

Department of Commerce

15 CFR Part 30
Foreign Trade Regulations (FTR): Mandatory Automated Export System Filing for All Shipments Requiring Shipper's Export Declaration Information;

1. This document incorporates the 2013 Final Rule with the 2008 FTR.

2. This document includes external hyperlinks to webpages and documents referenced in the FTR, as well as internal hyperlinks that allow the user to navigate to other sections within the document.

FOREIGN TRADE REGULATIONS

Revised March 14, 2013

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

[Docket Number 100318153–3158–02]

RIN 0607–AA50

Foreign Trade Regulations: Mandatory Automated Export System Filing for All Shipments Requiring Shipper's Export Declaration Information

AGENCY: Bureau of the Census, Commerce Department.

ACTION: Final rule.

SUMMARY: The Bureau of the Census (Census Bureau) is amending its regulations to reflect new export reporting requirements. Specifically, the Census Bureau is requiring mandatory filing of export information through the Automated Export System (AES) or through AES*Direct* for all shipments of used self-propelled vehicles and temporary exports. In addition to adopting new export reporting requirements and modifying the postdeparture filing program, the Census Bureau is making remedial changes to the FTR to improve clarity and to correct errors.

DATES: This final rule is effective January 8, 2014, except for §30.6(a)(24) and (b)(15) containing information collection requirements that have not yet been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). When OMB approval is received, the Census Bureau will publish a document in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Nick Orsini, Chief, Foreign Trade Division, U.S. Census Bureau, Room 6K032, Washington, DC 20233–6010, by phone (301) 763–6959, by fax (301) 763–6638, or by email (nick.orsini@census.gov).

SUPPLEMENTARY INFORMATION:

Background

The Census Bureau is responsible for collecting, compiling, and publishing export trade statistics for the United States under the provisions of Title 13, United States Code (U.S.C.), Chapter 9, Section 301. The AES is the primary instrument used for collecting export trade data, which is used by the Census Bureau for statistical purposes only. Through the AES, the Census Bureau collects Electronic Export Information (EEI), the electronic equivalent of the export data formerly collected on the Shipper's Export Declaration, reported pursuant to Title 15 Code of Federal Regulations (CFR) Part 30. The EEI consists of data elements set forth at 15 CFR 30.6 for an export shipment, and includes information such as the exporter's personal identifying

information, which includes name, address and identification number, and detailed information concerning the exported product. Other Federal government agencies use the EEI for export control purposes to detect and prevent the export of certain items by unauthorized parties or to unauthorized destinations or end users. The EEI is exempt from public disclosure unless the Secretary of Commerce determines under the provisions of Title 13, U.S.C., Chapter 9, Section 301(g), that such exemption would be contrary to the national interest. In August 2003, the Census Bureau, in agreement with U.S. Customs and Border Protection (CBP), placed a moratorium on accepting new applications for Postdeparture filing. The Census Bureau and CBP plan to continue the moratorium on accepting new applications pending the development of a program to collect advanced export information that will continue to facilitate trade and address national security concerns. The Census Bureau is modifying the existing postdeparture filing program for current approved filers.

Response to Comments

The Census Bureau received 53 letters and/or emails commenting on the Notice of Proposed Rulemaking (NPRM) published in the **Federal Register** on January 21, 2011, (76 FR 4002). All the letters and/or emails contained comments on two or more issues. A summary of the comments and the Census Bureau's responses are provided below.

The major concerns were as follows:

1. *Amend the proposed rule to remove the requirement for reporting the Country of Origin.* Several commenters were concerned that they would have to install costly automated systems to calculate and classify all components that go into the exported product, or institute a manual procedure to generate the necessary information. The Census Bureau has removed the requirement to report the country of origin because of the significant cost and burden the trade community would incur as a result of this requirement.
2. *Amend the proposed rule to remove the equipment number as a conditional data element.* Commentors were concerned that the equipment number may not be available at the time of filing and as a result would create a burden to the trade community. The Census Bureau agrees with the commentors; therefore, this information will remain an optional reporting field.
3. *Amend the proposed rule to remove the requirement to report household goods regardless of value and destination.* Commentors were concerned that this requirement would increase burden to the trade by requiring filing for shipments that are exempt based on the low value exemption or the exemption for nonlicensed shipments to Canada. Commentors were also concerned that the new definition was too broad. The Census Bureau has reviewed this section and determined that the previous regulations remain appropriate. Filing will be required for household goods that are over $2,500 and are destined for countries other than Canada. In addition, the Census Bureau revised the definition of household goods to add clarity.
4. *Clarify that the changes to the Foreign Trade Regulations will not adversely affect the President's National Export Initiative.* Commentors were concerned that the proposed postdeparture changes would impede the President's National Export Initiative (NEI). The Census Bureau supports the President's National Export Initiative and does not want to impede the export process. We reviewed all comments and after consideration, have excluded several of the proposed requirements to reduce

the burden placed on the trade community. The Census Bureau's goal is to continue collecting accurate and timely statistics as well as address the enforcement and security concerns of CBP, the Bureau of Industry and Security (BIS), and the U.S. Department of State. The Census Bureau has determined that these goals complement the President's National Export Initiative.

5. C*larify that an Automated Export System (AES) filing is required for repairs and replacements when valued over $2,500 per Schedule B number, or when a license or Department of Defense Trade Controls (DDTC) exemption is required.* The commenters requested clarification on whether an AES filing was required regardless of value for repairs and replacements. The requirement for filing an EEI record for repairs and replacements has not changed. The Census Bureau added ''If the value of parts and labor is over $2,500 per Schedule B, or a license or DDTC license exemption statement is required, the EEI must be filed,'' to clarify that the filing is only required when the value of repairs and replacement parts is over $2,500.
6. *Amend the proposed rule to remove the seal number as a conditional data element.* Commentors stated that it would be extremely difficult to obtain the seal number prior to exportation. The Census Bureau conferred with trade groups who verified that the seal number may not be available at the time of filing. Therefore, this information will remain an optional reporting field.
7. *Amend the proposed rule to remove the requirement to report the Transportation Reference Number (TRN) for air shipments.* Commentors were concerned that the TRN would not be available since it is not a common practice for air shipments to have an advance booking. The Census Bureau conferred with trade groups who verified that the TRN is not available at the time of filing; therefore, reporting the TRN will remain optional.
8. *Clarify that the reuse of the Shipment Reference Number (SRN) is prohibited.* Commentors were concerned that the trade currently reuses the same SRN for internal purposes and would like the ability to reuse the same SRN for AES purposes. The Census Bureau recognizes that the trade community may continue to use the same SRN for internal purposes. However, an analysis of the AES confirmed that the system is not configured to allow the reuse of the SRN, and the SRN cannot be reused.
9. *Amend the proposed rule to remove the requirement to report the address of the license applicant.* A commentor is concerned that the Census Bureau is requiring information that is available in the licensing database. The Census Bureau acknowledges that this information is collected in the export control licensing system and will remove the requirement to report the address of the license applicant. Therefore, the Census Bureau will eliminate the license applicant in the Final Rule.
10. *Amend a number of definitions in the definition section of the proposed rule.* Several commentors proposed changes to definitions contained in the NPRM. The Census Bureau revised the following definitions in §30.1:

    AES downtime filing citation. The Census Bureau revised this definition to clarify that the downtime citation cannot be used when the filer's system is down or experiences delays.

Annotation. The Census Bureau revised this definition by adding the word ''commercial'' prior to the words ''loading documents.''

Automated Export System Trade Interface Requirements (AESTIR). The Census Bureau revised this definition by adding the word ''technical'' to clarify that the document also includes technical requirements.

Automated Foreign Trade Zone Reporting Program (AFTZRP). The Census Bureau deleted this definition because the program is no longer in existence.

Country of ultimate destination. The Census Bureau revised this definition to include reference to §30.6(a)(5).

Diplomatic pouch. The Census Bureau added this definition as a result of internal agency review.

Electronic CBP Form 214 Admissions (e214). The Census Bureau added this definition to clarify the electronic submission of Foreign Trade Zone information replaced the AFTZRP.

Export value. This term was changed to ''value'' and moved alphabetically in §30.1.

Filers. The Census Bureau revised this definition to remove the word ''system'' after the acronym ''AES.''

Filer ID. The Census Bureau added this definition as a result of internal agency review.

Foreign exports. The Census Bureau revised this definition to clarify that goods can also be admitted to a U.S. Foreign Trade Zone.

Foreign port of unlading. The Census Bureau added this definition as a result of internal agency review.

Foreign principal party in interest (FPPI). The Census Bureau revised this definition to clarify that the FPPI is the party that purchases the goods.

Foreign Trade Zone (FTZ). The Census Bureau revised this definition to clarify that goods can also be manufactured in an FTZ.

Harmonized Tariff Schedule of the United States Annotated (HTSUSA). The Census Bureau revised this definition to include the correct title and abbreviation and remove references to CBP since it is not the only agency that uses the HTSUSA.

Household goods. The Census Bureau added this definition as a result of internal agency review.

International Waters. The Census Bureau added this definition as a result of internal agency review.

Issued banknotes. The Census Bureau added this definition as a result of internal agency review.

Kimberley Process Certificate (KPC). The Census Bureau added this definition to account for this document since it is used to certify the origin of rough diamonds from sources which are free of conflict.

Loading document. This term was changed to ‘‘commercial loading document’’ and moved accordingly.

Mass-market software. The Census Bureau added this definition as a result of internal agency review.

Method of Transportation. The Census Bureau revised this definition to include shipments via mail as a method of transportation.

Non-Vessel Operating Common Carrier (NVOCC). The Census Bureau added this definition as a result of internal agency review.

Port of export. The Census Bureau revised this definition to clarify what port is required to be reported for transshipments through Canada or Mexico.

Postdeparture filing. The Census Bureau revised this definition to clarify that the postdeparture filing time frame is changed from ten (10) calendar days to five (5).

Power of attorney. The Census Bureau revised this definition to include a reference to Appendix A.

Shipment. The Census Bureau revised this definition to clarify that except as noted in §30.2(a)(1)(iv), the EEI shall be filed when the value of the goods is over $2,500 per Schedule B number.

Shipment reference number. The Census Bureau revised this definition to clarify that the reuse of the shipment reference number is prohibited.

Shipper’s Export Declaration (SED). The Census Bureau revised this definition to clarify the date the paper SED became obsolete.

Shipping documents. The Census Bureau added this definition to clarify what is considered a shipping document for purposes of retaining required documents for five years and reporting proof of filing citations and exemption legends.

Split shipment. The Census Bureau revised this definition to clarify that split shipments apply to all modes of transportation and that all parts of a shipment must leave within 24 hours from the same port.

Transshipment. The Census Bureau added this definition as a result of internal agency review.

U.S. Customs and Border Protection. The Census Bureau revised this definition to correct errors in grammar.

Voluntary Self-Disclosure (VSD). The Census Bureau added this definition as a result of internal agency review.

Written Authorization. The Census Bureau revised this definition to include reference to Appendix A.

11. *Clarify whether an exemption can be used for goods destined to Country Group E:1.* Several commenters requested further clarification as to whether an exemption can be used for these types of shipments. Certain shipments destined to Country Group E:1 are exempt from AES filing per 15 CFR 740 of the Export Administration Regulations (EAR). The Census Bureau has revised §30.2(a)(1)(iv) to add a note clarifying that the filing requirement for certain shipments destined to Country Group E:1 are located in §30.16.
12. *Amend the proposed rule to eliminate the requirement to report the exclusion legend.* Several commenters were concerned that if the exclusion legend is not required to be noted on the bill of lading or other commercial loading documents, carriers would not be able to recognize if the shipment was annotated properly. They were concerned that this new requirement could potentially lead to violations of the Foreign Trade Regulations (FTR) which would ultimately result in penalties for all parties involved. Commentors recommend that the exclusion legend remain a requirement. The Census Bureau and CBP have reviewed this requirement and agree with the commenters that this requirement should not be changed, therefore the previous regulations remain appropriate.
13. *Amend the proposed rule to revise the definition of a split shipment to clarify that split shipments apply to all modes of transportation and that all parts of a shipment must leave within 24 hours from the same port of export.* Several commentors were concerned that the changes to the split shipment requirement would increase the burden on the trade because multiple shipments would have to be filed after the initial shipment is exported. The Census Bureau revised the split shipment definition to remove the burden of having to file for multiple shipments that have been split by the carrier and are departing from the same port within 24 hours of each other. The new definition will reflect that after the first part of the shipment has been exported; all the succeeding parts must be exported within 24 hours. The commentors were also concerned that the carriers would be burdened with notifying USPPIs and filers of the changes to the shipment information. The Census Bureau reviewed this part and found that the requirement to notify the USPPI or filer of changes to the

transportation information has not changed from the previous regulations and remains appropriate.

14. *Amend the proposed rule to include a mandatory filing requirement for ultimate consignee type.* Several commentors were concerned with reporting the ultimate consignee type because the ultimate consignee may be a party other than a Reseller, Government Reseller, or Government Consumer. Also, the commentors were concerned that the ultimate consignee type may be unknown at the time of export. The Census Bureau acknowledges that the ultimate consignee type may be unknown or other. Therefore, the Census Bureau modified the requirement to include Other/Unknown as reporting options for the ultimate consignee type. This is a new mandatory filing requirement and has been added as §30.6(a)(24).
15. *Clarify the carrier responsibilities in an export transaction.* Several commentors requested clarification on how carriers are to determine changes to commodity information as well as identify the party who filed in order to provide them with changes. The Census Bureau understands that the carrier may not know the commodity information. The Census Bureau has reviewed this section and has revised §30.3(c)(3)(iv) to indicate the carrier is only responsible for providing and notifying the USPPI or Authorized Agent of changes to the transportation data.
16. *Clarify how the carrier is to amend the manifest when the manifest is not required to be filed until four days after the date of export.* Commentors were concerned that when identifying a portion of the goods covered by a single EEI transaction that has not been exported on the intended conveyance that they could not immediately notify the CBP Director and amend the manifest because the carrier files the manifest four days after the export departure date. The Census Bureau has reviewed this section and has revised §30.3(c)(3)(iv) to indicate that manifest amendments must be made inaccordance with CBP regulations.
17. *Clarify that licensed goods where the country of ultimate destination is the United States are outside the scope of the FTR.* Commentors requested clarification on how a carrier would be able to identify that the person(s) or entity assuming control of the item(s) is a citizen or permanent resident alien of the United States or a juridical entity organized under the laws of the United States or a jurisdiction within the United States. The Census Bureau has reviewed these comments and has determined that there are no significant procedural requirements for carriers regarding their responsibility for ensuring that export documentation has the required citations. As noted above, shipments where the country of ultimate destination is the United States are outside the scope of the FTR.
18. *Amend the proposed rule to remove the requirement to report the end user.* Several commentors were concerned that they would have to incur costly programming changes in order to capture the end user information. In addition, commentors were concerned that the information is not always available. The Census Bureau acknowledges that this information is collected in the export control licensing system; therefore, the Census Bureau eliminated the requirement to report the end user in the Final Rule.
19. *Clarify the commodity based requirement for postdeparture reporting.* Several Commenters were concerned about the limited commodities available for postdeparture reporting. The commentors requested additions to the commodities

available for the postdeparture privilege. The Census Bureau has reviewed these comments and has agreed with the CBP to revise §30.5. The proposed commodity based postdeparture program is not going to be implemented. However, the Census Bureau and CBP have agreed to continue the moratorium on accepting new applications for postdeparture filing, pending the development of a program to collect advanced export information that will continue to facilitate trade and address national security concerns. Based on the results, the Census Bureau and CBP will issue new guidelines on the application process for postdeparture filing.

20. *Clarify the requirement to report postdeparture shipments no later than five (5) calendar days from the date of export.* Several commentors were concerned the filing requirement to report the export information in the AES no later than five (5) calendar days from the date of export did not give filers enough time to file the EEI. The Census Bureau reviewed the AES data and found that only a small percentage of approved postdeparture USPPIs reported their EEI after five (5) calendar days. The Census Bureau and the CBP have reviewed this section of the NPRM and determined that the requirement to file the EEI for postdeparture shipments within five (5) days from the date of export remains appropriate.
21. *Clarify that the moratorium on postdeparture applications will be lifted.* Several commentors wanted clarification on the existing moratorium on the postdeparture filing program. The Census Bureau and CBP have agreed to continue the moratorium on accepting new applications for postdeparture filing, pending the development of a program to collect advanced export information that will continue to facilitate trade and address national security concerns.
22. *Clarify in the proposed rule that the filing timeframe for submitting manifests to CBP is within four calendar days of departure.* Commentors requested clarification on the filing timeframe for filing citations, exemptions, and submitting manifests to the CBP. The Census Bureau reviewed the request and §30.47 was revised to clarify that all required filing citations and/or exemption legends must be submitted by the carrier at the port of exit in accordance with all applicable requirements under the CBP regulations.
23. *Clarify the filing requirement for used self-propelled vehicles.* Several commentors requested clarification on the requirement to file EEI for used selfpropelled vehicles regardless of value and destination. The Census Bureau has reviewed the NPRM regarding this requirement and determined that there will be no exemptions to this requirement. Several commentors were also concerned about the use of the Manufacturer's Statement of Origin Certificates (MSOs) and being able to use this documentation in order to be exempt from filing requirements. The Census Bureau acknowledges this concern and forwarded this comment to the CBP for consideration.

Changes to the Proposed Rule Made by This Final Rule

After consideration of the comments received, the Census Bureau revised certain provisions and added several provisions in the Final Rule to address the concerns of the commentors and to clarify the requirements of the rule. The changes made in this Final Rule are as follows:

- Section 30.1(c) is amended by adding the definition of ''Kimberley Process Certificate (KPC)'' to clarify the use of the term in the FTR.

- Section 30.2(a)(1)(iv) is amended by deleting the revised end user definition as a result of the elimination of the end user requirement; therefore, the current FTR definition remains appropriate.
- Section 30.2(a)(1)(iv) is amended by adding paragraph (E) for shipments licensed by the Nuclear Regulatory Commission (NRC). This change was made to provide clarity that shipments licensed by NRC must be filed via the AES.
- Section 30.2(a)(1)(iv) is amended by adding a clarifying note to (a)(1)(iv) for filing requirements for shipments destined for a country in Country Group E:1 as set forth in the Supplement No. 1 to 15 CFR part 740. This change was made to provide clarity and ensure consistency with the EAR.
- Section 30.4(a)(8) is amended to clarify that all shipments that require a license from the BIS and exports listed under BIS's grounds for denial of postdeparture filing status set forth in 15 CFR §758.2 must be filed predeparture. This change was made to provide clarity.
- Section 30.4(a) is amended by adding the requirement that shipments licensed by the NRC must be filed predeparture. This change was made to provide clarity and consistency.
- Section 30.4(c) is amended by modifying the filing timeframe for postdeparture shipments from ten calendar days to five calendar days from the date of export. This change is in response to concerns addressed in item 20 in the ''Response to Comments'' section.
- Section 30.5 is amended by modifying the existing postdeparture filing program. However, the moratorium on accepting new applications will remain in effect pending the development of a new postdeparture program.
- Section 30.5 is amended by removing the requirement that postdeparture reporting will only be permitted for commodities on the approved list for postdeparture filing. This change is in response to concerns addressed in item 19 in the ''Response to Comments'' section.
- Section 30.5(c)(3) is amended by adding a section to clarify that the Census Bureau may revoke postdeparture privileges of an approved USPPI if it exports commodities that must be filed predeparture. This change was made during internal agency review.
- Section 30.6(a) is amended by adding a new filing requirement for ultimate consignee type. The ultimate consignee types are: Direct consumer, Government Entity, Other and Unknown. This change is in response to concerns addressed in item 14 in the ''Response to Comments'' section.
- Section 30.6(b)(1) is amended to clarify that an authorized agent should be listed in the AES when they prepare and file the EEI or are named on the export license. This change was made during internal agency review.
- Section 30.6(b)(3) is amended by adding the words ''7-digit alphanumeric identifier.'' This change was made during internal agency review.
- Sections 30.7(c) and 30.50(b) are amended to reflect that the Kimberley Process Certificate must be faxed to the Census Bureau prior to export. This change was made during internal agency review.
- Section 30.9(b) is amended to clarify that failure to respond to fatal error messages for shipments filed will subject the USPPI or authorized agent to penalties. This change was made to provide clarity.

- Section 30.16 is amended by adding paragraph (c) to include the requirement to place certain export information on export control documents for shipments that are exempt from filing in the AES. This change was made during internal agency review.
- Section 30.16 is amended by adding paragraph (d) to include the filing requirements for shipments destined for a country listed in Country Group E:1 as set forth in Supplement No. 1 to 15 CFR part 740. This language is also referenced in the note to §30.2 (a)(1)(iv). For shipments destined for a country listed in Country Group E:1 the EEI is required regardless of value unless such shipment is eligible for one or more of the exemptions in §30.37(y) and does not require a license by any other Federal Government Agency. This change was made during internal agency review.
- Section 30.16 is amended by adding paragraph (e) for goods licensed by the BIS where the country of ultimate destination is the United States. This change was made during internal agency review.
- Section 30.26 is amended to clarify filing requirements for shipments of vessels, aircraft, cargo vans, and other carriers and containers. This change was made to provide clarity and consistency.
- Section 30.28 is amended to clarify that split shipments now include all modes of transportation and that all parts of a shipment must leave within 24 hours from the same port. This change is in response to concerns addressed in item 13 in the ‘‘Response to Comments’’ section.
- Section 30.29 is amended to clarify the value to be reported for United States Munitions List (USML) and non-USML shipments of goods previously imported for repair, alteration, or replaced under warranty.
- Section 30.37 is amended by removing and reserving paragraphs (e), (q) and (r). This change was made to eliminate costly programming changes.
- Section 30.37 is amended by revising paragraphs (h) to clarify the specific section of the EAR that provides requirements for a license exception for gift parcels and humanitarian donations (GFT). This change was made during internal agency review.
- Section 30.37 is amended by adding paragraphs (u), (v), (w), (x) and (y) to clarify that exports of technical data and defense service items; vessels, aircraft, cargo vans, and other carriers and containers when shipping as instruments of international traffic; shipments via Army Post Office, Diplomatic Post Office and Fleet Post Office shipments, shipments exported under a license exception for baggage (BAG); and certain shipments destined to Country Group E:1 that have been identified by the BIS are exempt from the EEI filing requirements. This changewas made during internal agency review.
- Sections 30.47(a), (a)(1) and (a)(2) are amended to clarify that the carrier must file the manifest and all required filing citations and/or exemption legends in accordance with the CBP regulations. This change is in response to concerns addressed in item 22 in the ‘‘Response to Comments’’ section.

Program Requirements

To comply with the requirements of the Foreign Relations Authorization Act, Public Law 107–228, the Census Bureau is amending relevant sections of the FTR to correct or clarify export reporting requirements. The Census Bureau amended the following sections of the FTR:

- Revise the table of contents entry for §30.28 by removing the quotations and the words ‘‘by air’’ because split shipments applies to all modes of transportation.
- Revise §30.1(c) to add the terms and definitions for ‘‘Commercial loading document,’’ ‘‘Diplomatic pouch,’’ ‘‘Electronic CBP Form 214 Admissions (e214),’’ ‘‘Filer ID,’’ ‘‘Foreign port of unlading,’’ ‘‘Household goods,’’ ‘‘International waters,’’ ‘‘Issued banknote,’’ ‘‘Mass-market software,’’ ‘‘Non Vessel Operating Common Carrier (NVOCC),’’ ‘‘Shipping documents,’’ ‘‘Transshipment,’’ ‘‘Value,’’ and ‘‘Voluntary Self-Disclosure’’ to clarify the use of these terms in the FTR.
- In §30.1(c), revise the definition for ‘‘AES downtime filing citation’’ to clarify that the downtime citation cannot be used when the filer’s system is down or experiences delays.
- In §30.1(c), revise the definition for ‘‘Annotation’’ by adding the word ‘‘commercial’’ prior to the words ‘‘loading documents.’’ This revision is necessary to note that the FTR only references commercial loading documents; therefore, the word ‘‘commercial’’ is added before all references to the words ‘‘loading documents.’’
- In §30.1(c), revise the definition for ‘‘Automated Export System Trade Interface Requirements (AESTIR)’’ to clarify that the document also includes technical requirements.
- In §30.1(c), remove the definition for ‘‘Automated Foreign Trade Zone Reporting Program (AFTZRP)’’ because the program is no longer in existence. The definition for ‘‘Electronic CBP Form 214 Admissions (e214)’’ is added to replace the AFTZRP.
- In §30.1(c), add the term and definition ‘‘Commercial loading document’’ because the FTR only references commercial loading documents. Therefore, the term and definition for ‘‘Loading document’’ is removed from this section.
- In §30.1(c), revise the definition for ‘‘Country of ultimate destination’’ to reference §30.6(a)(5).
- In §30.1(c), remove the term and definition ‘‘Export value’’ because this term is not used in the FTR and cite the term and definition ‘‘Value’’.
- In §30.1(c), revise the definition for ‘‘Filers’’ to remove the word ‘‘system’’ after the acronym ‘‘AES.’’
- In §30.1(c), add the definition for ‘‘Filer ID’’ to clarify how the FTR uses the term.
- In §30.1(c), revise the definition for ‘‘Foreign exports’’ to clarify that goods are admitted, rather than entered, to a U.S. FTZ.
- In §30.1(c), revise the definition for ‘‘Foreign principal party in interest (FPPI)’’ to clarify that the FPPI is the party that purchases the goods for export or to whom final delivery will be made or is end-user of the goods.
- In §30.1(c), revise the definition for ‘‘Foreign Trade Zone (FTZ)’’ to clarify that goods can also be manufactured in a FTZ.
- In §30.1(c), amend the proposed rule to include the definition of ‘‘Kimberley Process Certificate (KPC)’’ for clarity.
- In §30.1(c), revise the term and definition for ‘‘Harmonized Tariff Schedule of the United States Annotated (HTSUSA)’’ to include the correct title and abbreviation and remove references to CBP since it is not the only agency that uses the HTSUSA.
- In §30.1(c), revise the definition for ‘‘Method of Transportation’’ to include mail as a method of transportation.

- In §30.1(c), revise the definition for ‘‘Port of export’’ to clarify the port for transshipments through Canada or Mexico.
- In §30.1(c), revise the definition for ‘‘Postdeparture filing’’ to clarify that the postdeparture filing time frame is changed from ten (10) calendar days to five (5) calendar days for export control and enforcement purposes.
- In §30.1(c), revise the definition for ‘‘Power of attorney’’ to include a reference to Appendix A.
- In §30.1(c), revise the definition for ‘‘Shipment’’ to clarify that the EEI shall be filed when the value of the goods is over $2,500 per Schedule B number, except as noted in §30.2(a)(1)(iv).
- In §30.1(c), revise the definition for ‘‘Shipment reference number’’ to clarify that the reuse of the shipment reference number is prohibited.
- In §30.1(c), revise the definition for ‘‘Shipper’s Export Declaration (SED)’’ to clarify the date the paper SED became obsolete.
- In §30.1(c), revise the definition for ‘‘Split shipment’’ to clarify that split shipments apply to all modes of transportation and that the goods must leave from the same port within 24 hours.
- In §30.1(c), revise the definition for ‘‘U.S. Customs and Border Protection’’ to correct errors in grammar.
- In §30.1(c), revise the definition for ‘‘Written Authorization’’ to include reference to Appendix A.
- In §30.2(a)(1)(iv), redesignate paragraph (E) as a note in this section and add new paragraph (E) to include the filing requirements for shipments licensed by the NRC.
- In §30.2(a)(1)(iv), add paragraph (H) to include the new filing requirements for reporting used selfpropelled vehicles. These shipments will be required to be filed in accordance with CBP regulations.
- In §30.2(a)(1)(iv), add a note to reference §30.16 for filing requirements for shipments destined for a country in Country Group E:1 as set forth in the Supplement No. 1 to 15 CFR part 740.
- Revise §30.2(a)(2), to reflect the correct Web site for the AESTIR document.
- Revise §30.2(b)(3) to reflect that the AES downtime procedures cannot be used when the computer system of an AES participant is unavailable for transmission.
- Revise §30.2(d)(2) to clarify that Puerto Rico and the U.S. Virgin Islands are not excluded from filing the EEI.
- Revise the parenthetical phrase in §30.2(d)(4), by removing the word ‘‘by’’ and adding in its place the word ‘‘to.’’
- In §30.2(d), add a new paragraph (5) to include the new exclusion for goods licensed by a U.S. federal government agency where the country of ultimate destination is the United States or goods destined to international waters where the person(s) or entity assuming control of the item(s) is a citizen or permanent resident alien of the United States or a juridical entity organized under the laws of the United States or a jurisdiction within the United States.
- Revise §30.3(b)(2) to clarify that a foreign entity must be in the United States at the time goods are purchased or obtained for export in order to be listed as a USPPI.

