

Frequently Asked Questions

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Why was the Social Security Number (SSN) eliminated?

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Can an individual apply for an Employer Identification Number (EIN) on behalf of another individual?

What information should be reported in the U. S. Principal Party In Interest (USPPI) Identification field if a Social Security Number cannot be used?

If a customer ships his/her personal items or ships very seldom, does he/she have to obtain an Employer Identification Number (EIN)?

The Internal Revenue Service (IRS) site states that an Employer Identification Number (EIN) is for use in connection with business activity only. It further states, do not use your EIN in place of a Social Security Number (SSN). The information provided by the Census Bureau and the IRS is conflicting.

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What transactions are outside of the scope of the Foreign Trade Regulations (FTR) and are excluded from filing Electronic Export Information (EEI)? (FTR section 30.2(d))

What territories is the Foreign Trade Regulations (FTR) making reference to in section 30.2 (d)(2)?

What are the filing requirements for In-transit shipments that are leaving the United States?

Are shipments moving under a carnet exempt from an Electronic Export Information (EEI) filing? If so what is the exemption? (FTR sections 30.37 (q) and (r))

In Appendix C of the Foreign Trade Regulations (FTR), Summary of Exemptions and Exclusions from Filing Electronic Export Information (EEI), items 8 through 21 the section number provided do not match with what is listed in section 30.37. Should I cite from Appendix C or section 30.37?

Should exports of Electronic Transmissions be listed in Appendix D, item VI?

Where can I find the Proof of Filing and Exemption Citations, in the Foreign Trade Regulations (FTR)? (FTR Appendix D)

What exemption in the Foreign Trade Regulations (FTR) should the filer use when exporting technical data that is subject to the International Traffic in Arms Regulations, (22 CFR 123.22 (b)(3)), but not required to be filed in the Automated Export System?

What is an Internal Transaction Number (ITN)? (FTR section 30.1(c))

Is the External Transaction Number (XTN) acceptable as the proof of filing citation?

Merchandise is presented for entry into the U.S. and is rejected prior to being cleared for importation by Customs and Border Protection (CBP). The goods are subsequently exported to the place of origin or another foreign destination. Is the Internal Transaction Number (ITN) or exemption citation required in the Automated Export System (AES)?

Should the exporting carrier accept a shipment that is using an old Foreign Trade Statistics Regulations citation or exemption legend?

Should the exporting carrier accept cargo if the U.S. Principal Party in Interest (USPPI) provides the postdeparture citation without the date? (FTR Appendix D)

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What value should be reported for perishable items that have been imported into the U.S. which are defective and need to be returned overseas?

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Does the U.S. Census Bureau publish international trade information by company name?

Are there circumstances where the U.S. Census Bureau will release the Electronic Export Information (EEI)? (FTR section 30.60)

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Is there anything I can do to stop the publication of my company's information?

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When is an Export Control Classification Number (ECCN) required in the Automated Export System (AES)?

Who do I contact for information on determining my Export Control Classification Number (ECCN) and license requirements?

Do I need a license to export to Puerto Rico?

Is Electronic Export Information (EEI) required for shipments that initially clear a U.S. port at the time of importation but that are ultimately destined for Puerto Rico?

What are export controls?

What are the restricted countries where I may not sell/export my goods?

Have the embargoes for Iran and Sudan been abolished?

How do I find out about duties and licenses for certain countries?

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How do I find out about duties and licenses for certain countries?

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What is a Schedule B number? (FTR section 30.1(c))

How can I find my Schedule B Number and official description of my product?

What Schedule B Number and value do I report for goods that were imported for repair and now are being returned? What about warranties?

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I have goods that are moving in-bond through the U.S., am I required to file Electronic Export Information (EEI)? (FTR section 30.2 (d)(1))

Can I file the Form 7513, Shipper's Export Declaration (SED) for In-transit Goods, via the Automated Export System?

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(ITNs) or exemption citations be required?

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The Foreign Trade Regulations, section 30.10(b) refers to “shipping documents”. What documents are considered “shipping documents”?

Where should I put my citations if a manifest is not required?

Shipment Containers (Pg. 37)

Do I need to file for shipments of empty containers if the value is over \$2,500? (FTR section 30.26 (a))

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Does the Foreign Trade Division (FTD) offer additional training other than the seminar program?

General Help (Pgs. 38-39)

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How do I know if my software has encryption capability?

Our company currently does very little exporting; however, we are anticipating a much higher volume in the near future. I am interested to know whom I could contact for training information on general export compliance?

What is the Trade Information Center (TIC)?

What online resources are available to assist with the export process as it pertains to the Foreign Trade Regulations (FTR) and the Automated Export System (AES)?

Other Agency Export Control Telephone Contacts

SSN Questions

When was the Final Rule eliminating the collection of the Social Security Number (SSN) published?

The Final Rule eliminating the SSN was published in the Federal Register on February 22, 2010. The Federal Register states that the effective date is March 24, 2010. The SSN cannot be used to register for the AES or AESDirect or used for identification purposes when reporting the USPPI or Freight Forwarder in AES or AESDirect.

Why was the Social Security Number (SSN) eliminated?

The Office of Management and Budget has mandated the Census Bureau to eliminate the collection of the SSN for the Automated Export System purposes. This rule is being implemented to ensure that a U. S. Principal Party in Interest's or U.S. Authorized Agent's SSN is protected in accordance with the Privacy Act of 1974, Title 5, United States Code, Section 552a. The Census Bureau was mandated to comply with this federal law by eliminating the use of the SSN. Information on how to obtain an EIN on-line, by phone, fax or mail can be found at the Internal Revenue Service website (www.irs.gov) or at the Census Bureau's Foreign Trade Division website (<http://www.census.gov/foreign-trade/regulations/index.html>).

What does the Interim Final Rule mean for the Automated Export System (AES) filers?

As a result of the Interim Final Rule, AES filers will no longer be able to submit a Social Security Number for registering in the AES. In addition, filers will not be allowed to use a Social Security Number in the United States Principal Party in Interest or the Freight Forwarder field in AESDirect or AESPcLink. Filers must obtain an Employee Identification Number from the Internal Revenue Service, or a Dun & Bradstreet number to use as an identification number.

How do you apply for an Employer Identification Number (EIN) and how long will it take to obtain an EIN?

Applying for an EIN can be done on-line at our website http://www.census.gov/foreign-trade/regulations/roeb_obtaining_an_ein.pdf [PDF, 379k], by phone, fax or mail. See the chart below for information on the methods for applying for an EIN.

Method	How	Process Timeframe
Online	http://www.irs.gov, under 'Online Services', click on 'Apply for an Employer Identification Number (EIN) Online'	Approximately 15 minutes
Toll-Free Call	(800) 829-4933	Approximately 15 minutes
Apply By FAX	(859) 669-5760 (Need Form SS-4)	4 business days
Apply By Mail	Internal Revenue Service Attn: EIN Operation Cincinnati, OH 45999 (Need Form SS-4)	4 weeks

Can an individual apply for an Employer Identification Number (EIN) on behalf of another individual?

A person can serve as a third party designee and apply for an EIN on behalf of an individual. Before applying online, the third party must have a completed and signed Form SS-4. The third party must keep the signed Form SS-4 in the company's permanent files. (See step-by-step instructions www.census.gov/foreign-trade/regulations/roeb_obtaining_an_ein_3rd_party.ppt [PPT, 471k].)

What information should be reported in the U. S. Principal Party In Interest (USPPI) Identification field if a Social Security Number cannot be used?

The USPPI shall report its own Employer Identification Number in the USPPI identification field in the Automated Export System. If the USPPI is a foreign entity it shall report a DUNS number, border crossing number, passport number, or any number assigned by the Customs and Border Protection.

If a customer ships his/her personal items or ships very seldom, does he/she have to obtain an Employer Identification Number (EIN)?

