

INSTRUCTIONS

Instructions for Submission:

Download the VSD Form (PDF) and open in Adobe or similar PDF software. Complete the form provided by the analyst. The required fields are identified in the below “Instructions for Form” and with red outlines in the form.

Once the form has been completed, provide the form as a password-protected PDF to the assigned analyst. The password should be provided as a separate email immediately following the submission.

Instructions for Form:

Step 1: Point of Contact Information

Point of Contact Name (required): Provide the title (Mr. or Ms.), first name, and last name of the individual submitting the disclosure. This person should have the authority to submit the disclosure and serve as the point of contact for the submission. 100-character maximum for each text field.

Company Name (required): Provide the name of the company or law firm of the point of contact. 100-character maximum text field.

Type of Business (required): Select the type of business that most closely matches the business type of the point of contact. The drop-down options include: “*Law Firm*”; “*Authorized Agent*”; “*U.S. Principal Party in Interest*”; “*Carrier*”; or “*Other*”.

Position Title (required): Provide the position title of the point of contact. For example, Vice President, Partner, Compliance Manager, etc. 100-character maximum text field.

Company Mailing Address (required): Provide the mailing address of the point of contact’s company in the following fields:

- **Mailing Address Line 1 (required).** 100-character maximum text field.
- **Mailing Address Line 2 (conditional).** 50-character maximum text field.
- **City (required).** 50-character maximum text field.
- **State (required).** 2-letter state abbreviations drop-down options.
- **Zip Code (required).** 5-digit postal zip code text field.

Email (required): Provide the email address of the point of contact. 50-character maximum text field.

Phone Number (required): Provide the phone number of the point of contact. 10-character maximum numeric field.

“Who should the response letter be addressed to?” (required): Select whether the response letter the Census Bureau issues should be addressed to the point of contact (select “*Same as Point of Contact*”) or should be addressed to another person and company (select “*Other*”). If “*Other*” is selected, the fields below must be completed.

- **Response Contact Name (required):** Provide the title (Mr. or Ms.), first name, and last name of the individual who should receive the response letter. This person should have the authority to

represent the company listed as the *“Response Company”*. 100 character maximum for each text field.

- **Response Company Name (required):** Provide the name of the company or law firm that should receive the response letter. 100-character maximum text field.
- **Response Type of Business (required):** Select the type of business that most closely matches the business type of the company that should receive the response letter. The drop-down options include: *“Law Firm”*; *“Authorized Agent”*; *“U.S. Principal Party in Interest”*; *“Carrier”*; or *“Other”*.
- **Response Position Title (required):** Provide the position title of the individual who should receive the response letter. For example, Vice President, Partner, Compliance Manager, etc. 100-character maximum text field.
- **Response Company Mailing Address:** Provide the mailing address of the point of contact’s company in the following fields:
 - **Mailing Address Line 1 (required).** 100-character maximum text field.
 - **Mailing Address Line 2 (conditional).** 50-character maximum text field.
 - **City (required).** 50-character maximum text field.
 - **State (required).** 2-letter state abbreviations drop-down options.
 - **Zip Code (required).** 5-digit postal zip code text field.
- **Response Email (required):** Provide the email address of the individual who should receive the response letter. 50-character maximum text field.
- **Response Phone Number (required):** Provide the phone number of the point of contact. 10-character maximum numeric field.

Step 2: Company in Violation

“Is the Company of the Point of Contact of the VSD the same as the Company in Violation?” (required): Select either *“Yes”* because the company submitting the VSD is the same as the company in violation and move on to Step 3 or *“No”* and complete the fields below must be completed.

- **Company in Violation Name (conditional).** Provide the name of the company in violation of the Foreign Trade Regulations. 100-character maximum text field.
 - **Company in Violation Physical Address:** Provide the physical address of the company in violation of the Foreign Trade Regulations in the following fields:
 - **Physical Address Line 1 (conditional).** 100-character maximum text field.
 - **Physical Address Line 2 (conditional).** 50-character maximum text field.
 - **City (conditional).** 50-character maximum text field.
 - **State (conditional).** 2-letter state abbreviations drop-down options.
 - **Zip Code (conditional).** 5-digit postal zip code text field.
 - **Company in Violation Type of Business (conditional):** Select the type of business that most closely matches the business type of the company in violation of the Foreign Trade Regulations. The drop-down options include: *“Authorized Agent”*; *“U.S. Principal Party in Interest”*; *“Carrier”*; or *“Other”*.
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Step 3: VSD Information

“Has an Initial Notification been submitted for this disclosure?” (required): Select either “Yes” and provide the case number given by the Census Bureau or “No.”