- Revise §30.3(b)(2)(iii) by removing the word ‘‘foreign entity’’ and adding in its place the word ‘‘FPPI.’’ This revision was done to differentiate between the use of the term foreign entity versus FPPI.
- In §30.3(b), add paragraph (4) to include carriers as a party to the export transaction.
- Revise §30.3(c)(2)(ii) to clarify that the power of attorney or written authorization comes from the USPPI in a standard transaction.
- In §30.3(c), add paragraph (3) to clarify carrier responsibilities as they pertain to the FTR.
- Revise §30.4(a)(6) to clarify that shipments where complete outbound manifests are required prior to clearing vessels going directly to the countries identified in CBP regulations 19 CFR 4.75(c) and aircraft going directly or indirectly to those countries per CBP regulations 19 CFR 122.74(b)(2) must be filed predeparture.
- Revise §30.4(a)(8) to clarify that all shipments that require a license from the BIS or include commodities identified on the Commerce Control List that are not EAR99 must be filed predeparture.
- In §30.4(a), redesignate paragraphs (9) and (10) as (10) and (11) and add new paragraph (9) to include the requirement that shipments licensed by the NRC must be filed predeparture.
- Revise §30.4(b)(1) to provide the correct citation in the International Traffic in Arms Regulations for filing timeframes for United States Munitions List (USML) shipments.
- Revise §30.4(b)(2) to clarify that the filing timeframes do not apply to non-USML shipments between United States and Puerto Rico and do not have to adhere to the filing timeframes.
- In §30.4(b), redesignate paragraph (3) as paragraph (4) and add new paragraph (3) to clarify that the filing timeframes for shipments between the United States and Puerto Rico do not apply. The USPPI must file the export information for shipments between the United States and Puerto Rico and have the proof of filing citation, postdeparture filing citation, or exemption citation by the time the shipment arrives at the port of unloading.
- Revise §30.4(b) to add paragraph (5) to include the filing timeframe requirements for used self-propelled vehicles as defined in 19 CFR 192.2 of CBP regulations.
- Revise §30.4(c) and §30.5(c) to clarify that the postdeparture filing time frame has changed from ten (10) calendar days to five (5) calendar days.
- Revise §30.5 to clarify that, when a new postdeparture program is established and the moratorium is lifted, the certification and approval requirements will be strengthened to address U.S. national security concerns and interest. All current USPPI’s previously approved for postdeparture filing must reapply.
- In §30.5(c)(1), add paragraph (ix) to include that the USPPI will be denied postdeparture filing status if unable to meet the AES predeparture filing requirements.
- In §30.5(c)(3), add paragraph (G) to clarify that the Census Bureau may revoke postdeparture privileges of an approved USPPI if it exports commodities that must be filed predeparture. See section 30.4(a) for types of shipments that must be filed predeparture.
- In §30.5(d)(1) and (d)(2), remove the administrator code option for accessing account features in the AES*Direct.*

- Revise §30.5(d)(2) to clarify that companies must immediately deactivate the username, in the AES*Direct*, of any employee who leaves the company or is no longer an authorized user.
- Revise §30.6(a)(1)(ii) to clarify that the USPPI does not need to own/lease the facility where the goods actually begin the journey to the port of export.
- Revise §30.6(a)(3) to reflect the new definition of ''Ultimate Consignee'' and to clarify that for licensed shipments to international waters, the person designated on the export license must be reported as the ultimate consignee.
- Revise §30.6(a)(5) to clarify that the country of ultimate destination can be the country where the goods are stored.
- Revise §30.6(a)(5)(i) to clarify that the country of ultimate destination for BIS license exceptions and non-licensed shipments to international waters is the nationality of the person(s) or entity assuming control of the item(s) subject to the EAR .
- Revise §30.6(a)(8) to clarify the carrier identification code that must be reported in the AES for vessel shipments.
- In §30.6(a)(9), revise text to specify that the port of export for shipments by overland transportation is where the goods cross the U.S. border into Canada or Mexico, including transshipments through Canada or Mexico. In addition, language was added to address shipments by vessel and air involving several ports of exportation.
- In §30.6(a)(9), remove paragraphs (i) and (ii) because the content is included in the text of §30.6(a)(9).
- In §30.6(a)(17), revise the introductory text to clarify that the value reported in the AES must be in U.S. dollars.
- Revise §30.6(a)(19) to clarify that the reuse of the shipment reference number is prohibited.
- Revise §30.6(a)(23) by adding a comma and the word ''authorization'' after the word ''permit.'' This revision is to clarify that authorizations, such as validated end-users, are to be reported in the license code/license exemption code field.
- In §30.6(a) add paragraphs (24), and (24)(i) through (24)(iv) to include a new mandatory filing requirement for ultimate consignee type. The ultimate consignee types are: Direct Consumer, Government Entity, Reseller, and Other/Unknown. If more than one type applies to the ultimate consignee, report the type that applies most often.
- In §30.6(b), redesignate paragraphs (15) and (16) as paragraphs (16) and (17) and add new paragraph (15) to include the new conditional filing requirement for reporting the license value.
- In §30.6(b)(1), clarify that an authorized agent shall be reported in the AES when the agent prepares and files the EEI or is named on the export license. Therefore, the language from (b)(1)(ii) is removed because it is captured in 30.6(b)(1).
- Revise §30.6(b)(3) to add the words ''seven-digit alpha numeric identifier.''
- Revise §30.6(c)(2) to allow the USPPI to report the container number for containerized vessel shipments in the equipment number field.
- Revise §30.7(c) to specify that the Kimberley Process Certificate must be faxed to the Census Bureau prior to export.
- In §30.8, remove the citation ''§30.4(e)'' and add in its place ''§30.7'', which references the requirement to annotate the commercial loading documents with the proof of filing citation and exemption legend, because the incorrect citation was

provided. Section 30.7 provides requirements for annotating the bill of lading, air waybill, or other commercial loading documents with the proof of filing citations, and exemption legends.

- In §30.8(a), remove the citation ‘‘§30.2’’ and add in its place ‘‘§30.4(b)’’ because the incorrect citation is provided in the current FTR.
- In §30.8(b), add language to reference §30.46 which states the requirements for filing export information by pipeline carriers.
- Revise §30.9(b) to clarify that failure to respond to fatal error messages for shipments filed subject the USPPI or authorized agent to penalties. In addition, change the postdeparture filing time frame from ten (10) calendar days to five (5) calendar days, and replace the word ‘‘regulation’’ with ‘‘the FTR’’ in the second to last sentence.
- In §30.16, revise the introductory text to spell out the acronym ‘‘EAR’’ and remove the word ‘‘also.’’
- In §30.16, revise paragraph (b) to include reference to 15 CFR 758.1(g).
- In §30.16, add paragraph (c) to include the requirement for placing certain information on export control documents for shipments that are exempt from filing in the AES.
- In §30.16, add paragraph (d) for Country Group E:1 filing requirements. A shipment destined for a country listed in Country Group E:1 as set forth in Supplement No. 1 to 15 CFR part 740 shall require EEI filings regardless of value unless such shipment is eligible for one of more of the exemptions in §30.37(y) and does not require a license by any other Federal Government Agency.
- In §30.16, add paragraph (e) for goods licensed by BIS where the country of ultimate destination is the

United States.

- Revise §30.18(a) to spell out the acronym ‘‘ITAR’’ and to clarify that shipments licensed by the State Department that are ultimately destined to a location in the United States are not required to be filed in the AES.
- In §30.25, add paragraph (c) to include the new filing requirements for goods rejected after entry into the United States. Those goods must be filed in the AES and the value to be reported is the declared import value.
- Redesignate §30.26(a) as new paragraph §30.37(v) to include the exemption for reporting vessels, aircraft, cargo vans, and other carriers and containers when shipping as instruments of international traffic.
- Redesignate and revise §30.26(b) as §30.26.
- In §30.28, revise the title to remove the quotation marks and the words ‘‘by air.’’ This section clarifies that split shipments now include all modes of transportation and that all parts of a shipment’s goods must leave within 24 hours from the same port without requiring a new EEI filing or a revision to the originally filed EEI.
- In §30.28, revise the introductory text to remove the words ‘‘by air,’’ and the word ‘‘aircraft’’ and adding in place of the latter the word ‘‘conveyance,’’ and to clarify that all parts of a split shipment must leave from the same port within 24 hours.
- In §30.28(a) and (b), remove all references to the word ‘‘flight’’ and add in its place ‘‘conveyance.’’ This revision is to clarify that split shipments apply to all modes of transportation.
- Revise §30.29 to clarify the value to be reported for USML and non-USML shipments of goods previously imported for repair, alteration, or replaced under warranty.

- Revise §30.35 to clarify that exemptions from filing in the AES do not apply when a shipment falls under §30.2(a)(1)(iv), which references the types of export shipments that must be filed, regardless of value.
- In §30.36(b), add paragraph (7) to include the requirement for reporting all used self-propelled vehicles.
- In §30.36(b), revise the introductory text to clarify that shipments destined to Canada must be filed in the same manner as all other exports when they fall under §§30.36(b)(1) through (7) and remove this language from paragraph (b)(2).
- Revise §30.37 introductory text to clarify that exemptions from filing EEI do not apply if the shipment falls under §30.2(a)(1)(iv), which references the types of export shipments that must be filed, regardless of value.
- In §30.37, remove and reserve paragraph (e). This revision removes goods that are transported In-bond through the United States from the list of exemptions. These shipments are outside the scope of the FTR and are excluded from filing requirements. This exclusion is located in §30.2(d)(1).
- In §30.37, remove and reserve paragraphs (q) and (r). This revision removes the exemption for temporary exports or for goods that were temporarily imported. Temporary shipments of goods valued over $2,500 per Schedule B or that require a license must be filed in the AES. When reporting temporary exports, report the appropriate export information code for temporary goods, such as ‘‘TE and TP’’.
- Revise §30.37(a) by removing the words ‘‘Except as noted in §30.2(a)(1)(iv)’’ and clarify that goods that are of domestic and foreign origins with the same Schedule B number must be reported separately. In addition the reference to §30.38 for the reporting of household goods was added.
- Revise §30.37(g) to clarify the types of articles that are exempt when shipping to foreign libraries, government establishments, and other similar institutions.
- Revise §30.37(h) to clarify the specific section of the EAR for license exception GFT.
- Revise §30.37 by adding paragraphs (u), (v), (w), (x) and (y) to clarify that exports of technical data and defense service exemptions; vessels, aircraft, cargo vans, and other carriers and containers when shipping as tools of international trade; Army Post Office, Diplomatic Post Office and Fleet Post Office shipments; shipments exported under license exception Baggage (BAG) and certain shipments destined to Country Group E:1, are exempt from the EEI filing requirements.
- Revise §30.38 to reflect the revised definition of household goods.
- In §30.39 and §30.40, revise the introductory text to clarify that the exemptions for the U.S. Armed Services and U.S. government agencies and employees do not apply if the shipment falls under §30.2(a)(1)(iv), which identifies the types of export shipments that must be filed, regardless of value.
- In §30.40, remove paragraph (d) because §30.37(g) now incorporates the exemption described in this paragraph.
- In §30.45(a), revise the introductory text by removing the word ‘‘shall’’ from the first sentence and adding in its place the word ‘‘may.’’
- In §30.45(a)(2), remove the word ‘‘unladed’’ and adding in its place ‘‘unladen.’’ This section is also revised to require the manifest to be filed with the CBP Port Director at the port of exit rather than the port where the goods are laden, except for shipments from the United States to Puerto Rico.

- In §30.45(c), revise the title to remove the quotation marks and the words ‘‘by air’’ since this requirement now pertains to all modes of transportation. This section is also revised to clarify that a split shipment must be divided by the carrier.
- In §30.45(d), remove the words ‘‘bill of lading’’ in the last sentence and add in its place the words ‘‘commercial loading document.’’
- Revise §30.45(f)(1) by adding the words ‘‘Except as noted in §30.4 (b)(2)’’ to clarify that proof of filing citations and exemption legends are required for shipments between the United States and Puerto Rico when the carrier reaches the port of unlading.
- In §30.45(f), remove paragraphs (3) and (4) because requirements for truck and rail shipments will be added to §§30.45(f)(1) and (2).
- In §30.47, revise paragraphs (a), (a)(1) and (a)(2) to clarify that the carrier must file the manifest and all required filing citations and/or exemption legends in accordance with the CBP regulations.
- Revise §30.47(a)(3) to clarify that a list of filing citations and/or exemption legends must be presented for carriers under bond on an incomplete manifest upon request by CBP.
- In §30.50(b)(5), remove the words ‘‘Automated Foreign Trade Zone Reporting Program (AFTZRP)’’ and add in their place ‘‘Electronic CBP Form 214 Admissions (e214)’’ since the AFTZRP was eliminated March 1, 2009.
- Revise §30.52 to clarify the statistical filing requirements for Foreign Trade Zone shipments via the e214 or paper 214A.
- In §30.54(b), remove the word ‘‘region’’ in the last sentence and add in its place the word ‘‘country.’’ This is to clarify that the region of origin code replaces the country of origin code on the CBP Form 7501.
- In §30.71(b), revise paragraph (1), redesignate paragraphs (2) and (3) as paragraphs (3) and (4) and add a new paragraph (2). This revision is to clarify that the civil penalties imposed for late filings and failures to file are different. For late filings, the penalty will not exceed $1,100 per day of delinquency, and no more than $10,000 per violation; whereas, failure to file, the penalty will not exceed $10,000 per violation.
- In §30.74(c)(3), add paragraphs (vi) and (vii) to clarify that, when submitting a voluntary self-disclosure, the person must indicate the corrective measures taken to avoid the violation in the future and the ITNs of the missed and/or corrected shipments.
- Revise §30.74(c)(5) to include the U.S. Census Bureau’s Foreign Trade Division Web site regarding further instructions for submitting Voluntary self-disclosure (VSD) to the Census Bureau.
- Revise Appendices B through F to reflect all proposed changes to the FTR discussed in this part.

Classification

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. No comments were received regarding the certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

Executive Orders
This rule has been determined to be not significant for purposes of Executive Order 12866. It has been determined that this rule does not contain policies with federalism implications as that term is defined under Executive Order 13132.

Paperwork Reduction Act
Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a current, valid Office of Management and Budget (OMB) control number. This rule contains a collection-of-information subject to the requirements of the PRA (44 U.S.C. 3501 et seq.) and a 30-day notice has been submitted to the OMB under control number 0607–0152 for approval to continue to collect export information via the AES and to collect two additional data elements, ultimate consignee type and license value. The estimated burden hours for filing the SED information through the AES and related documents (e.g., the AES Participant Application (APA) and AESDirect) are 791,600.

List of Subjects in 15 CFR Part 30
Economic statistics, exports, foreign trade, reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Census Bureau is amending Title 15, CFR part 30, as follows:

PART 30—FOREIGN TRADE REGULATIONS

Subpart A—General Requirements

Section

30.1 Purpose and definitions.

30.2 General requirements for filing Electronic Export Information (EEI).

30.3 Electronic Export Information filer requirements, parties to export transactions, and responsibilities of parties to export transactions.

30.4 Electronic Export Information filing procedures, deadlines, and certification statements.

30.5 Electronic Export Information filing application and certification processes and standards.

30.6 Electronic Export Information data elements.

30.7 Annotating the bill of lading, air waybill, or other commercial loading documents with the proof of filing citations, and exemption legends.

30.8 Time and place for presenting proof of filing citations, and exemption and exclusions legends.

30.9 Transmitting and correcting Electronic Export Information.

30.10 Retention of export information and authority to require production of documents.

30.11-30.14 [Reserved]

Subpart B—Export Control and Licensing Requirements

30.15 Introduction.

30.16 Export Administration Regulations.

30.17 Customs and Border Protection regulations.

30.18 Department of State regulations.

30.19 Other federal agency regulations.

30.20-30.24 [Reserved]

Subpart C—Special Provisions and Specific-Type Transactions

30.25 Values for certain types of transactions.

30.26 Reporting of vessels, aircraft, cargo vans, and other carriers and containers.

30.27 Return of exported cargo to the United States prior to reaching its final destination.

30.28 Split shipments.

30.29 Reporting of repairs and replacements.

30.30-30.34 [Reserved]

Subpart D—Exemptions from the Requirements for the Filing of Electronic Export Information

30.35	Procedure for shipments exempt from filing requirements.
30.36	Exemption for shipments destined to Canada.
30.37	Miscellaneous exemptions.
30.38	Exemption from the requirements for reporting complete commodity information.
30.39	Special exemptions for shipments to the U.S. Armed Services.
30.40	Special exemptions for certain shipments to U.S. government agencies and employees.
30.41-30.44	[Reserved]

Subpart E—General Carrier and Manifest Requirements

30.45	General statement of requirement for the filing of carrier manifests with proof of filing citations for the electronic submission of export information or exemption legends when Electronic Export Information filing is not required.
30.46	Requirements for the filing of export information by pipeline carriers.
30.47	Clearance or departure of carriers under bond on incomplete manifests.
30.48-30.49	[Reserved]

Subpart F—Import Requirements

30.50	General requirements for filing import entries.
30.51	Statistical information required for import entries.
30.52	Foreign Trade Zones.
30.53	Import of goods returned for repair.
30.54	Special provisions for imports from Canada.
30.55	Confidential information, import entries, and withdrawals.

30.56-30.59 [Reserved]

Subpart G—General Administrative Provisions

30.60 Confidentiality of Electronic Export Information.

30.61 Statistical classification schedules.

30.62 Emergency exceptions.

30.63 Office of Management and Budget control numbers assigned pursuant to the Paperwork Reduction Act.

30.64-30.69 [Reserved]

Subpart H—Penalties

30.70 Violation of the Clean Diamond Trade Act.

30.71 False or fraudulent reporting on or misuse of the Automated Export System.

30.72 Civil penalty procedures.

30.73 Enforcement.

30.74 Voluntary self-disclosure.

30.75-30.99 [Reserved]

Appendix A To Part 30—Sample for Power of Attorney and Written Authorization.
Appendix B To Part 30—AES Filing Codes.
Appendix C To Part 30—Summary of Exemptions and Exclusions from EEI filing.
Appendix D To Part 30—AES Filing Citation, Exemption and Exclusion Legends.
Appendix E To Part 30—FTSR to FTR Concordance.
Appendix F To Part 30—FTR to FTSR Concordance.

Authority: 5 U.S.C. 301; 13 U.S.C. 301-307; Reorganization plan No. 5 of 1990 (3 CFR 1949-1953 Comp., p.1004); Department of Commerce Organization Order No. 35-2A, July 22, 1987, as amended and No. 35-2B, December 20, 1996, as amended; Pub. L. 107-228, 116 Stat. 1350.

Subpart A—General Requirements

§30.1 Purpose and definitions.

(a) This part sets forth the Foreign Trade Regulations (FTR) as required under the provisions of Title 13, United States Code (U.S.C.), Chapter 9, section 301. These regulations are revised pursuant to provisions of the Foreign Relations Authorization Act, Pub. L. 107-228 (the Act). This Act authorizes the Secretary of Commerce, with the concurrence of the Secretary of State and the Secretary of Homeland Security, to publish regulations mandating that all persons who are required to file export information under Chapter 9 of 13 U.S.C., file such information through the Automated Export System (AES) for all shipments where a Shipper's Export Declaration (SED) was previously required. The law further authorizes the Secretary of Commerce to issue regulations regarding imposition of civil and criminal penalties for violations of the provisions of the Act and these regulations.

(b) Electronic filing through the AES strengthens the U.S. government's ability to prevent the export of certain items to unauthorized destinations and/or end users because the AES aids in targeting, identifying, and when necessary confiscating suspicious or illegal shipments prior to exportation.

(c) Definitions used in the FTR. As used in this part, the following definitions apply:

AES applicant. The USPPI or authorized agent who applies to the Census Bureau for authorization to report export information electronically to the AES, or through AES*Direct* or its related applications.

AES*Direct*. A free Internet application supported by the Census Bureau that allows USPPIs, their authorized agent, or the authorized agent of the FPPI to transmit EEI through the AES via the Internet at <www.aesdirect.gov/>.

AES downtime filing citation. A statement used in place of a proof of filing citation when the AES or AES*Direct* computer systems experience a major failure. The citation must appear on the bill of lading, air waybill, export shipping instructions, or other commercial loading documents. The downtime filing citation is not to be used when the filer's system is down or experiencing delays.

AES participant application (APA). An electronic submission of an individual or a company's desire to participate in the AES. It sets forth a commitment to develop, maintain, and adhere to CBP and Census Bureau performance requirements and operational standards.

Air waybill. The shipping document used for the transportation of air freight includes conditions, limitations of liability, shipping instructions, description of commodity, and applicable transportation charges. It is generally similar to a straight non-negotiable bill of lading and is used for similar purposes.

Annotation. An explanatory note (e.g., proof of filing citation, postdeparture filing citation, AES downtime filing citation, exemption or exclusion legend) placed on the bill

of lading, air waybill, export shipping instructions, or other commercial loading documents.

Authorized agent. An individual or legal entity physically located in or otherwise under the jurisdiction of the United States that has obtained power of attorney or written authorization from a USPPI or FPPI to act on its behalf, and for purposes of this part, to complete and file the EEI.

Automated Broker Interface (ABI). A CBP system through which an importer or licensed customs broker can electronically file entry and entry summary data on goods imported into the United States.

Automated Export System (AES). The system, including AES*Direct*, for collecting EEI information (or any successor document) from persons exporting goods from the United States, Puerto Rico, or the U.S. Virgin Islands; between Puerto Rico and the United States; and to the U.S. Virgin Islands from the United States or Puerto Rico.

Automated Export System Trade Interface Requirements (AESTIR). The document that describes the technical and operational requirements of the AES. The AESTIR presents record formats and other reference information used in the AES.

Bill of lading (BL). A document that establishes the terms of a contract between a shipper and a transportation company under which freight is to be moved between specified points for a specified charge. Usually prepared by the authorized agent on forms issued by the carrier, it serves as a document of title, a contract of carriage, and a receipt for goods.

Bond. An instrument used by CBP as security to ensure the payment of duties, taxes and fees and/or compliance with certain requirements such as the submission of manifest information.

Bonded warehouse. An approved private warehouse used for the storage of goods until duties or taxes are paid and the goods are properly released by CBP. Bonds must be posted by the warehouse proprietor and by the importer to indemnify the government if the goods are released improperly.

Booking. A reservation made with a carrier for a shipment of goods on a specific voyage, flight, truck or train.

Bureau of Industry and Security (BIS). This bureau within the U.S. Department of Commerce is concerned with the advancement of U.S. national security, foreign policy, and economic interests. The BIS is responsible for regulating the export of sensitive goods and technologies; enforcing export control, antiboycott, and public safety laws; cooperating with and assisting other countries on export control and strategic trade issues; and assisting U.S. industry to comply with international arms control agreements.

Buyer. The principal in the export transaction that purchases the commodities for delivery to the ultimate consignee. The buyer and ultimate consignee may be the same.

Cargo. Goods being transported.

Carnet. An international customs document that allows the carnet holder to import into the United States or export to foreign countries certain goods on a temporary basis without the payment of duties.

Carrier. An individual or legal entity in the business of transporting passengers or goods. Airlines, trucking companies, railroad companies, shipping lines, pipeline companies, and slot charterers are all examples of carriers.

Civil penalty. A monetary penalty imposed on a USPPI, authorized agent, FPPI, carrier, or other party to the transaction for violating the FTR, including failing to file export information, filing false or misleading information, filing information late, and/or using the AES to further any illegal activity, and/or violating any other regulations of this part.

Commerce Control List (CCL). A list of items found in Supplement No. 1 to Part 774 of the EAR. Supplement No. 2 to Part 774 of the EAR contains the General Technology and Software Notes relevant to entries contained in the CCL.

Commercial loading document. A document that establishes the terms of a contract between a shipper and a transportation company under which freight is to be moved between points for a specific charge. It is usually prepared by the shipper or the shipper's agent or the carrier and serves as a contract of carriage. Examples of commercial loading documents include the air waybill, ocean bill of lading, truck bill and rail bill of lading.

Compliance alert. An electronic response sent to the filer by the AES when the shipment was not reported in accordance with this part (e.g., late filing). The filer is required to review their filing practices and take steps to conform with export reporting requirements.

Consignee. The person or entity named in a freight contract, a contract of carriage that designates to whom goods have been consigned, and that has the legal right to claim the goods at the destination.

Consignment. Delivery of goods from a USPPI (the consignor) to an agent (consignee) under agreement that the agent sells the goods for the account of the USPPI.

Container. A uniform, reusable metal "box" in which goods are shipped by vessel, truck, or rail as defined in the International Convention for Safe Containers, as amended (TIAS 9037; 29 U.S.T. 3709).

Controlling agency. The agency responsible for the license determination on specified goods exported from the United States.

Cost of goods sold. Cost of goods is the sum of expenses incurred in the USPPI acquisition or production of the goods.

Country of origin. The country where the goods were mined, grown, or manufactured or where each foreign material used or incorporated in a good underwent a change in tariff classification indicating a substantial transformation under the applicable rule of origin for the good. The country of origin for U.S. imports are reported in terms of the International Standards Organization (ISO) codes designated in the Schedule C, Classification of Country and Territory Designations.

Country of ultimate destination. The country where the goods are to be consumed, further processed, stored, or manufactured, as known to the USPPI at the time of export. (See §30.6(a)(5)).

Criminal penalty. For the purpose of this part, a penalty imposed for knowingly or willfully violating the FTR, including failing to file export information, filing false or misleading information, filing information late, and/or using the AES to further illegal activity. The criminal penalty includes fines, imprisonment, and/or forfeiture.

Customs broker. An individual or entity licensed to enter and clear imported goods through CBP for another individual or entity.

Destination. The foreign location to which a shipment is consigned.

Diplomatic pouch. Any properly identified and sealed pouch, package, envelope, bag, or other container that is used to transport official correspondence, documents, and articles intended for official use, between embassies, legations, or consulates, and the foreign office of any government.

Distributor. An agent who sells directly for a supplier and maintains an inventory of the supplier's products.

Domestic exports. Goods that are grown, produced, or manufactured in the United States, and commodities of foreign origin that have been changed in the United States, including changes made in a U.S. FTZ, from the form in which they were imported, or that have been enhanced in value or improved in condition by further processing or manufacturing in the United States.

Drayage. The charge made for hauling freight, carts, drays, or trucks.

Dun & Bradstreet Number (DUNS). The DUNS Number is a unique 9-digit identification sequence that provides identifiers to single business entities while linking corporate family structures together.

Dunnage. Materials placed around cargo to prevent shifting or damage while in transit.

Duty. A charge imposed on the import of goods. Duties are generally based on the value of the goods (ad valorem duties), some other factor, such as weight or quantity (specific duties), or a combination of value and other factors (compound duties).

Electronic CBP Form 214 Admissions (e214). An automated CBP mechanism that allows importers, brokers, and zone operators to report FTZ admission information electronically via the CBP's Automated Broker Interface. The e214 is the electronic mechanism that replaced the Census Bureau's Automated Foreign Trade Zone Reporting Program (AFTZRP).

Electronic export information (EEI). The electronic export data as filed in the AES. This is the electronic equivalent of the export data formerly collected as Shipper's Export Declaration (SED) information and now mandated to be filed through the AES or AES*Direct*.

Employer identification number (EIN). The USPPI's Internal Revenue Service (IRS) EIN is the 9-digit numerical code as reported on the Employer's Quarterly Federal Tax Return, Treasury Form 941.

End user. The person abroad that receives and ultimately uses the exported or reexported items. The end user is not an authorized agent or intermediary, but may be the FPPI or ultimate consignee.

Enhancement. A change or modification to goods that increases their value or improves their condition.

Entry number. Consists of a three-position entry filer code and a seven-position transaction code, plus a check digit assigned by the entry filer as a tracking number for goods entered into the United States.

Equipment number. The identification number for shipping equipment, such as container or igloo (Unit Load Device (ULD)) number, truck license number, or rail car number.

Exclusions. Transactions outside of the scope of the FTR that are excluded from the requirement of filing EEI.

Exemption. A specific reason as cited within this part that eliminates the requirement for filing EEI.

Exemption legend. A notation placed on the bill of lading, air waybill, export shipping instructions, or other commercial loading document that describes the basis for not filing EEI for an export transaction. The exemption legend shall reference the number of the section or provision in the FTR where the particular exemption is provided (See Appendix D to this part).

Export. To send or transport goods out of a country.

Export Administration Regulations (EAR). Regulations administered by the BIS that, among other things, provide specific instructions on the use and types of export licenses required for certain commodities, software, and technology. These regulations are located in 15 CFR 730-774.