Regardless of the type of items being shipped or the shipping frequency, any person/entity shipping goods to a foreign country that requires filing Electronic Export Information via the Automated Export System will need to obtain an EIN from the Internal Revenue Service. The Social Security

Number is no longer acceptable after December 3, 2009.

The Internal Revenue Service (IRS) site states that an Employer Identification Number (EIN) is for use in connection with business activity only. It further states, do not use your EIN in place of a Social Security Number (SSN). The information provided by the Census Bureau and the IRS is conflicting.

The IRS publication titled “Understanding Your EIN” which is located on their webpage (<http://www.irs.gov/pub/irs-pdf/p1635.pdf> [external link]) states that "...Employer Identification Number (EIN) is for use in connection with business activity only, do not use your EIN in place of a SSN" The IRS's intention of this statement is to ensure that individuals do not use their EIN in lieu of their SSN. For example, the IRS does not want an individual who is filing their Federal income tax to use their EIN in place of their SSN. The two numbers are not interchangeable. However, for the purposes of registering or filing in the AES you should use your EIN. While it is not specifically stated, an EIN can be obtained for government reporting purposes even when a person does not own a business. (See [step-by-step instructions http://www.census.gov/foreign-trade/regulations/roeb_obtaining_an_ein.pdf](http://www.census.gov/foreign-trade/regulations/roeb_obtaining_an_ein.pdf) [PDF, 379k].)

Penalties

Where can I find information on penalties for violations of the Foreign Trade Regulations (FTR)? (FTR section 30.70 – 30.72)

The FTR, Subpart H, sections 30.70 - 30.72, presents the penalties that may be imposed for both civil and criminal violations. These violations include, but are not limited to, delayed filing, failure to file, filing false or misleading information and/or using the AES to further any illegal activity.

Civil Penalty

A civil penalty is a monetary penalty imposed on a U.S. Principal Party in Interest, authorized agent, carrier, or other parties to the transaction for violating any part of the FTR. The penalties range from \$1,100 to \$10,000. Civil penalties imposed under the FTR may be remitted or mitigated, if the penalties were incurred without willful negligence or fraud or other circumstances exist that justify a remission or mitigation.

Criminal Penalty

A criminal penalty is when any person willfully violates or attempts to violate any part of the FTR. The criminal penalty includes fines not to exceed \$10,000, and/or imprisonment for not more than five (5) years, and/or forfeitures.

Is the carrier subject to a penalty once the U.S. Principal Party in Interest (USPPI) has filed the information in the Automated Export System (AES)? (FTR section 30.45)

The carrier will be subject to fines and penalties if it does not ensure that a shipment has the required AES proof of filing or exemption citation(s). In addition, the carrier must notify the USPPI, or their authorized filing agent, of any changes related to the shipment. An example would be if the date of export was changed. See FTR section 30.45.

Citations, Exemptions, and Exclusions

Can I ship my goods using the postdeparture filing citation if my goods are destined to any of the countries identified in the U.S. Customs and Border Protection regulations, Title 19, Code of Federal Regulations (CFR), Section 4.75 (c)? (FTR section 30.4 (a)(6))

For goods going by vessel directly to and by aircraft going directly or indirectly to the countries identified in U.S. Customs and Border Protection regulations 19 CFR 4.75(c) the electronic export information is required to be filed in the Automated Export System prior to export and postdeparture filing citation may not be used. See U.S. Customs and Border Protection regulations 19 CFR 122.74(b)(2).

What transactions are outside of the scope of the Foreign Trade Regulations (FTR) and are excluded from filing Electronic Export Information (EEI)? (FTR section 30.2(d))

Transactions which fall outside of the scope of the FTR and are excluded from filing the EEI are located in the FTR section 30.2 (d) and Appendix C.

- Goods shipped under a Customs and Border Protection (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. See FTR section 30.2 (d)(1).
- 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. The U.S. territories referred to in this section are: American Samoa, Baker Island, Commonwealth of the Northern Mariana Islands, Guam, Howland Island, Jarvis Island, Johnston Atoll, Kingmen Reef, Midway Islands, Navassa Island, Palmyra Atoll, and the Wake Island. See FTR section 30.2 (d)(2).
- Electronic transmissions and intangible transfers. See FTR Subpart B for export control requirements for these types of transactions, FTR section 30.2 (d)(3).
- 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 FTR section Subpart D section 30.39 for filing requirements for shipments exported to the U.S. Armed Services) 30.2 (d)(4)).

What territories is the Foreign Trade Regulations (FTR) making reference to in section 30.2 (d)(2)?

The territories referred to in section 30.2 (d)(2) are: American Samoa, Baker Island, Commonwealth of the Northern Mariana Islands, Guam, Howland Island, Jarvis Island, Johnston Atoll, Kingmen Reef, Midway Islands, Navassa Island, Palmyra Atoll, and the Wake Island.

What are the filing requirements for in-transit shipments that are leaving the United States?

In-transit shipments of goods from one foreign country to another where such goods do not enter the consumption channels of the United States are excluded from filing the Electronic Export Information (EEI) per section 30.2 (d)(1). Additionally, the Army Corps of Engineers has suspended the requirement to file the Form 7513, Shippers Export Declaration (SED) for In-transit Goods leaving the United States via vessel. Currently, there are no filing requirements for in-transit shipments. Merchandise not intended to enter the consumption channels of the United States but is formally entered via the CB Form 7501 or through the Automated Broker Interface (ABI), an Automated Export System (AES) record must be completed at the time of export, if the value is over \$2,500 per Schedule B or when a license is required.

Are shipments moving under a carnet exempt from an Electronic Export Information (EEI) filing? If so what is the exemption? (FTR sections 30.37 (q) and (r))

Yes, shipments moving under a carnet are exempt from EEI filing. There are two exemption citations that can be used. Use Foreign Trade Regulations (FTR) section 30.37 (q) if the goods shipped under the carnet are being exported and are scheduled to return to the United States within a year. Or if the goods shipped under a carnet were temporarily imported into the United States and are being returned to a foreign country, use FTR section 30.37 (r). The citation may read NOEEI 30.37(q) or NOEEI 30.37(r). Be sure to use the correct section citation.

In Appendix C of the Foreign Trade Regulations (FTR), Summary of Exemptions and Exclusions from Filing Electronic Export Information (EEI), items 8 through 21 the section number provided do not match with what is listed in section 30.37. Should I cite from Appendix C or section 30.37?

Starting with exemption item 8 and continuing through exemption item 21, the citations are off by one letter. For example, the citation for exemption number 8 should be 30.37 (g) and not 30.37 (h), and the citation for exemption number 9 should be 30.37 (h), not 30.37 (i). Therefore, when selecting the proper citation refer to FTR section 30.37 rather than Appendix C. The Census Bureau will correct the error in a future amendment to the FTR.

Should exports of Electronic Transmissions be listed in Appendix D, item VI?

No. Appendix D was not intended to be an all-inclusive list. The complete list of exclusions can be found in Section 30.2(d) of the Foreign Trade Regulations.

Where can I find the Proof of Filing and Exemption Citations, in the Foreign Trade Regulations (FTR)? (FTR Appendix D)

The Automated Export System Filing Citations, Exemptions are found in Appendix D of the FTR. Filing procedures and deadlines for presenting these statements are found in FTR section 30.4.

What exemption in the Foreign Trade Regulations (FTR) should the filer use when exporting technical data that is subject to the International Traffic in Arms Regulations (ITAR), (22 CFR 123.22 (b)(3)), but not required to be filed in the Automated Export System?

Currently there is no exemption in the FTR that addresses technical data subject to ITAR 123.22(b)(3). However, FTR 30.37(k) should be used in the interim. While this exemption does not specifically pertain to licensed shipments of technical data, this exemption can be applied and is acceptable. The Census Bureau will update the FTR to reflect this exemption.

