CBP will return a unique ISF transaction number. If there are any errors, or if the submission is rejected, CBP provides a reason code.

2. Does the unique ID become part of the entry package?

No.

3. Will CBP return a unique identification number for a unified manifest ISF-5 filing?

Not at this time.

D. Accepted With Warning:

1. Is CBP expecting an update to the ISF for filings where a warning message is received?

CBP expects ISFs to be updated when a warning message is received.

E. Rejected ISF Filings:

1. If my initial ISF is rejected can I simply amend it or must I create a new one?

If an “add” transaction is rejected, the ISF must be corrected and resubmitted as a new “add” since there is no active ISF record present in CBP’s system to “replace” (i.e., amend).

2. Can I receive a unique transaction number for my rejected filings in order to “prove” that I attempted to submit an ISF?

No, unique ID numbers will not be issued for rejected “add” ISFs. However, rejected “replace” transactions will return the provided ISF Transaction Number.

F. Status Advisory Messages:

1. The status advisory message confirming a match (or no match) with the bill of lading is to be sent to the ISF filer. If there are two filings against the same bill of lading, do both filers receive the status advisory message?

Each filer will receive a separate and unique match (or no match) message.

G. Duplicate Filings:

1. How will CBP prevent/handle duplicate filings? Will the confirmation provide an indication of duplicate submissions if the ISF is already on file?

CBP allows one ISF filing which has a unique combination of a bill of lading number and importer of record number per ISF filer. The only exception is a “Unified Entry Filing”, which also includes the entry number as part of the unique combination.

If a second ISF filing is received with the same combination of these elements the second filing will be rejected if the ISF is submitted by the same filer. A reason for the rejection will be returned to the ISF filer in addition to the unique transaction number.

However, if a duplicate ISF is filed by a different filer, CBP will **accept** the duplicate ISF and send a warning message to the initial ISF filer that a duplicate was filed. In addition, CBP will send an “accepted with warning” message to the subsequent ISF filer to let them know that a different party previously filed an ISF against the same shipment. CBP expects the parties involved to contact the ISF importer in order to ascertain which ISF is the accurate one. Failure to do so may incur enforcement and/or compliance actions.

H. ISF-5 Messaging:

1. If a carrier submits a unified filing for the 24 hr manifest data and ISF-5 data, will an ISF acknowledgment or unique identification number (receipt#) for the ISF-5 be returned to the carrier?

No. Unified manifest/ISF-5 filings will not receive a unique identification numbers.

MID NUMBERS

1. Can the MID number be used in lieu of the name and address for the Manufacturer (or Supplier) element?

No, CBP will not accept a MID Number in lieu of a full name and address to fulfill the Manufacturer (Supplier) requirement on the ISF. However, entities such as manufacturers, importers, suppliers, etc. may register their information with Dunn & Bradstreet to obtain a DUNS number which can be used in lieu of a full name and address.

OUTER CONTINENTAL SHELF (OCS) SHIPMENTS

1. Do the Importer Security Filing requirements pertain to outer continental shelf (OCS) shipments?

Yes. See pg. 71757 of the IFR for more details.

2. Are there any special provisions for OCS shipments due to the close proximity to the U.S.?

Yes. As a matter of policy, CBP will allow the filing of ISFs for OCS shipments any time prior to vessel lading. CBP has added a special coded transaction type for OCS shipments.

OUTREACH EFFORTS

1. How do I find information about any public outreach efforts in regards to the new Security Filing?

Please check the CBP website for any upcoming public outreach events in your area at www.cbp.gov.

POSTAL CODES

1. During the flexible enforcement period, the lack of a postal code will result in an “accepted with warnings” message. Is CBP expecting an update to the ISF for all filings where a warning message is received?

Yes.

2. Some of our ISF entities are in countries that don't have a formalized postal code system. How will CBP handle ISF entities that are transmitted without a postal code?

A postal code is not required as part of an address on an ISF for countries that do not currently utilize a postal code system. CBP is working on formalizing a list of countries

that use postal codes. When this has been completed, CBP will provide this list to the trade.

POWERS OF ATTORNEY

1. Will CBP require a "special" and separate power of attorney (POA) for ISF purposes? Currently, brokers use a generic POA that includes broad agency language for all importing activities, including customs brokerage and forwarding if applicable. CBP should accept the current POA used by brokers.

CBP will not require a new or "special" POA. The sufficiency of a power of attorney will be decided on a case by case basis. However, 19 CFR 141.32 contains an example of an acceptable general power of attorney with unlimited authority.