- 1. The kind of violation(s) involved. (required):** Identify the violations of the Foreign Trade Regulations committed by checking the relevant box or boxes. The options are: “*Failure to File Electronic Export Information (EEI)*”; “*Filing Incorrect EEI*”; and “*Failure to Make Timely Cancellations*”. Check all the boxes that apply. For example, if the company both failed to file EEI and filed incorrect EEI, then it must check the boxes next to “*Failure to File Electronic Export Information (EEI)*” and “*Filing Incorrect EEI*”.
- 2. The number of shipments involved. (required):** Provide the number of shipments, where applicable, in the appropriate box. The number of shipments is calculated per Internal Transaction Number (ITN). For example, if the company failed to file EEI for five shipments, then it would enter “5” in the box next to “*Failure(s) to file*”. Each field allows for up to 10 numeric characters.
- 3. Do(es) the violation(s) involve controlled or licensed shipments? (required):** Identify if the shipment or shipments in violation is/are controlled (i.e., falls under the export control regulations of another agency and/or meets a license exemption/exception under such regulations, such as the Department of State’s International Traffic in Arms (ITAR), the Bureau of Industry and Security’s Export Administration Regulations (EAR), and other regulations, including by not limited to the Drug Enforcement Administration (DEA), Environmental Protection Agency (EPA), Nuclear Regulatory Commission (NRC), Office of Foreign Assets Control (OFAC), etc.) or required a license (i.e., requiring an export license, permit, or authorization, under export control regulations mentioned previously, whether obtained prior to export or not). Select one or more of the following and provide additional information where necessary.
 - “*None. The shipment(s) in violation is/are not controlled or do/did not require an export license from any government agency (i.e., NLR).*” If this is selected, move on to Question 4 and do not select “*Controlled*” or “*Licensed*”.
 - “*Controlled. The shipment or all or some of the shipments in violation is/are controlled, but not licensed (i.e., ITAR-controlled; EAR-controlled; any other government agency).*” If this is selected, complete the following:
 - **Which government agency controls this/these shipments? (conditional):** Identify the government agency that controls this or these shipments by checking the relevant box or boxes. The options are: “*Department of State*”; “*Bureau of Industry and Security*”; and “*Other*”. Check all the boxes that apply. If “*Other*” is selected, then the name of the agency must be provided. If more than one agency, provide the name of the agency in the box to the right. The box to the right is a 100-character maximum text field.
 - “*Licensed. The shipment or all or some of the shipments in violation required an export license or permit from a government agency.*” If this is selected, complete the following:
 - **Which government agency requires a license for this/these shipments? (conditional):** Identify the government agency that requires a license or permit for this or these shipments by checking the relevant box or boxes.

The options are: “*Department of State*”; “*Bureau of Industry and Security*”; and “*Other*”. Check all the boxes that apply. If “*Other*” is selected, then the name of the agency must be provided. The box to the right is a 100-character maximum text field.

- **Was/were the license(s) or permit(s) obtained prior to export? (conditional):** Identify if the license(s) or permit(s) was or were obtained prior to export. Select either: “*Yes, for the shipment or all shipments*”; “*Some, but not all of the shipments*”; or “*No*”.

4. Did the company submit a voluntary self-disclosure to another government agency?

(required): Other government agencies have voluntary self-disclosure processes for violations of their respective regulations. For example, the Bureau of Industry and Security has a voluntary self-disclosure process for violations of the Export Administration Regulations. Please reach out to the respective agency for questions about their voluntary self-disclosure process. Identify whether the company submitted a voluntary self-disclosure to another government agency by selecting “*Yes*” or “*No*”. If “*Yes*” is selected, the following must be completed:

- **Please provide the name of the agency or agencies the company submitted a disclosure to and whether the agency or agencies closed the case(s). (conditional):** Provide the name of the agency or agencies the company submitted a disclosure to. Identify whether the case is still open or if it has been closed. If a case number has been provided by the agency, please provide the case number. 250-character maximum text field.

5. Was/were violation(s) discovered by a government agency prior to the company submitting this disclosure? (required):

Identify if the shipment or shipments in violation was/were discovered by a government agency prior to the company submitting the disclosure. A discovery includes but is not limited to a penalty, warning letter, a notification of errors, request for documentation, etc. Select one of the following and provide additional information where necessary.