Export control. Governmental control of exports for statistical or strategic and short supply or national security purposes, and/or for foreign policy purposes.

Export Control Classification Number (ECCN). The number used to identify items on the CCL, Supplement No. 1 to Part 774 of the EAR. The ECCN consists of a set of digits and a letter. Items that are not classified under an ECCN are designated "EAR99." Section 738.2 of the EAR describes the ECCN format.

Export license. A controlling agency's document authorizing export of particular goods in specific quantities or values to a particular destination. Issuing agencies include, but are not limited to, the U.S. State Department; the BIS; the Bureau of Alcohol, Tobacco, and Firearms; and the Drug Enforcement Administration permit to export.

Export statistics. The measure of quantity and value of goods (except for shipments to U.S. military forces overseas) moving out of the United States to foreign countries, whether such goods are exported from within the Customs territory of the United States, a CBP bonded warehouse, or a U.S. Foreign Trade Zone (FTZ).

Fatal error message. An electronic response sent to the filer by the AES when invalid or missing data has been encountered, the EEI has been rejected, and the information is not on file in the AES. The filer is required to immediately correct the problem, correct the data, and retransmit the EEI.

Filers. Those USPPIs or authorized agents (of either the USPPI or the FPPI) who have been approved to file EEI directly in the AES or AES*Direct* Internet application.

Filer ID. The Employer Identification Number or Dun & Bradstreet Number of the company or individual filing the export information in the Automated Export System.

Filing electronic export information. The act of entering the EEI in the AES.

Foreign entity. A person that temporarily enters into the United States and purchases or obtains goods for export. This person does not physically maintain an office or residence in the United States. This is a special class of USPPI.

Foreign exports. Commodities of foreign origin that have previously been admitted to a U.S. FTZ or entered the United States for consumption, including entry into a CBP bonded warehouse, and which, at the time of exportation, are in substantially the same condition as when imported.

Foreign port of unlading. The port in a foreign country where the goods are removed from the exporting carrier. The foreign port does not have to be located in the country of destination. The foreign port of unlading shall be reported in terms of the Schedule K, "Classification of CBP Foreign Ports by Geographic Trade Area and Country."

Foreign Principal Party in Interest (FPPI). The party abroad who purchases the goods for export or to whom final delivery or end-use of the goods will be made. This party may be the Ultimate Consignee.

Foreign Trade Zone (FTZ). Specially licensed commercial and industrial areas in or near ports of entry where foreign and domestic goods, including raw materials, components, and finished goods, may be brought in without being subject to payment of customs duties. Goods brought into these zones may be stored, sold, exhibited, repacked, assembled, sorted, graded, cleaned, manufactured, or otherwise manipulated prior to reexport or entry into the country's customs territory.

Forwarding agent. The person in the United States who is authorized by the principal party in interest to facilitate the movement of the cargo from the United States to the foreign destination and/or prepare and file the required documentation.

Goods. Merchandise, supplies, raw materials, and products or any other item identified by a Harmonized Tariff System (HTS) code.

Harmonized system. A method of classifying goods for international trade developed by the Customs Cooperation Council (now the World Customs Organization).

Harmonized Tariff Schedule of the United States Annotated (HTSUSA). An organized listing of goods and their duty rates, developed by the U.S. International Trade Commission, as the basis for classifying imported products.

Household goods. Usual and reasonable kinds and quantities of personal property necessary and appropriate for use by the USPPI in the USPPI's dwelling in a foreign country that are shipped under a bill of lading or an air waybill and are not intended for sale.

Imports. All goods physically brought into the United States, including:

(1) Goods of foreign origin, and

(2) Goods of domestic origin returned to the United States without substantial transformation affecting a change in tariff classification under an applicable rule of origin.

Inbond. A procedure administered by CBP under which goods are transported or warehoused under CBP supervision until the goods are either formally entered into the customs territory of the United States and duties are paid, or until they are exported from the United States. The procedure is so named because the cargo moves under a bond (financial liability assured by the principal on the bond) from the gateway seaport,

airport, or land border port and remains "inbond" until CBP releases the cargo at the inland Customs point or at the port of export.

Inland freight. The cost to ship goods between points inland and the seaport, airport, or land border port of exportation, other than baggage, express mail, or regular mail.

Intermediate consignee. The person or entity in the foreign country who acts as an agent for the principal party in interest with the purpose of effecting delivery of items to the ultimate consignee. The intermediate consignee may be a bank, forwarding agent, or other person who acts as an agent for a principal party in interest.

Internal Transaction Number (ITN). The AES generated number assigned to a shipment confirming that an EEI transaction was accepted and is on file in the AES.

International Standards Organization (ISO) Country Codes. The 2-position alphabetic ISO code for countries used to identify countries for which shipments are reportable.

International Traffic in Arms Regulations (ITAR). Regulations administered by the Directorate of Defense Trade Controls within the U.S. State Department that provide for the control of the export and temporary import of defense articles and defense services. These regulations are located in 22 CFR 120-130.

International waters. Waters located outside the U.S. territorial sea, which extends 12 nautical miles measured from the baselines of the United States, and outside the territory of any foreign country, including the territorial waters thereof. Note that vessels, platforms, buoys, undersea systems, and other similar structures that are located in international waters, but are attached permanently or temporarily to a country's continental shelf, are considered to be within the territory of that country.

Interplant correspondence. Records or documents from a U.S. firm to its subsidiary or affiliate, whether in the United States or overseas.

In-transit. Goods shipped through the United States, Puerto Rico, or the U.S. Virgin Islands from one foreign country or area to another foreign country or area without entering the consumption channels of the United States.

Issued banknote. A promissory note intended to circulate as money, usually printed on paper or plastic, issued by a bank with a specific denomination, payable to an individual, entity or the bearer.

Kimberley Process Certificate (KPC). The document used to certify the origin of rough diamonds from sources which are free of conflict.

License applicant. The person who applies for an export or reexport license. (For example, obtaining a license for commodities, software, or technology that are listed on the CCL.)

License exception. An authorization that allows a USPPI or other appropriate party to export or reexport under stated conditions, items subject to the EAR that would otherwise require a license under the EAR. The BIS License Exceptions are currently contained in Part 740 of the EAR (15 CFR 740).

Manifest. A collection of documents, including forms, such as the cargo declaration and annotated bills of lading, that lists and describes the cargo contents of a carrier, container, or warehouse. Carriers required to file manifests with CBP Port Director must include an AES filing citation, or exemption or exclusion legend for all cargo being transported.

Mass-market software. Software that is produced in large numbers and made available to the public. It does not include software that is customized for a specific user.

Merchandise. Goods, wares, and chattels of every description, and includes merchandise the exportation of which is prohibited, and monetary instruments as defined in 31 U.S.C. 5312.

Method of transportation. The method by which goods are exported from the United States by way of seaports, airports, or land border crossing points. Methods of transportation include vessel, air, truck, rail, mail or other. Method of transportation is synonymous with mode of transportation.

Non-Vessel Operating Common Carrier (NVOCC). A freight forwarder that acts as common carrier but does not operate the vessels by which ocean transportation is provided, and is a shipper in relation to the involved ocean common carrier.

North American Free Trade Agreement (NAFTA). The formal agreement, or treaty, among Canada, Mexico, and the United States to promote trade amongst the three countries. It includes measures for the elimination of tariffs and nontariff barriers to trade, as well as numerous specific provisions concerning the conduct of trade and investment.

Office of Foreign Assets Control (OFAC). An agency within the U.S. Department of the Treasury that administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals against targeted foreign countries, terrorists, international narcotics traffickers, and those engaged in activities related to the proliferation of weapons of mass destruction. The OFAC acts under Presidential wartime and national emergency powers, as well as authority granted by specific legislation, to impose controls on transactions and freeze foreign assets under U.S. jurisdiction.

Order party. The person in the United States that conducts the direct negotiations or correspondence with the foreign purchaser or ultimate consignee and who, as a result of these negotiations, receives the order from the FPPI. If a U.S. order party directly arranges for the sale and export of goods to the FPPI, the U.S. order party shall be listed as the USPPI in the EEI.

Packing list. A list showing the number and kinds of items being shipped, as well as other information needed for transportation purposes.

Partnership agencies. U.S. government agencies that have statistical and analytical reporting and/or monitoring and enforcement responsibilities related to AES postdeparture filing privileges.

Party ID type. Identifies whether the Party ID is an EIN, DUNS, or Foreign Entity reported to the AES, i.e., E=EIN, D=DUNS, T=Foreign Entity.

Person. Any natural person, corporation partnership or other legal entity of any kind, domestic or foreign.

Port of export. The port of export is the U.S. Customs and Border Protection (CBP) seaport or airport where the goods are loaded on the aircraft or vessel that is taking the goods out of the United States, or the CBP port where exports by overland transportation cross the U.S. border into Canada or Mexico. For EEI reporting purposes only, for goods loaded aboard an aircraft or vessel that stops at several ports before clearing to the foreign country, the port of export is the first CBP port where the goods were loaded. For goods off-loaded from the original conveyance to another conveyance (even if the aircraft or vessel belongs to the same carrier) at any of the ports, the port where the goods were loaded on the last conveyance before going foreign is the port of export. The port of export is reported in terms of Schedule D, "Classification of CBP Districts and Ports." Use port code 8000 for shipments by mail.

Postdeparture filing. The privilege granted to approved USPPIs for their EEI to be filed up to five (5) calendar days after the date of export.

Postdeparture filing citation. A notation placed on the bill of lading, air waybill, export shipping instructions, or other commercial loading documents that states that the EEI will be filed after departure of the carrier. (See Appendix D of this part.)

Power of attorney. A legal authorization, in writing, from a USPPI or FPPI stating that an agent has authority to act as the principal party's true and lawful agent for purposes of preparing and filing the EEI in accordance with the laws and regulations of the United States. (See Appendix A of this part.)

Primary benefit. Receiving the majority payment or exchange of item of value or other legal consideration resulting from an export trade transaction; usually monetary.

Principal parties in interest. Those persons in a transaction that receive the primary benefit, monetary or otherwise, from the transaction. Generally, the principals in a transaction are the seller and the buyer. In most cases, the forwarding or other agent is not a principal party in interest.

Proof of filing citation. A notation placed on the bill of lading, air waybill, export shipping instructions, or other commercial loading document, usually for carrier use, that

provides evidence that the EEI has been filed and accepted in the AES.

Reexport. For statistical purposes: These are exports of foreign-origin goods that have previously entered the United States, Puerto Rico, or the U.S. Virgin Islands for consumption, entry into a CBP bonded warehouse, or a U.S. FTZ, and at the time of exportation, have undergone no change in form or condition or enhancement in value by further manufacturing in the United States, Puerto Rico, the U.S. Virgin Islands, or U.S. FTZs. For the purpose of goods subject to export controls (e.g., U.S. Munitions List (USML) articles) these are shipments of U.S.-origin products from one foreign destination to another.

Related party transaction. A transaction involving trade between a USPPI and an ultimate consignee where either party owns directly or indirectly 10 percent or more of the other party.

Remission. The cancellation or release from a penalty, including fines, and/or forfeiture, under this part.

Retention. The necessary act of keeping all documentation pertaining to an export transaction for a period of at least five years for an EEI filing, or a time frame designated by the controlling agency for licensed shipments, whichever is longer.

Routed export transaction. A transaction in which the FPPI authorizes a U.S. agent to facilitate export of items from the United States on its behalf and prepare and file the EEI.

Schedule B. The Statistical Classification of Domestic and Foreign Commodities Exported from the United States. These 10-digit commodity classification numbers are administered by the Census Bureau and cover everything from live animals and food products to computers and airplanes. It should also be noted that all import and export codes used by the United States are based on the Harmonized Tariff System.

Schedule C. The Classification of Country and Territory Designations. The Schedule C provides a list of country of origin codes. The country of origin is reported in terms of the International Standards Organization codes.

Schedule D. The Classification of CBP districts and ports. The Schedule D provides a list of CBP districts and ports and the corresponding numeric codes used in compiling U.S. foreign trade statistics.

Schedule K. The Classification of Foreign Ports by Geographic Trade Area and Country. The Schedule K lists the major seaports of the world that directly handle waterborne shipments in the foreign trade of the United States, and includes numeric codes to identify these ports. This schedule is maintained by the U.S. Army Corps of Engineers.

Seller. A principal in the transaction, usually the manufacturer, producer, wholesaler, or distributor of the goods, that receives the monetary benefit or other consideration for the exported goods.

Service center. A company, entity, or organization which has been certified and approved to only transmit complete EEI to the AES.

Shipment. All goods being sent from one USPPI to one consignee located in a single country of destination on a single conveyance and on the same day. Except as noted in §30.2(a)(1)(iv), the EEI shall be filed when the value of the goods is over $2,500 per Schedule B or HTSUSA commodity classification code.

Shipment reference number. A unique identification number assigned to the shipment by the filer for reference purposes. The reuse of the shipment reference number is prohibited.

Shipper's Export Declaration (SED). The Department of Commerce paper form used under the Foreign Trade Statistics Regulations to collect information from an entity exporting from the United States. This form was used for compiling the official U.S. export statistics for the United States and for export control purposes. The SED became obsolete on October 1, 2008, with the implementation of the Foreign Trade Regulations (FTR) and has been superseded by the EEI filed to the AES or through the AES*Direct*.

Shipping documents. Documents that include but are not limited to commercial invoices, export shipping instructions, packing lists, bill of ladings and air waybills.

Shipping weight. The total weight of a shipment in kilograms including goods and packaging.

Split shipment. A shipment booked for export that is divided by the carrier in two or more shipments by the same mode of transportation from the same port within 24 hours.

Subzone. A special purpose foreign trade zone established as part of a foreign trade zone project with a limited purpose that cannot be accommodated within an existing zone. Subzones are often established to serve the needs of a specific company and may be located within an existing facility of the company.

Tariff schedule. A comprehensive list or schedule of goods with applicable duty rates to be paid or charged for each listed article as it enters or leaves a country.

Transmitting electronic export information. The act of sending the completed EEI to the AES.

Transshipment. The transfer of merchandise from the country or countries of origin through an intermediary country or countries to the country of ultimate destination.

Transportation reference number. A reservation number assigned by the carrier to hold space on the carrier for cargo being shipped. It is the booking number for vessel shipments and the master air waybill number for air shipments, the bill of lading number for rail shipments, and the freight or pro bill for truck shipments.

Ultimate consignee. The person, party, or designee that is located abroad and actually receives the export shipment. This party may be the end user or the FPPI.

United States Munitions List (USML). Articles and services designated for defense purposes under the ITAR and specified in 22 CFR 121.

Unlading. The physical removal of cargo from an aircraft, truck, rail, or vessel.

U.S. Customs and Border Protection (CBP). The border agency within the Department of Homeland Security (DHS) charged with the management, control, and protection of our Nation's borders at and between the official ports of entry of the United States.

U.S. Immigration and Customs Enforcement (ICE). An agency within the DHS that is responsible for enforcing customs, immigration and related laws and investigating violations of laws to secure the Nation's borders.

U.S. principal party in interest (USPPI). The person or legal entity in the United States that receives the primary benefit, monetary or otherwise, from the export transaction. Generally, that person or entity is the U.S. seller, manufacturer, or order party, or the foreign entity while in the United States when purchasing or obtaining the goods for export.

Value. The selling price (or the cost if the goods are not sold) in U.S. dollars, plus inland or domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export. Cost of goods is the sum of expenses incurred in the USPPI's acquisition or production of the goods. (See §30.6(a)(17)).

Vehicle Identification Number (VIN). A number issued by the manufacturer and used for the identification of a self-propelled vehicle.

Verify message. An electronic response sent to the filer by the AES when an unlikely condition is found.

Violation of the FTR. Failure of the USPPI, FPPI, authorized agent of the USPPI, FPPI, carrier, or other party to the transaction to comply with the requirements set forth in 15 CFR 30, for each export shipment.

Voluntary Self-Disclosure (VSD). A narrative account with supporting documentation that sufficiently describes suspected violations of the FTR. A VSD reflects due diligence in detecting, and correcting potential violation(s) when required information was not reported or when incorrect information was provided that violates the FTR.

Warning message. An electronic response sent to the filer by the AES when certain incomplete and conflicting data reporting conditions are encountered.

Wholesaler/distributor. An agent who sells directly for a supplier and maintains an inventory of the supplier's products.

Written authorization. An authorization, in writing, by the USPPI or FPPI stating that the agent has authority to act as the USPPI's or FPPI's true and lawful agent for purposes of preparing and filing the EEI in accordance with the laws and regulations of the United States. (See Appendix A of this part.)

Zone admission number. A unique and sequential number assigned by a FTZ operator or user for shipments admitted to a zone.

§30.2 General requirements for filing Electronic Export Information (EEI).

(a) Filing requirements—

(1) The EEI shall be filed through the AES by the United States Principal Party In Interest (USPPI), the USPPI's authorized agent, or the authorized U.S. agent of the Foreign Principal Party In Interest (FPPI) for all exports of physical goods, including shipments moving pursuant to orders received over the Internet. The Automated Export System (AES) is the electronic system for collecting Shipper's Export Declaration (SED) (or any successor document) information from persons exporting goods from the United States, Puerto Rico, Foreign Trade Zones (FTZs) located in the United States or Puerto Rico, the U.S. Virgin Islands, between Puerto Rico and the United States, and to the U.S. Virgin Islands from the United States or Puerto Rico. Exceptions, exclusions, and exemptions to this requirement are provided for in paragraph (d) of this section and Subpart D of this part. References to the AES also shall apply to AES*Direct* unless otherwise specified. For purposes of the regulations in this part, the SED information shall be referred to as EEI. Filing through the AES shall be done in accordance with the definitions, specifications, and requirements of the regulations in this part for all export shipments, except as specifically excluded in §30.2(d) or exempted in Subpart D of this part, when shipped as follows:

(i) To foreign countries or areas, including free (foreign trade) zones located therein (see §30.36 for exemptions for shipments from the United States to Canada) from any of the following:

(A) The United States, including the 50 states and the District of Columbia.

(B) Puerto Rico.

(C) FTZs located in the United States or Puerto Rico.

(D) The U.S. Virgin Islands.

(ii) Between any of the following nonforeign areas including goods previously admitted to customs warehouses or FTZs and moving under a U.S. Customs and Border Protection (CBP) bond:

(A) To Puerto Rico from the United States.

(B) To the United States from Puerto Rico.

(C) To the U.S. Virgin Islands from the United States or Puerto Rico.

(iii) The EEI shall be filed for goods moving as described in paragraphs (a)(1)(i) and (ii) of this section by any mode of transportation. (Instructions for filing EEI for vessels, aircraft, railway cars, and other carriers when sold while outside the areas described in paragraphs (a)(1)(i) and (ii) are covered in §30.26)

(iv) Notwithstanding exemptions in Subpart D, EEI shall be filed for the following types of export shipments, regardless of value:

(A) Requiring a Department of Commerce, Bureau of Industry and Security (BIS) license (15 CFR 730-774).

(B) Requiring a Department of State, Directorate of Defense Trade Controls (DDTC) license under the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120 through 130).

(C) Subject to the ITAR, but exempt from license requirements.

(D) Requiring a Department of Justice, Drug Enforcement Administration (DEA) export permit (21 CFR 1312).

(E) Requiring a general or specific export license issued by the U.S. Nuclear Regulatory Commission under 10 CFR 110.

(F) Requiring an export license issued by any other federal government agency.

(G) Classified as rough diamonds under 6-digit HS subheadings 7102.10, 7102.21, and 7102.31.

(H) Used self-propelled vehicles as defined in 19 CFR 192.1 of U.S. Customs and Border Protection regulations, except as noted in CBP regulations.

Note to Paragraph (a)(1)(iv): For the filing requirement for exports destined for a country in Country Group E:1 as set forth in the Supplement No. 1 to 15 CFR part 740, see FTR §30.16.

(2) Filing methods. The USPPI has four means for filing EEI: use AES*Direct*; develop AES software using the AESTIR (see<www.cbp.gov/xp/cgov/trade/automated/aes/tech_docs/aestir/>); purchase software developed by certified vendors using the AESTIR; or use an authorized agent. An FPPI can only use an authorized agent in a routed transaction.

(b) General requirements—

(1) The EEI shall be filed prior to exportation (see §30.4) unless the USPPI has been approved to submit export data on a postdeparture basis (see §30.5(c)). Shipments requiring a license or license exemption may be filed postdeparture only when the appropriate licensing agency has granted the USPPI authorization. See Subpart B of this part.

(2) Specific data elements required for EEI filing are contained in §30.6.

(3) The AES downtime procedures provide uniform instructions for processing export transactions when the government's AES or AES*Direct* is unavailable for transmission. (See §30.4(b)(1) and §30.4(b)(3).)

(4) Instructions for particular types of transactions and exemptions from these requirements are found in Subparts C and D of this part.

(5) The EEI is required to be filed in the AES prior to export for shipments by vessel going directly to the countries identified in U.S. Customs and Border Protection regulations 19 CFR 4.75(c) and by aircraft going directly or indirectly to those countries. (See U.S. Customs and Border Protection regulations 19 CFR 122.74(b)(2))

(c) Certification and filing requirements. Filers of EEI shall be required to meet application, certification, and filing requirements before being approved to submit EEI. Steps leading toward approval for the AES or the AES*Direct* filing include the following processes: (See §30.5 for specific application, certification, and filing standards applicable to AES and AES*Direct* submissions.)

(1) Submission of an electronic AES Participant Application (APA) for AES filing or submission of an online registration for filing through <www.census.gov/aes>.

(2) Successful completion of certification testing for AES or for AES*Direct* filing.

(d) Exclusions from filing EEI. The following types of transactions are outside the scope of this part and shall be excluded from EEI filing.

(1) Goods shipped under CBP bond through the United States, Puerto Rico, or the U.S. Virgin Islands from one foreign country or area to another where such goods do not enter the consumption channels of the United States.

(2) Except Puerto Rico and the U.S. Virgin Islands, goods shipped from the U.S. territories and goods shipped between the United States and these territories do not require EEI filing. However, goods transiting U.S. territories to foreign destinations require EEI filing.

(3) Electronic transmissions and intangible transfers. (See Subpart B of this part for export control requirements for these types of transactions.)

(4) Goods shipped to Guantanamo Bay Naval Base in Cuba from the United States, Puerto Rico, or the U.S. Virgin Islands and from Guantanamo Bay Naval Base to the United States, Puerto Rico, or the U.S. Virgin Islands. (See §30.39 for filing requirements for shipments exported to the U.S. Armed Services.)

(5) Goods licensed by a U.S. federal government agency where the country of ultimate destination is the United States or goods destined to international waters where the person(s) or entity assuming control of the item(s) is a citizen or permanent resident alien of the United States or a juridical entity organized under the laws of the United States or a jurisdiction within the United States.

(e) Penalties. Failure of the USPPI, the authorized agent of either the USPPI or the FPPI, the exporting carrier, or any other person subject thereto to comply with any of the requirements of the regulations in this part renders such persons subject to the penalties provided for in Subpart H of this part.

§30.3 Electronic Export Information filer requirements, parties to export transactions, and responsibilities of parties to export transactions.

(a) General requirements. The filer of EEI for export transactions is either the USPPI, the authorized agent, or the authorized U.S. agent of the FPPI. All EEI submitted to the AES shall be complete, correct, and based on personal knowledge of the facts stated or on information furnished by the parties to the export transaction. The filer shall be physically located in the United States at the time of filing, have an EIN, or DUNS number and be certified to report in the AES. The filer is responsible for the truth, accuracy, and

completeness of the EEI, except insofar as that party can demonstrate that he or she reasonably relied on information furnished by other responsible persons participating in the transaction. All parties involved in export transactions, including U.S. authorized agents, should be aware that invoices and other commercial documents may not necessarily contain all the information needed to prepare the EEI. The parties shall ensure that all information needed for reporting to the AES, including correct export licensing information, is provided to the authorized agent for the purpose of correctly preparing the EEI.

(b) Parties to the export transaction—

(1) Principal parties in interest. Those persons in a transaction that receive the primary benefit, monetary or otherwise, are considered principal parties to the transaction. Generally, the principal parties in interest in a transaction are the seller and buyer. In most cases, the forwarding or other agent is not a principal party in interest.

(2) USPPI. For purposes of filing EEI, the USPPI is the person or legal entity in the United States that receives the primary benefit, monetary or otherwise, from the transaction. Generally, that person or entity is the U.S. seller, manufacturer, order party, or foreign entity if in the United States at the time goods are purchased or obtained for export. The foreign entity shall be listed as the USPPI if it is in the United States when the items are purchased or obtained for export. The foreign entity shall then follow the provisions for filing the EEI specified in §30.3 and §30.6 pertaining to the USPPI.

(i) If a U.S. manufacturer sells goods directly to an entity in a foreign area, the U.S. manufacturer shall be listed as the USPPI in the EEI.

(ii) If a U.S. manufacturer sells goods, as a domestic sale, to a U.S. buyer (wholesaler/distributor) and that U.S. buyer sells the goods for export to a FPPI, the U.S. buyer (wholesaler/distributor) shall be listed as the USPPI in the EEI.

(iii) If a U.S. order party directly arranges for the sale and export of goods to the FPPI, the U.S. order party shall be listed as the USPPI in the EEI.

(iv) If a customs broker is listed as the importer of record when entering goods into the United States for immediate consumption or warehousing entry, the customs broker may be listed as the USPPI in the EEI if the goods are subsequently exported without change or enhancement.

(v) If a foreign person is listed as the importer of record when entering goods into the United States for immediate consumption or warehousing entry, the customs broker who entered the goods, may be listed as the USPPI in the EEI if the goods are subsequently exported without change or enhancement.

(3) Authorized agent. The agent shall be authorized by the USPPI or, in the case of a routed export transaction, the agent shall be authorized by the FPPI to prepare and file the EEI. In a routed export transaction, the authorized agent can be the "exporter" for export control purposes as defined in 15 CFR 772.1 of the U.S. Department of Commerce EAR. However, the authorized agent shall not be shown as the USPPI in the EEI unless the agent acts as a USPPI in the export transaction as defined in paragraphs (b)(2)(iii), (iv), and (v) of this section.

(4) Carrier. A carrier is an individual or legal entity in the business of transporting passengers or goods. Airlines, trucking companies, railroad companies, shipping lines, and pipeline companies are all examples of carriers.

(c) General responsibilities of parties in export transactions—

(1) USPPI responsibilities.

(i) The USPPI can prepare and file the EEI itself, or it can authorize an agent to prepare and file the EEI on its behalf. If the USPPI prepares the EEI itself, the USPPI is responsible for the accuracy and timely transmission of all the export information reported to the AES.

(ii) When the USPPI authorizes an agent to file the EEI on its behalf, the USPPI is responsible for:

(A) Providing the authorized agent with accurate and timely export information necessary to file the EEI.

(B) Providing the authorized agent with a power of attorney or written authorization to file the EEI (see paragraph (f) of this section for written authorization requirements for agents).

(C) Retaining documentation to support the information provided to the authorized agent for filing the EEI, as specified in §30.10.

(2) Authorized agent responsibilities. The agent, when authorized by a USPPI to prepare and file the EEI for an export transaction, is responsible for performing the following activities:

(i) Accurate preparation and timely filing of the EEI based on information received from the USPPI and other parties involved in the transaction.

(ii) Obtaining a power of attorney or written authorization from the USPPI to file the EEI.

(iii) Retaining documentation to support the information reported to the AES, as specified in §30.10.

(iv) Upon request, providing the USPPI with a copy of the export information filed in a mutually agreed upon format.

(3) Carrier responsibilities.

(i) The carrier must not load or move cargo unless the required documentation, from the USPPI or authorized agent, contains the required AES proof of filing, postdeparture, downtime, exclusion or exemption citations. This information must be cited on the first page of the bill of lading, air waybill, or other commercial loading documents.

(ii) The carrier must annotate the AES proof of filing, postdeparture, downtime, exclusion or exemption citations on the carrier's outbound manifest when required.

(iii) The carrier is responsible for presenting the required AES proof of filing, postdeparture, downtime, exclusion or exemption citations to the CBP Port Director at the port of export as stated in Subpart E of this part. Such presentation shall be without material change or amendment of the proof of filing, postdeparture, downtime, exclusion or exemption citation.

(iv) The carrier shall notify the USPPI or the authorized agent of changes to the transportation data, and the USPPI or the authorized agent shall electronically transmit the corrections, cancellations, or amendments as soon as the corrections are known in accordance with §30.9. Manifest amendments must be made in accordance with CBP regulations.

(v) Retain documents pertaining to the export shipment as specified in §30.10.

(d) Filer responsibilities. Responsibilities of USPPIs and authorized agents filing EEI are as follows:

(1) Filing complete and accurate information (see §30.4 for a delineation of filing responsibilities of USPPIs and authorized agents).

