



U.S. Customs and  
Border Protection

February 3, 2009

PORT OF CHARLESTON NOTICE NO: FY 2009-0011

TO: Brokers, Importers, and Other Interested Parties

SUBJECT: Enforcement of U.S. Census Bureau Regulations Requiring Mandatory Automated Filing of Export Information

Effective February 1, 2009, Customs and Border Protection (CBP) will begin enforcing penalty provisions for export information not filed electronically through the Automated Export System (AES) or AESDirect, where a Shipper's Export Declaration (SED) is required.

CBP has been delegated authority by U.S. Census to enforce penalty provisions in the regulations that potentially impact multiple parties in the export process. Penalties under the Foreign Trade Regulations (FTR), which are discretionary, may be issued to U.S. Principal Party in Interest (USPPI), freight forwarders, authorized agents, carriers, brokers, and any other party to the export transaction, as appropriate, to gain compliance. Under 15 CFR Subpart H, the penalty may be issued in an amount up to \$10,000 per violation. Penalties may be assessed against more than one person for a violation stemming from the same transaction. It is CBP's policy to issue all penalties at the maximum amount of \$10,000, except for penalties for late filing in AES, which will be issued at \$1,100 per day(s) late, up to a maximum of \$10,000.

Penalties may be imposed for the following violations of the FTR:

- Failure to file Electronic Export Information (EEI) in AES
- Late filing of EEI in AES
- Other FTR violations, such as incorrect value, failure to cite license code, etc.
- Penalties against exporting carriers or other persons as appropriate for violations such as failure to adhere to requirements set for in Section 30.45(f)

Questions concerning the penalty process should be referred to the CBP Outbound Team or Supervisory CBPO at (843) 856-8494.

  
Robert A. Fencel  
Area Port Director