PROGRESS REPORTS

1. Will CBP provide feedback from the system to the importers / agents for ISF filing timeliness and/or accuracy?

Yes. Upon receipt of an ISF submission, CBP processes the data and provides immediate feedback to the ISF Filer. The return messages include an acceptance or rejection message. For those filings that CBP accepts, CBP will return a unique ISF transaction number. If there are any errors, or if the submission is rejected, CBP will provide a reason code.

In addition to the instant feedback provided on a submission by submission basis, CBP has developed a system generated "ISF Progress Report" that is sent back to each ISF Filer on a monthly cycle. To obtain an ISF Progress Report, ISF Filers must register via the following e-mail address: progress_report@cbp.dhs.gov

The email must provide the following information:

- > Filer's corporate name
- > Filer code used for filing Security Filings
- > Point of Contact
- > Point of Contact's telephone number
- > Corporate email address to which to send the Performance Report.

CBP may contact the Point of Contact to verify the provided information.

2. Will ISF Importers be able to register and obtain a copy of their ISF Progress Report?

CBP currently allows Tier 3 C-TPAT and Tier 2 C-TPAT members the opportunity to register with CBP to receive their ISF Progress Reports directly from CBP. All other ISF importers must obtain a copy of their ISF Progress Report from their authorized ISF Filer.

Please send an email message to progress_report@cbp.dhs.gov with the following information:

- Company name
- C-TPAT Tier Level
- Point of contact
- Point of contact telephone
- IOR numbers to be included in the reports
- E-mail address to which the reports will be sent

A detailed transaction based report is automatically provided but only to C-TPAT Tier 3 importers. You do not need to sign up for this report if you qualify, but you must first sign up for the importer report by providing the information listed above.

3. How is CBP **MEASURING TIMELINESS** on the ISF Progress Reports?

The timeliness section of the ISF Progress Report is based upon the *vessel departure date minus 24 hours*.

If a carrier has received an exemption to the 24 Hour Manifest Rule for the timing provision of the manifest data for certain cargo shipments, i.e., “exempt” break bulk, the ISF is not required until 24 hours prior to vessel arrival into the United States. At this time, CBP is not specifically measuring the timeliness of these “exempt” break bulk shipments.

4. Will the ISF Progress Reports be used by CBP as an enforcement tool?

The ISF Progress Reports were not designed to help CBP enforce the new data requirements. They are merely intended as a guide to help importers and filers gauge their level of participation. CBP will evaluate instances of non-compliance on a case-by-case basis and will consider factors surrounding potential violations before applying enforcement actions.

5. How do I get my transactional ISF data? Will CBP provide access to my transactional data in the future?

CBP only provides transactional ISF data to Tier 3 C-TPAT importers upon request. At this time, all other importers need to obtain the transactional level data directly from their service providers (i.e., brokers, agents, filers).

CBP is in the process of developing a data warehouse that will allow importers the ability to create and extract reports from CBP; this will include the capability to obtain transactional data. CBP will make every effort to deploy this capability to Tier 3 and Tier 2 C-TPAT importers sometime in the Fall of 2010.

RECORD KEEPING REQUIREMENTS

1. What are the importer's recordkeeping requirements for an ISF filing?

The new regulations do not contain specific record keeping requirements other than retention of powers of attorney (see 19 CFR 149.5(c)). However, ISF parties should retain records necessary to demonstrate compliance with ISF filing requirements. In addition, the general 19 U.S.C. § 1508 recordkeeping requirements may be applicable to the ISF filer.

RETURNED OR REFUSED SHIPMENTS (Includes U.S. Goods Returned)

A. General

1. If a container is loaded on a vessel in the U.S. and goes foreign but is not unladen until it returns to the U.S., what are the ISF filing requirements?

An ISF is not required for cargo laden in the U.S. that goes foreign but is not unladen until it returns to the U.S.

2. If cargo is refused admission by a foreign country after having been exported from the U.S. and the cargo has not left the custody of the carrier or the foreign customs service, will such cargo require an ISF?

If the cargo was loaded at a foreign port on board a vessel destined for the U.S., an ISF must be submitted.

B. U.S. Goods Returned:

1. Are there or will there be exceptions to the ISF filing requirements for U.S. goods returned?

ISFs are required for U.S. goods returned.

2. For U.S. goods returned, should the HTSUS Chapter 98 number or the HTSUS commodity number be provided?

For U.S. goods returned, both the HTSUS Chapter 98 number and the HTSUS commodity number are required.

3. For U.S. goods returned, can the manufacturer (supplier) be a U.S. company?

The manufacturer (supplier) can be U.S. a company if the party that last manufactured, assembled, produced, or grew (or supplied) the commodity is a U.S. company.

4. If my shipment contains a mix of U.S. Goods Returned and foreign manufactured goods, which ISF coded transaction type should I use? Type 01 or Type 07?