What is an Internal Transaction Number (ITN)? (FTR section 30.1(c))

The ITN is an Automated Export System (AES) generated number assigned to a shipment confirming that the Electronic Export Information (EEI) was accepted and is on file in the AES. This number should be placed on any loading document to allow the Customs and Border Protection (CBP) officer the ability to retrieve the shipment, if needed. Examples of loading documents include bill of lading, manifest, airway bill, or any commercial document as required by the specific industry to be presented to the carrier. See FTR section 30.1(c).

Is the External Transaction Number (XTN) acceptable as the proof of filing citation?

No. As of October 1, 2008, the XTN is no longer an acceptable proof of filing citation. All parties involved in the export transaction may be subject to fines and penalties if the XTN is used for exporting a shipment.

Merchandise is presented for entry into the U.S. and is rejected prior to being cleared for importation by Customs and Border Protection (CBP). The goods are subsequently exported to the place of origin or another foreign destination. Is the Internal Transaction Number (ITN) or exemption citation required in the Automated Export System (AES)?

No. The merchandise did not enter the commerce of the United States and as a result, the shipment is not considered an export. An ITN or exemption citation is not required when the merchandise is rejected and has not cleared by CBP for importation into the U.S.

Should the exporting carrier accept a shipment that is using an old Foreign Trade Statistics Regulations citation or exemption legend?

No. As of October 1, 2008, the Foreign Trade Regulations were implemented and U.S. Principal Parties In Interest, or their filing agents, must use the new citations and exemption legends.

Should the exporting carrier accept cargo if the U.S. Principal Party in Interest (USPPI) provides the postdeparture citation without the date? (FTR Appendix D)

No. The exporting carrier should not accept cargo with an incomplete legend. The proper postdeparture citation should read:

If a USPPI is filing

AESPOST USPPI EIN mm/dd/yyyy

If an Authorized Agent is filing

AESPOST USPPI EIN--Filer ID mm/dd/yyyy

Value

What value should be reported in the Automated Export System (AES) when shipping licensable goods?

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

How do I determine the domestic portion of the transportation cost to report in the Automated Export System (AES) when my carrier does not separate the foreign costs?

If inland freight including insurance is not separated from the total transportation cost, the U.S. Principal Party in Interest (USPPI) or their authorized agent must make an effort to obtain a good estimate of the transportation costs when these costs are not known. As a last resort, the USPPI or their agent may take 3% of the total cost to determine the inland freight.

What value should be reported for perishable items that have been imported into the U.S. which are defective and need to be returned overseas?

For products that are being returned that have a market value, report the market value. If the product has no market value due to poor quality (i.e. spoiled fruits), then report the import value of the product.

Data Elements

What data elements are to be reported in the Automated Export System (AES)? (FTR section 30.6)

The data elements are located in the Foreign Trade Regulations (FTR) section 30.6. The data elements identified as “mandatory” shall be reported for each transaction. The data elements identified as “conditional” shall be reported if required for or apply to the specific shipment. The data elements identified as “optional” may be reported at the discretion of the U.S. Principal Party in Interest (USPPI) or authorized agent. See below for a complete list of mandatory, conditional, and optional data elements.

Mandatory data elements	Conditional data elements
1. USPPI and USPPI identification	1. Authorized agent and authorized agent identification
2. Date of export	2. Intermediate consignee
3. Ultimate consignee	3. FTZ identifier
4. U.S. state of origin	4. Foreign port of unloading
5. Country of ultimate destination	5. Export license number/CFR citation/KPC number
6. Method of transportation	6. Export Control Classification Number (ECCN)
7. Conveyance name/carrier name	7. Secondary unit of measure
8. Carrier identification	8. Secondary quantity
9. Port of export	9. Vehicle Identification Number (VIN)/Product ID
10. Related party indicator	10. Vehicle ID qualifier
11. Domestic or foreign indicator	11. Vehicle title number
12. Commodity classification number	12. Vehicle title state code
13. Commodity description	13. Entry number
14. Primary unit of measure	14. Transportation reference number (TRN)
15. Primary quantity	15. Department of State requirements
16. Shipping weight	16. Kimberley Process Certificate (KPC) number
17. Value	
18. Export information code	Optional data elements
19. Shipment reference number	1. Seal number
20. Line number	2. Equipment Number
21. Hazardous material indicator	
22. Inbond code	
23. License code/license exemption code	
24. Routed export transaction indicator	
25. Shipment filing action request indicator	
26. Line item filing action request indicator	
27. Filing option indicator	

What is a Transportation Reference Number (TRN)? (FTR section 30.1(c))

The TRN is a reservation number assigned by the carrier to hold space on the carrier for cargo being shipped. The TRN is also known as the booking number for vessel shipments; 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. See FTR section 30.6 (b)(14).

Does the shipment reference number (SRN) have to be unique for five years? (FTR section 30.6 (19))

Currently due to system support, the shipment reference number must be a unique and **never** repeated (see FTR Letter No. 2). The Census Bureau is reviewing system enhancements to allow the reuse of the SRN.

Record Retention

What is the record retention requirement for the Electronic Export Information (EEI)? (FTR section 30.10)

All parties to the export transaction (owners and operators of the exporting carriers, U.S. Principal Parties in Interest (USPPIs), Foreign Principal Parties in Interest (FPPIs), and/or authorized agents) shall retain documents pertaining to the export shipment for five (5) years from the date of export. In addition, all parties must adhere to other government agencies retention requirements if it differs from the Census Bureau's requirements. See FTR section 30.10.

Electronic Export Information (EEI) Questions

Is the Electronic Export Information (EEI) required for goods donated for relief or charity?

Any shipment of goods donated for relief or charity valued over \$2,500 per Schedule B number or that requires a license must be filed in the Automated Export System (AES). However, if the shipment is valued less than \$2,500 per Schedule B number and does not require a license, then the low value exemption (NOEEI FTR 30.37(a)) is used.

If an AES record is required then there are four Schedule B numbers that can be used. Those numbers are found in chapter 98 of the Schedule B book under subheading 9802.

Schedule B Number	Description	Unit of Measurement
9802.10.0000	Food products	x no unit required
9802.20.0000	Medicinal and pharmaceutical products	x no unit required
9802.30.0000	Wearing apparel (including footwear and headwear)	x no unit required
9802.40.0000	Donated articles, not elsewhere	x no unit required

	specified	
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The Export Information Code to be reported is "CH" for shipments of goods donated for relief or charity. The value to be reported is the market value. If that value is not known, estimate how much you would receive if the goods were sold.

Is the Electronic Export Information (EEI) required for International Traffic in Arms Regulations (ITAR) shipments to foreign embassies located in the United States?

No. Shipments made to foreign embassies located within the United States are considered domestic transactions and therefore do not require an EEI filing. Although the U.S. Department of State (State Department) considers an ITAR shipment to a foreign embassy located in the United States an export shipment. The Census Bureau does not capture this information in the Automated Export System. Contact the State Department, Directorate of Defense Trade Controls on (202) 663-1282 or at <http://www.pmdtdc.state.gov> for guidance on how to report these types of shipments State Department.

Why is filing Electronic Export Information (EEI) mandatory?

Public Law 107-228 authorized 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 Title 13, United States Code file such information through the Automated Export System (AES). The Census Bureau uses the information filed in the Automated Export System to collect, compile, and publish the monthly balance of trade figures for the United States. In addition, law enforcement agencies use the information to monitor exports and enforce U.S. trade laws.

What is the purpose of Electronic Export Information (EEI)?

The EEI is used for compiling the official U.S. export statistics for the United States and for export control purposes. The regulatory provisions for preparing and filing the EEI are contained in the Foreign Trade Regulations, Title 15 Code of Federal Regulations (CFR) Part 30.

Is the Electronic Export Information (EEI) filed in the Automated Export System (AES) confidential? (FTR section 30.60)

The EEI is confidential and used solely for official purposes authorized by the Secretary of Commerce in accordance with Title 13 United States Code section 301 (g). Neither the EEI nor its contents may be disclosed to anyone except the United States Principal Party in Interest (USPPI) or the authorized agent. The EEI must not be disclosed to foreign governments or foreign entities. The EEI is exempt from public disclosure unless the Census Bureau Director determines that such exemption would be contrary to the national interest. The confidentiality provisions of the EEI can be found in FTR section 30.60.