- “*Yes.*” If this is selected, complete the following:
 - **The violation(s) was/were discovered by: (conditional):** Identify the government agency that discovered this or these shipments by checking the relevant box or boxes. The options are: “*Department of State*”; “*U.S. Customs and Border Protection*”; “*Bureau of Industry and Security*”; “*Homeland Security Investigations*”; and “*Other*”. Check all the boxes that apply. If “*Other*” is selected, then the name of the discovering agency must be provided. The box to the right is a 100-character maximum text field.
 - **Provide the ITN(s) for the discovered shipment(s): (conditional):** Provide the specific ITN(s) that was/were discovered by the agency or agencies identified in the previous question. Separate the ITNs by commas (,) or semicolons (;). 250-character maximum text field.
 - **Were additional shipments discovered by the company after being notified of the violations? (conditional):** Select either “*Yes*” because the company undertook a review after being notified of the discovery and self-discovered additional shipments in violation or “*No*”, the company did not self-discover

additional shipments in violation. Upon selecting an answer, move on to Question 6.

- *“No, the violation(s) was/were not discovered by a federal agency. The company discovered the violation(s).”* If this is selected, move on to Question 6.

6. Does the company have any correspondence from another government agency? (required):

Identify if the company has received any written correspondence from another government agency. Examples of correspondence includes but not limited to: email; penalties; disclosures; warning/closeout letters; acknowledgment letters; etc. Select one of the following and provide additional information where necessary.

- *“Yes, I have correspondence from a federal agency. (i.e., penalties; disclosures; warning/closeout letters; acknowledgment letters; etc.)”* If this is selected, fill in the 250-character maximum text field to describe the nature of the correspondence.
- *“No, I do not have any correspondence from a federal agency.”* If this is selected, move on to Question 7.

7. When did the violation(s) occur? (required): Identify the timeframe when the violations occurred by providing a start date and end date. The date format must be mm/dd/yyyy or you may select the date in the available calendar drop-down. The start date may not be more than 5-years from the date of submission of the VSD. The TRB will not audit shipments that are outside five years from the date of the VSD submission due to record retention requirements. For example, if the VSD is submitted on 09/10/2024, then the start date may not be before 09/10/2019.

8. How and why did the violation(s) occur? (required): Identify how the violation(s) occurred by checking the relevant box or boxes. The options are: *“Personnel oversight”*; *“System error”*; *“Lack of employee training and/or knowledge”*; *“Lack of knowledge regarding filing requirements”*; *“Lack knowledge regarding licensing requirements”*; *“Misunderstanding regarding the responsibilities of parties in export transactions”*; *“Misclassification of goods”*; *“Internal miscommunication”*; *“External miscommunication”*; *“Inaccurate documentation or information provided by:”*; or *“Other:”*. If *“Inaccurate documentation or information provided by:”* is selected, you must identify who provided inaccurate information in the 50-character text field. If *“Other:”* is selected, you must provide the reason for why the violation(s) occurred in the 250-character text field.

9. Names and addresses of companies involved in the activities giving rise to the violations, if applicable. (conditional): Please provide the name of the company or companies and their address(es), not the specific name of the individual or person who may have committed the violation(s), in the 500-character text field.

10. What are the corrective measures the company has taken to ensure these violations do not occur in the future? (required): Please describe the corrective measures taken in the 600-character text field. Please do not include documentation such as but not limited to actual employee training manuals, PowerPoint slide decks, etc.

11. Are there any mitigating circumstances? (conditional): Please describe the mitigating circumstances, if any, in the 600-character text field.

12. Internal Transaction Number(s) of the missed and/or corrected shipment(s) that have been filed and/or corrected in the Automated Export System (AES) per Section 30.74(c)(4) of the

Foreign Trade Regulations. (required): Follow the instructions as provided in the form. The instructions clarify what must be provided and how.

Certification Statements (required). There are five (5) certification statements that the Point of Contact/Submitter of the VSD must complete. The Point of Contact/Submitter must initial in the text field provided to the left of each statement. Each text field has a character limit of 3.

Signature of Point of Contact/Submitter (required). The Point of Contact/Submitter of the VSD must sign using Adobe or another PDF software or by typing or drawing their signature on the provided line. Use the “Fill & Sign” feature if using Adobe.