If U.S. goods are commingled or mixed with non-U.S. goods, the "Type 01" Standard coded transaction type should be used. The "Type 07" U.S. Goods Returned coded transaction type is reserved for those shipments that consist **entirely of U.S. goods**.

SPLITS, DIVERSIONS and ROLLING of CARGO

1. On some occasions, after a vessel departs, our shipments get "split" and sent to new destinations. Do we need to provide new ISFs for these split shipments?

No. If new bills of lading are introduced into AMS for these shipments, the original ISF will need to be updated (amended) with these new bills of lading. In addition, the ISF Importer or their agent must also update any other data elements that may have changed such as the Ship To Party name/address.

2. On some occasions, we have to "split" a shipment onto two different vessels. On others, the carrier rolls my cargo for their convenience. Do I need to provide two separate ISFs for these shipments?

Yes. In these instances, the shipments must each be assigned a unique bill of lading number so two separate ISFs can be filed.

STRUCTURED REVIEW PERIOD

1. How will an importer demonstrate to CBP that they are making 'satisfactory progress towards compliance?'

CBP will consider the totality of the circumstances, on a case-by-case basis, when making this determination. ISF Importers should retain documentation demonstrating the steps that were taken during the structured review and flexible enforcement period.

(See [ISF PROGRESS REPORTS](#))

TRANSMISSION METHODS

(See also: [ABI](#), [ACE](#), and [VESSEL STOW PLANS](#))

1. How must ISF information be submitted to CBP?

The ISF may only be submitted through AMS or ABI.

UNIFIED ISF-10 and ENTRY FILINGS

1. I have a question on how the unified filing is going to work under the ISF. Many of our shipments are sent in-bond from the unloading port to the port of entry. This information will most likely not be available if we attempt to file a unified filing. Please explain how the unified filing will work - does all the entry data need to be submitted?

Unified entry is not available for in bond entries. Under this scenario, the ISF Importer or its agent must use the stand alone ISF filing process.

2. For a unified entry filing, if the entry is rejected will the ISF filing be automatically rejected as well?

The ISF filing will not be rejected merely because an entry filing is rejected.

3. For a unified entry, when do duties have to be paid?

All entries will be process in accordance with all current laws and regulations. This includes unified entries.

VESSEL STOW PLANS

A. Responsibility to File:

1. Does an ISF Importer need to submit vessel stow plans or container status messages?

No. Carriers must submit vessel stow plans and container status messages.

B. Exemptions:

1. Are vessels exclusively carrying bulk and break-bulk cargo exempt from the requirement to provide a vessel stow plan?

Yes. Vessels *exclusively* carrying bulk and break-bulk cargo are exempt from the requirement to provide a vessel stow plan.

2. Are RoRo vessels exempt from the requirement to provide a vessel stow plan?

Yes, as long as there is no containerized cargo aboard.

C. E-mail Address:

1. Please advise the email address that the carrier can submit the stow plan to.

To submit a stow plan file by e-mail, a carrier or its agent needs only email it as a .txt attachment to stowplan@cbp.dhs.gov. Be advised that the CBP system will only accept one stow plan file per e-mail.

D. Formats:

1. Are we able to submit stow plans by email in Microsoft Excel format?

CBP will accept the SMDG (smdg.org) versions of the UNEDIFACT BAPLIE stow plan. CBP is developing a MS Excel formatted vessel stow plan that may be used by carriers who do not currently use UNEDIFACT BAPLIEs at this time. Requests to use this alternative format will be reviewed and approved on a limited and case by case basis.

E. Amendments:

1. Clarification is needed regarding which changes or errors, if any, other than a previously unreported container, would warrant a stow plan amendment, and when or how frequently they would need to be filed. It is understood that if a carrier found a stow plan error reflecting on the presence of a previously unreported container onboard, an immediate amendment would be needed.

Stow plans must be complete, accurate, and timely. However, CBP will consider the specific violation(s) when determining mitigation.

2. We normally list the **flat-rack** equipment number on our vessel stow plan, but use the designator of “NC” or “not-containerized” on the customs manifest. Shortly after we send in the stow plan to CBP, we receive a warning message back that the **flat-rack** is considered “unmanifested”. What should we do?

In these instances, the carrier should go back into the manifest as soon as it becomes aware of this issue and update the equipment number field to reflect the flat-rack’s equipment number.

3. What “SCAC” should we use for shipper owned containers on the BAPLIE? These containers do not have an actual SCAC associated with them.

In order for the container numbers to match between the vessel stow plan and the manifest, the “SCAC” codes need to match. CBP is working on developing a code that can be used to denote the presence of a shipper owned container. Once the code is put into effect, it should be used on both the vessel stow plan (BAPLIE) as well as in the manifest. The code will most likely be “8888”, but is subject to change. Please read the latest implementation guide.