AES Newsletter

The Foreign Trade Division Moves into the New Census Building

The new U.S. Census Bureau building is a state-of-the-art office building. Previously in four different buildings, all Census Bureau employees are now in the same location. The new address is:

U. S. Census Bureau
Foreign Trade Division
4600 Silver Hill Road
Room 6K032
Washington, DC 20233-6700

Our contact phone numbers remain the same, but our fax numbers changed during the move; please see Contact Information on page 9 for more details.

INSIDE THIS ISSUE

Automated Export System (AES) Compliance Review Program

The U.S. Census Bureau's Foreign Trade Division's AES Compliance Review Program pretest has begun. We are visiting with companies that report the Shippers Export Declaration (SED) information through AES. The goal of this new program is to ensure compliance and reporting accuracy of AES filers. We are meeting with compliant and noncompliant companies to:

- Identify and develop best practices to ensure compliance and reporting accuracy
- Offer assistance and guidance with AES support, regulations, and product classifications
- Develop export reporting guidelines and procedures with your company
- Learn techniques to improve your exporting methods
- Avoid costly encounters with government enforcement agencies

Your company may be notified to participate in the pretest.

We look forward to working closely with you on AES!

AES Monitoring Reports

AES Compliance Reports

The U.S. Census Bureau monitors and reviews filer's data through the AES for quality, timeliness and coverage. The AES Branch of the Census Bureau's Foreign Trade Division reviews the data, sends monthly Compliance Reports, and contacts filers as needed.

On each AES Compliance Report, a compliance rate is calculated for the current statistical month. The compliance rate is calculated by dividing the Number of Compliance Alerts (designated on the report) by the Number of Shipments, subtracted from 100%.

For example:
ANY COMPANY
Email: employee@anycompany.com

Number of Shipments for April 2007: 100
Shipments with compliance alerts for April 2007: 3

Compliance Rate for April 2007: 97.00%

If your Compliance Rate is below 95%, we recommend strongly that you implement measures to prevent or correct identified problem areas. The AES Compliance Report will be one of the tools used to identify companies for the new Compliance Review Program. Please use your AES Compliance Report to identify areas in need of improved reporting.

For AES Compliance Report details, which include a list and description of all Response Codes that appear on the AES Compliance Report, please link to:
http://www.census.gov/foreign-trade/aes/documentlibrary/aescompliancereport.html

AES Fatal Error Reports

The AES Branch sends out bimonthly Fatal Error Reports to filers that have not been successful in meeting their AES filing requirements. Under 15 CFR part 30.64, AES filers are required to correct export transactions receiving fatal errors prior to exportation of the merchandise or prior to the tenth day after exportation if the U.S. Principal Party in Interest (USPPI) is approved for postdeparture (Option 4) filing. An AES export transaction receiving a fatal error is rejected by AES and no Internal Transaction Number (ITN) is generated back to the filer. Without the ITN, the transaction has not been accepted, and the filer has not met their reporting requirement.

It is the filer's responsibility to ensure that all AES transactions filed receive an ITN.

If a company continues to be noncompliant after repeated warnings, it may be **subject to fines, seizures, and/or penalties or revocation of its filing privileges in AES for a period of 60 days.**

The Fatal Error Report provides a list of Shipment Reference Numbers and the corresponding fatal condition(s) for each of the numbers. Please see instructions on the next page "How to Handle Fatal Errors."

How To Handle Fatal Errors

o Retrieve the transaction using the shipment reference number listed on the report. Fix the problem that is causing the fatal error. Resubmit the transaction again under the same shipment reference number as if you are sending it for the very first time. Wait to receive your ITN from AES assuring that the transaction was accepted.

o If you have already received the ITN for the shipment reference number listed on the report, do not retransmit again unless you need to make further corrections to the shipment.

o Duplicating a shipment reference number within a 5-year period will produce an additional fatal error.

o For information on how to resolve fatal errors, please view the following website:
www.census.gov/foreign-trade/redirects/aestir-appendix-a.html
- Open the "AESTIR Appendix A" document
- Select EDIT:FIND from the file menu or press CTRL F on your keypad.
- Type your fatal error code in the text box and click the "FIND NEXT" button.
- Read the resolution for the response code text to help you fix the error.