Who can file the Electronic Export Information (EEI)? (FTR section 30.2)

The EEI shall be filed through the Automated Export System by the U.S. Principal Party in Interest (USPPI), the USPPI's authorized agent, or the authorized U.S. agent of the Foreign Principal Party in Interest. For information regarding the filing requirements refer to FTR section 30.2 (a).

What is a Shipment? (FTR section 30.1(c))

A shipment is defined as goods being sent from one U.S. Principal Party in Interest to one consignee to a single country of destination on a single conveyance and on the same day and the value of the goods is over \$2,500 per schedule B or requires a license.

When is Electronic Export Information (EEI) required? (FTR section (30.2)(a)(i))

Shipped From	To
United States	Canada (if a license is required)
United States	Foreign Countries
United States	Puerto Rico
United States	U.S. Virgin Islands
Puerto Rico	United States
Puerto Rico	Foreign Countries
Puerto Rico	U.S. Virgin Islands
U.S. Virgin Islands	Foreign countries
U.S. Foreign Trade Zones	Foreign Countries/ Puerto Rico

When is Electronic Export Information (EEI) not required? (FTR section 30.2(d)(2))

Shipped From	To
United States	Canada (unless an export license is required)
U.S. Virgin Islands	United States
U.S. Virgin Islands	Puerto Rico
United States/Puerto Rico/Virgin Islands	Other U.S. Territories**
Other U.S. Territories**	United States
Other U.S. Territories**	Foreign Countries
Other U.S. Territories**	Other U.S. Territories**

** American Samoa, Baker Island, Commonwealth of the Northern Mariana Islands, Guam, Howland Island, Jarvis Island, Johnston Atoll, Kingmen Reef, Midway Islands, Navassa Island, Palmyra Atoll, and the Wake Island. (Appendix C).

Is Electronic Export Information (EEI) required for shipments that clear a United States (U.S.) port but are ultimately destined for Puerto Rico?

No, shipments that are entered into the U.S. from a foreign country with an ultimate destination of Puerto Rico, are not required to be filed in the Automated Export System. Transactions of this nature appear in our import statistics with the U.S. port as the port of entry and Puerto Rico as the port of unloading.

Does merchandise that enters one port on an in-bond movement and subsequently is placed in a bonded warehouse (or Foreign Trade Zone), and is withdrawn for export, need to be filed in the Automated Export System (AES)?

Yes. In general, merchandise traveling in-bond on an Immediate Transportation (IT), a Transportation and Exportation (T&E), or Immediate Export (IE) is not required to be filed in the AES. However, in this situation since the goods were placed in a bonded warehouse or foreign trade zone pending export, the shipment must be filed in the AES. By placing the goods in a bonded warehouse or foreign trade zone, there is a break in the in-bond movement and a proof of filing citation or exemption legend is required.

What are the filing timeframes for submitting Electronic Export Information (EEI) in the Automated Export System (AES)? (FTR section 30.4(b))

The Department of State has filing timeframe requirements for U.S. Munitions List (USML) shipments and the Trade Act of 2002 specifies requirements for all other for non-USML shipments. The time frames vary by method of transportation. The filing timeframes for non-USML shipments are located in the FTR section 30.4. The filing timeframe for USML shipments are located in the International Traffic in Arms Regulations (22 CFR 123.22(b)(1)). See below for both non-USML and USML shipments.

For non-USML shipments: (30.4(b)(2))

Vessel cargo	24 hours prior to loading cargo on the vessel at the U.S. port where the cargo is loading
Air cargo	2 hours prior to the scheduled departure time of the aircraft
Truck cargo	1 hour prior to the arrival of the truck at the U.S. border to go foreign
Rail cargo	2 hours prior to the time the train arrives at the U.S. border to go foreign
Mail	2 hours prior to departure of exporting carrier
Pipeline	Within 4 calendar days following the end of the month

For USML shipments: (30.4(b)(1))

Vessel cargo	24 hours prior to loading cargo on the vessel at the U.S. port where the cargo is loading
Rail cargo	24 hours prior to the time the train arrives at the U.S. border to go foreign
Truck cargo	8 hours prior to the arrival of the truck at the U.S. border to go foreign
Air cargo	8 hours prior to the scheduled departure time of the aircraft

What is the Foreign Trade Regulations (FTR) requirement for advanced filing of Electronic Export Information (EEI) through the Automated Export System for shipments between the United States and Puerto Rico?

Puerto Rico is exempt from the filing time frames in the FTR. However, the proof of filing citation, post departure filing citation, or exemption citation must be presented to the carrier prior to the arrival of goods for shipments between the United States and Puerto Rico. This exemption from the advance filing of the EEI applies only to shipments between the United States and Puerto Rico.

Is there flexibility with the current timeline requirement for bulk exports, for carriers to load cargo without producing the Internal Transaction Numbers (ITNs) prior to loading?

No. However, all exporters, including bulk cargo are permitted to provide estimated cargo information prior to loading. Once the complete cargo information is known, the U.S. Principal Party in Interest, or authorized agent must correct the Automated Export System record with the accurate information. See FTR section 30.9.

Is the Internal Transaction Number (ITN) sufficient to clear an automobile that has been pending clearance, the required 72 hours, or is further documentation required?

The mandatory Automated Export System (AES) AES filing requirements established by the Foreign Trade Regulations do not affect the document requirements for vehicles intended for export. Exportation of a vehicle will be permitted only upon compliance with the requirements as described in 19 CFR Part 192.

Domestic vs. Foreign Origin

I am shipping goods that are valued over \$2,500 and have the same Schedule B number, but the Schedule B number contains goods of both domestic and foreign origin, how do I report this transaction? (FTR section 30.6 (a) (ii))

The Foreign Trade Regulations (FTR) requires that items of domestic or foreign origin under the same commodity classification number be reported separately in the Automated Export System (AES) if either is valued over \$2,500. If the value is less than \$2,500 for either the domestic originated portion of the shipment or the foreign originated portion, it does not require an AES filing and the following citation should be used No EEI 30.37(a) domestic or No EEI 30.37(a) foreign.

What do I report if I cannot identify which portion of the shipment is domestic and which is foreign?

If you are unable to identify which portion of your shipment is domestic and foreign, provide the best estimate.

Automated Export System (AES) Questions

What is the Automated Export System (AES)? (FTR section 30.1 (c))

The AES is the system used for collecting Electronic Export Information (EEI) 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. See FTR section 30.1 (c).

What is AES*Direct*? (FTR section 30.1(c))

AES*Direct* is a free Internet based application supported by the U.S. Census Bureau that allows the U.S. Principal Party in Interest (USPPI), its authorized agent, or the authorized agent of the Foreign Principal Party in Interest (FPPI) to transmit Electronic Export Information through the Automated Export System via the Internet at www.aesdirect.gov. See FTR section 30.1(c).

What happens if the Automated Export System (AES), AES*Direct*, or the AES participant's system is unavailable? (FTR section (30.4)(b)(1)- (30.4)(b)(3))

For Non-United States Munitions List (USML) shipments:

If the AES participant's system is unavailable, the filer must delay the export of goods or find an alternative filing method. See FTR section 30.4 (b)(3). If the AES or AES*Direct* is unavailable, the goods may be exported and the filer must provide the appropriate filing citation as described in FTR

section 30.7(b) and Appendix D when notified via AES Broadcast Message that the downtime policy is in effect. The Electronic Export Information (EEI) must be reported at the first opportunity the AES is available. A follow up message will be sent via AES Broadcast when the system is running and the policy is no longer in effect. The downtime citation format is AESDOWN Filer ID mm/dd/yyyy.

