

November 08 Special

Importer Security Filing will be required in January, 2009

On November 25, 2008, the U.S. Department of Homeland Security published in the Federal Register additional information requirements for maritime cargo destined for United States ports. The Importer Security Filing (ISF) and Additional Carrier Requirements interim final rule requires maritime cargo carriers and importers of maritime cargo to submit additional data to U.S. Customs and Border Protection (CBP) before vessels are permitted entry into the United States. This has become known as the “10+2 Rule” because of the 10 additional elements required of importers and the 2 required of carriers.

The 10 additional elements required in the ISF are: (1) Seller; (2) Buyer; (3) Importer of record number/Foreign trade zone applicant identification number; (4) Consignee number(s); (5) Manufacturer (or supplier); (6) Ship to party; (7) Country of origin; (8) Commodity HTSUS number; (9) Container stuffing location; and (10) Consolidator (stuffer). We will of course need the bill of lading numbers and container numbers to match up with the carriers’ security filing. An ISF is required for each shipment at the lowest bill of lading level (i.e., at the house bill of lading level, if applicable).

This interim final rule requires ISF Importers (the person or entity causing the shipment to come to the United States), or their agent, to transmit an ISF to CBP for cargo destined for a United States port no later than 24 hours before the cargo is loaded aboard a vessel destined to the United States. The effective date will be on or about January 25, 2009.

The ISF Importer must have a bond for the ISF. It is unclear at this time whether the importer’s continuous bond will suffice or an additional bond will be required. We will advise you later when this is determined. For those importers using single transaction bonds, we are told an additional special ISF bond will be required. The liquidated damages amount for violations of the ISF requirements are currently set at \$5,000 for each violation.

The ISF Importer may designate an authorized agent, such as us, to file the Importer Security Filing on your behalf. We at Lee Hardeman Customs Broker, Inc. will be ready to transmit your ISF when it is required in January

with our usual high level of customer service and confidentiality. Further, we can save you some money if we can file your entry simultaneously with the ISF because much of the information is the same.

The challenge of the ISF will be to get ALL the information well in advance of the 24 hours prior to vessel loading so the ISF can be transmitted timely. We strongly urge you to contact your suppliers immediately and advise them of this new and additional information requirement and how it will delay your shipments if they fail to furnish the information timely.

We expect there will be some changes to the ISF as we get closer to the effective date, and we will keep you posted as we gain more knowledge of how this important new requirement will be implemented.

If you would like to see the entire ruling, you can view it at

<http://edocket.access.gpo.gov/2008/E8-27048.htm>

Please contact us for ANY assistance:

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