

# Importer Security Filing “10+2” Program

## Frequently Asked Questions

**Last Updated: January 23, 2009**

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](mailto: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.

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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 [703-650-3500](tel:703-650-3500) 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?

CBP will continue to explore additional ISF functionality as ACE is developed.

2. Will Custom House Brokers (CHBs) have the ability to query ISF performance reports from I track / Ace Portal? Will the account managers have access to this information? (see also [STRUCTURED REVIEW PERIOD](#))

At this time CBP will not make available report cards through ACE; however, CBP is developing a reporting mechanism that will be provided to the ISF filers. Yes, account managers will have access to these report cards.

## **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. If my system will not be ready until April or May of 2009 should I get a third party to file my ISF?

During the structured review and flexible enforcement period, in order to provide the trade sufficient time to adjust to the new requirements and in consideration of the business process changes that may be necessary to achieve full compliance, CBP will show restraint in enforcing the rule, taking into account difficulties that importers may face in complying with the rule, so long as importers are making satisfactory progress toward compliance and are making a good faith effort to comply with the rule to the extent of their current ability. CBP will consider an entity’s progress in the implementation of the rule during the delayed enforcement period as a mitigating factor in any enforcement action following the delayed enforcement period.

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

No.

6. 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.

7. Service center notification - for 24hr 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.

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.

- 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 a port in the United States. For goods that will be unladen in the United States, the Importer Security Filing must be updated if there is a change before the goods enter the port of discharge.

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 discharge. 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 their own ISF that was initially submitted by their 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?

There is no query functionality in ABI or AMS regarding the security filing data. Access to the Importer Security Filing elements in CBP systems is not required to make an amendment to the ISF.

### **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.

## **AMS**

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

Entities that want to become Security Filing filers using either AMS or ABI should call [703-650-3500](tel:703-650-3500) to be assigned a Client Representative. You will need to complete an Interconnection Security Agreement (ISA).

## **BILLS OF LADING**

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

Yes.

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.

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 (house/simple) transmitted in AMS.

## **BONDS**

A. General:

1. When will the bonds, including the stand alone ISF bonds be required? January 26, 2009 or January 26, 2010? Can we file ISFs during the delayed compliance period without obtaining a bond first?

Due to the structured review and flexible enforcement period, bonds will not be required until January 26, 2010. Therefore, ISFs may be filed during this period without obtaining a bond first. However, CBP is prepared to accept bond information in the ISF filing starting on January 26, 2009. (See also [Implementation Issues](#))

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 bond, the agent agrees to have its 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. Can a single transaction bond be utilized for the ISF filing? If a broker does not have a continuous bond and the importer does not have a continuous bond how will a bond for ISF be filed? Will CBP allow the use of a single transaction bond? If so, how will this actually work? Will there be paperless single transaction bonds for ISF purposes?

Use of single transaction bonds may be allowed on a case-by-case basis. CBP is currently in discussions with trade groups regarding the process for the use of a single transaction bond for an ISF filing.

4. 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.

5. Under what circumstances will CBP require or allow the new 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 an Activity Code 1, 2, 3 or 4 bond, they need do nothing further with regard to bonding requirements. They have appropriate bonding so as to be eligible to submit ISF information. The decision to take out a bond on the CF-301 with one of the noted Activity Codes or a stand-alone ISF bond is one to be made between the bond principal and surety. CBP will accept either.

6. How will the limit of liability be determined for an ISF single transaction bond?

CBP will issue guidance after discussion with interested trade groups.

7. As single transaction bonds for entry require a paper submission to CBP, how will an ISF single transaction bond be matched to an electronic ISF filing?

Use of single transaction bonds may be allowed on a case-by-case basis. CBP is currently in discussions with trade groups regarding the process for the use of a single transaction bond for an ISF filing.

8. 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, if the ISF Importer and the importer of record on the entry are not the same party. And that is true for continuous and single transaction bonds. 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 for both ISF and entry purposes.

9. If a combined entry & ISF filing is sent, does the importer 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, it covers both. This is true for both continuous and single transaction bonds. The limits of liability are not changed by this rulemaking.

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

The liquidated damages amounts are not based on the value of the cargo. That was changed from the proposed to the interim final rule.

11. Will CBP accept a single transaction bond for \$5,000 for an ISF filing for personal effects and/or other shipments such as carnets?

Use of single transaction bonds may be allowed on a case-by-case basis. CBP is currently in discussions with trade groups regarding the process for the use of a single transaction bond for an ISF filing.

12. The Interim final rule states "CBP will enforce the importers 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) or 1436, depending upon the facts and circumstances of the violation. Penalty assessment and mitigation guidelines are being devised.

13. 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)

The written agreement could be a power of attorney or other similar document. It is necessary to make clear the authority to use the bond. CBP will not intervene in how this agreement is to be drawn up.

14. The Interim Final Regulations provide 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.

15. Additions to bond regulations for type 1, 2, 3, and 4 (19 C.F.R. § 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 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 provisions are 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 of the activity code 1, 2, 3, and 4 bonds would govern. See p. 71781 of the Interim Final Rule.