If you need assistance with resolving fatal errors, please contact a Census Bureau AES Client Representative by e-mail at ftd.aes.fatal.reports@census.gov or by phone at 800-549-0595 Menu Option 1.   When you call, please have available:
- An ITN for a prior shipment
- The Shipment Reference Number(s) you wish to discuss.

Remember: When a fatal error is received the ITN is not generated. Without the ITN, the transaction has NOT been accepted, and the filer has not met their reporting requirement.

DO NOT Ignore the Fatal Error Report!

AES Response Code Identifiers

Below are the AES Response Code Identifiers and the requirement for each. These response code identifiers are returned to the AES filer in the AES output record, along with the specific Response Code and message.

F = Fatal Error   Shipments with a Fatal Error message have not been accepted by AES. The AES output record will display the Response Code "F" and the Response Code Message. Please follow the procedure outlined under "How to Handle Fatal Errors" to resolve all outstanding Fatal Errors.

W = Warning   Shipments with a Warning message must be corrected within 4 days from the date of transmission.

C = Compliance Alert	Shipments with a Compliance Alert message were filed late and/or a change was made to certain elements in the shipment, postdeparture. No filing action is required. However, please review the action that caused the specific Compliance Alert to be generated and take appropriate measures to ensure proper reporting patterns.
V = Verify	Shipments with a Verify message receive an ITN, but the information in question must be verified to be correct. No further action is required if the information reported is verified to be correct; if not correct, please make the necessary correction and resubmit.
I = Informational	Shipments with an Informational message require no action. The information noted is for your records only.

AES Changes

U.S. Port of Export Codes (Schedule D)

Port Code	**Location**	**MOT**	
1803	Jacksonville, FL	Old:	Vessel
		New:	Vessel and Air

Port Of Unlading Codes (Schedule K)

Added

Port Name: Huizhou **Port Code:** 57022 **Country:** China

Deleted

Port Name: Port Purcel, Road Harbor **Port Code:** 91151 **Country:** U.S. Virgin Islands

Name Change Only

Old Name: Road Harbour, Tortola, Road Town, Tortola Island **Port Code:** 24815 **Country:** British Virgin Islands

New Name: Port Purcell, Road Harbour, Tortola Island

AES Outages

During the implementation of system enhancements, there may be occurrences when the AES will experience a system outage. When the outage is scheduled, the Census Bureau's Foreign Trade Division will notify the trade community in advance via a nationwide AES broadcast so companies can plan accordingly to facilitate the movement of their shipments. In the event of an extreme circumstance, the

AES may undergo an emergency outage beyond our control. A nationwide AES broadcast will be sent in such cases as well.

In most cases, incoming AES shipments transmitted during an outage will be stored in a queue. Once the system is restored, processing will continue and messages will be returned to the filers. AES filers may submit nonlicensed shipments under the AES Downtime Policy during outages. Licensed shipments, however, must be held until the system is restored and an AES ITN is received. Once the system is restored, all AES transactions for shipments that moved under the AES Downtime Policy must be filed along with any new AES transactions. When utilizing the AES Downtime Policy for export, please contact the U. S. Customs and Border Protection (CBP) port where you will export.

Please see the CBP Web site for further information on the AES Downtime Policy:

www.cbp.gov/linkhandler/cgov/export/aes/tech_docs/aestir/june04_intro/june04 _downtime_guide.ctt/june04_downtime_guide.doc

We apologize for any inconveniences that may have been caused during our most recent system outages and thank you for your understanding and patience. If you would like to be added to the nationwide broadcast list, please send your request to **askaes@census.gov**

AES*Direct/AESPcLink*

AES*PcLink* Users
Don't Forget Regularly Update Your Code Tables

With the recent Schedule B/Harmonized Tariff Schedule (HTS) changes, there have been many inquiries as to why the code tables in AES*PcLink* have not been showing the 2007 code updates. The AES*PcLink* application runs off of your computer's hard drive, and therefore, does not receive automatic updates as in the AES*Direct* Web site. As an AES*PcLink* user, you will need to make a conscious effort to periodically check your code tables to ensure that your company has the most up-to-date information in place.

The procedure for updating your AES*PcLink* code tables is a fast and easy process.