(2) Filing information in a timely manner in accordance with the provisions and requirements contained in this part.

(3) Responding to fatal errors, warning, verify and reminder messages, and compliance alerts generated by the AES in accordance with provisions and requirements contained in this part.

(4) Providing the exporting carrier with the required proof of filing citations or exemption legends in accordance with provisions contained in this part.

(5) Promptly filing corrections or cancellations to EEI in accordance with provisions contained in §30.9.

(6) Retaining all necessary and proper documentation related to EEI transactions in accordance with provisions contained in this part (see §30.10 for specific requirements for retaining and producing documentation for export shipments).

(e) Responsibilities of parties in a routed export transaction. The Census Bureau recognizes "routed export transactions" as a subset of export transactions. A routed export transaction is a transaction in which the FPPI authorizes a U.S. agent to facilitate the export of items from the United States and to prepare and file EEI.

(1) USPPI responsibilities. In a routed export transaction, the FPPI may authorize or agree to allow the USPPI to prepare and file the EEI. If the FPPI agrees to allow the USPPI to file the EEI, the FPPI must provide a written authorization to the USPPI assuming the responsibility for filing. The USPPI may authorize an agent to file the EEI on its behalf. If the USPPI or its agent prepares and files the EEI, it shall retain documentation to support the EEI filed. If the FPPI agrees to allow the USPPI to file EEI, the filing of the export transaction shall be treated as a routed export transaction. If the FPPI authorizes an agent to prepare and file the EEI, the USPPI shall retain documentation to support the information provided to the agent for preparing the EEI as specified in §30.10 and provide the agent with the following information to assist in preparing the EEI:

(i) Name and address of the USPPI.

(ii) USPPI's EIN.

(iii) State of origin (State).

(iv) FTZ if applicable.

(v) Commercial description of commodities.

(vi) Origin of goods indicator: Domestic (D) or Foreign (F).

(vii) Schedule B or HTSUSA, Classification Commodity Code.

(viii) Quantities/units of measure.

(ix) Value.

(x) Export Control Classification Number (ECCN) or sufficient technical information to determine the ECCN.

(xi) All licensing information necessary to file the EEI for commodities where the Department of State, the Department of Commerce, or other U.S. government agency issues a license for the commodities being exported, or

the merchandise is being exported under a license exemption or license exception.

(xii) Any information that it knows will affect the determination of license authorization (see Subpart B of this part for additional information on licensing requirements).

Note to Paragraph (e)(1) of this section: For items in paragraph (e)(1)(ix), (x), (xi) and (xii) of this section, where the FPPI has assumed responsibility for determining and obtaining license authority see requirements set forth in 15 CFR 758.3 of the EAR.

(2) Authorized agent responsibilities. In a routed export transaction, if an authorized agent is preparing and filing the EEI on behalf of the FPPI, the authorized agent must obtain a power of attorney or written authorization from the FPPI and prepare and file the EEI based on information obtained from the USPPI or other parties involved in the transaction. The authorized agent shall be responsible for filing the EEI accurately and timely in accordance with the FTR. Upon request, the authorized agent will provide the USPPI with a copy of the power of attorney or written authorization from the FPPI. The authorized agent shall also retain documentation to support the EEI reported through the AES. The agents shall upon request, provide the USPPI with the data elements in paragraphs (e)(1)(i) through (xii) of this section as submitted through the AES. The authorized agent shall provide the following export information through the AES:

(i) Date of export.
(ii) Transportation Reference Number.
(iii) Ultimate consignee.
(iv) Intermediate consignee, if applicable.
(v) Authorized agent name and address.
(vi) EIN, or DUNS number of the authorized agent.
(vii) Country of ultimate destination.
(viii) Method of transportation.
(ix) Carrier identification and conveyance name.
(x) Port of export.
(xi) Foreign port of unloading.
(xii) Shipping weight.
(xiii) ECCN.
(xiv) License or license exemption information.

Note to Paragraph (e)(2) of this section: For items in paragraphs (e)(2)(xiii) and (xiv) of this section, where the FPPI has assumed responsibility for determining and obtaining license authority, see requirements set forth in 15 CFR 758.3 of the EAR.

(f) Authorizing an agent. In a power of attorney or other written authorization, authority is conferred upon an agent to perform certain specified acts or kinds of acts on behalf of a principal (see 15 CFR 758.1(h) of the EAR). In cases where an authorized agent is filing EEI to the AES, the agent shall obtain a power of attorney or written authorization from a principal party in interest to file the information on its behalf. A power of attorney or written

authorization should specify the responsibilities of the parties with particularity and should state that the agent has authority to act on behalf of a principal party in interest as its true and lawful agent for purposes of creating and filing EEI in accordance with the laws and regulations o f the United States. In routed export transactions the USPPI is not required to provide an agent of the FPPI with a power of attorney or written authorization.

Note to §30.3: The EAR defines the "exporter" as the person in the United States who has the authority of a principal party in interest to determine and control the sending of items out of the United States (see 15 CFR 772 of the EAR). For statistical purposes "exporter" is not defined in the FTR. Instead, however, the USPPI is defined in the FTR. For purposes of licensing responsibility under the EAR, the U.S. agent of the FPPI may be the "exporter" or applicant on the license in certain routed export transactions (see 15 CFR 758.3 of the EAR). Therefore, due to the differences in export reporting requirements among Federal agencies, conformity of documentation is not required in the FTR.

§30.4 Electronic Export Information filing procedures, deadlines, and certification statements.

Two electronic filing options (predeparture and postdeparture) for transmitting EEI are available to the USPPI or authorized agent. The electronic postdeparture filing takes into account that complete information concerning export shipments may not always be available prior to exportation and accommodates these circumstances by providing, when authorized, for filing of EEI after departure. For example, for exports of seasonal and agricultural commodities, only estimated quantities, values, and consignees may be known prior to exportation. The procedures for obtaining certification as an AES filer and for applying for authorization to file on a postdeparture basis are described in §30.5.

(a) EEI transmitted predeparture. The EEI shall always be transmitted prior to departure for the following types of shipments:

(1) Used self-propelled vehicles as defined in 19 CFR 192.1 of U.S. Customs and Border Protection regulations.
(2) Essential and precursor chemicals requiring a permit from the DEA;
(3) Shipments defined as "sensitive" by Executive Order;
(4) Shipments where a U.S. government agency requires predeparture filing;
(5) Shipments defined as "routed export transactions" (see §30.3(e));
(6) Shipments where complete outbound manifests are required prior to clearing vessels going directly to the countries identified in U.S. Customs and Border Protection regulations 19 CFR 4.75(c) and aircraft going directly or indirectly to those countries. (See U.S. Customs and Border Protection regulation 19 CFR 122.74(b)(2));
(7) Items identified on the USML of the ITAR (22 CFR 121);
(8) Shipments that require a license from the BIS and exports listed under BIS's grounds for denial of postdeparture filing status (see 15 CFR 758.2);
(9) Shipments that require a license from the Nuclear Regulatory Commission.
(10) Shipments of rough diamonds classified under HS subheadings 7102.10, 7102.21, and 7102.31 and exported (reexported) in accordance with the Kimberley Process; and
(11) Shipments for which the USPPI has not been approved for postdeparture.

(b) Filing deadlines for EEI transmitted predeparture. The USPPI or the authorized agent shall file the required EEI and have received the AES ITN no later than the time period specified as follows:

(1) For USML shipments, refer to the ITAR (22 CFR 123.22(b)(1)) for specific requirements concerning predeparture filing time frames. In addition, if a filer is unable to acquire an ITN because the AES or AES*Direct* is not operating, the filer shall not export until the AES is operating and an ITN is acquired. The downtime filing citation is not to be used when the filer's system is down or experiencing delays.

(2) For non-USML shipments, except shipments between the United States and Puerto Rico, file the EEI and provide the ITN as follows (See §30.4(b)(3), for filing timeframes for shipments between the United States and Puerto Rico):

(i) For vessel cargo, the USPPI or the authorized agent shall file the EEI required by §30.6 and provide the filing citation or exemption legend to the exporting carrier twenty-four hours prior to loading cargo on the vessel at the U.S. port where the cargo is laden.

(ii) For air cargo, including cargo being transported by Air Express Couriers, the USPPI or the authorized agent shall file the EEI required by §30.6 and provide the filing citation or exemption legend to the exporting carrier no later than two (2) hours prior to the scheduled departure time of the aircraft.

(iii) For truck cargo, including cargo departing by Express Consignment Couriers, the USPPI or the authorized agent shall file the EEI required by §30.6 and provide the filing citation or exemption legend to the exporting carrier no later than one (1) hour prior to the arrival of the truck at the United States border to go foreign.

(iv) For rail cargo, the USPPI or the authorized agent shall file the EEI required by §30.6 and provide the filing citation or exemption legend to the exporting carrier no later than two (2) hours prior to the time the train arrives at the U.S. border to go foreign.

(v) For mail and cargo shipped by other methods, except pipeline, the USPPI or the authorized agent shall file the EEI required by §30.6 and provide the filing citation or exemption legend to the exporting carrier no later than two (2) hours prior to exportation. (See §30.46 for filing deadlines for shipments sent by pipeline.)

(vi) For all other modes, the USPPI or the authorized agent shall file the required EEI no later than two (2) hours prior to exportation.

(3) For shipments between the United States and Puerto Rico, the AES proof of filing citation, postdeparture filing citation, or exemption citation must be presented to the carrier by the time the shipment arrives at the port of unloading.

(4) For non-USML shipments when the AES or AES*Direct* is unavailable, use the following instructions:

(i) If the participant's AES is unavailable, the filer must delay the export of the goods or find an alternative filing method;
(ii) If AES or AES*Direct* is unavailable, the goods may be exported and the filer must:
(A) Provide the appropriate downtime filing citation as described in §30.7(b) and Appendix D; and
(B) Report the EEI at the first opportunity AES or AES*Direct* is available.

(5) For used self-propelled vehicles as defined in 19 CFR 192.1 of U.S. Customs and Border Protection regulations, the USPPI or the authorized agent shall file the EEI as required by §30.6 and provide the filing citation to the CBP at least 72 hours prior to export. The filer must also provide the carrier with the filing citation as required by paragraph (b) of this section.

(c) EEI transmitted postdeparture. Postdeparture filing is only available for approved USPPIs and provides for the electronic filing of the data elements required by §30.6 no later than five (5) calendar days after the date of exportation. For USPPIs approved for postdeparture filing, all shipments (other than those for which predeparture filing is specifically required), by all methods of transportation, may be exported with the filing of EEI made postdeparture. Authorized agents or service centers may transmit information postdeparture on behalf of USPPIs approved for postdeparture filing, or the approved USPPI may transmit the data postdeparture itself.

(d) Proof of filing citation and exemption and exclusion legends. The USPPI or the authorized agent shall provide the exporting carrier with the proof of filing citation and exemption and exclusion legends as described in §30.7.

§30.5 Electronic Export Information filing application and certification processes and standards.

Prior to filing EEI, the USPPI or the authorized agent must be certified to file through the AES. A service center shall be certified to transmit electronically to the AES. The USPPI, authorized agent, or service center may use a software package designed by a certified vendor to file EEI through the AES. Once an authorized agent has successfully completed the certification process, any USPPI using that agent does not have to be certified. The certified authorized agent shall have a properly executed power of attorney or written authorization from the USPPI or FPPI, and be physically located in the United States to file EEI through the AES. The USPPI or authorized agent that utilizes a certified software vendor or service center shall complete certification testing. Service centers may only transmit export information; they may not prepare and file export information unless they have authorization from the USPPI in the form of a power of attorney or written authorization, thus making them authorized agents. The USPPI seeking approval for postdeparture filing privileges shall be approved before they or their authorized agent may file on a postdeparture basis.

(a) AES application process—

(1) AES Participation Application. The USPPI or authorized agent who chooses to file through the AES and seek approval for postdeparture filing privileges, must submit a complete on-line LOI at <www.census.gov/aes>.

(2) AES*Direct* registration. The USPPI or authorized agent who chooses to file through AES*Direct* shall also complete the online AES*Direct* registration form at

<www.aesdirect.gov>. After submitting the registration, an AES*Direct* filing account is created for the filing company. The person designated as the account administrator is responsible for activating the account and completing the certification process as discussed in paragraph (b)(2) of this section.

(b) Certification process—

(1) AES certification process. The USPPI or authorized agent shall perform an initial two-part communication test to ascertain whether its system is capable of both transmitting data to, and receiving data from, the AES. The USPPI or authorized agent shall demonstrate specific system application capabilities. The capability to correctly handle these system applications is the prerequisite to certification for participation in the AES. The USPPI or authorized agent shall successfully transmit the AES certification test. CBP's and/or Census Bureau's client representatives provide assistance during certification testing. These representatives make the sole determination as to whether or not the USPPI or authorized agent qualifies for certification. Upon successful completion of certification testing, the USPPI's or authorized agent's status is moved from testing mode to operational status. The AES filers may be required to repeat the certification testing process at any time. The Census Bureau will provide the AES filer with a certification notice after the USPPI or authorized agent has been approved for operational status. The certification notice will include:

(i) The date that filers may begin transmitting data;

(ii) Reporting instructions; and

(iii) Examples of the required AES proof of filing citations, postdeparture filing citations, AES downtime filing citation, and exemption legends.

(2) AES*Direct* certification process. To become certified for AES*Direct*, filers shall demonstrate knowledge of this part and the ability to successfully transmit EEI. Upon successful completion of the certification testing, notification by e-mail will be sent to the account administrator when an account is fully activated for filing via AES*Direct*. Certified filers should print and retain the page congratulating the filer on passing the test.

(c) Postdeparture filing approval process. Postdeparture filing is a privilege granted to approved USPPIs for their EEI to be filed up to five (5) calendar days after the date of export. The USPPI or its authorized agent may not transmit EEI postdeparture for certain types of shipments that are identified in section 30.4(a). The USPPI may apply for postdeparture filing privileges by submitting a postdeparture filing application at <www.census.gov/aes>. An authorized agent may not apply on behalf of a USPPI. The Census Bureau will distribute the applications submitted by USPPI's who are applying for postdeparture to the CBP and the other federal government partnership agencies for their review and approval. Failure to meet the standards of the Census Bureau, CBP or any of the partnership agencies is reason for denial of the AES applicant for postdeparture filing privileges. Each partnership agency will develop its own internal postdeparture filing acceptance standards, and each agency will notify the Census Bureau of the USPPI's success or failure to meet that agency's acceptance standards. Any partnership agency may require additional information from USPPIs that are applying for postdeparture filing. The Census Bureau will notify the USPPI of the decision to either deny or approve its application for postdeparture filing privileges within ninety (90) calendar days of receipt of the postdeparture filing application by the Census Bureau.

(1) Grounds for denial of postdeparture filing status. The Census Bureau may deny a USPPI's application for postdeparture filing privileges for any of the following reasons:

(i) There is no history of filing for the USPPI through the AES.

(ii) The USPPI's volume of EEI reported through the AES does not warrant participation in postdeparture filing.

(iii) The USPPI or its authorized agent has failed to submit EEI through the AES in a timely and accurate manner.

(iv) The USPPI has a history of noncompliance with the Census Bureau export regulations contained in this part.

(v) The USPPI has been indicted, convicted, or is currently under investigation for a felony involving a violation of federal export laws or regulations and the Census Bureau has evidence of probable cause supporting such violation, or the USPPI is in violation of Census Bureau export regulations contained in this part.

(vi) The USPPI has made or caused to be made in the LOI a false or misleading statement or omission with respect to any material fact.

(vii) The USPPI would pose a significant threat to national security interests such that its participation in postdeparture filing should be denied.

(viii) The USPPI has multiple violations of either the EAR (15 CFR 730 through 774) or the ITAR (22 CFR 120 through 130) within the last three (3) years.

(ix) The USPPI fails to demonstrate the ability to meet the AES predeparture filing requirements.

(2) Notice of denial. A USPPI denied postdeparture filing privileges by other agencies shall contact those agencies regarding the specific reason(s) for nonselection and for their appeal procedures. A USPPI denied postdeparture filing status by the Census Bureau will be provided with a specific reason for nonselection and a Census Bureau point of contact in an electronic notification letter. A USPPI may appeal the Census Bureau's nonselection decision by following the appeal procedure and reapplication procedure provided in paragraph (c)(5) of this section.

(3) Revocation of postdeparture filing privileges—

(i) Revocation by the Census Bureau. The Census Bureau may revoke postdeparture filing privileges of an approved USPPI for the following reasons:

(A) The USPPI's volume of EEI reported in the AES does not warrant continued participation in postdeparture filing;

(B) The USPPI or its authorized agent has failed to submit EEI through the AES in a timely and accurate manner;

(C) The USPPI has made or caused to be made in the LOI a false or misleading statement or omission with respect to material fact;

(D) The USPPI submitting the LOI has been indicted, convicted, or is currently under investigation for a felony involving a violation of federal export laws or regulations and the Census Bureau has evidence of probable cause supporting such violation, or the AES applicant is in violation of export rules and regulations contained in this part;

(E) The USPPI has failed to comply with existing export regulations or has failed to pay any outstanding penalties assessed in connection with such noncompliance; or

(F) The USPPI would pose a significant threat to national security interests such that its continued participation in postdeparture filing should be terminated.

(G) The USPPI or its authorized agent files postdeparture for commodities that are identified in section §30.4(a).

(ii) Revocation by other agencies. Any of the other agencies may revoke a USPPI's postdeparture filing privileges with respect to transactions subject to the jurisdiction of that agency. When doing so, the agency shall notify both the Census Bureau and the USPPI whose authorization is being revoked.

(4) Notice of revocation. Approved postdeparture filing USPPIs whose postdeparture filing privileges have been revoked by other agencies shall contact those agencies for their specific revocation and appeal procedures. When the Census Bureau makes a determination to revoke an approved USPPI's postdeparture filing privileges, the USPPI will be notified electronically of the reason(s) for the decision. In most cases, the revocation shall become effective when the USPPI has either exhausted all appeal procedures, or thirty (30) calendar days after receipt of the notice of revocation, if no appeal is filed. However, in cases judged to affect national security, revocations shall become effective immediately upon notification.

(5) Appeal procedure. Any USPPI whose request for postdeparture filing privileges has been denied by the Census Bureau or whose postdeparture filing privileges have been revoked by the Census Bureau may appeal the decision by filing an appeal within thirty (30) calendar days of receipt of the notice of decision. Appeals should be addressed to the Chief, Foreign Trade Division, U.S. Census Bureau, Washington, DC 20233-6700. The Census Bureau will issue a written decision to the USPPI within thirty (30) calendar days from the date of receipt of the appeal by the Census Bureau. If a written decision is not issued within thirty (30) calendar days, the Census Bureau will forward to the USPPI a notice of extension within that time period. The USPPI will be provided with the reasons for the extension of this time period and an expected date of decision. The USPPIs who have had their postdeparture filing status denied or revoked may not reapply for this privilege for one year following written notification of the denial or revocation.

(d) Electronic Export Information filing standards. The data elements required for filing EEI are contained in §30.6. When filing EEI, the USPPI or authorized agent shall comply with the data transmission procedures determined by CBP and the Census Bureau and shall agree to stay in complete compliance with all export rules and regulations in this part. Failure of the USPPI or the authorized agent of either the USPPI or FPPI to comply with these requirements constitutes a violation of the regulations in this part, and renders such principal party or the authorized agent subject to the penalties provided for in Subpart H of this part. In the case of AES*Direct*, when submitting a registration form to AES*Direct*, the registering company is certifying that it will be in compliance with all applicable export rules and regulations. This includes complying with the following security requirements:

(1) AES*Direct* user names and passwords are to be kept secure by the account administrator and not disclosed to any unauthorized user or any persons outside the registered company.

(2) Registered companies are responsible for those persons having a user name and password. If an employee with a user name and password leaves the company or otherwise is no longer an authorized user, the company shall immediately deactivate that username in the system to ensure the integrity and confidentiality of Title 13 data.

(3) Antivirus software shall be installed and set to run automatically on all computers that access AES*Direct*. All AES*Direct* registered companies will maintain subscriptions with their antivirus software vendor to keep antivirus lists current. Registered companies are responsible for performing full scans of these systems on a regular basis, but not less than every thirty (30) days, to ensure the elimination of any virus contamination. If the registered company's computer system is infected with a virus, the company shall contact the Census Bureau's Foreign Trade Division Computer Security Officer and refrain from using AES*Direct* until it is virus free. Failure to comply with these requirements will result in immediate loss of privilege to use AES*Direct* until the registered company can establish to the satisfaction of the Census Bureau's Foreign Trade Division Computer Security Officer that the company's computer systems accessing AES*Direct* are virus free.

(e) Monitoring the filing of EEI. The USPPI's or the authorized agent's AES filings will be monitored and reviewed for quality, timeliness, and coverage. The Census Bureau will provide performance reports to USPPIs and authorized agents who file EEI. The Census Bureau will take appropriate action to correct specific situations where the USPPI or authorized agent fails to maintain acceptable levels of data quality, timeliness, or coverage.

(f) Support. The Census Bureau provides online services that allow the USPPI and the authorized agent to seek assistance pertaining to AES and this part. For AES assistance, filers may send an e-mail to <ASKAES@census.gov> and for FTR assistance, filers may send an e-mail to <FTDREGS@census.gov>. AES*Direct* is supported by a help desk available twelve (12) hours a day from 7 a.m. to 7 p.m. EST, seven (7) days a week. Filers can obtain contact information from the Web site <www.aesdirect.gov/>.

§30.6 Electronic Export Information data elements.

The information specified in this section is required for shipments transmitted to the AES. The data elements identified as "mandatory" shall be reported for each transaction. The data elements identified as "conditional" shall be reported if they are required for or apply to the specific shipment. The data elements identified as "optional" may be reported at the discretion of the USPPI or the authorized agent.

(a) Mandatory data elements are as follows:

(1) USPPI and USPPI identification. The name, address, identification, and contact information of the USPPI shall be reported to the AES as follows:

(i) Name of the USPPI. In all export transactions, the name listed in the USPPI field in the EEI shall be the USPPI in the transaction. (See §30.1 for the definition of the USPPI and §30.3 for details on the USPPI's reporting responsibilities.)

(ii) Address of the USPPI. In all EEI filings, the USPPI shall report the address or location (no post office box number) from which the goods actually begin the journey to the port of export even if the USPPI does not own/lease the facility. For example, the EEI covering goods laden aboard a truck at a warehouse in Georgia for transport to Florida for loading onto a vessel for export to a foreign country shall show the address of the warehouse in Georgia. For shipments with multiple origins, report the address from which the commodity with the greatest value begins its export journey. If such information is not known, report the address in the state where the commodities are consolidated for export.

(iii) USPPI identification number. The USPPI's EIN. The USPPI shall report its own IRS EIN in the USPPI field of the EEI. If the USPPI has only one EIN report that EIN. If the USPPI has more than one EIN, report an EIN that the USPPI also uses to report employee wages and withholdings, not an EIN used to report only company earnings or receipts. Use of another company's EIN is prohibited. The appropriate Party Type code shall be reported through the AES. When a foreign entity is in the United States when the items are purchased or obtained for export, the foreign entity is the USPPI for filing purposes. In such situations, when the foreign entity does not have an EIN, it shall report in the EEI a DUNS number, border crossing number, passport number, or any number assigned by CBP.

(iv) Contact information. Show contact name and telephone number.

(2) Date of export. The date of export is the date when goods are scheduled to leave the port of export on the exporting carrier that is taking the goods out of the United States.

(3) Ultimate consignee. The ultimate consignee is the person, party, or designee that is located abroad and actually receives the export shipment. The name and address of the ultimate consignee, whether by sale in the United States or abroad or by consignment, shall be reported in the EEI. The ultimate consignee as known at the time of export shall be reported. For shipments requiring an export license including shipments to international waters, the ultimate consignee reported in the AES shall be the person so designated on the export license or authorized to be the ultimate consignee under the applicable license exemption or exception in conformance with the EAR or ITAR, as applicable. For goods sold en route, report the appropriate "To be Sold En Route" indicator in the EEI, and report corrected information as soon as it is known (see §30.9 for procedures on correcting AES information).

(4) U.S. state of origin. The U.S. state of origin is the 2-character postal code for the state in which the goods begin their journey to the port of export. For example, a shipment covering goods laden aboard a truck at a warehouse in Georgia for transport to Florida for loading onto a vessel for export to a foreign country shall show Georgia as the state of origin. The U.S. state of origin may be different from the U.S. state where the goods were produced, mined, or grown. For shipments of multi-state origin, reported as a single shipment, report the U.S. state of the commodity with the greatest value. If such information is not known, report the state in which the commodities are consolidated for export.

(5) Country of ultimate destination. The country of ultimate destination is the country in which goods are to be consumed, further processed, stored, or manufactured, as known to the USPPI at the time of export. The country of ultimate destination is the code issued by the ISO.

(i) Shipments under an export license, license exception or license exemption. For shipments under an export license or license exemption issued by the Department of State, DDTC or export license or license exception issued by the Department of Commerce, BIS, the country of ultimate destination shall conform to the country of ultimate destination as shown on the license. In the case of a Department of State license, the country of ultimate destination is the country specified with respect to the end user. For goods licensed by other government agencies, refer to their specific requirements concerning providing country of destination information. For shipment to international waters for items that are being exported pursuant to a BIS license exception or No License Required (NLR), the country of destination to be reported is the nationality of the person(s) or entity assuming control of the item(s) subject to the Export Administration Regulations that are being exported.

(ii) Shipments not moving under an export license. The country of ultimate destination is the country known to the USPPI at the time of exportation. The country to which the goods are being shipped is not the country of ultimate destination if the USPPI has knowledge at the time the goods leave the United States that they are intended for reexport or transshipment in their present form to another known country. For goods shipped to Canada, Mexico, Panama, Hong Kong, Belgium, United Arab Emirates, The Netherlands, or Singapore, for example, special care should be exercised before reporting these countries as the ultimate destination, since these are countries through which goods from the United States are frequently transshipped. If the USPPI does not know the ultimate destination of the goods, the country of destination to be shown is the last country, as known to the USPPI at the time of shipment from the United States, to which the goods are to be shipped in their present form. (For instructions as to the reporting of country of destination for vessels sold or transferred from the United States to foreign ownership, see §30.26.)

(iii) For goods to be sold en route, report the country of the first port of call and then report corrected information as soon as it is known.

(6) Method of transportation. The method of transportation is the means by which the goods are exported from the United States.

(i) Conveyances exported under their own power. The mode of transportation for aircraft, vessels, or locomotives (railroad stock) transferring ownership or title and moving out of the United States under its own power is the mode of transportation by which the conveyance moves out of the United States.

(ii) Exports through Canada, Mexico, or other foreign countries for transshipment to another destination. For transshipments through Canada, Mexico, or another foreign country, the mode of transportation is the mode of the carrier transporting the goods out of the United States.

(7) Conveyance name/carrier name. The conveyance name/carrier name is the name of the conveyance/carrier transporting the goods out of the United States as known at the time of exportation. For exports by sea, the conveyance name is the vessel name. For exports by air, rail, or truck, the carrier name is that which corresponds to the carrier identification as specified in paragraph (a)(8) of this section. Terms, such as airplane, train, rail, truck, vessel, barge, or international footbridge are not acceptable. For shipments by other methods of transportation, including mail, fixed methods (pipeline), the conveyance/carrier name is not required.

(8) Carrier identification. The carrier identification is the Standard Carrier Alpha Code (SCAC) for vessel, rail, and truck shipments or the International Air Transport Association (IATA) code for air shipments. The carrier identification specifies the carrier that transports the goods out of the United States. The carrier transporting the goods to the port of export and the carrier transporting the goods out of the United States may be different. For vessel shipments, report the carrier identification code of the party whose booking number was reported in the AES. For transshipments through Canada, Mexico, or another foreign country, the carrier identification is that of the carrier that transports the goods out of the United States. For modes other than vessel, air, rail and truck valid methods of transportation, including but not limited to mail, fixed transport (pipeline), and passenger hand carried, the carrier identification is not required. The National Motor Freight Traffic Association (NMFTA) issues and maintains the SCAC. (See <www.nmfta.org>.) The IATA issues and maintains the IATA codes. (See <www.census.gov/trade> for a list of IATA codes.)

(9) Port of export. The port of export is the U.S. Customs and Border Protection (CBP) seaport or airport where the goods are loaded on the carrier that is taking the goods out of the United States, or the CBP port where exports by overland transportation cross the U.S. border into Canada or Mexico. For EEI reporting purposes only, for goods loaded aboard a conveyance (aircraft or vessel) that stops at several ports before clearing to the foreign country, the port of export is the first port where the goods were loaded on this conveyance. For goods off-loaded from the original conveyance to another conveyance (even if the aircraft or vessel belongs to the same carrier) at any of the ports, the port where the goods were loaded on the last conveyance before going foreign is the port of export. The port of export shall be reported in terms of Schedule D, "Classification of CBP Districts and Ports." Use port code 8000 for shipments by mail.