16. 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.

17. Will the Bond tie to the entry or will they have to have a Bond for Security Filing and a Bond for entry?

The same bond can guarantee the ISF and the entry if the ISF Importer and the importer of record on the entry are the same party.

18. 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.

19. When is the final draft of this new bond expected?

The final version of this new ‘Appendix D’ bond was contained in the 11/25/08 Federal Register notice. See page 71781.

20. Are these “new” and separate bonds expected to be used primarily for single entry bond importers (this is what we suspect)? As well as continuous bond holders whose continuous bond is deemed insufficient for covering Security Filing bond needs? (or rather will the continuous bond holder simply be required to increase their continuous activity code 1/2/3/4 bond?)

The new Appendix D bond is a continuous bond; so it cannot be used for single transactions per se. The bond limits of liability were not changed by the rulemaking.

21. 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)

22. 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.

23. What is the process of notifying CBP that a bond is actually on file?

Use of single transaction bonds may be allowed on a case-by-case basis. CBP is currently in discussions with trade groups regarding the process for the use of a single transaction bond for an ISF filing.

#### B. Continuous Bonds:

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. 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.

(See also [Coded Transactions](#))

**BULK and BREAK BULK**

(See also [EXEMPTIONS](#))

1. Existing rules exempt bulk and certain break-bulk cargoes e.g. most forest, steel products from the 24 hour requirements. Please advise if these commodities are exempt from the new rules as well.

Bulk cargo is exempt from the ISF filing requirements. Break bulk cargo that is exempt from the timing requirements of the 24 Hour Rule are also 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. In addition, vessel stow plans and CSMs are not required for bulk and break bulk cargo.

2. It appears that the regulations do not apply to bulk shipments (petroleum, etc).

ISFs, vessel stow plans, and CSMs are not required for bulk shipments.

3. 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](http://www.cbp.gov/linkhandler/cgov/trade/trade_outreach/advance_info/vessel_faq.ctt/vessel_faq.doc).

4. 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. However, CBP is developing a coded transaction type for carnets.

## **CLIENT REPRESENTATIVES (CBP)**

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

Parties should contact the CBP Client Representatives if they are having system problems at 703-650-3500.

## **CODED TRANSACTIONS**

### **A. Regular Shipments:**

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 transaction type is the type 01 which is for most consumption entries, not including “to order” shipments.

### **B. Informal Shipments:**

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 their own Importer of Record # as long as all of the actual consignees are properly identified within the ISF filing.

For example:

ISF Type: “HHG/PE”	03
ISF Filer: <b>ABC Broker</b> Code	XXX
ISF Importer: <b>ABC Broker (The Agent)</b> IRS#	95-XXXXXXXXXX
ISF Bond Holder: <b>ABC Broker (The Agent)</b>	
Bill of Lading Numbers(s):	SCAC/bill number(s)
<hr/>	
Consignee # for <b>John Smith</b>	SSN XXX-XX-XXXX or passport number, country of issuance and date of birth
Consignee # for <b>Jane Smith</b>	SSN YYY-YY-YYYY or passport number, country of issuance and date of birth
Consignee # for <b>Jan Doe</b>	SSN ZZ-ZZ-ZZZZ or passport number, country of issuance and date of birth

C. To Order Shipments:

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.

**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](mailto: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.

## **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 1<sup>st</sup> 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 a 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 their 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, do they 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 available at the time. 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.

#### 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, can 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).

### *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.

### **ENFORCEMENT MEASURES (See also: [Flexible Enforcement Period](#))**

#### A. Do Not Load Messages:

1. Will CBP issue any do not load (DNL) messages during the initial flexible enforcement period?

CBP reserves the right to take enforcement action, including the use of the DNL option, in order to mitigate potential security and safety risks. However, during the structured review and flexible enforcement period, CBP will not issue a DNL solely based upon the non-compliance with the new ISF requirements. Therefore, the simple failure to file an ISF will not, in and of itself, result in a DNL action.

2. 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 due to the ISF.

B. Liquidated Damages:

1. Can there be multiple violations on one ISF?

While there may be multiple errors on an ISF transmission, CBP will issue liquidated damages for \$5,000 for each ISF transmission that is not timely, complete and/or accurate.

2. Will CBP issue a liquidated damages case beginning January 26, 2009 if the importer does not file an ISF?

No.

3. Will CBP issue a liquidated damages case beginning January 26, 2009 if the importer files an incorrect ISF?

No.

## **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.

Bulk cargo is exempt from the ISF filing requirements. Break bulk cargo that is exempt from the timing requirements of the 24 Hour Rule is also exempt from the timing requirements of the ISF filing. ISFs for break bulk cargo that is exempt from the timing requirements of the 24 Hour Rule must be filed no later than 24 hours prior to arrival. In addition, vessel stow plans and CSMs are not required for bulk and break bulk cargo. Commodities in and of themselves are not exempt from ISF filing requirements.