1. Once you have logged onto the system, you will need to select the "Tools" option at the top left of your screen.
2. The "Tools" feature will provide you will a drop-down menu. Select the fourth selection, "AES Code Tables."
3. Once you have clicked on "AES Code Tables," you will be lead to another pop-up window that will allow you to select which "Source of Update" you would prefer.
4. At that time, you will need to select "AES*Direct*" and click "Next" to proceed. You will then see a listing of the various code tables in the AES*PcLink* application. Any code table that is outdated in your AES*PcLink* software will have a check mark in the box to the left of the table's title.
5. Click "Update" at the bottom of the window to download this information. The program will proceed to run the updates in the application, and your program will be updated with the latest code changes in the AES.

AES*Direct* Users

If you have a pop-up box blocker on your computer, you must temporarily remove it to use the AES*Direct* look-up feature. The search boxes will not pop-up during a look-up if you have the pop-up box blocker activated.

Trade Ombudsman's Corner

****Duplicate Reporting****

Hello AES Users:

My name is Jerry Greenwell and I am the Trade Ombudsman for the Foreign Trade Division (FTD). I conduct training, participate in seminars/conferences, and I am liaison for the trade in FTD. One of my goals is to assist the trade in maintaining compliance and "Getting it Right the First Time." This is the first in a series of articles dedicated to reporting issues. So, let's talk about "DUPLICATE REPORTING."

Duplicate reporting occurs when an AES record, a Shipper's Export Declaration (SED), or another AES record is filed for the same transaction (for example, when the Freight Forwarder and USPPI file for the same shipment). To eliminate duplicate reporting:

- **DO NOT** (for any reason) attach a "paper" SED along with the shipment's loading documents being sent to the carrier. Only include the Proof of Filing Citation on the first page of your loading document (air waybill, bill of lading, commercial invoice, or other loading document), where it is legible and clearly visible.

- Ensure that there is clear communication between the primary parties in the transaction: the U.S. Principal Party in Interest (USPPI); the Foreign Principal Party in Interest (FPPI), and the forwarding or other agents that represent both of them. Companies must be aware of their responsibilities under Section 30.4 of the Foreign Trade Statistics Regulations.

  In an EXPORT TRANSACTION, the USPPI is responsible for export control functions. The USPPI can file through AES or give their agent a power of attorney or written authorization to file on their behalf.

  Export control functions are the responsibility of the FPPI in a ROUTED EXPORT TRANSACTION. The FPPI provides their U.S. agent with a power of attorney or written authorization to file the required export information through AES. The USPPI is required to provide the agent of the FPPI with the statistical information pertaining to the transaction. Also, the USPPI cannot file the transaction in AES unless the FPPI gives the USPPI the required authorization.

In summary, to eliminate duplicate reporting, **DO NOT** attach an SED to your loading documents when you file using AES. Identify the type of transaction, EXPORT or ROUTED. Make sure that only the party responsible for the AES filing actually files. Perform internal audits to verify that your AES staff/agents are filing properly. Most importantly—COMMUNICATE!!!

Export Regulations Corner

Who Must File the AES Export Transmission?

USPPIs have the option of filing their own AES transmission or appointing a Freight Forwarder/Forwarding Agent to file on their behalf. The USPPI must provide power of attorney or written authorization if using a Freight Forwarder/Forwarding Agent.

Exemption for Shipments From the U. S. to Canada (FTSR 30.58)

Shipments originating in the United States where the country of ultimate destination is Canada, are exempt from the SED/AES filing requirements. However, an SED/AES filing is required for licensed shipments (Department of State, Department of Commerce, Department of Justice Drug Enforcement Administration, etc.), under an ITAR exemption, rough diamonds (Kimberley Certificate Process), and shipments in-transit through Canada to another country.

