

Highlights: The Foreign Trade Statistics Regulations (FTSR) has been amended in its entirety to implement provisions in the Foreign Relations Authorization Act. The new Foreign Trade Regulations (FTR) provides the mandatory filing of all export information through the Automated Export System (AES) or AESDirect for all shipments where a Shipper's Export Declaration was required. The final rule was published in the Federal Register on June 2, 2008 and becomes effective 30 days from the date of publication on July 2, 2008. The provisions of the FTR are implemented on September 30, 2008. Additional information can be found at www.census.gov/trade.

- **Penalty provisions:** New provisions describe the increase in penalties imposed for violations from \$100 to \$1,000 for each day of delinquency, to a maximum from \$1,100 to \$10,000 per violation. The penalty provisions provide for situations when the filer knowingly fails to file, files false and/or misleading information and other violations of the FTR where a civil penalty shall not exceed \$10,000 per violation and a criminal penalty shall not exceed \$10,000 or imprisonment for no more than five (5) years, or both, per violation. These regulations provide for the enforcement of these penalty provisions by the Bureau of Industry and Security's Office of Export Enforcement (OEE) and the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP). (Ref. Subpart H)
- **Voluntary Self-Disclosure:** Voluntary self-disclosure is a mitigating factor in determining what administrative sanctions, if any, will be sought. The provisions apply only when information is received for review prior to the time that the Census Bureau, or any other agency of the United States Government, has learned the same or substantially similar information from another source and has commenced an investigation or inquiry in connection with that information. (Ref. FTR 30.74)
- **Filing deadlines for Electronic Export Information (EEI) transmitted predeparture:** Time frames for filing EEI or providing exemption citation vary according to the method of transportation. For U.S. State Department's U.S. Munitions List (USML) shipments, refer to the International Traffic in Arms Regulations (22 Code of Federal Regulations, Parts 120-130) for requirements concerning filing time frames. For non-USML shipments, file the EEI as follows: (1) Vessel-twenty-four (24) hours prior to loading cargo on the vessel at the U.S. port where the cargo is laden; (2) Air cargo and air express couriers-two (2) hours prior to scheduled departure; (3) Truck-one (1) hour prior to arrival at the U.S. border to go foreign; (4) Rail-two (2) hours prior to arrival at the U.S. border to go foreign; and, (5) Mail and other methods (except pipeline) two (2) hours prior to exportation. For the U.S. Principal Party in Interest approved for postdeparture filing, all shipments (other than those for which predeparture filing is specifically required) by all methods of transportation, is required to file the EEI no later than ten (10) calendar days from the date of exportation. (Ref. FTR 30.4 (b) and (c)).
- **Postdeparture Filing:** The Census Bureau and the CBP have agreed that the moratorium placed on the acceptance of new applicants for postdeparture filing in August 2003 will remain in effect pending further review of the filing program.
- **The responsibilities of the U.S. Principal Party in Interest (USPPI) in a routed export transaction:** The foreign principal party in interest (FPPI) may authorize or agree to allow the USPPI to prepare and file the EEI by providing a written authorization to the USPPI assuming the responsibility for the filing. The USPPI may authorize an agent to file the EEI on its behalf. If the FPPI agrees to allow the USPPI to file the EEI, the filing of the export transaction shall be treated as a routed export transaction. (Ref. FTR 30.3 (e)). Also see Export Administration Regulations, 15 CFR, part 758.3.
- **Routed Export Transaction Indicator and Vehicle Identification Qualifier:** The indicator and qualifier were added to the list of data elements to be reported through the AES. The Routed Export Transaction Indicator gives an indication of whether or not the EEI reported represents a routed export transaction. The Vehicle Identification Qualifier, when reported, identifies the type of vehicle number reported. (Ref. FTR 30.6)
- **Definitions:** A number of definitions were added to provide clarity to the FTR. Other agencies may have similar definitions for terms that apply to their agency or organization that are not consistent to the Census Bureau. (Ref. FTR 30.1)
- **Appendices:** The following appendices were added to provide clarification: (A) Sample of a Power of Attorney and Written Authorizations; (B) AES Filing Codes; (C) Summary of Exemptions and Exclusions from EEI filing; (D) Filing Citation, Exemption, and Exclusion Legends; (E) FTSR to FTR Concordance; and, (F) FTR to FTSR Concordance.