For United States Munitions List (USML) shipments:

If the AES participant's system is unavailable, the filer must delay the export of goods or find an alternative filing method. If the AES or *AESDirect* is unavailable, the filer shall not export until AES is operating and an Internal Transaction Number (ITN) is acquired. See FTR section 30.4 (b)(1).

How do I receive broadcast messages from the Automated Export System (AES)?

Broadcast messages from the Automated Export System (AES) are sent via e-mail to all AES registered filers. If you are not an AES registered filer and would like to receive the AES broadcast messages, please send an e-mail to AskAES@census.gov requesting to be added to the AES list. Your e-mail message should include the e-mail address where you would like to receive broadcast AES messages as they are distributed.

I received an Automated Export System (AES) fatal error. What should I do? (FTR section 30.9)

Fatal error messages are sent to filers when Electronic Export Information (EEI) is not accepted in the AES. These errors must be corrected and the EEI resubmitted prior to export for shipments filed predeparture and as soon as possible for shipments filed postdeparture but no later than ten calendar days after departure. If you have problems correcting an AES error, contact the AES Branch, Foreign Trade Division, Census Bureau on (800) 549-0595, option 1. See FTR section 30.9.

How much will it cost to implement the Automated Export System (AES) in my company?

The cost to implement the AES will vary depending on the size and needs of your organization. There are several options available to you. You can use *AESDirect* or *AESPCLink*, which is the Census Bureau's FREE Internet based filing method. Another option is to develop your own software from the specifications found in the AES Trade Interface Requirements (AESTIR). The AESTIR can be found on the Customs and Border Protection (CBP) website, http://www.cbp.gov/xp/cgov/trade/automated/aes/tech_docs/aestir/. You may also purchase a software package from an AES certified vendor, which has been tested and approved by the Census Bureau and CBP. Lastly, you may transmit your export information through a service center, port authority or an authorized agent filing on your behalf. The cost will be proportionate to the sophistication of the system you choose.

Is the Automated Export System (AES) an enforcement system?

The AES was not designed to be an enforcement system. It is simply an electronic tool that supports the enforcement system already in place.

What is postdeparture reporting and how do I become a postdeparture filer? (FTR section 30.4 (c))

The privilege to file Electronic Export Information (EEI) on a postdeparture basis is granted to approved U.S. Principal Parties in Interest (USPPIs) to file their export information up to 10 calendar days after the date of export, i.e., the date the goods are scheduled to cross the U.S. border. Currently, the moratorium placed on new postdeparture filers in August 2003 remains in effect pending further review of the program. See FTR section 30.4 (c).

Citations

Who is responsible for providing the proof of filing citation, exemption citation or postdeparture filing citation to the carrier? (FTR section 30.7 (b))

The U. S. Principal Party in Interest (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 within the timeframe requirements. See FTR section 30.7(b).

Household Goods

How are household goods and personal effects reported in the Automated Export System (AES)? (FTR section 30.38)

Household goods and personal effects require limited reporting of Electronic Export Information (EEI) when goods are shipped under a bill of lading or an air waybill. The total value and the shipping weight of the cargo are always required in the EEI. The Schedule B or Harmonized Tariff Schedule of the United States of America (HTSUSA) commodity classification codes, quantities, and domestic/foreign indicator are not required. Report the export information code “HH” when reporting household goods. See FTR section 30.38.

Carrier Questions

Can a Non-Vessel Operating Common Carrier (NVOCC) be listed as a carrier in the Automated Export System (AES)?

Yes. A NVOCC can be listed as the carrier in the AES. The Foreign Trade Regulations (FTR) states that the carrier identification specifies the carrier that transports goods out of the United States. For filing purposes report the Standard Carrier Alpha Code (SCAC) of the party whose booking number was reported in the AES. When booking with a NVOCC the SCAC can be

reported for the NVOCC, if the NVOCC's booking number was reported in the AES. See FTR 30.6 (a)(8).

United States Principal Party in Interest (USPPI) Questions

I am exporting goods that leave from my supplier's warehouse. I do not own this warehouse. What address do I report in the Automated Export System (AES)? (FTR section 30.6(a)(1)(ii))

The address to be reported in the AES is the location (not post office box address) from which the goods begin their journey to the port of export. This is true even in the cases when the U.S. Principal Party in Interest does not own or lease the facility. For statistical purposes, the Foreign Trade Regulations (FTR) requires the reporting of this address to capture the actual state in which the goods begin their journey to the port of export.

For example, Company A located in Muleshoe, Texas leases a warehouse in Norman, Oklahoma from which the goods are released for export. When reporting the electronic export information in the AES, Company A would report their name and Employer Identification Number (EIN) with the address of the warehouse in Oklahoma.

What address do I report in the Automated Export System (AES) when my goods leave from multiple locations and are consolidated for export? (FTR section 30.6(a)(1)(ii))

If a company has goods leaving from multiple locations and are consolidated for export, the address to be reported is the location from which the commodity with the greatest value began its journey to the port of export. If such information is not known, report the address in the state in which the commodities are consolidated for export.

Who is the U.S. Principal Party in Interest (USPPI) in an export transaction? (FTR section 30.3 (b)(2))

The U. S. Principal Party in Interest (USPPI) is 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. See FTR section 30.3.

Who do I report as the U.S. Principal Party in Interest (USPPI) when goods are formally entered in the U.S.; however, the goods are really transiting the U.S. for immediate export and a foreign person or customs broker is listed as the importer of record? (FTR section 30.3 (b)(2)(iv) and (v))

If a customs broker or 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 may be listed as the USPPI in the Electronic Export Information (EEI) if the goods are subsequently exported without change or enhancement.

Who should be listed as the U.S. Principal Party in Interest (USPPI) when merchandise comes into the U.S temporarily for exhibition and the owner is a foreign entity and not present in the U.S.? (FTR section 30.3 (b)(2)(iv) and (v))

The U.S. broker or agent acting as importer of record on behalf of the foreign entity shall be listed as the USPPI for Automated Export System (AES) filing purposes. See FTR section 30.3 (b)(2)(iv) and (v).

What are the responsibilities of the U.S. Principal Party in Interest (USPPI) in a standard export transaction? (FTR section 30.3 (c)(1))

- Filing the Electronic Export Information (EEI) or authorizing an agent to file the EEI on its behalf.
- If the USPPI files the EEI, it is responsible for the accuracy and timely transmission of all the export information reported to the AES. See FTR section 30.3 (c)(1).
- If the USPPI authorizes an agent to file the EEI on its behalf, the USPPI is responsible for:
 - Providing the authorized agent with accurate and timely export information necessary to file the EEI.
 - Providing the authorized agent with a power of attorney or written authorization to file the EEI.
 - Retaining documentation to support the information provided to the authorized agent for filing the EEI, as specified in section of the Foreign Trade Regulations.
 - Licensing determination.

What are the responsibilities of the U.S. Principal Party in Interest (USPPI) in a routed export transaction? (FTR section 30.3 (e)(1))

- Provide the U.S. agent with statistical information, including USPPI name and address, USPPI's Employer Identification Number or Social Security Number, state of origin, Schedule B number, quantity/unit of measure, description of commodity, origin of goods, value, and any license information to assist in preparing the Electronic Export Information (EEI). See FTR section 30.3 (e)(1).
- Retain documentation to support the information provided to the agent for preparing the EEI as specified in FTR section 30.10.

Note: In a routed export transaction, the USPPI is not required to provide the U.S. agent of the Foreign Principal Party in Interest (FPPI) with a power of attorney or written authorization. The FPPI is responsible for providing a power of attorney or written authorization to the U.S. agent.

Foreign Principal Party in Interest (FPPI) Questions

Does the Foreign Principal Party in Interest (FPPI) have to be the party shown on the transportation document to whom final delivery or end-use of the goods will be made? (FTR section 30.1)

No. The FPPI is the foreign entity that purchases goods from the U.S. Principal Party in Interest. This party may be the ultimate consignee.