(10) Related party indicator. Used to indicate when a transaction involving trade between a USPPI and an ultimate consignee where either party owns directly or indirectly 10 percent or more of the other party.

(11) Domestic or foreign indicator. Indicates if the goods exported are of domestic or foreign origin. Report foreign goods separately from goods of domestic production even if the commodity classification number is the same.

(i) Domestic. Exports of domestic goods include: those commodities that are grown, produced, or manufactured (including commodities incorporating foreign components) in the United States, including goods exported from U.S. FTZs, Puerto Rico, or the U.S. Virgin Islands; and those articles of foreign origin that have been enhanced in value or changed from the form in which they were originally imported by further manufacture or processing in the

United States, including goods exported from U.S. FTZs, Puerto Rico, or the U.S. Virgin Islands.

(ii) Foreign. Exports of foreign goods include those commodities that are grown, produced, or manufactured in foreign countries that entered the United States including goods admitted to U.S. FTZs as imports and that, at the time of exportation, have undergone no change in form or condition or enhancement in value by further manufacture in the United States, in U.S. FTZs, in Puerto Rico, or in the U.S. Virgin Islands.

(12) Commodity classification number. Report the 10-digit commodity classification number as provided in Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States in the EEI. The 10-digit commodity classification number provided in the Harmonized Tariff Schedule of the United States (HTSUSA) may be reported in lieu of the Schedule B commodity classification number except as noted in the headnotes of the HTSUSA. The HTSUSA is a global classification system used to describe most world trade in goods. Furnishing the correct Schedule B or HTSUSA number does not relieve the USPPI or the authorized agent of furnishing a complete and accurate commodity description. When reporting the Schedule B number or HTSUSA number, the decimals shall be omitted. (See <www.census.gov/trade> for a list of Schedule B classification numbers.)

(13) Commodity description. Report the description of the goods shipped in English in sufficient detail to permit verification of the Schedule B or HTSUSA number. Clearly and fully state the name of the commodity in terms that can be identified or associated with the language used in Schedule B or HTSUSA (usually the commercial name of the commodity), and any and all characteristics of the commodity that distinguish it from commodities of the same name covered by other Schedule B or HTSUSA classifications. If the shipment requires a license, the description reported in the EEI shall conform with that shown on the license. If the shipment qualifies for a license exemption, the description shall be sufficient to ensure compliance with that license exemption. However, where the description on the license does not state all of the characteristics of the commodity that are needed to completely verify the commodity classification number, as described in this paragraph, report the missing characteristics, as well as the description shown on the license, in the commodity description field of the EEI.

(14) Primary unit of measure. The unit of measure shall correspond to the primary quantity as prescribed in the Schedule B or HTSUSA. If neither Schedule B nor HTSUSA specifies a unit of measure for the item, an "X" is required in the unit of measure field.

(15) Primary quantity. The quantity is the total number of units that correspond to the first unit of measure specified in the Schedule B or HTSUSA. Where the unit of measure is in terms of weight (grams, kilograms, metric tons, etc.), the quantity reflects the net weight, not including the weight of barrels, boxes, or other bulky coverings, and not including salt or pickle in the case of salted or pickled fish or meats. For a few commodities where "content grams" or "content kilograms" or some similar weight unit is specified in Schedule B or HTSUSA, the quantity may be less than the net weight. The quantity is reported as a whole unit only, without

commas or decimals. If the quantity contains a fraction of a whole unit, round fractions of one-half unit or more up and fractions of less than one-half unit down to the nearest whole unit. (For example, where the unit for a given commodity is in terms of "tons," a net quantity of 8.4 tons would be reported as 8 for the quantity. If the quantity is less than one unit, the quantity is 1.)

(16) Shipping weight. The shipping weight is the weight in kilograms, which includes the weight of the commodity, as well as the weight of normal packaging, such as boxes, crates, barrels, etc. The shipping weight is required for exports by air, vessel, rail, and truck, and required for exports of household goods transported by all methods. For exports (except household goods) by mail, fixed transport (pipeline), or other valid methods, the shipping weight is not required and shall be reported as zero. For containerized cargo in lift vans, cargo vans, or similar substantial outer containers, the weight of such containers is not included in the shipping weight. If the shipping weight is not available for each Schedule B or HTSUSA item included in one or more containers, the approximate shipping weight for each item is estimated and reported. The total of these estimated weights equals the actual shipping weight of the entire container or containers.

(17) Value. In general, the value to be reported in the EEI shall be the value of the goods at the U.S. port of export in U.S. dollars. The value shall be the selling price (or the cost, if the goods are not sold), plus inland or domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export. Cost of goods is the sum of expenses incurred in the USPPI's acquisition or production of the goods. Report the value to the nearest dollar, omit cents. Fractions of a dollar less than 50 cents should be ignored, and fractions of 50 cents or more should be rounded up to the next dollar.

(i) Selling price. The selling price for goods exported pursuant to sale, and the value to be reported in the EEI, is the USPPI's price to the FPPI (the foreign buyer). Deduct from the selling price any unconditional discounts, but do not deduct discounts that are conditional upon a particular act or performance on the part of the foreign buyer. For goods shipped on consignment without a sale actually having been made at the time of export, the selling price to be reported in the EEI is the market value at the time of export at the U.S. port.

(ii) Adjustments. When necessary, make the following adjustments to obtain the value.

(A) Where goods are sold at a point other than the port of export, freight, insurance, and other charges required in moving the goods from their U.S. point of origin to the exporting carrier at the port of export or border crossing point shall be added to the selling price (as defined in paragraph (a)(17)(i) of this section) for purposes of reporting the value in the EEI.

(B) Where the actual amount of freight, insurance, and other domestic costs is not available, an estimate of the domestic costs shall be made and added to the cost of the goods or selling price to derive the value to be reported in the EEI. Add the estimated domestic costs to the cost or selling price of the goods to obtain the value to be reported in the EEI.

(C) Where goods are sold at a "delivered" price to the foreign destination, the cost of loading the goods on the exporting carrier, if any, and freight, insurance, and other costs beyond the port of export shall be subtracted from the selling price for purposes of reporting value in the EEI. If the actual amount of such costs is not available, an estimate of the costs should be subtracted from the selling price.

(D) Costs added to or subtracted from the selling price in accordance with the instructions in this paragraph (a)(17)(ii) should not be shown separately in the EEI, but the value reported should be the value after making such adjustments, where required, to arrive at the value of the goods at the U.S. port of export.

(iii) Exclusions. Exclude the following from the selling price of goods exported.

(A) Commissions to be paid by the USPPI to its agent abroad or commissions to be deducted from the selling price by the USPPI's agent abroad.

(B) The cost of loading goods on the exporting carrier at the port of export.

(C) Freight, insurance, and any other charges or transportation costs beyond the port of export.

(D) Any duties, taxes, or other assessments imposed by foreign countries.

(iv) For definitions of the value to be reported in the EEI for special types of transactions where goods are not being exported pursuant to commercial sales, or where subsidies, government financing or participation, or other unusual conditions are involved, see Subpart C of this part.

(18) Export information code. A code that identifies the type of export shipment or condition of the exported items (e.g., goods donated for relief or charity, impelled shipments, shipments under the Foreign Military Sales program, household goods, and all other shipments). (For the list of the codes see Appendix B.)

(19) Shipment reference number. A unique identification number assigned by the filer that allows for the identification of the shipment in the filer's system. The reuse of the shipment reference number is prohibited.

(20) Line number. A number that identifies the specific commodity line item within a shipment.

(21) Hazardous material indicator. An indicator that identifies whether the shipment is hazardous as defined by the Department of Transportation.

(22) Inbond code. The code indicating whether the shipment is being transported under bond.

(23) License code/license exemption code. The code that identifies the commodity as having a federal government agency requirement for a license, permit, authorization, license exception or exemption or that no license is required.

(24) Routed export transaction indicator. An indicator that identifies that the shipment is a routed export transaction as defined in §30.3.

(25) Shipment filing action request indicator. An indicator that allows the filer to add, change, replace, or cancel an export shipment transaction.

(26) Line item filing action request indicator. An indicator that allows the filer to add, change, or delete a commodity line within an export shipment transaction.

(27) Filing option indicator. An indicator of whether the filer is reporting export information predeparture or postdeparture. See §30.4 for more information on EEI filing options.

(28) Ultimate consignee type. Provide the business function of the ultimate consignee that most often applies. If more than one type applies to the ultimate consignee, report the type that applies most often. For purposes of this paragraph, the ultimate consignee will be designated as a Direct Consumer, Government Entity, Reseller, or Other/Unknown, defined as follows:

(i) Direct Consumer--a non-government institution, enterprise, or company that will consume or use the exported good as a consumable, for its own internal processes, as an input to the production of another good or as machinery or equipment that is part of a manufacturing process or a provision of services and will not resell or distribute the good.

(ii) Government Entity--a government-owned or government-controlled agency, institution, enterprise, or company.

(iii) Reseller--a non-government reseller, retailer, wholesaler, distributor, distribution center or trading company.

(iv) Other/Unknown--an entity that is not a Direct Consumer, Government Entity or Reseller, as defined above, or whose ultimate consignee type is not known at the time of export.

(b) Conditional data elements are as follows:

(1) Authorized agent and authorized agent identification. The authorized agent is the person or entity in the United States who is authorized by the USPPI or the FPPI to prepare and file the EEI or the person or entity, if any, named on the export license. If an authorized agent is used, the following information shall be provided to the AES:

(i) Authorized agent's identification number. Report the authorized agent's own EIN, or DUNS in the EEI for the first shipment and for each subsequent shipment. Use of another company's or individual's EIN or other identification number is prohibited. The party ID type (E=EIN, etc.) shall be identified.

(ii) Name of the authorized agent. Report the name of the authorized agent. (See §30.3 for details on the specific reporting responsibilities of authorized agents and Subpart B of this part for export control licensing requirements for authorized agents.)

(iii) Address of the authorized agent. Report the address or location (no post office box number) of the authorized agent. The authorized agent's address shall be reported with the initial shipment. Subsequent shipments may be identified by the agent's identification number.

(iv) Contact information. Report the contact name and telephone number.

(2) Intermediate consignee. The name and address of the intermediate consignee (if any) shall be reported. The intermediate consignee acts in a foreign country as an agent for the principal party in interest or the ultimate consignee for the purpose of effecting delivery of the export shipment to the ultimate consignee. The intermediate consignee is the person named as such on the export license or

authorized to act as such under the applicable general license and in conformity with the EAR.

(3) FTZ identifier. If goods are removed from a FTZ and not entered for consumption, report the FTZ identifier. This is the unique 7-digit alphanumeric identifier assigned by the Foreign Trade Zone Board that identifies the FTZ, subzone or site from which goods are withdrawn for export.

(4) Foreign port of unlading. The foreign port of unlading is the foreign port in the country where the goods are removed from the exporting carrier. The foreign port does not have to be located in the country of destination. For exports by sea to foreign countries, not including Puerto Rico, the foreign port of unlading is the code in terms of Schedule K, Classification of Foreign Ports by Geographic Trade Area and Country. For exports by sea or air between the United States and Puerto Rico, the foreign port of unlading is the code in terms of Schedule D, Classification of CBP Districts and Ports. The foreign port of unlading is not required for exports by other modes of transportation, including rail, truck, mail, fixed (pipeline), or air (unless between the U.S. and Puerto Rico).

(5) Export license number/CFR citation/KPC number. License number, permit number, citation, or authorization number assigned by the Department of Commerce, BIS; Department of State, DDTC; Department of the Treasury, OFAC; Department of Justice, DEA; Nuclear Regulatory Commission; or any other federal government agency.

(6) Export Control Classification Number (ECCN). The number used to identify items on the CCL, Supplement No. 1 to Part 774 of the EAR. The ECCN consists of a set of digits and a letter. Items that are not classified under an ECCN are designated "EAR99".

(7) Secondary unit of measure. The unit of measure that corresponds to the secondary quantity as prescribed in the Schedule B or HTSUSA. If neither Schedule B nor HTSUSA specifies a secondary unit of measure for the item, the unit of measure is not required.

(8) Secondary quantity. The total number of units that correspond to the secondary unit of measure, if any, specified in the Schedule B or HTSUSA. See the definition of primary quantity for specific instructions on reporting the quantity as a weight and whole unit, rounding fractions.

(9) Vehicle Identification Number (VIN)/Product ID. The identification number found on the reported used vehicle. For used self-propelled vehicles that do not have a VIN, the Product ID is reported. "Used" vehicle refers to any self-propelled vehicle where the equitable or legal title to which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser. See U.S. Customs and Border Protection regulations 19 CFR 192.1 for more information on exports of used vehicles.

(10) Vehicle ID qualifier. The qualifier that identifies the type of used vehicle number reported. The valid codes are V for VIN and P for Product ID.

(11) Vehicle title number. The number issued by the Motor Vehicle Administration.

(12) Vehicle title state code. The 2-character postal code for the state or territory that issued the vehicle title.

(13) Entry number. The entry number must be reported for goods that are entered in lieu of being transported under bond for which the importer of record is a foreign entity or, for reexports of goods withdrawn from a FTZ for which a NAFTA deferred duty claim (entry type 08) could have been made, but that the importer elected to enter for consumption under CBP entry type 06. For goods imported into the United States for export to a third country of ultimate destination, where the importer of record on the entry is a foreign entity, the USPPI will be the authorized agent designated by the foreign importer for service of process. The USPPI, in this circumstance, is required to report the import entry number.

(14) Transportation reference number (TRN). The TRN is as follows:

(i) Vessel shipments. Report the booking number for vessel shipments. The booking number is the reservation number assigned by the carrier to hold space on the vessel for cargo being exported. The TRN is required for all vessel shipments.

(ii) Air shipments. Report the master air waybill number for air shipments. The air waybill number is the reservation number assigned by the carrier to hold space on the aircraft for cargo being exported. The TRN is optional for air shipments.

(iii) Rail shipments. Report the bill of lading (BL) number for rail shipments. The BL number is the reservation number assigned by the carrier to hold space on the rail car for cargo being exported. The TRN is optional for rail shipments.

(iv) Truck shipments. Report the freight or pro bill number for truck shipments. The freight or pro bill number is the number assigned by the carrier to hold space on the truck for cargo being exported. The freight or pro bill number correlates to a bill of lading number, air waybill number or trip number for multimodal shipments. The TRN is optional for truck shipments.

(15) License value. For shipments requiring an export license, report the value designated on the export license that corresponds to the commodity being exported.

(16) Department of State requirements.

(i) Directorate of Defense Trade Controls (DDTC) registration number. The number assigned by the DDTC to persons who are required to register per Part 122 of the ITAR (22 CFR 120 through 130), and have an authorization (license or exemption) from DDTC to export the article.

(ii) DDTC Significant Military Equipment (SME) indicator. A term used to designate articles on the USML (22 CFR 121) for which special export controls are warranted because of their capacity for substantial military utility or capability. See §120.7 of the ITAR 22 CFR 120 through 130 for a definition of SME and §121.1 for items designated as SME articles.

(iii) DDTC eligible party certification indicator. Certification by the U.S. exporter that the exporter is an eligible party to participate in defense trade. See 22 CFR 120.1(c). This certification is required only when an exemption is claimed.

(iv) DDTC United States Munitions List (USML) category code. The USML category of the article being exported (22 CFR 121).

(v) DDTC Unit of Measure (UOM). This unit of measure is the UOM covering the article being shipped as described on the export authorization or declared under an ITAR exemption.

(vi) DDTC quantity. This quantity is the number of articles being shipped. The quantity is the total number of units that corresponds to the DDTC UOM code.

(vii) DDTC exemption number. The exemption number is the specific citation from the ITAR (22 CFR parts 120 through 130) that exempts the shipment from the requirements for a license or other written authorization from DDTC.

(viii) DDTC export license line number. The line number of the State Department export license that corresponds to the article being exported.

(17) Kimberley Process Certificate (KPC) number. The unique identifying number on the KPC issued by the United States Kimberley Process Authority that must accompany all export shipments of rough diamonds. Rough diamonds are classified under 6-digit HS subheadings 7102.10, 7102.21, and 7102.31. Enter the KPC number in the license number field excluding the 2-digit ISO country code for the United States.

(c) Optional data elements:

(1) Seal number. The security seal number placed on the equipment or container.

(2) Equipment number. Report the identification number for the shipping equipment, such as container or igloo number (Unit Load Device (ULD)), truck license number, rail car number, or container number for containerized vessel cargo.

§30.7 Annotating the bill of lading, air waybill, or other commercial loading documents with proof of filing citations, and exemption legends.

(a) Items identified on the USML shall meet the predeparture reporting requirements identified in the ITAR (22 CFR 120 through 130) for the U.S. State Department requirements concerning the time and place of filing. For USML shipments, the proof of filing citations shall include the statement in "AES," followed by the returned confirmation number provided by the AES when the transmission is accepted, referred to as the ITN.

(b) For shipments other than USML, the USPPI or the authorized agent is responsible for annotating the proper proof of filing citation or exemption legend on the first page of the bill of lading, air waybill, export shipping instructions or other commercial loading documents. The USPPI or the authorized agent must provide the proof of filing citation or exemption legend to the exporting carrier. The carrier must annotate the proof of filing citation, exemption or exclusion legends on the carrier's outbound manifest when required. The carrier is responsible for presenting the appropriate proof of filing citation or exemption legend to CBP Port Director at the port of export as stated in Subpart E of this part. Such presentation shall be without material change or amendment of the proof of filing citation, postdeparture filing citation, AES downtime filing citation, or exemption legend as provided to the carrier by the USPPI or the authorized agent. The proof of filing citation will identify that the export information has been accepted as transmitted. The postdeparture filing citation, AES downtime filing citation, or exemption legend will identify that no filing is required prior to export. The proof of filing citations, postdeparture filing citations, or exemption legends shall appear on the bill of lading, air waybill or other commercial loading

documentation and shall be clearly visible. The AES filing citation, exemption or exclusion legends are provided for in Appendix D. The exporting carrier shall annotate the manifest or other carrier documentation with the AES filing citations, exemption or exclusions legends.

(c) Exports of rough diamonds classified under HS subheading 7102.10, 7102.21, 7102.31, in accordance with the Clean Diamond Trade Act, will require the proof of filing citation, as stated in paragraph (b) of this section, and report the proof of filing citation on the KPC. In addition, the KPC must be faxed prior to exportation to the Census Bureau on (800) 457-7328 or provided by other methods as permitted by the Census Bureau.

§30.8 Time and place for presenting proof of filing citations and exemption legends.

The following conditions govern the time and place to present proof of filing citations, postdeparture filing citations, AES downtime filing citation, exemption, or exclusion legends. The USPPI or the authorized agent is required to deliver the proof of filing citations, postdeparture filing citations, AES downtime filing citations, exemption, or exclusion legends required in §30.7 to the exporting carrier. See Appendix D of this part for the properly formatted proof of filing citations, exemption, or exclusion legends. Failure of the USPPI or the authorized agent of either the USPPI or FPPI to comply with these requirements constitutes a violation of the regulations in this part and renders such principal party or the authorized agent subject to the penalties provided for in Subpart H of this part.

(a) Postal exports. The proof of filing citations, postdeparture filing citations, AES downtime filing citation, and/or exemption and exclusions legends for items being sent by mail, as required in §30.4(b), shall be presented to the appropriate Postal Service personnel with the packages at the time of mailing. The postmaster is required to deliver the proof of filing citations or exemption legends prior to export.

(b) Pipeline exports. The proof of filing citations or exemption and exclusion legends for items being sent by pipeline shall be presented to the operator of a pipeline no later than four calendar days after the close of the month. See §30.46 for requirements for the filing of export information by pipeline carriers.

(c) Exports by other methods of transportation. For exports sent other than by mail or pipeline, the USPPI or the authorized agent is required to deliver the proof of filing citations and/or exemption and exclusion legends to the exporting carrier in accord with the time periods set forth in §30.4(b).

§30.9 Transmitting and correcting Electronic Export Information.

(a) The USPPI or the authorized filing agent is responsible for electronically transmitting accurate EEI as known at the time of filing in the AES and transmitting any changes to that information as soon as they are known. Corrections, cancellations, or amendments to that information shall be electronically identified and transmitted to the AES for all required fields as soon as possible. The provisions of this paragraph relating to the reporting of corrections, cancellations, or amendments to EEI, shall not be construed as a relaxation of the requirements of the rules and regulations pertaining to the preparation and filing of EEI. Failure to correct the EEI is a violation of the provisions of this part.

(b) For shipments where the USPPI or the authorized agent has received an error message from AES, the corrections shall take place as required. Fatal error messages are sent to filers when EEI is not accepted in the AES and update rejected messages are sent when a correction is not accepted in the AES. Fatal errors must be corrected and EEI resubmitted prior to export

for shipments filed predeparture and for post-departure shipments but not later than five (5) calendar days after the date of export. Failure to respond to fatal error messages for shipments filed predeparture prior to export of the cargo subjects the principal party or authorized agent to penalties provided for in Subpart H of this part. Failing to transmit corrections to the AES constitutes a violation of the regulations in this part and renders such principal party or authorized agent subject to the penalties provided for in Subpart H of this part. Update rejected messages must be corrected as soon as possible. For EEI that generates a warning message, the correction shall be made within four (4) calendar days of receipt of the original transmission. For EEI that generates a verify message, the correction, when warranted, shall be made within four (4) calendar days of receipt of the message. A compliance alert indicates that the shipment was not reported in accordance with the FTR. The USPPI or the authorized agent is required to review its filing practices and take required corrective actions to conform with export reporting requirements.

§30.10 Retention of export information and the authority to require production of documents.

(a) Retention of export information. All parties to the export transaction (owners and operators of export carriers, USPPIs, FPPIs and/or authorized agents) shall retain documents pertaining to the export shipment for five years from the date of export. If the Department of State or other regulatory agency has recordkeeping requirements for exports that exceed the retention period specified in this part, then those requirements prevail. The USPPI or the authorized agent of the USPPI or FPPI may request a copy of the electronic record or submission from the Census Bureau as provided for in Subpart G of this part. The Census Bureau's retention and maintenance of AES records does not relieve filers from requirements in §30.10.

(1) AES filers shall retain a copy of the electronic certification notice from the Census Bureau showing the filer's approved operational status. The electronic certification notice shall be retained for as long as the filer submits EEI through the AES.

(2) AES*Direct* filers shall retain a copy of the electronic certification notice obtained during the AES*Direct* certification. The electronic certification notice shall be retained for as long as the filer submits EEI through AES*Direct*.

(b) Authority to require production of documents. For purposes of verifying the completeness and accuracy of information reported as required under §30.6, and for other purposes under the regulations in this part, all parties to the export transaction (owners and operators of the exporting carriers, USPPIs, FPPIs, and/or authorized agents) shall provide upon request to the Census Bureau, CBP, ICE, BIS and other participating agencies EEI, shipping documents, invoices, orders, packing lists, and correspondence as well as any other relevant information bearing upon a specific export transaction at anytime within the five year time period.

Note to §30.10: Section 1252(b)(2) of Pub. L. 106-113, Proliferation Prevention Enhancement Act of 1999, required the Department of Commerce to print and maintain on file a paper copy or other acceptable back-up record of the individual's submission at a location selected by the Secretary of Commerce. The Census Bureau will maintain a data base of EEI filed in AES to ensure that requirements of Pub. L. 106-113 are met and that all filers can obtain a validated record of their submissions.

§§30.11 - 30.14 [Reserved]

Subpart B – Export Control and Licensing Requirements

§30.15 Introduction.

(a) For export shipments to foreign countries, the EEI is used both for statistical and for export control purposes. All parties to an export transaction must comply with all relevant export control regulations, as well as the requirements of the statistical regulations of this part. For convenience, references to provisions of the EAR, ITAR, CBP, and OFAC regulations that affect the statistical reporting requirements of this part have been incorporated into this part. For regulations and information concerning other agencies that exercise export control and licensing authority for particular types of commodity shipments, a USPPI, its authorized agent, or other party to the transaction shall consult the appropriate agency regulations.

(b) In addition to the reporting requirements set forth in §30.6, further information may be required for export control purposes by the regulations of CBP, BIS, State Department, or the U.S. Postal Service under particular circumstances.

(c) This part requires the retention of documents or records pertaining to a shipment for five years from the date of export. All records concerning license exceptions or license exemptions shall be retained in the format (including electronic or hard copy) required by the controlling agency's regulations. For information on recordkeeping retention requirements exceeding the requirements of this part, refer to the regulations of the agency exercising export control authority for the specific shipment.

(d) In accordance with the provisions of Subpart G of this part, information from the EEI is used solely for official purposes, as authorized by the Secretary of Commerce, and any unauthorized use is not permitted.

§30.16 Export Administration Regulations.

The Export Administration Regulations (EAR) issued by the U.S. Department of Commerce, BIS, contain additional reporting requirements pertaining to EEI (see 15 CFR 730-774).

(a) The EAR requires that export information be filed for shipments from U.S. Possessions to foreign countries or areas. (see 15 CFR 758.1(b) and 772.1, definition of the United States.)

(b) Requirements to place certain export control information in the EEI are found in the EAR. (See 15 CFR 758.1 and 15 CFR 758.2).

(c) Requirements to place certain export control information on export control documents for shipments exempt from AES filing requirements. (See 15 CFR §758.1(d)).

(d) A shipment destined for a country listed in Country Group E:1 as set forth in Supplement No. 1 to 15 CFR part 740 shall require EEI filings regardless of value unless such shipment is eligible for an exemption in §30.37(y) of this part and does not require a license by BIS or any other Federal Government Agency.

(e) Goods licensed by BIS where the country of ultimate destination is the United States or goods destined to international waters where the person(s) or entity assuming control of the item(s) is a citizen or permanent resident alien of the United States or a juridical entity organized under the laws of the United States or a jurisdiction within the United States shall be excluded from EEI filing.

§30.17 Customs and Border Protection regulations.
Refer to the DHS's CBP regulations, 19 CFR 192, for information referencing the advanced electronic submission of cargo information on exports for screening and targeting purposes pursuant to the Trade Act of 2002. The regulations also prohibit postdeparture filing of export information for certain shipments, and contain other regulatory provisions affecting the reporting of EEI. CBP's regulations can be obtained from the U.S. Government Printing Office's Web site at <www.gpoaccess.gov>.

§30.18 Department of State regulations.
(a) The USPPI or the authorized agent shall file export information, as required, for items on the USML of the International Traffic in Arms Regulations (ITAR) (22 CFR 121). Information for items identified on the USML, including those exported under an export license or license exemption, shall be filed prior to export. Items identified on the USML, including those exported under an export license or license exemption, ultimately destined to a location in the United States are not required to be reported in the AES.
(b) Refer to the ITAR 22 CFR 120-130 for requirements regarding information required for electronically reporting export information for USML shipments and filing time requirements.
(c) Department of State regulations can be found at <www.state.gov>.

§30.19 Other Federal agency regulations.
Other Federal agencies have requirements regarding the reporting of certain types of export transactions. The USPPIs and/or authorized agents are responsible for adhering to these requirements.

§§30.20 - 30.24 [Reserved]

Subpart C – Special Provisions and Specific-Type Transactions

§30.25 Values for certain types of transactions.
Special procedures govern the values to be reported for shipments of the following unusual types:
(a) Subsidized exports of agricultural products. Where provision is made for the payment to the USPPI for the exportation of agricultural commodities under a program of the Department of Agriculture, the value required to be reported for EEI is the selling price paid by the foreign buyer minus the subsidy.
(b) General Services Administration (GSA) exports of excess personal property.
For exports of GSA excess personal property, the value to be shown in the EEI will be "fair market value," plus charges when applicable, at which the property was transferred to GSA by the holding agency. These charges include packing, rehabilitation, inland freight, or drayage. The estimated "fair market value" may be zero, or it may be a percentage of the original or estimated acquisition costs. (Bill of lading, air waybill, and other commercial loading documents for such shipments will bear the notation "Excess Personal Property, GSA Regulations 1-III, 303.03.")

(c) Goods rejected after entry. For imported goods that are cleared by CBP but subsequently rejected, an EEI must be filed to export the goods. The value to be reported in AES is the declared import value of the goods.

§30.26 Reporting of vessels, aircraft, cargo vans, and other carriers and containers.

(a) Export information shall be filed in the AES for all vessels, locomotives, aircraft, rail cars, trucks, other vehicles, trailers, pallets, cargo vans, lift vans, or similar shipping containers when these items are moving as goods pursuant to sale or other transfer from ownership in the United States to ownership abroad. If the vessel, car, aircraft, locomotive, rail car, vehicle, or shipping container is outside Customs territory of the United States at the time of sale or transfer to foreign ownership, EEI shall be reported identifying the last port of clearance or departure from the United States prior to sale or transfer. The date of export shall be the date of sale.