B. General ISF Requirements (Exemptions):

1. Are ISO tanks exempt from the ISF Requirements?

ISO tanks should be treated like any other empty container. The requirement to file an ISF for an empty container depends on whether an advance cargo declaration pursuant to the Trade Act of 2002 is required. For shipper-owned/leased or importer-owned/leased instruments of international traffic (IIT), the carrier must transmit advance electronic cargo information in the same manner as any other revenue shipment. Carrier owned or leased empty containers are accounted for by the "empty container"

indicator in AMS and would not require an ISF. An in depth discussion regarding this topic is in the Vessel FAQs for the Trade Act of 2002.  
[http://www.cbp.gov/linkhandler/cgov/trade/trade\\_outreach/advance\\_info/vessel\\_faq.ctt/vessel\\_faq.doc#\\_Toc126395840](http://www.cbp.gov/linkhandler/cgov/trade/trade_outreach/advance_info/vessel_faq.ctt/vessel_faq.doc#_Toc126395840)

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).

## **FLEXIBLE ENFORCEMENT PERIOD**

1. Is the flexibility (i.e. acceptable range of responses) only for the flexible enforcement period or is it CBP's intent to keep the flexibility 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 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. CBP will not assess liquidated damages for ISF violations during the 12-month structured review and flexible enforcement period. Is this also true for carriers – i.e., will they have the same grace period to progress toward compliance for ISFs, vessel stow plans, and container status messages?

Pursuant to new 19 CFR 4.7c(d) and 4.7d(f), all affected ocean carriers must comply with the vessel stow plan and container status message requirements on and after January 26, 2010. In addition, pursuant to 19 CFR 149.2(g), ISF Importers (including carriers, where appropriate), must comply with the Importer Security Filing requirements on and after January 26, 2010.

3. Will CBP issue do not load (DNL) messages solely for failure to comply with the ISF requirements during the flexible enforcement period?

No. CBP will not issue DNL messages solely for failure to comply with the ISF requirements during the flexible enforcement period. However, CBP reserves the right to take enforcement action, including the use of the DNL option, in order to mitigate potential security and safety risks. In addition, CBP will consider an entity's progress in the implementation of the rule during the delayed enforcement period as a mitigating factor in any enforcement action following the delayed enforcement period.

## 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.

## IMPLEMENTATION ISSUES

### A. Effective Date:

1. The flexible enforcement period ends on January 26, 2010. Will CBP begin assessing liquidated damages for ISF violations for cargo that is arriving within the limits of a port in the United States by January 26, 2010, or is it for cargo that is laden foreign on January 26, 2010?

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

2. Will bonds be required on January 26, 2009, or January 26, 2010?

(See also [Bonds](#))

Due to the structured review and flexible enforcement period, bonds will not be required until January 26, 2010. Therefore, ISFs may be filed during this period without obtaining a bond first. However, CBP is prepared to accept bond information in the ISF filing starting on January 26, 2009.

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

### A. General:

1. Are ISFs required for informal shipments?

Yes. ISFs are required for informal shipments.

### B. Military Shipments:

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

Yes.

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

The ISF Importer must post a bond (or use an agent's bond).

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 their own importer of record number as long as all of the actual consignees are properly identified on the ISF filing.

### C. 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 who last manufactured, assembled, produced, or grew (or supplied) the commodity is a U.S. company.

## 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](#).

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.

#### 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.

2. 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 regardless of the size of the shipment.

#### 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?

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), or foreign trade zone (FTZ) documentation for those types of shipments. If IE or T&E documentation have not been filed 24 hours prior to lading, the party who will file the IE or T&E documentation is required to submit the 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?

Yes. Puerto Rico is 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.

**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?

No. An immediate transportation (IT) entry requires an ISF-10 filing. A T&E entry requires 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 will not be issuing “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 will provide 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.

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 Identification Number:

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

Yes. The possible return messages including, but not limited to: accept, conditional acceptance, and reject with reason codes. For those filings that CBP accepts CBP will return a unique ID number.

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. However, since bonds will not be required during the flexible enforcement period, ISFs do not need to be updated to correct or add a bond number during this period.

E. Rejected ISF Filings:

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

If the ISF is rejected a new filing is required.

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 initial ISFs.

#### 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. If a second filing is received with the same combination of these elements the second filing will be rejected. A reason for the rejection will also be returned to the ISF filer.

#### 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, supplies, 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.

## **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](http://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.

## **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.

## **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**

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.

## **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 their 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.

## **STRUCTURED REVIEW PERIOD**

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

CBP is currently designing a type of system generated "report card" that will be sent back to each ISF Filer.

2. 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.

## 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.

## 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 their agent need only email it as a .txt attachment to [stowplan@cbp.dhs.gov](mailto: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?

No. CBP will accept the SMDG ([smdg.org](http://smdg.org)) versions of the UNEDIFACT BAPLIE stow plan.

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.