



Importer Security Filing (ISF)

Summary



The Importer Security Filing (ISF) requirement became law January 26, 2009. ISF was promulgated as part of the implementation of the Safe Port Act of 2006 and the Secure Freight Initiative to “help prevent terrorist weapons from being transported to the United States.”

Under ISF, importers must submit ten electronic data elements for all ocean shipments bound for the United States (excluding bulk ocean cargo). The ten elements include: (1) seller name and address, (2) buyer name and address, (3) importer of record number, (4) consignee number, (5) manufacturer name and address, (6) ship to party, (7) country of origin, (8) harmonized tariff number, (9) consolidator name and address, and (10) container stuffing location. More detailed information on each of the data element requirements is provided below.

There is some flexibility with regard to the timing of the filing of certain elements. The seller and buyer names and addresses, as well as the importer of record and consignee numbers are not flexible. They must be accurately submitted 24 hours prior to the lading of the vessel bound for the U.S.

The manufacturer name and address, ship to party, country of origin, and commodity HTSUS number must also be submitted 24 hours prior to the lading of the vessel bound for the U.S. However, that information may be amended up to 24 hours before the vessel arrives at a U.S. port or as soon as more accurate information becomes available.

The consolidator and the container stuffing location must be submitted as soon as that information is available, but no later than 24 hours prior to vessel arrival in the U.S.

The regulations provide for penalties for noncompliance with ISF requirements, including untimely or inaccurate submissions. CBP can assess liquidated damages in the amount of \$5,000 per filing violation (per shipment). They will also be able to issue “do not load” messages to carriers for cargo of a noncompliant importer or in cases where CBP identifies a security risk.



There is a one year period of flexible enforcement, ending January 26, 2010, where Customs and Border Protection will not be assessing penalties or issuing no load orders for failure to comply with ISF. The Interim Final Rule states, "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."

Importers should not view this flexible enforcement period as a one year free pass. CBP will be issuing ISF report cards during the flexible enforcement period in an attempt to assist importers with achieving compliance. Once enforcement begins, compliance during the flexible enforcement period will be considered a mitigating factor in the assessment of liquidated damages for violations. Importers are well advised to use the one year period to become efficient and accurate with their filings.

CVI is prepared to act as an ISF filing agent and has implemented the necessary software and operating procedures for submission of the importer data elements. CVI has developed a suite unique ISF services to meet an individual importer's specific requirements.

Importers are invited to submit comments to CBP on the timing and reporting of the flexible data elements (4) through (10) on or before June 1, 2009. Comments should be submitted to: Border Security Regulations Branch, Office of International Trade, U.S Customs and Border Protection, 799 9th Street, NW, Washington, DC 20001.

For more information on CVI's ISF service options or on ISF, please contact your CVI import customer service representative or e-mail isf@cvinternational.com.



DATA ELEMENTS & SUBMISSION TIMING FOR ISF-10

1) Seller Name & Address

- “Name and address of the last known entity *by whom* the goods are sold or agreed to be sold.” 19 CFR 149.3(a)(1)
- Name and address of the owner if there is no seller
- A “widely recognized commercially accepted identification number” such as DUNS number is acceptable in lieu of the name and address
- Must be accurately submitted 24 hours prior to lading of vessel bound for U.S.

2) Buyer Name & Address

- “Name and address of the last known entity *to whom* the goods are sold or agreed to be sold.” 19 CFR 149.3(a)(1)
- Name and address of the owner if there is no purchaser
- A “widely recognized commercially accepted identification number” such as DUNS number is acceptable in lieu of the name and address
- Must be accurately submitted 24 hours prior to lading of vessel bound for U.S.

3) Importer of Record Number

- “**Internal Revenue Service (IRS) number, Employer Identification Number (EIN), Social Security Number (SSN), or CBP assigned number** for the entity liable for payment of all duties and responsible for meeting all statutory requirements incurred as a result of the importation.” 19 CFR 149.3(a)(3)
- Must be accurately submitted 24 hours prior to lading of vessel bound for U.S.

4) Consignee Number

- “**Internal Revenue Service (IRS) number, Employer Identification Number (EIN), Social Security Number (SSN), or CBP assigned number** of the individual(s) or firm(s) in the United States on whose account the merchandise was shipped.” 19 CFR 149.3(a)(4)
- Must be accurately submitted 24 hours prior to lading of vessel bound for U.S.

5) Manufacturer (or Supplier)

- Name and address of:
 - The entity that last manufacturers, assembles, produces, or grows the commodity, or
 - The party supplying the finished goods in the country from which the goods are leaving, or
 - The manufacturer (or supplier) that is currently used for entry purposes (MID). 19 CFR 149.3(a)(5)



- A “widely recognized commercially accepted identification number” such as DUNS number is acceptable in lieu of the name and address
- Cannot use the MID number in lieu of name and address or widely recognized commercially accepted identification number
- Must be submitted 24 hours prior to lading of vessel bound for U.S., but can be amended up-to 24 hours prior to vessel arrival in the U.S.

6) Ship to Party

- “Name and address of the first deliver-to party scheduled to physically receive goods after the goods have been released from customs custody.” 19 CFR 149.3(a)(6)
- A “widely recognized commercially accepted identification number” such as DUNS number is acceptable in lieu of the name and address
- This element does not describe the terminal or CFS, but may be a distribution facility
- The data submitted must describe the physical location where the shipment is bound, not a corporate address or mailing address
- Must be submitted 24 hours prior to lading of vessel bound for U.S., but can be amended up-to 24 hours prior to vessel arrival in the U.S.

7) Country of Origin

- “Country of manufacture, production, or growth of the article, based upon import laws, rules and regulations of the United States.” 19 CFR 149.3(a)(7)
- Must be submitted 24 hours prior to lading of vessel bound for U.S., but can be amended up-to 24 hours prior to vessel arrival in the U.S.

8) Commodity HTSUS Number

- “Duty/Statistical reporting number under which the article is classified in the Harmonized Tariff Schedule of the United States.” 19 CFR 149.3(a)(8)
- Must provide six digit level, may provide ten digit level
- Must provide ten digit level for unified filing of entry and ISF
- Must be submitted 24 hours prior to lading of vessel bound for U.S., but can be amended up-to 24 hours prior to vessel arrival in the U.S.

9) Container Stuffing Location

- “Name and address(es) of the physical location(s) where the goods were stuffed into the container.” 19 CFR 149.3(a)(9)
- For break bulk shipments, the name and address where goods were made “ship ready”
- A “widely recognized commercially accepted identification number” such as DUNS number is acceptable in lieu of the name and address



- Must be accurately submitted 24 hours prior to vessel arrival in a U.S. port or as soon as the information is available.

10) Consolidator

- “Name and address of the party who stuffed the container or arranged for the stuffing of the container.” 19 CFR 149.3(a)(10)
- For break bulk shipments, the name and address of the party who made the goods “ship ready”
- A “widely recognized commercially accepted identification number” such as DUNS number is acceptable in lieu of the name and address
- Must be accurately submitted 24 hours prior to vessel arrival in a U.S. port or as soon as the information is available.

24 Hours Prior to Lading	24 Hours Prior to Lading, Accurate Data 24 Hours Prior to Arrival	24 Hours Prior to Arrival
Seller	Manufacturer	Container Stuffing Location
Buyer	Ship to Party	Consolidator
Importer of Record Number	Country of Origin	
Consignee Number	Commodity HTSUS No.	