

Security Filing (10+2) FAQs

(02/26/2007) Customs and Border Protection has been working closely with the COAC subcommittee in formulating the proposed Security Filing (SF), which will require 10 additional data elements from importers 24 hours prior to foreign lading and 2 data sets from ocean carriers. CBP is currently developing a Notice of Proposed Rulemaking (NPRM), which will be published in the Federal Register along with a request for comments on the NPRM. CBP is hopeful that this Frequently Asked Questions (FAQ) document will assist the Trade Community in understanding the expectations of CBP concerning the proposed Security Filing requirements.

These FAQs reflect the agency's current thinking and are subject to change.

General

Q: Who can file the 10 importer elements of the Security Filing?

A: Under CBP's current thinking, the importer would be responsible for filing the complete, accurate, and timely importer elements of the Security Filing. The importer would be able to designate an approved agent to submit the 10 elements.

Q: What about general confidentiality issues? Such as:

1. Shippers don't want importers to know the supplier (manufacturer) and importers don't want the seller to know who their customers are (ultimate consignee). -and-
2. Legal confidentiality issues.

A:

1. CBP expects the Supply Chain partners to coordinate their business processes to accomplish a complete, accurate and timely Security Filing. CBP acknowledges the challenges of certain commercial business transactions and understands that the SF may be accomplished by multiple filers to preserve certain communications between the entities and to protect the confidentiality of said commercial information.

2. Security Filing Data is designated as law enforcement sensitive when received by CBP because it is used for national security targeting purposes. It may be considered confidential commercial information, when providing the same or similar information as required on the CBP 3461 Entry Form; therefore, CBP maintains that this information is exempt from disclosure under the Freedom of Information Act (FOIA). Confidential commercial information is prohibited from disclosure pursuant to the Trade Secrets Act (18 U.S.C. 1905) and cargo data provided in excess of the information required by 19 U.S.C. 1431 (c) is not required to be publicly disclosed.

Q: Will the Security Filing be required in all transportation modes?

A: The current proposal for the Security Filing is focused on ocean cargo. CBP plans to expand the concept to other modes in the near future and will continue to work with the trade on this issue.

Q: Will CBP implement the Security Filing immediately?

A: No. CBP is planning to go through the normal Notice of Proposed Rule Making (NPRM) process. This will include a notice and comment period. After the Final Rule is published, CBP is planning to implement the SF via a 9-12 month phase-in period. During the phase-in period, CBP will work closely with the members of the trade to ensure that the SF is being filed correctly. Any identified issues will be handled through the well-established informed compliance process.

Q: Bulk and break bulk cargo are treated differently under the 24-hour Manifest Rule than standard containerized cargo. Will bulk and break bulk cargo be given the same consideration for the Security Filing?

A: Yes. For Security Filing purposes, CBP expects to model the treatment of bulk and approved break bulk cargo as per the Vessel Frequently Asked Questions (FAQ) under the Trade Act of 2002.

Definitions

Q: Can “supplier” be used for “manufacturer”, where the manufacturer is not known, despite a good faith effort to identify the manufacturer?

A: Yes. CBP expects that supplier would be used only in those cases where a good faith effort to identify manufacturer has not been successful.

Q: For “no sale” transactions, can the owner of the goods be used in lieu of the seller and buyer on the SF?

A: Yes. CBP expects the filer of the SF to list the owner of the goods in those cases where there is no buyer or seller of the goods. For example, the owner of the goods would be listed for personal effects, household goods and “to-order” shipments.

Q: For Commodity 6-digit HTS number, would a 10-digit code number be acceptable?

A: Yes. CBP encourages the provision of more data earlier and has no intention to hold the trade accountable for compliance purposes, when a 10-digit HTS number is provided on the SF.

Q: What is the difference between container stuffing location and consolidator name and address?

A: For container stuffing location, CBP would be looking for the location of where the container was loaded. For consolidator name and address, CBP wants to know who (the entity/company) is responsible for coordinating and stuffing the container.

Technical

Q: Will CBP accept the SF message through both the Automated Manifest System (AMS) as well as the Automated Broker Interface (ABI)?

A: Yes. CBP is planning to program both ABI and AMS to accept the 10 additional data elements of the SF. See the "CBP Proposal for Advance Trade Data Elements" dated November 7, 2006 - page 5

Q: How should multiple country-of-origin, HTS numbers and manufacturers in one shipment be shown in the SF?

A: CBP expects the process for reporting multiple countries of origin, multiple HTS numbers and multiple manufacturers in one shipment to mirror the CBP Form 3461 entry filing process. These three elements would need to be linked on the SF.

Q: When data changes after vessel sailing, does the Security Filing need to be amended?

A: Yes. Under CBP's current thinking, the Security Filing would need to be amended – this is expected to occur in the normal course of business.