(b) The country of destination to be shown in the EEI for vessels sold foreign is the country of new ownership. The country for which the vessel clears, or the country of registry of the vessel, should not be reported as the country of destination in the EEI unless such country is the country of new ownership.

§30.27 Return of exported cargo to the United States prior to reaching its final destination.

When goods reported as exported from the United States are not exported or are returned without having been entered into a foreign destination, the filer shall cancel the EEI.

§30.28 Split shipments.

A shipment covered by a single EEI transmission booked for export on one conveyance, but divided prior to export where the exporting carrier at the port of export will file the manifest indicating that the cargo was sent on two or more of the same conveyances leaving from the same port of export of the same carrier within 24 hours. For the succeeding parts of the shipment that are not exported within 24 hours, a new EEI must be filed and amendments must be made to the original AES record. The following procedures apply for split shipments:

(a) The carrier shall deliver the manifest to the CBP Port Director with the manifest covering the conveyance on which the first part of the split shipment is exported and shall make no changes to the EEI. However, the manifest shall show in the "number of packages" column the actual portion of the declared total quantity being carried and shall carry a notation to indicate "Split Shipment."e.g., "3 of 10 – Split Shipment" All associated manifests with the notation "Split Shipment" will have identical ITNs if exported within 24 hours.

(b) On each subsequent manifest covering a conveyance on which any part of a split shipment is exported, a prominent notation "SPLIT SHIPMENT", e.g. "4 of 10 – Split shipment" shall be made on the manifest for identification. On the last shipment, the notation shall read "SPLIT SHIPMENT, FINAL, e.g., "10 of 10 Split Shipment, Final"." Each subsequent manifest covering a part of a split shipment shall also show in the "number of packages" column only the goods carried on that particular conveyance and a reference to the total number originally declared for export (for example, 5 of 11, or 5/11). Immediately following the line showing the portion of the split shipment carried on that conveyance, a notation will be made showing the bill of lading number, air waybill number, or other commercial loading documents shown in the original EEI and the portions of the originally declared total carried on each previous conveyance, together with the number and date of each such previous conveyance.

(c) Since the complete EEI was filed for the entire shipment initially, additional electronic reporting will not be required for these subsequent shipments.

§30.29 Reporting of repairs and replacements.

These guidelines will govern the reporting of the following:

(a) The return of goods previously imported only for repair and alteration.

(1) The return of non-USML goods temporarily imported for repair and alteration and declared as such on importation shall have Schedule B number 9801.10.0000. The value reported shall only include parts and labor. The value of the original product shall not be included. If the value of the parts and labor is over $2,500 per Schedule B number, then EEI must be filed.

(2) The return of USML goods temporarily imported for repair and alteration and declared as such on importation shall have Schedule B number 9801.10.0000. In the value field, report the value of the parts and labor, in the license value field, report the value designated on the export license that corresponds to the commodity being exported. An EEI must be filed regardless of value.

(b) Goods that are covered under warranty.

(1) Goods that are reexported after repair under warranty shall follow the procedures in paragraph (a) (1) or (a) (2) of this section as appropriate. It is recommended that the bill of lading, air waybill, or other loading documents include the statement, ‘‘This product was repaired under warranty.’’

(2) Goods that are replaced under warranty at no charge to the customer shall include the statement, “Product replaced under warranty, value for EEI purposes” on the bill of lading, air waybill, or other commercial loading documents. Place the notation below the proof of filing citation or exemption legend on the commercial document. Report the Schedule B number or HTSUSA classification commodity number of the replacement parts. For non-USML goods, report the value of the replacement parts in accordance with 30.6(a)(17). For USML shipments report the value in accordance to 30.6(a)(17) and (b)(15).

§§30.30 - 30.34 [Reserved]

Subpart D – Exemptions from the Requirements for the filing of Electronic Export Information

§30.35 Procedure for shipments exempt from filing requirements.

Except as noted in §30.2(a)(1)(iv), where an exemption from the filing requirement is provided in this subpart of this part, a legend describing the basis for the exemption shall be made on the first page of the bill of lading, air waybill, or other commercial loading document, and on the carrier’s outbound manifest. The exemption legend shall reference the number of the section or provision in this part where the particular exemption is provided (see Appendix D of this part).

§30.36 Exemption for shipments destined to Canada.

(a) Except as noted in §30.2(a)(1)(iv), and in paragraph (b) of this section, shipments originating in the United States where the country of ultimate destination is Canada are exempt from the EEI reporting requirements of this part.

(b) This exemption does not apply to the following types of export shipments (These shipments shall be reported in the same manner as for all other exports, except household goods, which require limited reporting):
    (1) Sent for storage in Canada, but ultimately destined for third countries.
    (2) Exports moving from the United States through Canada to a third destination.
    (3) Requiring a Department of State, DDTC, export license under the ITAR (22 CFR 120-130).
    (4) Requiring a Department of Commerce, BIS, export license under the EAR (15 CFR 730-774).
    (5) Subject to the ITAR, but exempt from license requirements.
    (6) Classified as rough diamonds under the 6-digit HS subheadings (7102.10, 7102.21, or 7102.31).
    (7) Used self-propelled vehicles as defined in 19 CFR 192.1 of U.S. Customs and Border Protection regulations, regardless of value or country of destination.

§30.37 Miscellaneous exemptions.
Except as noted in §30.2 (a)(1)(iv), filing EEI is not required for the following kinds of shipments. However, the Census Bureau has the authority to periodically require the reporting of shipments that are normally exempt from filing.

(a) Exports of commodities where the value of the commodities shipped from one USPPI to one consignee on a single exporting conveyance, classified under an individual Schedule B number or HTSUSA commodity classification code is $2,500 or less. This exemption applies to individual Schedule B numbers or HTSUSA commodity classification codes regardless of the total shipment value. In instances where a shipment contains a mixture of individual Schedule B numbers or HTSUSA commodity classification codes valued at $2,500 or less and individual Schedule B numbers or HTSUSA commodity classification codes valued over $2,500, only those Schedule B numbers or HTSUSA commodity classification codes valued over $2,500 are required to be reported. If the filer reports multiple items of the same Schedule B number or HTSUSA commodity classification code, this exemption only applies if the total value of exports for the Schedule B number or HTSUSA commodity classification code is $2,500 or less. Items of domestic and foreign origin under the same commodity classification number must be reported separately and EEI filing is required when either is over $2,500. For the reporting of household goods see §30.38.
    Note: this exemption does not apply to the export of vehicles. The export information for vehicles must be filed in AES regardless of value or country of destination.

(b) Tools of trade and their containers that are usual and reasonable kinds and quantities of commodities and software intended for use by individual USPPIs or by employees or representatives of the exporting company in furthering the enterprises and undertakings of the USPPI abroad. Commodities and software eligible for this exemption are those that do not require an export license or that are exported as tools of the trade under a license exception of the EAR (15 CFR 740.9), and are subject to the following provisions:
    (1) Are owned by the individual USPPI or exporting company.
    (2) Accompany the individual USPPI, employee, or representative of the exporting company.

(3) Are necessary and appropriate and intended for the personal and/or business use of the individual USPPI, employee, or representative of the company or business.
(4) Are not for sale.
(5) Are returned to the United States no later than one (1) year from the date of export.
(6) Are not shipped under a bill of lading or an air waybill.

(c) Shipments from one point in the United States to another point in the United States by routes passing through Canada or Mexico.

(d) Shipments from one point in Canada or Mexico to another point in the same country by routes through the United States.

(e) [Reserved]

(f) Exports of technology and software as defined in 15 CFR 772 of the EAR that do not require an export license are exempt from filing requirements. However, EEI is required for mass-market software. For purposes of this part, mass-market software is defined as software that is generally available to the public by being sold at retail selling points, or directly from the software developer or supplier, by means of over-the-counter transactions, mail-order transactions, telephone transactions, or electronic mail-order transactions, and designed for installation by the user without further substantial technical support by the developer or supplier.

(g) Shipments of books, maps, charts, pamphlets, and similar articles to foreign libraries, government establishments, or similar institutions.

(h) Shipments as authorized under License Exception GFT for gift parcels and humanitarian donations (15 CFR §740.12(a) and (b)).

(i) Diplomatic pouches and their contents.

(j) Human remains and accompanying appropriate receptacles and flowers.

(k) Shipments of interplant correspondence, executed invoices and other documents, and other shipments of company business records from a U.S. firm to its subsidiary or affiliate. This excludes highly technical plans, correspondence, etc. that could be licensed.

(l) Shipments of pets as baggage, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft.

(m) Carriers' stores, not shipped under a bill of lading or an air waybill (including goods carried in ships aboard carriers for sale to passengers), supplies, and equipment for departing vessels, planes, or other carriers, including usual and reasonable kinds and quantities of bunker fuel, deck engine and steward department stores, provisions and supplies, medicinal and surgical supplies, food stores, slop chest articles, and saloon stores or supplies for use or consumption on board and not intended for unlading in a foreign country, and including usual and reasonable kinds and quantities of equipment and spare parts for permanent use on the carrier when necessary for proper operation of such carrier and not intended for unlading in a foreign country. Hay, straw, feed, and other appurtenances necessary to the care and feeding of livestock while en route to a foreign destination are considered part of carriers' stores of carrying vessels, trains, planes, etc.

(n) Dunnage, not shipped under a bill of lading or an air waybill, of usual and reasonable kinds and quantities necessary and appropriate to stow or secure cargo on the outgoing or any immediate return voyage of an exporting carrier, when exported solely for use as dunnage and not intended for unlading in a foreign country.

(o) Shipments of aircraft parts and equipment; food, saloon, slop chest, and related stores; and provisions and supplies for use on aircraft by a U.S. airline to its own installations, aircraft,

and agents abroad, under EAR License Exception AVS for aircraft and vessels (see 15 CFR 740.15(c)).

(p) Filing EEI is not required for the following types of commodities when they are not shipped as cargo under a bill of lading or an air waybill and do not require an export license, but the USPPI shall be prepared to make an oral declaration to CBP Port Director, when required: baggage and personal effects, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft.

(q) [Reserved]

(r) [Reserved]

(s) Issued banknotes and securities, and coins in circulation exported as evidence of financial claims. The EEI must be filed for unissued bank notes and securities and coins not in circulation (such as banknotes printed in the United States and exported in fulfillment of the printing contract, or as parts of collections), which should be reported at their commercial or current value.

(t) Documents used in international transactions, documents moving out of the United States to facilitate international transactions including airline tickets, internal revenue stamps, liquor stamps, and advertising literature. Exports of such documents in fulfillment of a contract for their production, however, are not exempt and must be reported at the transaction value for their production.

(u) Exports of technical data and defense service exemptions as cited in 22 CFR 123.22(b)(3)(iii) of the ITAR.

(v) Vessels, locomotives, aircraft, rail cars, trucks, other vehicles, trailers, pallets, cargo vans, lift vans, or similar shipping containers not considered "shipped" in terms of the regulations in this part, when they are moving, either loaded or empty, without transfer of ownership or title, in their capacity as carriers of goods or as instruments of such carriers.

(w) Shipments to Army Post Office, Diplomatic Post Office, Fleet Post Office.

(x) Shipments exported under license exception Baggage (BAG) (15 CFR 740.14).

(y) The following types of shipments destined for a country listed in Country Group E:1 as set forth in Supplement No. 1 to 15 CFR Part 740 are not required to be filed in the AES:

(1) Shipments of published books, software, maps, charts, pamphlets, or any other similar media available for general distribution, as described in 15 CFR 734.7 to foreign libraries, or similar institutions.

(2) Shipments to U.S. government agencies and employees that are lawfully exported under License Exception GOV (15 CFR 740.11(b)(2)(i) or (ii)) valued at $2500 or less per Schedule B Number.

(3) Personal effects as described in 15 CFR 740.14(b)(1) being lawfully exported under License Exception BAG (15 CFR 740.14).

(4) Individual gift parcels and humanitarian donations being lawfully exported under License Exception GFT (15 CFR 740.12(a) and (b)).

(5) Vessels and aircraft lawfully leaving the United States for temporary sojourn to or in a Country Group E:1 country under License Exception AVS (15 CFR 740.15).

(6) Tools of trade that will be used by a person traveling to a Country Group E:1 destination, that will be returned to the United States within one year and that are lawfully being exported to a Country Group E:1 destination under License Exception BAG (15 CFR 740.14) or License Exception TMP (15 CFR 740.9(a)).

§30.38 Exemption from the requirements for reporting complete commodity information.
Except as noted in §30.2(a)(1)(iv), report EEI for household goods. Household goods are usual and reasonable kinds and quantities of personal property necessary and appropriate for use by the USPPI in the USPPI's dwelling in a foreign country. Household goods include, but are not limited to items such as furniture, large and small appliances, kitchenware, electronics, toys, bicycles, clothing, personal adornments, and associated containers. These goods should be for use by the USPPI, not intended for sale; and shipped under a bill of lading or an air waybill. In such cases, Schedule B or HTSUSA commodity classification codes and domestic/foreign indicator shall not be required.

§30.39 Special exemptions for shipments to the U.S. Armed Services.
Except as noted in §30.2 (a)(1)(iv), filing of EEI is not required for any and all commodities, whether shipped commercially or through government channels, consigned to the U.S. Armed Services for their exclusive use, including shipments to armed services exchange systems. This exemption does not apply to articles that are on the USML and thus controlled by the ITAR and/or shipments that are not consigned to the U.S. Armed Services, regardless of whether they may be for their ultimate and exclusive use.

§30.40 Special exemptions for certain shipments to U.S. government agencies and employees.
Except as noted in §30.2 (a)(1)(iv), filing EEI is not required for the following types of shipments to U.S. government agencies and employees:
(a) Office furniture, office equipment, and office supplies shipped to and for the exclusive use of U.S. government offices.
(b) Household goods and personal property shipped to and for the exclusive and personal use of U.S. government employees.
(c) Food, medicines, and related items and other commissary supplies shipped to U.S. government offices or employees for the exclusive use of such employees, or to U.S. government employee cooperatives or other associations for subsequent sale or other distribution to such employees.

§§30.41 - 30.44 [Reserved]

Subpart E – General Carrier and Manifest Requirements

§30.45 General statement of requirements for the filing of carrier manifests with proof of filing citations for the electronic submission of export information or exemption legends when Electronic Export Information filing is not required.
(a) Requirement for filing carrier manifest. Carriers transporting goods from the United States, Puerto Rico, or the U.S. Virgin Islands to foreign countries; from the United States or Puerto Rico to the U.S. Virgin Islands; or between the United States and Puerto Rico may not be granted clearance and may not depart until complete manifests or other required documentation (for ocean, air, and rail carriers) have been delivered to CBP Port Director in accordance with all applicable requirements under CBP regulations. The CBP may require any document it determines necessary to ensure compliance with U.S. export control laws, such as: bill of lading, air waybill, export shipping instructions, manifest, train consist, or

other commercial loading documents. The required documents shall contain the appropriate AES proof of filing citations, covering all cargo for which the EEI is required; or exemption legends, covering cargo for which EEI need not be filed by the regulations of this part. Such annotation shall be without material change or amendment of proof of filing citations or exemption and exclusion legends as provided to the carrier by the USPPI or its authorized agent.

(1) Vessels. Vessels transporting goods as specified (except vessels exempted by paragraph (a)(4) of this section) shall file a complete manifest. Manifests may be filed via paper or electronically through the AES Vessel Transportation Module as provided in CBP Regulations, 19 CFR 4.63 and 4.76.

(i) Bunker fuel. The manifest (including vessels taking bunker fuel to be laden aboard vessels on the high seas) clearing for foreign countries shall show the quantities and values of bunker fuel taken aboard at that port for fueling use of the vessel, apart from such quantities as may have been laden on vessels as cargo.

(ii) Coal and fuel oil. The quantity of coal shall be reported in metric tons (1000 kgs or 2240 pounds), and the quantity of fuel oil shall be reported in barrels of 158.98 liters (42 gallons). Fuel oil shall be described in such manner as to identify diesel oil as distinguished from other types of fuel oil.

(2) Aircraft. Aircraft transporting goods shall file a complete manifest in accordance with all applicable requirements under CBP regulations. The manifest shall be filed with the CBP Port Director at the CBP port of exit. For shipments from the United States to Puerto Rico, the manifests shall be filed with the CBP Port Director at the port where the goods are unladen in Puerto Rico.

(3) Rail carriers. Rail carriers transporting goods shall file a car manifest or train consist with CBP Port Director at the border port of export in accordance with 19 CFR 123.

(4) Carriers not required to file manifests. Carriers allowed to file incomplete manifests under applicable CBP regulations are required, upon request, to present to the CBP Port Director the proof of filing citation, exemption or exclusion legends for each shipment, prior to departure of the vessel, aircraft, train, truck or other means of conveyance.

(5) Penalties. Failure of the carrier to file a manifest as required constitutes a violation of the regulations in this part and renders such carrier subject to the penalties provided for in Subpart H of this part.

(b) Partially exported shipments. Except as provided in paragraph (c) of this section, when a carrier identifies, prior to filing the manifest, that a portion of the goods covered by a single EEI transaction has not been exported on the intended carrier, it shall be noted on the manifest submitted to CBP. The carrier shall notify the USPPI or the authorized agent of changes to the commodity data, and the USPPI or the authorized agent shall electronically transmit the corrections, cancellations, or amendments as soon as they are known in accordance with §30.9. Failure by the carrier to correct the manifest constitutes a violation of the provisions of the regulations in this part and renders the carrier subject to the penalties provided for in Subpart H of this part.

(c) Split shipments. When a shipment is divided by the carrier and is covered by a single EEI transmission, the split shipment procedure provided in §30.28 shall be followed by the carrier

in delivering manifests with the proof of filing citation or exemption legend to the CBP Port Director.

(d) Attachment of commercial documents. The manifest shall carry a notation that values stated are as presented on the bills of lading, cargo lists, export shipping documents or other commercial documents. The bills of lading, cargo lists, export shipping documents or other commercial documents shall be securely attached to the manifest in such a manner as to constitute one document and otherwise comply with CBP regulations.

(e) Exempt items. For any item for which EEI is not required by the regulations in this part, a notation on the manifest shall be made by the carrier as to the basis for the exemption. In cases where a manifest is not required and EEI is not required, an oral declaration to CBP Port Director shall be made as to the basis for the exemption.

(f) Proof of filing citations and exemption legends.

(1) Except as noted in 30.4(b)(2), ocean, rail, truck and air exporting carriers shall not load cargo that does not have all proof of filing citations, exemption, exclusion legends, or postdeparture citations as provided for in Appendix D.

(2) Except as noted in 30.4(b)(2), ocean, rail, truck and air exporting carriers are subject to the penalties provided for in Subpart H of this part if the exporting carrier;

(i) Accepts paper SEDs for cargo or,

(ii) Loads cargo without all proof of filing citations, exemption or exclusion legends as provided for in Appendix D.

§30.46 Requirements for the filing of export information by pipeline carriers.

The operator of a pipeline may transport goods to a foreign country without the prior filing of the proof of filing citations, exemption, or exclusion legends, on the condition that within four calendar days following the end of each calendar month the operator will deliver to CBP Port Director the proof of filing citations, exemption, or exclusion legends covering all exports through the pipeline to each consignee during the month.

§30.47 Clearance or departure of carriers under bond on incomplete manifest.

(a) For purposes of the regulations in this part, except when carriers are transporting merchandise from the United States to Puerto Rico, clearance or permission to depart may be granted to any carrier by a CBP Port Director prior to filing of a complete manifest as required under the CBP regulations or prior to filing by the carrier of all required filing citations, exclusion and/or exemption legends, provided there is a bond as specified in 19 CFR 4.75, 4.76, and 122.74. The conditions of the bond shall be that a complete manifest, where a manifest is required by the regulations in this part and all required filing citations, exclusion and/or exemption legends shall be filed by the carrier in accordance with all applicable requirements under CBP regulations.

(1) For manifests submitted electronically through the AES, the condition of the bond shall be that the manifest and all required filing citations, exclusion, and/or exemption legends shall be completed in accordance with all applicable requirements under CBP regulations.

(2) For rail carriers to Canada, the conditions of the bond shall be that the manifest and all filing citations, exclusion, and/or exemption legends shall be filed with CBP in accordance with all applicable requirements under CBP regulations.

(3) For carriers under bond on incomplete manifest, upon request, a list of filing citations, exclusion, and/or exemption legends must be presented to a CBP Export Control Officer at the port of export prior to departure by the carrier.

(b) In the event that any required manifest and all required filing citations, exclusion and/or exemption legends are not filed by the carrier within the period provided by the bond, then a penalty of $1,100 shall be exacted for each day's delinquency beyond the prescribed period, but not more than $10,000 per violation.

(c) Remission or mitigation of the penalties for manifest violations provided herein may be granted by CBP as the Administering Authority. Prior disclosure of a manifest violation of this section shall be made in writing to CBP Port Director in the port of export as the Administering Authority.

§§30.48 - 30.49 [Reserved]

Subpart F – Import Requirements

§30.50 General requirements for filing import entries.

Electronic entry summary filing through the ABI, paper import entry summaries (CBP-7501), or paper record of vessel foreign repair or equipment purchase (CBP-226) shall be completed by the importer or its licensed import broker and filed directly with CBP in accordance with 19 CFR. Information on all mail and informal entries required for statistical and CBP purposes shall be reported, including value not subject to duty. Upon request, the importer or import broker shall provide the Census Bureau with information or documentation necessary to verify the accuracy of the reported information, or to resolve problems regarding the reported import transaction received by the Census Bureau.

(a) Import information for statistical purposes shall be filed for goods shipped as follows:

(1) Entering the United States from foreign countries.

(2) Admitted to U.S. FTZs.

(3) From the U.S. Virgin Islands.

(4) From other nonforeign areas (except Puerto Rico).

(b) Sources for collecting import statistics include the following:

(1) CBP's ABI Program (see 19 CFR Subpart A, Part 143).

(2) CBP-7501 paper entry summaries required for individual transactions (see 19 CFR Subpart B, Part 142).

(3) CBP-226, Record of Vessel Foreign Repair or Equipment Purchase (see 19 CFR 4.7 and 4.14).

(4) CBP-214, Application for Foreign Trade Zone Admission and/or Status Designation (Statistical copy).

(5) Electronic CBP Form 214 Admissions (e214).

(c) The Kimberley Process Certificates must be faxed prior to exportation to the Census Bureau on (800) 457-7328 or provided by other methods as permitted by the Census Bureau.

§30.51 Statistical information required for import entries.

The information required for statistical purposes is, in most cases, also required by CBP regulations for other purposes. Refer to CBP Web site at <www.cbp.gov/> to download "Instructions for Preparation of CBP-7501," for completing the paper entry summary

documentation (CBP-7501). Refer to the Customs and Trade Automated Interface Requirements for instructions on submitting an ABI electronic record, or instructions for completing CBP-226 for declaring any equipment, repair parts, materials purchased, or expense for repairs incurred outside of the United States.

§30.52 Foreign Trade Zones (FTZ).
When goods are withdrawn from a FTZ for export to a foreign country, the export shall be reported in accordance with §30.2. Foreign goods admitted into FTZs shall be reported as a general import. Statistical requirements for zone admissions are provided to the Census Bureau via CBP's Automated Broker Interface (ABI) electronic 214 (e214) program or the CBP Form 214A Application for Foreign Trade Zone Admission and/or Status Designation. Refer to CBP Web site at <www.cbp.gov/> to download "Foreign Trade Zone Manual" where instructions for completing the paper CBP Form 214A documents are provided in Appendix C. When goods are withdrawn for domestic consumption or entry into a bonded warehouse, the withdrawal shall be reported on CBP 7501 or through the ABI in accordance with CBP regulations. The instructions and definitions for completing the e214 are provided in 19 CFR 146. The following data items are required to be filed on the 214A, for statistical purposes:
(a) Zone Number and Location (Address)
(b) Port Code
(c) Importing Vessel and Flag/Other Carrier
(d) Export Date
(e) Import Date
(f) Zone Admission Number
(g) U.S. Port of Unlading
(h) In-bond Carrier
(i) Foreign Port of Lading
(j) Bill of Lading/ AWB Number
(k) Number of Packages & Country of Origin
(l) Description of Merchandise
(m) HTSUSA Number
(n) Quantity (HTSUSA)
(o) Gross Weight
(p) Separate Value and Aggregate Charges
(q) Status Designation

§30.53 Import of goods returned for repair.
Import entries covering U.S. goods imported temporarily for repair or alteration and reexport are required to show the following statement: "Imported for Repair and Reexport" on CBP-7501 or in the ABI entry. Whenever goods are returned to the United States after undergoing either repair, alteration, or assembly under HTS heading 9802, the country of origin shall be shown as the country in which the repair, alteration, or assembly is performed. When the goods are for reexport and meet all of the requirements for filing the EEI, file according to the instructions provided in §30.2, except for the following data items:
(a) Value. Report the value of the repairs, including parts and labor. Do not report the value of the original product. If goods are repaired under warranty, at no charge to the customer, report the cost to repair as if the customer were being charged.

(b) Schedule B Classification Code. Report Schedule B commodity classification code 9801.10.0000 for goods reexported after repair.

§30.54 Special provisions for imports from Canada.

(a) When certain softwood lumber products described under HTSUSA subheadings 4407.1001, 4409.1010, 4409.1090, and 4409.1020 are imported from Canada, import entry records are required to show a valid Canadian region of manufacture code. The Canadian region of manufacture is determined on a first mill basis (the point at which the item was first manufactured into a covered lumber product). Canadian region of manufacture is the first region where the subject goods underwent a change in tariff classification to the tariff classes cited in this paragraph. The Canadian region code should be transmitted in the electronic ABI summaries. The Canadian region of manufacture code should replace the region of origin code on CBP-7501, entry summary form. These requirements apply only for imports of certain softwood lumber products for which the region of origin is Canada.

(b) All other imports from Canada, including certain softwood lumber products not covered in paragraph (a) of this section, will require the two letter designation of the Canadian province of origin to be reported on U.S. entry summary records. This information is required only for U.S. imports that under applicable CBP rules of origin are determined to originate in Canada. For nonmanufactured goods determined to be of Canadian origin, the province of origin is defined as the region where the exported goods were originally grown, mined, or otherwise produced. For goods of Canadian origin that are manufactured or assembled in Canada, with the exception of the certain softwood lumber products described in paragraph (a) of this section, the region of origin is that in which the final manufacture or assembly is performed prior to exporting that good to the United States. In cases where the region in which the goods were manufactured, assembled, grown, mined, or otherwise produced is unknown, the province in which the Canadian vendor is located can be reported. For those reporting on paper forms the region of origin code replaces the country of origin code on CBP Form 7501, entry summary form.

(c) All electronic ABI entry summaries for imports originating in Canada also require the Canadian region of origin code to be transmitted for each entry summary line item.

(d) The region of origin code replaces the region of origin code only for imports that have been determined, under applicable CBP rules, to originate in Canada. Valid Canadian region/territory codes are:

XA—Alberta
XB—New Brunswick
XD—British Columbia Coastal
XE—British Columbia Interior
XM—Manitoba
XN—Nova Scotia
XO—Ontario
XP—Prince Edward Island
XQ—Quebec
XS—Saskatchewan
XT—Northwest Territories
XV—Nunavut
XW—Newfoundland

XY—Yukon

§30.55 Confidential information, import entries, and withdrawals.

The contents of the statistical copies of import entries and withdrawals on file with the Census Bureau are treated as confidential and will not be released without authorization by CBP, in accordance with 19 CFR 103.5 relating to the copies on file in CBP offices. The importer or import broker must provide the Census Bureau with information or documentation necessary to verify the accuracy or resolve problems regarding the reported import transaction.

(a) The basic responsibility for obtaining and providing the information required by the general statistical headnotes of the HTSUSA rests with the person filing the import entry. This is provided for in section 484(a) of the Tariff Act, 19 CFR 141.61(e) of CBP regulations, and §30.50 of this subpart. CBP Regulations 19 CFR 141.61(a) specify that the entry summary data clearly set forth all information required.

(b) 19 CFR 141.61(e) of CBP regulations provides that penalty procedures relating to erroneous statistical information shall not be invoked against any person who attempts to comply with the statistical requirements of the General Statistical Notes of the HTSUSA. However, in those instances where there is evidence that statistical suffixes are misstated to avoid quota action, or a misstatement of facts is made to avoid import controls or restrictions related to specific commodities, the importer or its licensed broker should be aware that the appropriate actions will be taken under 19 U.S.C. 1592, as amended.

§§30.56 - 30.59 [Reserved]

Subpart G – General Administrative Provisions

§30.60 Confidentiality of Electronic Export Information.

