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New Cargo Security Requirements (10 + 2)

CBP has issued an interim final rule on the new cargo security requirements for maritime carriers and importers. This new importer security filing (ISF) and additional carrier requirements will require importers and maritime cargo carriers to submit supplementary data electronically to CBP.

The rule requires carriers to submit a vessel stow plan and container status messages under certain scenarios where cargo containers are destined for the United States. The rule also requires importers or their agents to submit an Importer Security Filing (ISF) with eight data elements, no later than 24 hours before the cargo is laden aboard a vessel destined for the United States. They are:

- Seller;
- Buyer;
- Importer of record number / foreign trade zone applicant identification number;
- Consignee number(s);
- Manufacturer (or supplier);
- Ship to party;
- Country of origin; and
- Commodity Harmonized Tariff Schedule of the United States (HTSUS) number

The rule provides flexibility for importers with respect to the submission of four of these data elements. In lieu of a single specific response, importers may submit a range of responses for each of the following data elements: manufacturer (or supplier), ship to party, country of origin, and commodity HTSUS number. The ISF must be updated as soon as more accurate or precise data becomes available and no later than 24 hours prior to the ship's arrival at a U.S. port.

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The ISF will also need to include two data elements that must be submitted as early as possible, but no later than 24 hours prior to the ship's arrival at a U.S. port. These data elements are:

- Container stuffing location; and
- Consolidator.

CBP has made several significant changes from the proposed rule based on public and stakeholder feedback. The interim final rule includes a delayed compliance date of 12 months after the interim final rule takes effect. The effective date is January 26, 2009. During this 12-month period, CBP will show restraint in enforcing the rule. CBP will take into account difficulties that importers may face in complying with the rule as long as importers are making a good faith effort and satisfactory progress toward compliance.

The Department of Homeland Security FAQ's on the 10 + 2 interim final rule can be accessed at:

www.cbp.gov/linkhandler/cgov/trade/cargo_security/carriers/security_filing/import_faqs/import_faqs.pdf

Additional information on the final interim rule can be accessed at:

www.cbp.gov/xp/cgov/trade/cargo_security/carriers/security_filing