Corrections

What are the responsibilities of the vessel carrier and the Automated Export System (AES) filer if part of a shipment is rolled over to the following day? For example, if an AES record is filed for commodities valued at \$10,000 classified under one Schedule B and \$5,000 worth of the cargo is shipped on the original vessel and \$5,000 worth is rolled to another vessel of the same vessel line to be exported on the next day.

The carrier has the responsibility of notifying the United States Principal Party in Interest (USPPI) or the U.S. authorized agent of changes to the shipment, and the USPPI or U.S. authorized agent shall electronically submit the corrections to the original AES filing and file a second AES record for the portion that was exported on the following day. See FTR Section 30.45 (b).

Can I make a correction to an Electronic Export Information (EEI)? (FTR section 30.9)

Yes. Corrections, cancellations, or amendments to the Electronic Export Information (EEI) should be electronically identified and transmitted to the Automated Export System (AES) for all required fields as soon as they are identified. If you are having problems correcting an AES error, contact the Automated Export System Branch at (800) 549-0595, option 1. See FTR section 30.9 for transmitting and correcting the EEI.

Should a new Automated Export System (AES) record be filed if only part of my shipment was exported? (FTR section 30.9)

The U.S. Principal Party in Interest (USPPI) or authorized agent (the filer) is responsible for making the necessary corrections to the originally filed record as soon as the information is known per Section 30.9. In addition, a new AES record would be filed for the remaining items to be exported, if the commodities are valued over \$2,500 per Schedule B or if a license is required. For example, ten containers were scheduled for export but only eight containers were shipped. The USPPI or authorized U.S. agent is responsible for updating the original AES record to reflect the shipment of the commodities in the eight containers that were exported and filing a new AES record for the commodities in the remaining two containers to be exported, if the value of the commodity

is over \$2,500 per schedule B number or a license is required. Otherwise, an exemption citation must be submitted.

Disclosure

Is the Electronic Export Information (EEI) filed in the Automated Export System (AES) confidential? (FTR section 30.60)

The EEI is confidential and used solely for official purposes authorized by the Secretary of Commerce in accordance with Title 13 United States Code section 301 (g). Neither the EEI nor its contents may be disclosed to anyone except the United States Principal Party in Interest (USPPI) or the authorized agent. The EEI must not be disclosed to foreign governments or foreign entities. The EEI is exempt from public disclosure unless the Census Bureau Director determines that such exemption would be contrary to the national interest. The confidentiality provisions of the EEI can be found in FTR section 30.60.

Does the U.S. Census Bureau provide information on what specific companies are importing and exporting?

No. All data that is collected by the U.S. Census Bureau is confidential under United States Code (USC) Title 13 and to be used solely for official purposes as authorized by the Secretary of Commerce. This information is exempt from public disclosure unless the Secretary of Commerce determines under the provisions of Title 13, USC, Chapter 9, Section 301(g), that such exemption would be contrary to the national interest.

How do I make a voluntary self-disclosure? (FTR section 30.74)

The policy and procedures for voluntarily disclosing violations or suspected violations of the Foreign Trade Regulations (FTR) can be found in section 30.74 or at www.census.gov/trade.

Does the U.S. Census Bureau publish international trade information by company name?

No. Title 13, United States Code, Chapter 9, Section 301(g) prohibits the publication or release of any information that could identify any particular company, individual, or household.

Are there circumstances where the U.S. Census Bureau will release the Electronic Export Information (EEI)? (FTR section 30.60)

Yes. The EEI may be supplied to the U.S. Principal Party in Interest and authorized U.S. agents for compliance and auditing purposes. The EEI may also be supplied to federal agencies for official

purposes when deemed to be in the national interest pursuant to Title 13, United States Code, Chapter 9, Section 301(g).

Official purposes are defined to include but are not limited to:

- Verification and investigation of export shipments, including penalty assessments, for export control and compliance purposes;
- Providing proof of export; and
- Statistical purposes.

I have seen my company's information published. Where is the information obtained?

Published company information typically comes from the shipping manifest. Customs and Border Protection (CBP) provides this information upon request. In addition, data providers collect this information and compile it for distribution. If you need more information please contact the Privacy Act and Policy and Procedures Branch at CBP at (202) 325-0280.

Is manifest or bill of lading data confidential?

No. The shipping manifest is a document in the public domain and can be viewed by anyone.

Is there anything I can do to stop the publication of my company's information?

You can contact the Privacy Act and Policy and Procedures Branch at Customs and Border Protection and request confidential treatment of manifest information at (202) 325-0280.

ECCN/License

What value should be reported in the Automated Export System (AES) when shipping licensable goods?

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

What is an Export Control Classification Number (ECCN) and how do I get one?

ECCN stands for Export Control Classification Number. An ECCN is an alphanumeric classification used in the Commerce Control List (CCL) to identify items for export control purposes. All ECCN's will have 5 characters, for example, 1A001, 4B994, or 9D001. There are 10 categories on the CCL. The first number of the ECCN identifies the category to which it belongs, for example, 1 = Nuclear Materials Facilities and Equipment, 4 = Computers, 9 = Propulsion Systems, Space Vehicles and Related Equipment. There is a process for determining the proper ECCN for your item. The Bureau of Industry and Security's (BIS) Office of Exporter Services have

counselors available in Washington, DC Headquarters on (202) 482-4811 and in their Western Regional Office in California on (949) 660-0144 or (408) 998-8806 for guidance on determining your ECCN using the CCL. The CCL is found in Supplement 1 to Part 774 of the Export Administration Regulations (EAR) and is available on-line at http://www.access.gpo.gov/bis/ear/ear_data.html. BIS cannot provide official classification determinations by phone. However, BIS can help guide you through the classification determination process.

What types of exports does the Department of Commerce regulate?

The Bureau of Industry and Security (BIS) of the Department of Commerce implements and enforces the Export Administration Regulations (EAR). The EAR regulates the export and re-export of most commercial items. The items that BIS regulates are often referred to as "dual-use" items because they have both commercial and military or proliferation applications, but purely commercial items without an obvious military use also are subject to the EAR.

What is the difference between Export Administration Regulations' (EAR99) and No License Required (NLR)?

EAR99 is a classification for an item. It indicates that a particular item is subject to the Export Administration Regulations (EAR), but not specifically described by an Export Control Classification Number (ECCN) on the Commerce Control List (CCL). While the classification describes the item, the authorization for shipment of that item may change, depending on the circumstances of the transaction. NLR stands for the "No License Required" designation. NLR may be used for either EAR99 items, or items on the CCL that do not require a license for the destination. However, exports of an EAR99 item to an embargoed country, an end-user of concern or in support of a prohibited end-use may require an export license.

When is an Export Control Classification Number (ECCN) required in the Automated Export System (AES)?

You must enter the correct ECCN in the AES for licensed, license exception shipments, and for "no license required" (NLR) shipments of items on the Commerce Control List having a reason for control other than or in addition to anti-terrorism (AT). The only exception to this requirement is the return of unwanted foreign origin items, meeting the provisions of License Exception TMP, under §740.9(b)(3) of the Export Administration Regulations (EAR). See 15 CFR 758.1 (g) (as amended July 10, 2000).

Who do I contact for information on determining my Export Control Classification Number (ECCN) and license requirements?

While the Bureau of Industry and Security (BIS) can provide oral advice and guidance on classifying your item on the Commerce Control List (CCL), BIS cannot give definitive

classification decisions over the phone. The Office of Exporter Services has counselors available from their Washington, DC headquarters at (202) 482-4811 and their Western Regional Office in California at (949) 660-0144 or (408) 998-8806 to provide you guidance on determining your Export Control Classification Number and license requirements.

Do I need a license to export to Puerto Rico?