(a) The Electronic Export Information (EEI) collected and accessed by the Census Bureau under 15 CFR Part 30 is confidential, to be used solely for official purposes as authorized by the Secretary of Commerce. The collection of EEI by the Department of Commerce has been approved by the Office of Management and Budget (OMB). The information collected is used by the Census Bureau for statistical purposes. In addition, EEI is used by federal government agencies, such as the Department of State, Immigration and Customs Enforcement, and Customs and Border Protection (CBP) for export control; by other federal government agencies such as the Bureau of Economic Analysis, Bureau of Labor Statistics, and Bureau of Transportation Statistics for statistical purposes; and by other federal agencies as authorized by the Secretary of Commerce or the Census Bureau Director consistent with the agencies' statutory or legal authorities as provided for in paragraph (e) of this section. Absent such authorization, information collected pursuant to this Part shall not be disclosed to anyone by any officer, employee, contractor, agent of the federal government or other parties with access to the EEI other than to the USPPI or the authorized agent of the USPPI. Such disclosure shall be limited to that information provided by each party pursuant to this Part.

(b) Viewing and using EEI for official purposes.

(1) The EEI may be viewed and used by federal agencies authorized to use export data for official purposes as defined to include, but not limited to:

(i) Improving compliance with U.S. export laws and regulations;

(ii) Detecting and preventing violations of export, census, customs, homeland security, national resource and other laws, regulations and treaties;
(iii) Analysis to assess threats to U.S. and international security such as money laundering, and other potential violations of U.S. and foreign criminal laws;
(iv) Enforcement of U.S. export-related laws and regulations;
(v) Investigation and prosecution of possible violations of U.S. export-related laws and regulations;
(vi) Proof of export for enforcement of laws relating to exemption from or refund, drawback or other return of taxes, duties, fees or other charges;
(vii) Analyzing the impact of proposed and implemented trade agreements and fulfilling U.S. obligations under such agreements; and
(viii) Preparation of statistics.

(2) The Census Bureau may provide the EEI to the USPPI or authorized agent, for compliance and audit purposes. Such disclosure shall be limited to that information provided to the AES by the USPPI or the authorized agent.

(c) Supplying EEI for nonofficial purposes. The official report of the EEI submitted to the U.S. government shall not be disclosed by the USPPI, the authorized agent, or representative of the USPPI for "nonofficial purposes," either in whole or in part, or in any form including but not limited to electronic transmission, paper printout, or certified reproduction. "Nonofficial purposes" are defined to include but not limited to providing the official EEI:

(1) In support of claims for exemption from Federal or state taxation, except as related to paragraph (b)(1)(vi) of this section;
(2) To the U.S. Internal Revenue Service for purposes not related to export control or compliance;
(3) To state and local government agencies, and nongovernmental entities or individuals for any purpose; and
(4) To foreign entities or foreign governments for any purpose.

(d) Ocean manifest data can be made public under provision of CBP regulations. For information appearing on the outward manifest, 19 CFR 103.31 allows a shipper (or their authorized employee or official) to submit a certification for confidential treatment of the shipper's name and address.

(e) Determination by the Secretary of Commerce. Under 13 U.S.C. 301(g), the EEI collected and accessed by the Census Bureau is exempt from public disclosure unless the Secretary or delegate determines that such exemption would be contrary to the national interest. The Secretary or delegate may make such information available, if he or she determines it is in the national interest, taking such safeguards and precautions to limit dissemination as deemed appropriate under the circumstances. In determining whether it is contrary to the national interest to apply the exemption, the maintenance of confidentiality and national security shall be considered as important elements of national interest. The unauthorized disclosure of confidential EEI granted under a National Interest Determination renders such persons subject to the civil penalties provided for in Subpart H of this part.

(f) Penalties. Disclosure of confidential EEI by any officer, employee, contractor, or agent of the federal government, except as provided for in paragraphs (b) and (e) of this section renders such persons subject to the civil penalties.

§30.61 Statistical classification schedules.

The following statistical classification schedules are referenced in this part. These schedules, may be accessed through the Census Bureau's Web site at <www.census.gov/trade>.

(a) Schedule B – Statistical Classification for Domestic and Foreign Commodities Exported from the United States, shows the detailed commodity classification requirements and 10-digit statistical reporting numbers to be used in preparing EEI, as required by these regulations.

(b) Harmonized Tariff Schedules of the United States Annotated for Statistical Reporting, shows the 10-digit statistical reporting number to be used in preparing import entries and withdrawal forms.

(c) Schedule C – Classification of Country and Territory Designations for U.S. Foreign Trade Statistics.

(d) Schedule D – Classification of CBP Districts and Ports.

(e) Schedule K – Classification of Foreign Ports by Geographic Trade Area and Country.

(f) International Air Transport Association (IATA) - Code of the carrier for air shipments. These are the air carrier codes to be used in reporting EEI, as required by the regulations in this part.

(g) Standard Carrier Alpha Code (SCAC) - Classification of the carrier for vessel, rail and truck shipments, showing the carrier codes necessary to prepare EEI, as required by the regulations in this part.

§30.62 Emergency exceptions.

The Census Bureau and CBP may jointly authorize the postponement of or exception to the requirements of the regulations in this Part as warranted by the circumstances in individual cases of emergency where strict enforcement of the regulations would create a hardship. In cases where export control requirements also are involved, the concurrence of the regulatory agency and CBP also will be obtained.

§30.63 Office of Management and Budget control numbers assigned pursuant to the Paperwork Reduction Act.

(a) Purpose. This subpart will comply with the requirements of the Paperwork Reduction Act (PRA), 44 U.S.C. 3507(f), which requires that agencies display a current control number assigned by the Director of OMB for each agency information collection requirement.

(b) Display.

15 CFR section where identified and described	Current OMB control no.
§§30.1 through 30.99…….	0607-0152

§§30.64 - 30.69 [Reserved]

Subpart H - Penalties

§30.70 Violation of the Clean Diamond Trade Act.

Public Law 108-19, the Clean Diamond Trade Act (the Act), section 8(c), authorizes CBP and ICE, as appropriate, to enforce the laws and regulations governing exports of rough diamonds, including those with respect to the validation of the Kimberley Process Certificate by the

exporting authority. The Treasury Department's OFAC also has enforcement authority pursuant to section 5(a) of the Act, Executive Order 13312, and Rough Diamonds Control Regulations (31 CFR 592). CBP, ICE, and the OFAC, pursuant to section 5(a) of the Act, are further authorized to enforce provisions of section 8(a) of the Act, that provide for the following civil and criminal penalties:

(a) Civil penalties. A civil penalty not to exceed $10,000 may be imposed on any person who violates, or attempts to violate, any order or regulation issued under the Act.

(b) Criminal penalties. For the willful violation or attempted violation of any license, order, or regulation issued under the Act, a fine not to exceed $50,000, shall be imposed upon conviction or;

(1) If a natural person, imprisoned for not more than ten years, or both;

(2) If an officer, director, or agent of any corporation, who willfully participates in such violation, imprisoned for not more than ten years, or both.

§30.71 False or fraudulent reporting on or misuse of the Automated Export System.

(a) Criminal penalties.

(1) Failure to file; submission of false or misleading information. Any person, including USPPIs, authorized agents or carriers, who knowingly fails to file or knowingly submits, directly or indirectly, to the U.S. Government, false or misleading export information through the AES, shall be subject to a fine not to exceed $10,000 or imprisonment for not more than five years, or both, for each violation.

(2) Furtherance of illegal activities. Any person, including USPPIs, authorized agents or carriers, who knowingly reports, directly or indirectly, to the U.S. Government any information through or otherwise uses the AES to further any illegal activity shall be subject to a fine not to exceed $10,000 or imprisonment for not more than five years, or both, for each violation.

(3) Forfeiture penalties. Any person who is convicted under this subpart shall, in addition to any other penalty, be subject to forfeiting to the United States:

(i) Any of that person's interest in, security of, claim against, or property or contractual rights of any kind in the goods or tangible items that were the subject of the violation.

(ii) Any of that person's interest in, security of, claim against, or property or contractual rights of any kind in tangible property that was used in the export or attempt to export that was the subject of the violation.

(iii) Any of that person's property constituting, or derived from, any proceeds obtained directly or indirectly as a result of this violation.

(4) Exemption. The criminal fines provided for in this subpart are exempt from the provisions of 18 U.S.C. 3571.

(b) Civil penalties.

(1) Failure to file violations. A failure to file violation occurs if the government discovers that there is no AES record for an export transaction by the applicable period prescribed in §30.4 of this part. Any AES record filed later than ten (10) calendar days after the due date will also be considered a failure to file regardless of whether the violation was or was not discovered by the government. A civil penalty not to exceed $10,000 may be imposed for a failure to file violation.

(2) Late filing violations. A late filing violation occurs when an AES record is filed after the applicable period prescribed in §30.4 of this part. A civil penalty not to exceed $1,100 for each day of delinquency, but not more than $10,000 per violation, may be imposed for failure to file timely export information or reports in connection with the exportation or transportation of cargo. (See 19 CFR 192)

(3) Filing false/misleading information, furtherance of illegal activities and penalties for other violations. A civil penalty not to exceed $10,000 per violation may be imposed for each violation of provisions of this part other than any violation encompassed by paragraph (b)(1) or (b)(2) of this section. Such penalty may be in addition to any other penalty imposed by law.

(4) Forfeiture penalties. In addition to any other civil penalties specified in this section, any property involved in a violation may be subject to forfeiture under applicable law.

Note to Paragraph (b): The Civil Monetary Penalties; Adjustment for Inflation Final Rule effective December 14, 2004, adjusted the penalty in Title 13, Chapter 9, Section 304, United States Code from $1,000 to $10,000 to $1,100 to $10,000.

§30.72 Civil penalty procedures.

(a) General. Whenever a civil penalty is sought for a violation of this part, the charged party is entitled to receive a formal complaint specifying the charges and, at his or her request, to contest the charges in a hearing before an administrative law judge. Any such hearing shall be conducted in accordance with 5 U.S.C. 556 and 557.

(b) Applicable law for delegated function. If, pursuant to 13 U.S.C. 306, the Secretary delegates functions addressed in this part to another agency, the provisions of law of that agency relating to penalty assessment, remission or mitigation of such penalties, collection of such penalties, and limitations of action and compromise of claims shall apply.

(c) Commencement of civil actions. If any person fails to pay a civil penalty imposed under this subpart, the Secretary may request the Attorney General to commence a civil action in an appropriate district court of the United States to recover the amount imposed (plus interest at currently prevailing rates from the date of the final order). No such action may be commenced more than five years after the date the order imposing the civil penalty becomes final. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

(d) Remission and mitigation. Any penalties imposed under §30.71(b)(1) and (b)(2) may be remitted or mitigated, if:

(1) The penalties were incurred without willful negligence or fraud; or

(2) Other circumstances exist that justify a remission or mitigation.

(e) Deposit of payments in General Fund of the Treasury. Any amount paid in satisfaction of a civil penalty imposed under this subpart shall be deposited into the general fund of the Treasury and credited as miscellaneous receipts, other than a payment to remit a forfeiture which shall be deposited into the Treasury Forfeiture fund.

§30.73 Enforcement.

(a) Department of Commerce. The BIS's OEE may conduct investigations pursuant to this part. In conducting investigations, BIS may, to the extent necessary or appropriate to the enforcement of this part, exercise such authorities as are conferred upon BIS by other laws of

the United States, subject, as appropriate, to policies and procedures approved by the Attorney General.

(b) Department of Homeland Security (DHS). ICE and CBP may enforce the provisions of this part and ICE, as assisted by CBP may conduct investigations under this part.

§30.74 Voluntary self-disclosure.

(a) General policy. The Census Bureau strongly encourages disclosure of any violation or suspected violation of the FTR. Voluntary self-disclosure is a mitigating factor in determining what administrative sanctions, if any, will be sought. The Secretary of Commerce has delegated all enforcement authority under 13 U.S.C. Chapter 9, to the BIS and the DHS.

(b) Limitations.

(1) The provisions of this section apply only when information is provided to the Census Bureau for its review in determining whether to seek administrative action for violations of the FTR.

(2) The provisions of this section apply only when information is received by the Census Bureau 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.

(3) While voluntary self-disclosure is a mitigating factor in determining what corrective actions will be required by the Census Bureau and/or whether the violation will be referred to the BIS to determine what administrative sanctions, if any, will be sought, it is a factor that is considered together with all other factors in a case. The weight given to voluntary self-disclosure is within the discretion of the Census Bureau and the BIS, and the mitigating effect of voluntary self-disclosure may be outweighed by aggravating factors. Voluntary self-disclosure does not prevent transactions from being referred to the Department of Justice (DOJ) for criminal prosecution. In such a case, the BIS or the DHS would notify the DOJ of the voluntary self-disclosure, but the consideration of that factor is within the discretion of the DOJ.

(4) Any person, including USPPIs, authorized agents, or carriers, will not be deemed to have made a voluntary self-disclosure under this section unless the individual making the disclosure did so with the full knowledge and authorization of senior management.

(5) The provisions of this section do not, nor should they be relied on to, create, confer, or grant any rights, benefits, privileges, or protection enforceable at law or in equity by any person, business, or entity in any civil, criminal, administrative, or other matter.

(c) Information to be provided**.**

(1) General. Any person disclosing information that constitutes a voluntary self-disclosure should, in the manner outlined below, if a violation is suspected or a violation is discovered, conduct a thorough review of all export transactions for the past five years where violations of the FTR are suspected and notify the Census Bureau as soon as possible.

(2) Initial notification.

(i) The initial notification must be in writing and be sent to the address in paragraph (c)(5) of this section. The notification must include the name of the person making the disclosure and a brief description of the suspected violations. The notification should describe the general nature, circumstances, and extent of the violations. If the person making the disclosure subsequently completes the narrative account required by paragraph (c)(3) of this section, the disclosure will be deemed to have been made on the date of the initial notification for purposes of paragraph (b)(2) of this section.

(ii) Disclosure of suspected violations that involve export of items controlled, licensed, or otherwise subject to the jurisdiction by a department or agency of the federal government should be made to the appropriate federal department or agency.

(3) Narrative account. After the initial notification, a thorough review should be conducted of all export transactions where possible violations of the FTR are suspected. The Census Bureau recommends that the review cover a period of five years prior to the date of the initial notification. If the review goes back less than five years, there is a risk that violations may not be discovered that later could become the subject of an investigation. Any violations not voluntarily disclosed do not receive consideration under this section. However, the failure to make such disclosures will not be treated as a separate violation unless some other section of the FTR or other provision of law requires disclosure. Upon completion of the review, the Census Bureau should be furnished with a narrative account that sufficiently describes the suspected violations so that their nature and gravity can be assessed. The narrative account should also describe the nature of the review conducted and measures that may have been taken to minimize the likelihood that violations will occur in the future. The narrative account should include:

(i) The kind of violation involved, for example, failure to file EEI, failure to correct fatal errors, failure to file timely corrections;

(ii) Describe all data required to be reported under the FTR that was either not reported or reported incorrectly;

(iii) An explanation of when and how the violations occurred;

(iv) The complete identities and addresses of all individuals and organizations, whether foreign or domestic, involved in the activities giving rise to the violations;

(v) A description of any mitigating circumstances;

(vi) Corrective measures taken; and

(vii) ITNs of the missed and/ or corrected shipments.

(4) Electronic Export Information. Report all data required under the FTR that was not reported. Report corrections for all data reported incorrectly. All reporting of unreported data or corrections to previously reported data shall be made through the AES.

(5) Where to make voluntary self-disclosures. With the exception of voluntary disclosures of manifest violations under §30.47(c), the information constituting a Voluntary Self-Disclosure or any other correspondence pertaining to a Voluntary Self-Disclosure may be submitted to: Chief, Foreign Trade Division, U.S. Census

Bureau, Room 6K032, Washington, DC 20233-6700, or by fax on (301) 763-8835. Additional instructions are found at <www.census.gov/trade>.

(d) Action by the Census Bureau. After the Census Bureau has been provided with the required narrative, it will promptly notify CBP, ICE, and the OEE of the voluntary disclosure, acknowledge the disclosure by letter, provide the person making the disclosure with a point of contact, and take whatever additional action, including further investigation, it deems appropriate. As quickly as the facts and circumstances of a given case permit, the Census Bureau may take any of the following actions:

(1) Inform the person or company making the voluntary self-disclosure of the action to be taken.

(2) Issue a warning letter or letter setting forth corrective measures required.

(3) Refer the matter, if necessary, to the OEE for the appropriate action.

§§30.75 - 30.99 [Reserved]

Appendix A to Part 30–Sample for Power of Attorney and Written Authorization
SAMPLE FORMAT: Power of Attorney

POWER OF ATTORNEY
U.S. PRINCIPAL PARTY IN INTEREST/AUTHORIZED AGENT

Know all men by these presents, that_____, the

USPPI organized and doing business under the laws of the State or Country of _____ and having an office and place of business at_____hereby
(Address of USPPI)
authorizes_____, (Authorized Agent)
(Name of Authorized Agent)
of_____
(Address of Authorized Agent)
to act for and on its behalf as a true and lawful agent and attorney of the U.S. Principal Party in Interest (USPPI) for, and in the name, place, and stead of the USPPI, from this date, in the United States either in writing, electronically, or by other authorized means to: act as authorized agent for export control, U.S. Census Bureau (Census Bureau) reporting, and U.S. Customs and Border Protection (CBP) purposes. Also, to prepare and transmit any Electronic Export Information (EEI) or other documents or records required to be filed by the Census Bureau, CBP, the Bureau of Industry and Security, or any other U.S. Government agency, and perform any other act that may be required by law or regulation in connection with the exportation or transportation of any goods shipped or consigned by or to the USPPI, and to receive or ship any goods on behalf of the USPPI.

The USPPI hereby certifies that all statements and information contained in the documentation provided to the authorized agent and relating to exportation will be true and correct. Furthermore, the USPPI understands that civil and criminal penalties may be imposed for making false or fraudulent statements or for the violation of any United States laws or regulations on exportation.

This power of attorney is to remain in full force and effect until revocation in writing is duly given by the U.S. Principal Party in Interest and received by the Authorized Agent.

IN WITNESS WHEREOF, _____ caused these

presents to be sealed and signed:

Witness: _____ Signature:_____
Capacity: _____
Date:_____

Sample Written Authorization
SAMPLE FORMAT: Written Authorization

WRITTEN AUTHORIZATION TO PREPARE OR TRANSMIT ELECTRONIC EXPORT INFORMATION

I, _____, authorize
(Name of U.S. Principal Party in Interest)
_____ to act as authorized agent for
(Name of Authorized Agent)
export control, U.S. Customs, and Census Bureau purposes to transmit such export information electronically that may be required by law or regulation in connection with the exportation or transportation of any goods on behalf of said U.S. Principal Party in Interest. The U.S. Principal Party in Interest certifies that necessary and proper documentation to accurately transmit the information electronically is and will be provided to the said Authorized Agent. The U.S. Principal Party in Interest further understands that civil and criminal penalties may be imposed for making false or fraudulent statements or for the violation of any U.S. laws or regulations on exportation and agrees to be bound by all statements of said authorized agent based upon information or documentation provided by the U.S. Principal Party in Interest to said authorized agent.

Signature: _____
(U.S. Principal Party in Interest)
Capacity: _____
Date: _____

Appendix B to Part 30—AES Filing Codes

Part I--Method of Transportation Codes

10	Vessel
11	Vessel Containerized
12	Vessel (Barge)
20	Rail
21	Rail Containerized
30	Truck
31	Truck Containerized
32	Auto
33	Pedestrian
34	Road, Other
40	Air
41	Air Containerized
50	Mail
60	Passenger, Hand Carried
70	Fixed Transport (Pipeline and Powerhouse)

Part II--Export Information Codes

TP	Temporary exports of domestic merchandise
IP	Shipments of merchandise imported under a Temporary Import Bond for further manufacturing or processing
IR	Shipments of merchandise imported under a Temporary Import Bond for repair
CH	Shipments of goods donated for charity
FS	Foreign Military Sales
ZD	North American Free Trade Agreements (NAFTA) duty deferral shipments
OS	All other exports
HV	Shipments of personally owned vehicles
HH	Household and personal effects
TE	Temporary exports to be returned to the United States
TL	Merchandise leased for less than a year
IS	Shipments of merchandise imported under a Temporary Import Bond for return in the same condition
CR	Shipments moving under a carnet
GP	U.S. Government shipments

MS Shipments consigned to the U.S. Armed Forces
GS Shipments to U.S. Government agencies for their use
UG Gift parcels under Bureau of Industry and Security License Exception GFT
DD Other exemptions:
Currency
Airline tickets
Bank notes
Internal revenue stamps
State liquor stamps
Advertising literature
Shipments of temporary imports by foreign entities for their use
IW International water shipments
CI Impelled shipments of goods donated for relief or charity
FI Impelled Foreign Military Sales Program
OI All other exports (impelled)
(For Manifest Use Only by AES Carriers)
AE Shipment information filed through AES
(See §§30.50 through 30.58 for information on filing exemptions.)

Part III--License Codes

Department of Commerce, Bureau of Industry and Security (BIS), Licenses

C30	Licenses issued by BIS authorizing an export, reexport, or other regulated activity.
C31	SCL - Special Comprehensive License
C32	NLR - No License Required (controlled for other than or in addition to Anti-Terrorism)
C33	NLR - No License Required (All others, including Anti-Terrorism controls ONLY)
C35	LVS - Limited Value Shipments
C36	GBS - Shipments to B Countries
C37	CIV - Civil End Users
C38	TSR - Restricted Technology and Software
C39	CTP - Computers
C40	TMP - Temporary Imports, Exports, and Re-exports
C41	RPL - Servicing and Replacement of Parts and Equipment
C42	GOV - Government and International Organizations
C43	GFT - Gift Parcels and Humanitarian Donations
C44	TSU - Technology and Software - Unrestricted
C45	BAG - Baggage
C46	AVS - Aircraft and Vessels (AES not required)
C49	TAPS - Trans-Alaska Pipeline Authorization Act
C50	ENC - Encryption Commodities and Software
C51	AGR - License Exception Agricultural Commodities
C53	APP - Adjusted Peak Performance (Computers)

C54 SS-WRC - Western Red Cedar
C55 SS-Sample - Crude Oil Samples
C56 SS-SPR - Strategic Petroleum Reserves
C57 VEU - Validated End User Authorization
C58 CCD - Consumer Communication Devices
C59 STA- Strategic Trade Authorization

Department of Energy/ National Nuclear Security Administration (DOE/NNSA) Codes

E01 DOE/NNSA

Nuclear Regulatory Commission (NRC) Codes

N01 NRC Form 250/250A - NRC Form 250/250A
N02 NRC General License - NRC 'General' Export License

Department of State, Directorate of Defense Trade Controls (DDTC) Codes

SAG Agreements
SCA Canadian ITAR Exemption
S00 License Exemption Citation
S05 DSP-5 - Permanent export of unclassified defense articles and services
S61 DSP-61 - Temporary import of unclassified articles
S73 DSP-73 - Temporary export of unclassified articles
S85 DSP-85 - Temporary or permanent import or export of classified articles
S94 DSP-94 - Foreign Military Sales

Department of Treasury, Office of Foreign Assets Control (OFAC) Codes

T10 OFAC Specific License
T11 OFAC General License
T12 Kimberley Process Certificate Number

Other License Types

OPA Other Partnership Agency License

For export license exemptions under International Traffic in Arms Regulations, refer to 22 CFR120-130 of the ITAR for the list of export license exemptions.

Part IV--In-Bond Codes

70 Not In Bond
36 Warehouse Withdrawal for Immediate Exportation
37 Warehouse Withdrawal for Transportation and Exportation

67 Immediate Exportation from a Foreign Trade Zone
68 Transportation and Exportation from a Foreign Trade Zone

Appendix C to Part 30—Summary of Exemptions and Exclusions from EEI Filing

A. Except as noted in §30.2 (a)(1)(iv), filing EEI is not required for the following types of shipments:

1. Exemption for shipments destined to Canada (§30.36).
2. Valued $2,500 or less per Schedule B/HTSUSA classification for commodities shipped from one USPPI to one consignee on a single carrier (§30.37(a)).
3. Tools of the trade and their containers that are usual and reasonable kinds and quantities of commodities and software intended for use by individual USPPIs or by employees or representatives of the exporting company in furthering the enterprises and undertakings of the USPPI abroad (§30.37(b)).
4. Shipments from one point in the United States to another point in the United States by routes passing through Canada or Mexico (§30.37(c)).
5. Shipments from one point in Canada or Mexico to another point in the same country by routes through the United States (§30.37(d)).
6. Exports of technology and software as defined in 15 CFR 772 of the EAR that do not require an export license. However, EEI is required for mass-market software (§30.37(f)).
7. Shipments of books, maps, charts, pamphlets, and similar articles to foreign libraries, government establishments, or similar institutions (§30.37(g)).
8. Shipments as authorized under License Exception GFT for gift parcels and humanitarian donations (15 CFR §740.12(a) and (b)); §30.37(h).
9. Diplomatic pouches and their contents (§30.37(i)).
10. Human remains and accompanying appropriate receptacles and flowers (§30.37(j)).
11. Shipments of interplant correspondence, executed invoices and other documents, and other shipments of company business records from a U.S. firm to its subsidiary or affiliate. This excludes highly technical plans, correspondence, etc. that could be licensed (§30.37(k)).
12. Shipments of pets as baggage (§30.37(l)).
13. Carrier's stores, not shipped under a bill of lading or an air waybill, supplies and equipment, including usual and reasonable kinds and quantities of bunker fuel, deck engine and steward department stores, provisions and supplies, medicinal and surgical supplies, food stores, slop chest articles, and saloon stores or supplies for use or consumption on board and not intended for unlading in a foreign country (§30.37(m)).
14. Dunnage not shipped under a bill of lading or an air waybill, of usual and reasonable kinds and quantities not intended for unlading in a foreign country (§30.37(n)).

15. Shipments of aircraft parts and equipment; food, saloon, slop chest, and related stores; and provisions and supplies for use on aircraft by a U.S. airline. (EAR license exception (AVS) for aircraft and vessels 15 CFR 740.15(c); §30.37(o)).
16. Baggage and personal effects, accompanied or unaccompanied, of persons leaving the United States including members of crews on vessels and aircraft, when they are not shipped as cargo under a bill of lading or an air waybill or other commercial loading documents and do not require an export license (§30.37(p)).
17. Issued banknotes and securities and coins in circulation exported as evidence of financial claims. The EEI must be filed for unissued bank notes and securities and coins not in circulation (such as bank notes printed in the United States and exported in fulfillment of the printing contract or as part of collections), which should be reported at their commercial or current value (§30.37(s)).
18. Documents used in international transactions, documents moving out of the United States to facilitate international transactions including airline tickets, internal revenue stamps, liquor stamps, and advertising literature. Export of such documents in fulfillment of a contract for their production, however, are not exempt and must be reported at the transaction value for their production (§30.37(t)).
19. Exports of technical data and defense service exemptions as defined in 22 CFR 123.22(b)(3)(iii) of the ITAR (§30.37(u)).
20. Vessels, locomotives, aircraft, rail cars, trucks, other vehicles, trailers, pallets, cargo vans, lift vans, or similar shipping containers not considered "shipped" in terms of the regulations in this part, when they are moving, either loaded or empty, without transfer of ownership or title, in their capacity as carriers of goods or as instruments of such carriers, and EEI filing is not required. (§30.37(v)).
21. Shipments to APO/DPO/ FPO (§30.37(w))
22. Shipments exported under license exception BAG (§30.37(x))
23. Certain shipments destined to Country Group E:1 (§30.37(y))

B. The following types of transactions are outside the scope of the FTR and shall be excluded from EEI filing:

1. Goods shipped under CBP bond through the United States, Puerto Rico, or the U.S. Virgin Islands from one foreign country or area to another where such goods do not enter the consumption channels of the United States.
2. Except Puerto Rico and U.S. Virgin Islands, goods shipped from the U.S. territories, and goods shipped between the United States and these territories do not require EEI filing. However, goods transiting U.S. territories to foreign destinations require EEI filing.
3. Electronic transmissions and intangible transfers. (See Subpart B of this part for export control requirements for these types of transactions.)
4. Goods shipped to Guantanamo Bay Naval Base in Cuba from the United States, Puerto Rico, or the U.S. Virgin Islands and from Guantanamo Bay Naval Base to the United States, Puerto Rico, or the U.S. Virgin Islands. (See §30.39 for filing requirements for shipments exported to the U.S. Armed Services.)
5. Goods licensed by a U.S. federal government agency where the country of ultimate destination is the United States or goods destined to international waters where the person(s) or entity assuming control of the item(s) is a citizen or permanent resident alien

of the United States or a juridical entity organized under the laws of the United States or a jurisdiction within the United States.

