



Fact Sheet: New Cargo Security Requirements for Maritime Carriers and Importers

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Overview

The Importer Security Filing and Additional Carrier Requirements interim final rule will help prevent terrorist weapons from being transported to the United States by requiring both importers and carriers to submit additional cargo information to U.S. Customs and Border Protection (CBP) before the cargo is brought into the United States by vessel.

This interim final rule follows a notice of proposed rulemaking (NPRM) published on January 2, 2008. Through the rulemaking process, CBP collected and evaluated approximately 200 public comments and has made significant enhancements to the proposed rule, as outlined in the interim final rule.

The data submissions required under the interim final rule must be delivered to CBP by way of a CBP-approved electronic data interchange system. This information will improve CBP's ability to identify high-risk shipments in order to prevent smuggling and ensure cargo safety and security.

These regulations specifically fulfill the requirements of the Security and Accountability for Every (SAFE) Port Act of 2006 and the Trade Act of 2002, as amended by the Maritime Transportation Security Act of 2002.

Existing Requirements for Carriers and Importers

Carriers are currently required to submit advance cargo information for vessels no later than 24 hours before the cargo is laden aboard a vessel at a foreign port. This is commonly referred to as the "24-Hour Rule." Carriers are not currently required to submit vessel stow plans or container status messages to CBP.

Under existing requirements, importers of record are required to file entry information with CBP within 15 calendar days of the date of arrival of a shipment at a United States port of entry. In addition, within 10 working days of the entry of the merchandise, entry summary information must be submitted. Importers are not currently required to submit advance cargo information to CBP.

New Requirements

Carrier Requirements

In addition to the existing carrier requirements pursuant to the 24-Hour Rule, the interim final rule requires carriers to submit a vessel stow plan and container status messages for certain scenarios pertaining to cargo containers destined to the United States.

* **Vessel Stow Plan:** Carriers must transmit the stow plan, via the Automated Manifest system (AMS), secure file transfer protocol or email, so that it is received by CBP no later than 48 hours after the carrier's departure from the last foreign port. For voyages less than 48 hours, CBP must receive the information prior to the vessel's arrival at the first port in the U.S. The stow plan must include the vessel name, vessel operator and voyage number. With regard to each container, the vessel stow plan must also include the container operator and the equipment number, equipment size and type, stow position, hazmat code, port of lading and port of discharge.

* **Container Status Messages (CSM):** CSMs must be submitted to CBP daily for certain events relating to all containers laden with cargo destined for the U.S. by vessel. Carriers must submit a CSM when any of the required

events occurs if the carrier creates or collects a CSM in its tracking system reporting that event. For each CMS submitted, the following information must be included: event code being reported, container number, date and time of event being reported, status of the container (empty or full), location where the event took place, and vessel identification associated with the message if the container is associated with a specific vessel. This must be done no later than 24 hours after the message is entered into the carrier's equipment tracking system.

Importer Requirements

The interim final rule requires Importer Security Filing (ISF) importers, as defined in the interim final rule, or their agents to provide eight data elements, generally no later than 24 hours before the cargo is laden aboard a vessel destined to the United States, for shipments consisting of goods intended to be entered into the United States and goods intended to be delivered to a foreign trade zone (FTZ). Those data elements include:

- * Seller;
- * Buyer ;
- * Importer of record number / FTZ 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.

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

In addition, the rule requires that the Importer Security Filing for shipments consisting entirely of foreign cargo remaining on board (FROB) and shipments consisting entirely of goods intended to be transported in-bond as an immediate exportation (IE) or transportation and exportation (T&E), must provide five elements. Importer Security Filings for IE and T&E shipments must be submitted no later than twenty-four hours before the cargo is laden aboard a vessel destined to the United States and Importer Security Filings for FROB must be submitted any time prior to lading. The following five data elements must be submitted for FROB, IE and T&E shipments:

- * Booking party;
- * Foreign port of unloading;
- * Place of delivery;
- * Ship to party; and
- * Commodity HTSUS number.

Structured Review and Flexible Enforcement Period

CBP has made several significant changes from the proposed rule, based on public and stakeholder feedback. The interim final rule also includes a delayed compliance date of 12 months after the interim final rule takes effect. 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.

In addition, CBP will conduct a review to determine any specific compliance difficulties that importers and shippers may experience in submitting all 10 data elements 24 hours before lading. The structured review will cover a range of enterprises, from small to large, and will include both integrated and nonintegrated supply chains.

Comment Period and Effective Date

The Importer Security Filing and Additional Carrier Requirements interim final rule has been submitted to the Federal Register and will take effect 60 days after publication. CBP invites written comment on the six data elements for which some type of flexibility has been provided, and on the revised Regulatory Assessment and Final Regulatory Flexibility Analysis. Comments must be received on or before June 1, 2009, which is also the end of the information gathering phase of the structured review.

Based on the information obtained during the structured review and public comment periods, CBP will conduct an analysis of the elements subject to flexibility. The analysis will examine compliance costs for various industry segments, the impact of the flexibilities, the barriers to submitting the data 24 hours prior to lading, and the benefits of collecting the data. Based on the analysis, DHS will determine whether to eliminate, modify or maintain these requirements.

For additional information, please visit www.cbp.gov. Questions may be sent to :

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