Please note the following Exemption Legend on the bill of lading, air waybill, commercial invoice, or other loading document for Canadian shipments exempt from filing:

No SED Required FTSR 30.58

Education and Outreach

The Foreign Trade Division will participate in the following Bureau of Industry and Security (BIS) Compliance Seminars:

Date	Location
May 9–10, 2007	Savannah, GA
May 22–24, 2007	Detroit, MI
June 12–13, 2007	Dallas, TX
June 27–28, 2007	Melville, NY
September 12–13, 2007	Pittsburgh, PA

Please go to the following BIS Web site for details:
http://www.bis.doc.gov/seminarsandtraining/index.htm

If you have further questions regarding the BIS seminars, please contact:

Christine Wheeler
Bureau of Industry and Security
Office of Exporter Services
Outreach and Educational Services Division
(202) 482-6031

Note: The AES Compliance Conference and AES*Direct/AESPcLink* workshops have been suspended until further notice. Please continue to visit our Web site for updates:
http://www.census.gov/foreigntrade/aes/meetingsandpresentations/index.html

Helpful Export Web Links

The following documents on the Web should be viewed and printed and kept as reference to assist you in keeping in compliance with export regulations.

Examples of AES Proof of Filing Citation, Exclusion and Exemption Legends
http://www.census.gov/foreign-trade/regulations/ftsrletters/ftsr168-amendment2.pdf

2006 Schedule B Table Harmonized Tariff Schedule (HTS) and HTS Numbers Not Valid For Export

Schedule B and HTS
http://www.census.gov/foreign-trade/aes/documentlibrary/index.html#concordance

HTS Not Valid For Export
http://www.census.gov/foreign-trade/aes/documentlibrary/hts-not-for-aes.html

Regulations to use AES for the Reporting of Items on the Commerce Control List or United States Munitions List

Census Bureau Regulation
http://www.census.gov/foreign-trade/regulations/fedregnotices/fedreg-07172003.pdf

State Department Regulation
http://www.census.gov/foreign-trade/regulations/fedregnotices/ITARonAES.pdf

Advanced Notice and Notice of Proposed Rulemaking that will make AES Mandatory for those Shipments requiring the filing of Export Information

Advanced Notice
http://www.census.gov/foreign-trade/regulations/fedregnotices/MandatoryAESProgramNotice.pdf

Notice of Proposed Rulemaking
http://www.census.gov/foreign-trade/regulations/fedregnotices/fedreg-02172005.pdf

AES Newsletters

http://www.census.gov/foreign-trade/aes/documentlibrary/index.html#aes_newsletters

Customs and Border Protection Trade Act of 2002 - Required Advance Electronic Presentation of Cargo Information

http://www.census.gov/foreign-trade/regulations/fedregnotices/ADVANCEFILING.pdf

Bureau of Industry and Security (BIS) export controls and the Export Administration Regulations and how to use them.

http://www.bis.doc.gov/ExportLicensingQandA.htm

Contact Information

Census Call Center 800- 549-0595

If you have questions for the:
AES Branch   Select Option 1
Monday through Friday
7:30am - 6:00pm ET
Fax: 301-763-4610 or 301-763-6638
E-mail: ASKAES@census.gov

Commodity Analysis Branch (Schedule B/HTS classification)   Select Option 2
Monday through Friday
8:00am - 5:00pm ET
Fax: 301-763-4962

Regulations, Outreach and Education Branch   Select Option 3
Monday through Friday
8:00am - 5:00pm ET
Fax: 301-763-4610
E-mail: ftdregs@census.gov

AES*Direct* Helpdesk

Everyday, 7:00am - 7:00pm ET
Voice: 877- 715-4433
Fax: 301-562-7795
E-mail: boc-support@tradegate2000.com

We need your e-mail address change

Please send changes to your e-mail address to:

ASKAES@census.gov

Include in the message the name of the company and the name of the contact person. This helps us get information to you in a more timely manner

U.S. Customs and Border Protection (CBP)
Trade Enforcement And Facilitation

For questions regarding CBP, ITAR, and Used Vehicles contact:
Cynthia Oliver   202-344-3277   cynthia.oliver@dhs.gov or manifest.branch@dhs.gov

Other Phone Numbers/Web site Addresses
Bureau of Industry and Security (BIS)

Washington, DC	202-482-4811
Western Regional Office	949-660-0144
Western Regional Office	408-351-3378

Web Sites

BUREAU OF CENSUS, FOREIGN TRADE	**WWW.CENSUS.GOV/TRADE**
U. S. CUSTOMS AND BORDER PROTECTION	**WWW.CBP.GOV**
BUREAU OF INDUSTRY AND SECURITY	**WWW.BIS.DOC.GOV**