Appendix D to Part 30
AES Filing Citation and Exemption Legends

I. USML Proof of Filing Citation	AES ITN Example: AES X20100101987654
II. AES Proof of Filing Citation subpart A §30.7	AES ITN Example: AES X20100101987654
III. AES Postdeparture Citation- USPPI USPPI is filing the EEI	AESPOST USPPI EIN mm/dd/yyyy Example: AESPOST 12345678912 01/01/2010
IV. Postdeparture Citation–Agent Agent is filing the EEI	AESPOST USPPI EIN - Filer ID mm/dd/yyyy Example: AESPOST 12345678912 – 987654321 01/01/2010
V. AES Downtime Citation–Use only when AES or AES*Direct* is unavailable	AESDOWN Filer ID mm/dd/yyyy Example: AESDOWN 123456789 01/01/2010
VI. Exemption for Shipments to Canada	NOEEI §30.36
VII. Exemption for Low-Value Shipments	NOEEI §30.37(a)
VIII. Miscellaneous Exemption Statements are found in 15 CFR 30 Subpart D §30.37(b) through §30.37(y).	NOEEI §30.37 (site corresponding alphabet)
IX. Special Exemption for Shipments to the U.S. Armed Forces	NOEEI §30.39
X. Special Exemptions for Certain Shipments to U.S. Government Agencies and Employees (Exemption Statements are found in 15 CFR 30 Subpart D §30.40(a) through §30.40(d)	NOEEI §30.40 (site corresponding alphabet)
XI. Split Shipments Split Shipments should be referenced as such on the manifest in accordance with provisions contained in §30.28, Split Shipments. The notation should be easily identifiable on the manifest. It is preferable to include a reference to a split shipment in the exemption statements cited in the example, the notation SS should be included at the end of the appropriate exemption statement.	AES ITN SS Example: AES X20100101987654 SS
XII. Proof of filing citations by pipeline	NOEEI §30.8(b)

Appendix E to Part 30—FTSR to FTR Concordance

FTSR	FTSR Regulatory Topic	FTR	FTR Regulatory Topic
Subpart A---General Requirements—USPPI			
30.1	General statement of requirement for Shipper's Export Declarations (SEDs)	30.2	General requirements for filing Electronic Export Information (EEI)
30.1(a)	General requirements for filing SEDs		General requirements for filing EEI
30.1(b)	General requirements for reporting regarding method of transportation		NA
30.1(c)	AES as an alternative to SED reporting		NA
30.1(d)	Electronic transmissions and intangible transfers	30.2 (d)(3)	Exclusions from filing EEI
30.2	Related export control requirements	30.15	Export control and licensing requirements introduction
		30.16	EAR requirements for export information on shipments from U.S. Possessions to foreign destinations or areas
		30.17	Customs and Border Protection Regulations
30.3	Shipper's Export Declaration forms		NA
30.4	Preparation and signature of Shipper's Export Declarations (SED)	30.3	Electronic Export Information filer requirements, parties to export transactions, responsibilities of parties to export transactions

FTSR	FTSR Regulatory Topic	FTR	FTR Regulatory Topic
30.4(a)	General requirements (SED)	30.3(a)	General Requirements
		30.3(b)	Parties to the export transaction
30.4(b)	Responsibilities of parties in export transactions	30.3(c)	General responsibilities of parties in export transactions
		30.3(d)	Filer responsibilities
30.4(c)	Responsibilities of parties in a routed export transactions	30.3(e)	Responsibilities of parties in a routed export transaction
30.4(d)	Information on the Shipper's Export Declaration (SED) or Automated Export System (AES) record	30.3(a)	General requirements
30.4(e)	Authorizing a forwarding or other agent	30.3(f)	Authorizing an agent
30.4(f)	Format requirements for SEDs		NA
30.5	Number and copies of Shipper's Export Declaration required		NA
30.6	Requirements as to separate Shipper's Export Declarations		NA
30.7	Information required on Shipper's Export Declarations		NA
30.8	Additional information required on Shipper's Export Declaration for In-Transit Goods (ENG Form 7513)		NA
30.9	Requirements for separation and alignment of items on Shipper's Export Declarations		NA
30.10	Continuation sheets for Shipper's Export Declaration		NA
30.11	Authority to require production of document	30.10(b)	Authority to require production of documents

FTSR	FTSR Regulatory Topic	FTR	FTR Regulatory Topic
			and retaining electronic data
30.12	Time and place for presenting the SED, exemption legends or proof of filing citations	30.4	Electronic export information filing procedures, deadlines, and certification statements
		30.8	Time and place for presenting proof of filing citations, postdeparture filing citations, AES downtime citations, and exemption legends
30.15	Procedure for presentation of declarations covering shipments from an interior point		NA
30.16	Corrections to Shipper's Export Declarations	30.9	Transmitting and correcting Electronic Export Information
Subpart B–General Requirements – Exporting Carriers			
30.20	General statement of requirement for the filing of manifests...	30.45	General statement of requirements for the filing of carrier manifests with proof of filing citations.
30.20(a)	Carriers transporting merchandise from the United States, Puerto Rico, or U.S. territories to foreign countries	30.45(a)	Requirements for filing carrier manifest
30.20(b)	For carriers transporting merchandise from the United States to Puerto Rico	30.45(a)	Requirements for filing carrier manifest
30.20(c)	Except as otherwise specifically provided, declarations should not be filed at the place where the shipment originates	30.45(a)	Requirements for filing carrier manifest
30.20(d)	For purposes of these	30.1(c)	Definition used with EEI

FTSR	FTSR Regulatory Topic	FTR	FTR Regulatory Topic
	regulations, the port of exportation is defined as...		
30.21	Requirements for the filing of Manifests	30.45	General statement of requirements for the filing of carrier manifests with proof of filing citations for the electronic submission of export information or exemption legends when EEI is not required
30.21(a)	Vessel	30.45(a)(1)	Vessel
30.21(b)	Aircraft	30.45(a)(2)	Aircraft
30.21(c)	Rail Carrier	30.45(a)(3)	Rail Carrier
30.21(d)	Carriers not required to file manifests	30.45(a)(4)	Carriers not required to file manifests

FTSR	FTSR Regulatory Topic	FTR	FTR Regulatory Topic
30.22(a)	Requirements for the filing of SEDs or AES exemption legends and AES proof of filing citations by departing carriers	30.8	Time and place for presenting proof of filing citation, and exemption legends
30.22(b)	The exporting carrier shall be responsible for the accuracy of the following items of information		NA
30.22(c)	Except as provided in paragraph (d) of this section, when a transportation company finds, prior to the filing of declarations and manifest as provided in paragraph (a) of this section, that due to circumstances beyond the control of the transportation company or to inadvertence, a portion of the merchandise covered by an individual Shipper's Export Declaration has not been exported on the intended carrier		NA
30.22(d)	When a shipment by air covered by a single Shipper's Export Declaration is divided by the transportation company and exported in more than one aircraft of the transportation	30.45(c)	Split shipments
30.22(e)	Exporting carriers are authorized to amend incorrect shipping weights reported on Shipper's Export Declarations		NA

FTSR	FTSR Regulatory Topic	FTR	FTR Regulatory Topic
30.23	Requirements for the filing of Shipper's Export Declarations by pipeline carriers	30.46	Requirements for the filing of export information by pipeline carriers
30.24	Clearance or departure of carriers under bond on incomplete manifest on Shipper’s Export Declarations	30.47	Clearance or departure of carriers under bond on incomplete manifests
Subpart C–Special Provisions Applicable Under Particular Circumstances			
30.30	Values for certain types of transactions	30.25	Values for certain types of transactions
30.31	Identification of certain nonstatistical and other unusual transactions	30.29	Reporting of repairs and replacements
30.31(a)	Merchandise exported for repair only, and other temporary exports	30.29(a)	The return of goods previously imported for repair.
30.31(b)	The return of merchandise previously imported for repair only	30.29(b)	Goods that are covered under warranty and other temporary exports
30.31(c)	Shipments of material in connection with construction, maintenance, and related work being done on projects for the U.S. Armed Forces		NA
30.33	Vessels, planes, cargo vans, and other carriers and containers sold foreign	30.26	Reporting of vessels, aircraft, cargo vans, and other carriers and containers
30.34	Return of exported cargo to the United States prior to reaching its final destination	30.27	Return of exported cargo to the United States prior to reaching its final destination

FTSR	FTSR Regulatory Topic	FTR	FTR Regulatory Topic
30.37	Exceptions from the requirement for reporting complete commodity detail on the Shipper's Export Declaration	30.38	Exemption from the requirements for reporting complete commodity information
30.37(a)	Where it can be determined that particular types of U.S. Government shipments, or shipments for government projects, are of such nature that they should not be included in the export statistics	30.39	Special exemptions for shipments to the U.S. Armed Services. (Note, this section does not specifically address construction materials nor related work being done on projects)
30.37(b)	Special exemptions to specific portions of the requirements of §30.7 with respect to the reporting of detailed information		NA
30.39	Authorization for reporting statistical information other than by means of individual Shipper's Export Declarations filed for each shipment		NA
30.40	Single declaration for multiple consignees		NA
30.41	"Split shipments" by air	30.28	Split shipments
Subpart D—Exemptions from the requirements for the Filing of Shipper's Export Declarations			
30.50	Procedure for shipments exempt from the requirements for Shipper's Export Declarations	30.35	Procedure for shipments exempt from filing requirements
30.51	Government shipments not generally exempt	30.39	Special exemption for shipments to the U.S. Armed Services
30.52	Special exemptions for shipments to the U.S. Armed Services	30.39	Special exemptions for shipments to the U.S. Armed Services

FTSR	FTSR Regulatory Topic	FTR	FTR Regulatory Topic
30.53	Special exemptions for certain shipments to U.S. Government agencies and employees	30.40	Special exemptions for certain shipments to U.S. Government agencies and employees
30.53(e)	All commodities shipped to and for the exclusive use of the Panama Canal Zone Government or the Panama Canal Company		NA
30.55	Miscellaneous exemptions	30.37	Miscellaneous exemptions
30.55(a)	Diplomatic pouches and their contents	30.37(i)	Diplomatic pouches and their contents
30.55(b)	Human remains and accompanying appropriate receptacles and flowers	30.37(j)	Human remains and accompanying appropriate receptacles and flowers

FTSR	FTSR Regulatory Topic	FTR	FTR Regulatory Topic
30.55(c)	Shipments from one point in the United States to another thereof by routes passing through Mexico	30.37(c)	Shipments from one point in the United States to another point in the United States by routes passing through Canada or Mexico
30.55(d)	Shipments from one point in Mexico to another point thereof by routes through the United States	30.37(d)	Shipments from one point in Canada or Mexico to another point in the same country by routes through the United States
30.55(e)	Shipments, other than by vessel, or merchandise for which no validated export licenses are required, transported inbond through the United States, and exported from another U.S. port, or transshipped and exported directly from the port of arrival	30.2(d)(1)	Shipments, transported in-bond through the United States, and exported from another U.S. port, or transshipped and exported directly from the port of arrival
30.55(f)	Shipments to foreign libraries, government establishments, or similar institutions, as provided in §30.53(d)	30.37(g)	Shipments to foreign libraries, government establishments, or similar institutions, as provided in §30.40(d)
30.55(g)	Shipments of single gift parcels as authorized by the Bureau of Industry and Security under License Exception GFT, see 15 CFR 740.12 of the EAR	30.37(h)	Shipments authorized by License Exception GFT for gift parcels, humanitarian donations

FTSR	FTSR Regulatory Topic	FTR	FTR Regulatory Topic
30.55(h)	Except as noted in paragraph (h)(2) of this section, exports of commodities where the value of the commodities shipped from one exporter to one consignee on a single exporting carrier, classified under an individual Schedule B number, is $2,500 or less	30.37(a)	Except as noted in §30.2(a)(1)(iv), exports of commodities where the value of the commodities shipped USPPI to one consignee on a single exporting carrier, classified under an individual Schedule B or HTSUSA commodity classification code, is $2,500 or less
30.55(i)	Shipments of interplant correspondence, executed invoices, and other documents and other shipments of company business records from a U.S. firm to its subsidiary or affiliate	30.37(k)	Shipments of interplant correspondence, executed invoices, and other documents and other shipments of company business records from a U.S. firm to its subsidiary or affiliate
30.55(j)	Shipments of pets as baggage, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft	30.37(l)	Shipments of pets as baggage, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft

FTSR	FTSR Regulatory Topic	FTR	FTR Regulatory Topic
30.55(k)	Shipments for use in connection with NASA tracking systems under Office of Export Administration Project License DL-5355-S		NA
30.55(l)	Shipments of aircraft parts and equipment, and food, saloon, slop chest, and related stores, provisions, and supplies for use on aircraft by a U.S. airline to its own installations, aircraft, and agent aboard, under Department of Commerce, Office of Export Administration General License, RCS		NA
30.55(m)	Shipments for use in connection with NOAA operations under the Office of Export Administration General License G-NOAA		NA
30.55(n)	Exports of technology and software as defined in 15 CFR 772 of the EAR that do not require an export license	30.37(f)	Exports of technology and software as defined in 15 CFR 772 of the EAR that do not require an export license
30.55(o)	Intangible exports of software and technology, such as downloaded software and technical data, including technology and software that requires an export license and mass market software exported electronically	30.2(d)(3)	Intangible exports of software and technology, such as downloaded software and technical data, including technology and software that requires an export license and mass market software exported electronically

FTSR	FTSR Regulatory Topic	FTR	FTR Regulatory Topic
30.56	Conditional Exemptions	30.37	Miscellaneous exemptions
30.56(a)	Baggage and personal effects...	30.38	Exemption from the requirements for reporting complete commodity information
30.56(b)	Tools of trade...	30.37(b)	Tools of trade...
30.56(c)	Carriers' stores...	30.37(m)	Carriers' stores...
30.56(d)	Dunnage...	30.37(n)	Dunnage...
30.57	Information on export declarations for shipments of types of goods covered by §30.56 not conditionally exempt		NA
30.58	Exemption for shipments from the United States to Canada	30.36	Exemption for shipments destined to Canada
Subpart E-Electronic Filing Requirements - Shipper's Export Information			

FTSR	FTSR Regulatory Topic	FTR	FTR Regulatory Topic
30.60	General requirements for filing export and manifest data electronically using the Automated Export System (AES)	30.2	General requirements for filing Electronic Export Information
30.60(a)	Participation		NA
30.60(b)	Letter of Intent	30.5(a)(1)	Postdeparture filing application
30.60(c)	General filing and transmission requirements.	30.4	NA
30.60(d)	General responsibilities of exporters, filing agents, and sea carriers--	30.3	Electronic Export Information filer requirements, parties to export transactions, and responsibilities of parties to export transactions
30.61	Electronic filing options.	30.4	Electronic Export Information filing procedure, deadlines, and certification statement
30.62	AES Certification, qualifications, and standards	30.5	EEI filing application and certification processes and standards
30.63	Information required to be reported electronically through AES (data elements)	30.6	Electronic Export Information data elements
30.64	Transmitting and correcting AES information	30.9	Transmitting and correcting Electronic Export Information

FTSR	FTSR Regulatory Topic	FTR	FTR Regulatory Topic
30.65	Annotating the proper exemption legends or proof of filing citations for shipments transmitted electronically	30.7	Annotating the bill of lading, air waybill, and other commercial loading documents with the proper proof of filing citations, approved postdeparture filing citations, downtime filing citation, or exemption legends
30.66 30.66	Recordkeeping and requirements Support, documentation, and recordkeeping requirements	30.5(f) 30.10	Support Retention of export information and the authority to require production of documents
Subpart F-General Requirements-Importers			
30.70	Statistical information required on import entries	30.50 30.51	General requirements for filing import entries Statistical information required for import entries
30.80	Imports from Canada	30.54	Special provisions for imports from Canada
30.81	Imports of merchandise into Guam		NA
30.82	Identification of U.S. merchandise returned for repair and reexport	30.53	Import of goods returned for repair
30.83	Statistical copy of mail and informal entries		NA
Subpart H-General Administrative Provisions			
30.90	Confidential information, import entries, and withdrawals	30.55	Confidentiality information, import entries, and withdrawals
30.91	Confidential information, Shipper's Export Declarations	30.60	Confidentiality of Electronic Export Information

FTSR	FTSR Regulatory Topic	FTR	FTR Regulatory Topic
30.92	Statistical classification schedules	30.61	Statistical classification schedules
30.93	Emergency exceptions	30.62	Emergency exceptions
30.94	Instructions to CBP		NA
30.95	Penalties for violations		Subpart H
30.95(a)	Exports (reexports) of rough diamonds	30.70	Violation of the Clean Diamond Trade Act
30.95(b)	Exports of other than rough diamonds	30.71	False or fraudulent reporting
30.99	OMB control numbers assigned pursuant to the Paperwork Reduction Act	30.63	Office of Management and Budget control numbers assigned pursuant to the Paperwork Reduction Act

Appendix F to Part 30—FTR to FTSR Concordance

FTR	FTR Regulatory Topic	FTSR	FTSR Regulatory Topic
Subpart A–General Requirements			
30.1	Purpose and definitions	NA	NA
30.2	General requirements for filing Electronic Export Information	30.1	General statement of requirement for Shipper's Export Declarations
30.2(a)	Filing Requirements		Filing Requirements
30.2(b)	General requirements		NA
30.2(c)	Certification and filing requirements		NA
30.2(d)	Exclusions from filing EEI		NA
30.2(e)	Penalties		NA
30.3	Electronic Export Information filer requirements, parties to export transactions, and responsibilities of parties to export transactions	30.4	Preparation and signature of Shipper's Export Declaration
30.4	Electronic Export Information filing procedures, deadlines, and certification statements	30.61	Electronic filing options
30.4(a)	EEI transmitted predeparture	30.61(a)	EEI transmitted predeparture
30.4(b)	Filing deadlines for EEI transmitted predeparture		NA
30.4(c)	EEI transmitted postdeparture	30.61(b)	EEI transmitted postdeparture
30.4(d)	Proof of filing citation or exemption legend	30.12(d)	Exports file via AES

FTR	FTR Regulatory Topic	FTSR	FTSR Regulatory Topic
30.5	Electronic Export Information filing application and certification processes and standards	30.62	AES Certification, qualifications, and standards
30.5(a)	AES application process	30.60(b)	AES Participant Application
30.5(b)	Certification process	30.66	Record keeping and requirements
30.5(c)	Postdeparture filing approval process		
30.5(d)	Electronic Export Information filing standards		
30.5(e)	Monitoring the filing of Electronic Export Information		
30.5(f)	Support		
30.6	Electronic Export Information data elements	30.63	Information required to be reported electronically through AES (data elements)
30.7	Annotating the bill of lading...	30.65	Annotating the proper exemption legends or proof of filing citations...
30.8	Time and place for presenting proof of filing citations, postdeparture filing citations, downtime filing citation, or exemption legends	30.12	Time and place for presenting the SED, exemption legends, or proof of filing citations
30.9	Transmitting and correcting Electronic Export Information	30.64	Transmitting and correcting AES information
		30.16	Corrections to Shipper's Export Declarations
30.10(a)	Retention of Export information	30.66	Support, documentation and recordkeeping, and documentation requirements

FTR	FTR Regulatory Topic	FTSR	FTSR Regulatory Topic
30.10(b)	Authority to require production of documents	30.11	Authority to require production of documents
Subpart B--Export Control and Licensing Requirements			
30.15	Introduction	30.2	Related export control requirements
30.16	Bureau of Industry and Security regulations	30.2	Related export control requirements
30.17	U.S. Customs and Border Protection regulations	30.2	Related export control requirements
30.18	Department of State regulations	30.2	Related export control requirements
30.19	Other Federal agency regulations	30.2	Related export control requirements
Subpart C--Special Provisions and Specific-Type Transactions			
30.25	Values for certain types of transactions	30.30	Values for certain types of transactions
30.26	Reporting of vessels, aircraft, cargo vans, and other carriers and containers	30.33	Vessels, planes, cargo vans, and other carriers and containers sold foreign
30.27	Return of exported cargo to the United States prior to reaching its final destination	30.34	Return of exported cargo to the United States prior to reaching its final destination
30.28	Split shipments	30.41	"Split shipments" by air
30.29	Reporting of repairs and replacements	30.31	Identification of certain nonstatistical and other unusual transactions.
Subpart D--Exemptions from the Requirements for the Filing of Electronic Export Information			
30.35	Procedure for shipments exempt from filing requirements	30.50	Procedure for shipments exempt from the requirements for SEDs.
30.36	Exemption for shipments destined to Canada	30.58	Exemption for shipments from the United States to Canada.

FTR	FTR Regulatory Topic	FTSR	FTSR Regulatory Topic
30.37	Miscellaneous exemptions	30.55	Miscellaneous exemptions.
		30.55	Conditional exemptions.
30.37(a)	Except as noted in §30.2(a)(1)(iv), exports of commodities where the value... is $2,500 or less.	30.55(h)	Except as noted in paragraph h(2) of this section, exports of commodities where the value... is $2,500 or less.
30.37(b)	Tools of trade...	30.56(b)	Tools of trade...
30.37(c)	Shipments from one point in the United States to another point in the United States by routes passing through Canada or Mexico.	30.55(c)	Shipments from one point in the United States to another thereof by routes passing through Mexico.
		30.58(a)	...this exemption also applies to shipments from one point in the United States or Canada to another point thereof...
30.37(d)	Shipments from one point in Canada or Mexico to another point thereof by routes through the United States.	30.55(d)	Shipments from one point in Canada or Mexico to another point in the same country by routes through the United States.
		30.58(a)	...this exemption also applies to shipments from one point in the United States or Canada to another point thereof...
30.37(e)	Reserved	NA	
30.37(f)	Exports of technology and software as defined in 15 CFR of the EAR that do not require an export license…	30.55(n)	Exports of technology and software as defined in 15 CFR 772 of the EAR that do not require an export license…
30.37(g)	Shipments to foreign libraries, government establishments, or	30.55(f)	Shipments to foreign libraries, government

FTR	FTR Regulatory Topic	FTSR	FTSR Regulatory Topic
	similar institutions.		establishments, or similar institutions, as provided in §30.53(d)
30.37(h)	Shipments as authorized under License Exception GFT for gift parcels and humanitarian donations	30.55(g)	Shipments of single gift parcels as authorized by the Bureau of Industry and Security under license exception GFT
30.37(i)	Diplomatic pouches and their contents	30.55(a)	Diplomatic pouches and their contents
30.37(j)	Human remains and accompanying appropriate receptacles and flowers	30.55(b)	Human remains and accompanying appropriate receptacles and flowers
30.37(k)	Shipments of interplant correspondence, executed invoices and other documents, and other shipments of company business records from a U.S. firm to its subsidiary or affiliate	30.55(i)	Shipments of interplant correspondence, executed invoices and other documents, and other shipments of company business records from a U.S. firm to its subsidiary or affiliate
30.37(l)	Shipments of pets as baggage, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft	30.55(j)	Shipments of pets as baggage, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft
30.37(m)	Carriers' stores…	30.56(c)	Carriers' stores…
30.37(n)	Dunnage...	30.56(d)	Dunnage…
30.37(o)	Shipments of aircraft parts and equipment; food, saloon, slop chest, and related stores,…	30.55(l)	Shipments of aircraft parts and equipment and food, saloon, slop chest, and related stores,…
30.37(p)	Baggage and personal effects not shipped as cargo under a	30.56(a)	Baggage and personal effects not shipped as

FTR	FTR Regulatory Topic	FTSR	FTSR Regulatory Topic
	bill of lading or an air waybill and not requiring an export license…		cargo under a bill of lading or an air waybill and not requiring an export license…
30.37(q)	Reserved		NA
30.37(r)	Reserved		NA
30.37 (s)	Issued bank notes and securities and coins in circulation exported as evidence of financial claims		NA
30.37 (t)	Documents used in international transaction…		NA
30.37 (u)	Exports of technical data and defense service exemptions		NA
30.37 (v)	Vessels, aircraft, cargo vans and other carriers and containers		NA
30.37 (w)	Shipments to Army Post Office, Diplomatic Post Office, Fleet Post Office		NA
30.37 (x)	Shipments exported under license exception Baggage (BAG)		NA
30.37 (y)(1)	Shipments of books, maps, charts, pamphlets, and similar articles to foreign libraries, government establishments, or similar institutions.		NA
30.37 (y)(2)	Shipments to U.S. government agencies and employees that are lawfully exported under License Exception GOV of the		NA

FTR	FTR Regulatory Topic	FTSR	FTSR Regulatory Topic
	Export Administration Regulations (15 CFR §740.11(b)(2)(i) or (ii)) valued at $2500 or less per Schedule B Number		
30.37 (y)(3)	Personal effects as described in 15 CFR §740.14(b)(1) being lawfully exported under License Exception BAG of the Export Administration Regulations (15 CFR §740.14)		NA
30.37 (y)(4)	Individual gift parcels and humanitarian donations being lawfully exported under License Exception GFT of the Export Administration Regulations (15 CFR §740.12(a) and (b))		NA
30.37 (y)(5)	Vessels and aircraft lawfully leaving the United States for temporary sojourn to or in a Country Group E:1 country		NA
30.37 (y)(6)	Tools of trade that will be used by a person traveling to a Country Group E destination, that will be returned to the United States within one year and that are lawfully being exported to a Country Group E:1 destination under License Exception BAGGAGE (15 CFR 740.14 or License Exception TMP (15 CFR 740.9(a)).		NA

FTR	FTR Regulatory Topic	FTSR	FTSR Regulatory Topic
30.38	Exemption from the requirements for reporting complete commodity information	30.56	Conditional exemptions
30.38(a)	Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects and their containers	30.56(a)(1)	Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects and their containers
30.38(b)	Usual and reasonable kinds and quantities of furniture, household effects, household furnishings, and their containers	30.56(a)(2)	Usual and reasonable kinds and quantities of furniture, household effects, household furnishings, and their containers
30.38(c)	Usual and reasonable kinds and quantities of vehicles, such as passenger cars, station wagons, trucks,...	30.56(a)(3)	Usual and reasonable kinds and quantities of vehicles, such as passenger cars, station wagons, trucks,...
30.39	Special exemptions for shipments to the U.S. Armed Services	30.52	Special exemptions for shipments to the U.S. Armed Services
30.40	Special exemptions for certain shipments to U.S. Government agencies and employees	30.53	Special exemptions for certain shipments to U.S. Government agencies and employees
Subpart E--General Carrier and Manifest Requirements			

FTR	FTR Regulatory Topic	FTSR	FTSR Regulatory Topic
30.45	General statement of requirements for the filing of carrier manifests with proof of filing citations	30.20 30.21 30.22	General statement of requirements for the filing of manifests… Requirements for the filing of manifests Requirements for filing of Shipper's Export Declarations by departing carriers
30.46	Requirements for the filing of export information by pipeline carriers	30.23	Requirement for the filing of Shipper's Export Declarations by pipeline carriers
30.47	Clearance or departure of carriers under bond on incomplete manifest	30.24	Clearance or departure of carriers under bond on incomplete manifest…
Subpart F—Import Requirements			
30.50	General requirements for filing import entries	30.70	Statistical information required on import entries
30.51	Statistical information required for import entries	30.70	Statistical information required for import entries
30.52	Foreign Trade Zones		NA
30.53	Import of goods returned for repair	30.82	Identification of U.S. merchandise returned for repair and reexport
30.54	Special provisions for imports from Canada	30.80	Imports from Canada
30.55	Confidential information, import entries, and withdrawals	30.90	Confidential information import entries, and withdrawals
Subpart G—General Administrative Provisions			
30.60	Confidentiality of Electronic Export Information	30.91	Confidential information, Shipper's Export Declaration
30.61	Statistical classification schedules	30.92	Statistical classification schedules
30.62	Emergency exceptions	30.93	Emergency exceptions
30.63	Office of Management and Budget control numbers assigned pursuant to the Paperwork Reduction Act	30.99	OMB control numbers assigned pursuant to the Paperwork Reduction Act

FTR	FTR Regulatory Topic	FTSR	FTSR Regulatory Topic
Subpart H--Penalties			
30.70	Violation of the Clean Diamond Trade Act	30.95(a)	Penalties for violations for export (reexport) of rough diamonds
30.71 30.71(a) 30.71(b)	False or fraudulent reporting on or misuse of the Automated Export System Criminal penalties Civil penalties	30.95(b)	Penalties for violations of exports other than diamonds
30.72	Civil penalty procedures		NA
30.73 30.73(a) 30.73(b)	Enforcement Department of Commerce Department of Homeland Security		NA
30.74	Voluntary self-disclosure		NA
30.75-30.99	[Reserved]		

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Robert M. Groves
Director
Bureau of the Census

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