No. Shipments to Puerto Rico do not require a license. A shipment to Puerto Rico is not defined as an export or re-export under the Export Administration Regulations (EAR). However, the U.S. Principal Party in Interest (USPPI) is required to file an Electronic Export Information via the Automated Export System. If the shipment is going through Puerto Rico and the final destination is a foreign country, the exporter must follow the required procedures for obtaining an Export Control Classification Number (ECCN) in order to ascertain whether a license is required for the shipment.

Is Electronic Export Information (EEI) required for shipments that initially clear a U.S. port at the time of importation but that are ultimately destined for Puerto Rico?

No, shipments that are unloaded at a U.S. port to ship to Puerto Rico, do not require an AES filing.

What are export controls?

Export controls are administered by the Bureau of Industry and Security (BIS) in the U.S. Department of Commerce, and are described in detail in the official publication U.S. Export Administration Regulations (EAR). Whenever there is any doubt about how to comply with export regulations and licensing procedures, the Department of Commerce officials or qualified professional consultants should be contacted for assistance at (202) 482-4811.

What are the restricted countries where I may not sell/export my goods?

Where you may or may not ship your goods varies with each transaction and depends on the nature of the goods, the identity of the proposed recipient of the goods, and the activity or activities in which the recipient is involved. You must determine that information before you can decide whether you need an export license. In some situations, the Export Administration Regulations (EAR) requires an export license for shipments to any country in the world (even Canada, in rare circumstances). Part 746 of the EAR lists countries that are subject to embargoes or other special controls. A list of embargoed countries can also be found on the Office of Foreign Assets Control (OFAC) website at: www.treas.gov/ofac

Have the embargoes for Iran and Sudan been abolished?

The embargo against Iran is still in place, while the embargo against Sudan has been modified to exempt certain areas of the country. The Office of Foreign Assets Control (OFAC) of the Department of the Treasury administers both. Exports and reexports subject to the Export Administration Regulations (EAR) that are not subject to the OFAC's Iranian Transactions

Regulations may require authorization from Bureau of Industry and Security (BIS). If you are exporting or reexporting items to Sudan, you should check with OFAC to determine if the destination of your items is in the areas of Sudan that are still under embargo, or if it is in the areas of Sudan that have been exempted from the embargo. In addition, BIS continues to maintain licensing requirements under the EAR on exports and reexports to all areas of Sudan.

How do I find out about duties and licenses for certain countries?

The Department of Commerce Trade Information Center can assist you with obtaining this information. The Center can be reached on 1(800) USA-Trade (872-8723).

Freight Forwarder/Authorized Agent Questions

Can the foreign broker of the Foreign Principal Party in Interest (FPPI) provide a power of attorney (POA) or written authorization in a routed export transaction?

The Foreign Principal Party in Interest (FPPI) may authorize a foreign broker to arrange for the export of goods from the United States (U.S.) by providing them with a POA or written authorization. The foreign broker would then provide a POA or written authorization to a U.S. authorized agent to facilitate the movement of goods in a routed export transaction. For example, Company A in France has authorized Broker X through a POA or written authorization, in France to arrange for the export of goods from the U.S. Broker X authorizes an agent within the United States via a POA or written authorization to complete the electronic export information.

What are the responsibilities of the authorized agent in a standard export transaction? (FTR section 30.3 (c)(2))

- Accurately prepare and file the Electronic Export Information (EEI) record based on information received from the U.S. Principal Party in Interest (USPPI).
- Obtain a power of attorney or written authorization from the USPPI.
- Retain documentation to support the information reported to the Automated Export System (AES), as specified in FTR section 30.10.
- Upon request, provide the USPPI with a copy of the EEI filed on its behalf.

What are the responsibilities of the authorized agent in a routed export transaction? (FTR section 30.3 (e)(2))

- Obtain a power of attorney or written authorization from the Foreign Principal Party in Interest (FPPI).
- Prepare and file the Electronic Export Information (EEI) based on information obtained from the U.S. Principal Party in Interest (USPPI) or other parties involved in the transaction.
- Upon request, provide the USPPI with a copy of the power of attorney or written authorization from the FPPI.

- Retain documentation to support the EEI reported through the Automated Export System (AES).
- Upon request, provide the USPPI with the data elements that were provided by the USPPI and filed in AES.

Can a freight forwarder be listed as the U.S. Principal Party in Interest (USPPI) in the Electronic Export Information (EEI)? (FTR section 30.3(b)(2))

A freight forwarder can be listed as the USPPI when:

- The freight forwarder acts as the U.S. Broker and formally enters merchandise into the U.S. on behalf of the foreign entity acting as the importer of record.
- When the freight forwarder is acting as an order party.

Tariff

What Is a Tariff?

A tariff or duty is a tax levied by governments on the value of imported products. The tariff is assessed at the time of importation along with any other applicable taxes/fees. Tariffs raise the prices of imported goods, thus making them less competitive within the market of the importing country. For more information on tariffs you can contact the International Trade Administration on (800) 872-8723.

How do I find out about duties and licenses for certain countries?

The Department of Commerce Trade Information Center can assist you with obtaining this information. The Center can be reached on 1(800) USA-Trade (872-8723).

What is a Quota?

A restriction on specific goods that a country permits to be imported during a specified time before the imposition of added duties or can refer to a total restriction on a particular good entering a country. For example, Japan may allow the importation of 5,000 U.S. cars at a reduced or waived duty rate. Once car number 5,001 enters, either no more can enter or a significantly increased duty rate will apply. For more information please contact the International Trade Commission on (800) 872-8723.

Classification Questions

What is the system for classifying commodities? (FTR section 30.1(c))

The Harmonized System is a method of classifying goods for international trade developed by the Customs Cooperation Council (now the World Customs Organization).

What is the Harmonized Tariff Schedule (HTS)? (FTR section 30.1(c))

An organized listing of goods and the duty rates, developed by the U.S. International Trade Commission, which is used by Customs and Border Protection (CBP) as the basis for classifying imported products, including establishing the duty to be charged and providing statistical information about imports and exports.

What is a Schedule B number? (FTR section 30.1(c))

A Schedule B number is the Statistical Classification of Domestic and Foreign Commodities exported from the United States. These 10-digit commodity classification numbers are administered by the U.S. Census Bureau and cover everything from live animals and food products to computers and airplanes. To find a Schedule B number please refer to the Schedule B Search Engine found at www.census.gov/foreign-trade/schedules/b/index.html. If additional assistance is needed, please call the Commodity Analysis Branch, Foreign Trade Division, Census Bureau on (800) 549-0595, option 2.

How can I find my Schedule B Number and official description of my product?

To obtain your Schedule B number and official description, visit the Census Bureau's Foreign Trade Division website which provides a complete listing of the Schedule B numbers and descriptions at <http://www.census.gov/foreign-trade/schedules/b/index.html>. If additional assistance is needed, please call the Commodity Analysis Branch, Foreign Trade Division, Census Bureau on (800) 549-0595, option 2.

What Schedule B number and value do I report for goods that were imported for repair and now are being returned? What about warranties?

For goods that were previously imported for repairs, the Schedule B number to report at the time of export is 9801.10.0000. The value to be reported in the Automated Export System is the total cost of the parts and labor. The value of the original product shall not be included. If goods were replaced under warranty, the Schedule B number of the replacement item would be listed and the value reported is the cost of the new item. If the value reported in the Automated Export System is

different from the value on the bill of lading, invoice, etc. include the statement “Product replaced under warranty, value for EEI purposes.”

How much detail should I provide for the description of my product?

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.

Shipment

We have multiple invoices from the same U.S. Company containing the same Schedule B numbers, going to the same foreign buyer, on the same carrier with the same date of exportation. Can these invoices be filed in one Automated Export System (AES) record?

Yes. One AES record can be filed for multiple invoices. Based on the Foreign Trade Regulations 30.1(c), a shipment is all goods being sent from one U.S. Principal Party in Interest to one consignee to a single country of destination on a single conveyance and on the same day.

