

# ***Mandatory AES***

## ***Foreign Trade Regulations***

**ITDU Conference  
New York, NY  
June 17, 2008**



# Today's Topics

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## Foreign Trade Regulations (FTR)

- **Legal Requirements**
- **Benefits to AES**
- **FTR Changes & Additions**
- **Informed Compliance**
- **Enforced Compliance**

# Legal Requirements

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## Census Bureau

### Foreign Trade Regulations

- 15 CFR, Part 30 Section 30.1-30.74

## Bureau of Industry and Security (BIS)

### Export Administration Regulations

- 15 CFR, Parts 700-799

# Mandatory AES

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## Benefits:

- Saves time and money
- Eliminates paper
- Complete and accurate data
- Improves trade statistics

# FTR Changes & New Information

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## CURRENT

FTSR

SED

Option 2

Option 4

## NEW

FTR

EEI

Pre Departure

Post Departure

## New FTR Additions

- Appendices & Definitions
- Filing Timeframes
- Penalty Provisions

# ITAR Filing Time Frames (FTR 30.4 (b)(1))

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## USML Shipments

|         |   |
|---------|---|
| Air:    | 8 hours prior to scheduled departure time       |
| Truck:  | 8 hours prior to truck arriving at U.S. border  |
| Rail:   | 24 hours prior to train arriving at U.S. border |
| Vessel: | 24 hours prior to departure                     |

# FTR Filing Time Frames (FTR 30.4 (b)(2))

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## Non-USML Shipments

Vessel: 24 hours prior to departure

Truck: 1 hour prior to truck arriving at U.S. border

Air: 2 hours prior to scheduled departure time

Rail: 2 hours prior to train arriving at U.S. border

Mail: 2 hours prior to export

# Post Departure Filing (FTR 30.5 (c))

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- **Only currently approved filers may use Post Departure filing.**
- **Moratorium placed on the acceptance of new applicants pending further review.**

# Informed Compliance Strategy

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- Final Rule of Regulations effective 30 days after Federal Register Publication
  - July 2, 2008
- USPPIs, Authorized Agents, and Carriers have 90 days to comply
- CBP will not issue penalties during the 90 day compliance timeframe

# Civil Penalties (FTR 30.71(b))

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## USPPI or Authorized Agent or Carrier:

- **Late Filings**
  - Up to \$1,100 per each day delinquency or up to a maximum of \$10,000 per violation
- **Other Violations**
  - Up to \$10,000 per violation

# Criminal Penalties (FTR 30.71(a))

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- **USPPI or Authorized Agent who knowingly:**
  - **Fails to file**
  - **Files false and misleading information**
  - **Continues to participate in illegal activities**
- **Fines:**
  - **Up to \$10,000 per violation**
  - **Imprisonment for not more than five years**
  - **Both**

# Delegation of Authority (FTR 30.73)

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## Department of Commerce

- **Bureau of Industry and Security's Office of Export Enforcement**

## Department of Homeland Security

- **Customs and Border Protection**
- **Bureau of Immigration and Customs Enforcement**

# Foreign Trade Division

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