I have goods that are moving in-bond through the U.S., am I required to file Electronic Export Information (EEI)? (FTR section 30.2 (d)(1))

The EEI is not required for shipments that do not enter the commerce of the United States. A filing citation or exemption legend is not required for in-bond shipments because these shipments are out of scope of the FTR.

Can I file the Form 7513, Shipper’s Export Declaration (SED) for In-transit Goods, via the Automated Export System?

The Army Corps of Engineers has suspended the requirement to file the Form 7513. Currently, there are no filing requirements for in-transit shipments. For more information, please refer to <http://www.usace.army.mil/>.

If there are several bookings on one bill of lading, would several Internal Transaction Numbers (ITNs) or exemption citations be required?

If there are several bookings on one bill of lading, an ITN or exemption citation is required for each shipment from one U.S. Principal Party of Interest to one ultimate consignee.

What are the procedures in a situation when an ocean shipment has received multiple shipping instructions listing multiple consignees in the same container?

The exporting carrier may proceed to load as long as they have an Internal Transaction Number for each shipment from one United States Principal Party in Interest to one ultimate consignee.

What is the procedure for filing a shipment that has been split by the carrier and is exported on the same day? (FTR section 30.28)

When the carrier has split a shipment additional Automated Export System (AES) filings are not required. However, "SPLIT SHIPMENT" should clearly be marked on the manifest and each subsequent shipments manifest. On the last portion of the shipment "SPLIT SHIPMENT, FINAL" should be reported. In addition, under the "number of packages" column shall show the portion of the shipment with reference to the total that is being shipped, i.e. 1 of 3 or 1/3. The original Internal Transaction Number should be used for each shipment. If the shipment is split, and part leaves on one day and part on another day, the original AES record must be corrected to show the part of the shipment exported on the first day and a new AES record must be filed to show the part of the shipment exported on the next day. See definition of a shipment in FTR section 30.1. (See FTR section 30.28)

Can split shipments apply to shipments exported by mode of transportations other than air?

Yes. Split shipments may apply to all modes of transportation. However, in order to file one Automated Export System (AES) record for the shipment, it must be booked for the export on one aircraft, vessel, train or truck but split by the carrier and sent on two or more of the selected modes of transportations of the same carrier on the same day. If the shipment is split, and part leaves on one day and part on another day, the original AES record must be corrected to show the part of the shipment exported on the first day and a new AES record must be filed to show the part of the shipment exported on the next day. See definition of a shipment in FTR section 30.1.

Shipping Documents

The Foreign Trade Regulations, section 30.10(b) refers to "shipping documents". What documents are considered "shipping documents"?

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

Where should I put my citations if a manifest is not required?

If a manifest is not required, citations should be annotated on the bill of lading, air waybill, export shipping instructions or other commercial loading documents.

Shipment Containers

Do I need to file for shipments of empty containers if the value is over \$2,500? (FTR section 30.26 (a))

No. When containers 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, they are not required to be filed. However, if ownership of such containers is transferred, electronic export information would need to be filed.

Training

Who can I contact for seminar information?

Contact the Regulations, Outreach and Education Branch, Foreign Trade Division (FTD), Census Bureau on (800) 549-0595, option 3. Seminars are held in locations all over the U.S. Visit the Census Bureau's website for the latest seminars: <http://www.census.gov/foreign-trade/aes/meetingsandpresentations/index.html#presentations>

Does the Foreign Trade Division (FTD) offer additional training other than the seminar program?

The FTD offers several different training opportunities in addition to the seminar program. The FTD provides webinars in English and in Spanish. These Webinars are hosted by the International Trade Administration and speakers from the U.S. Census Bureau's FTD participate in topics such as what the filing requirements are for export transactions, export commodity classification, Automated Export System overviews and how to use AESPCLink. There is also a speaker from Customs and Border Protection that discusses enforcement. The FTD also provides company training at the request of a company. Presentations are geared towards company's concerns or issues that they would like addressed. The FTD also has an AES Compliance Review Program where staff visits companies to observe their internal processes with export transactions and the FTD provides guidance on how to increase or maintain compliance with the FTR.

General Help

Where can I get more information on the Foreign Trade Regulations (FTR)?

The FTR can be found at our website located at www.census.gov/trade. Questions concerning the FTR may be directed to the Regulations, Outreach and Education Branch, Foreign Trade Division, Census Bureau on (800) 549-0595, option 3 or via email askregs@census.gov.

How do I know if my software has encryption capability?

Many common software products have encryption capability, subjecting them to special export controls. Internet software, office software, and many financial software products, among others, have encryption capability. Contact the manufacturer of the software product to find out if it has encryption capability. You can also contact the Information Technology Controls Division within the Bureau of Industry and Security at (202) 482-0707.

Our company currently does very little exporting; however, we are anticipating a much higher volume in the near future. I am interested to know whom I could contact for training information on general export compliance?

Contact the Regulations, Outreach and Education Branch, Foreign Trade Division, Census Bureau on (800) 549-0595, option 3. Seminars are held in locations all over the U.S. Visit the Census Bureau's website for the latest seminars: <http://www.census.gov/foreign-trade/aes/meetingsandpresentations/index.html#presentations>

What is the Trade Information Center (TIC)?

The Trade Information Center (TIC) provides export counseling to U.S. exporters. For information please contact the TIC at (800) USA-TRAD(E) or (202) 482-0543 or refer to the website: www.export.gov.

What online resources are available to assist with the export process as it pertains to the Foreign Trade Regulations (FTR) and the Automated Export System (AES)?

Regulations, Outreach, and Education Branch, (800) 549-0595, option 3, or AskRegs@census.gov
<http://www.census.gov/trade>

Automated Export System Branch, (800) 549-0595, option 1, or AskAES@census.gov
Automated Export System (technical support) (877) 715-4433
www.aesdirect.gov - *AESDirect* is the free Internet based application supported by the Census Bureau.

“AES Newsletter” is available at http://www.census.gov/foreign-trade/aes/documentlibrary/index.html#aes_newsletters

Automated Export System Trade Interface Requirements (AESTIR) is available at http://www.cbp.gov/xp/cgov/trade/automated/aes/tech_docs/aestir/

Commodity Classification (Schedule B Number), (800) 549-0595, option 2
“Schedule B – Statistical Classification of Domestic and Foreign Commodities Exported from the United States” is available on the FTD website at <http://www.census.gov/foreign-trade/schedules/b/index.html>

“Schedule D – Classification of Customs Districts and Ports for U.S. Foreign Trade Statistics” is available on FTD website at <http://www.census.gov/foreign-trade/reference/codes/>

“Schedule C – Classification of Country and Territory Designations for U.S. Foreign Trade Statistics” is available on the FTD website at <http://www.census.gov/foreign-trade/reference/codes/>

Schedule K, Foreign Post Codes
<http://www.iwr.usace.army.mil/ndc/wcsc/scheduleK/schedulek.htm>

Other Agency Export Control Telephone Contacts

Bureau of Industry and Security, Department of Commerce www.bis.doc.gov
Washington, DC Newport Beach, CA San Jose, CA
(202) 482-4811 (949) 660-0144 (408) 998-8806

Export Administration Regulations (EAR) is available on the BIS website at www.access.gpo.gov/bis/ear/ear_data.html

International Trade Administration, Export Assistance Center (800) 872-8723

Department of State, Office of Defense Trade Controls (ODTC) (202) 663-2714
<http://www.pmddtc.state.gov/>

International Traffic In Arms Regulations (ITAR) is available on the Department of State website at <http://www.pmddtc.state.gov/>

Department of Treasury, Office of foreign Assets Controls (OFAC)
(Sanctioned countries and trade restrictions) (202) 622-2490
<http://www.treas.gov/ofac>

US Customs Border and Protection (CBP) (877) 227-5511
<http://www.cbp.gov/>

North American Free Trade Agreement (NAFTA) information is located at <http://www.fas.usda.gov/itp/Policy/NAFTA/nafta.asp>