



AES Newsletter



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New Sheriff in Town!

Meet Omari Wooden, Your New Trade Ombudsman

by Keith Jones, Automated Export System (AES) Branch



Mr. Omari Wooden recently accepted the position of Trade Ombudsman for the U.S. Census Bureau’s Foreign Trade Division (FTD). He will serve as the primary liaison between the United States export trade community and the FTD for data reporting issues related to the Automated Export System (AES) and the Foreign Trade Regulations (FTR).

Mr. Wooden joined the FTD in 1997 in the former Data Collection Branch, where he worked with companies enrolled in the Automated Export Reporting Program (AERP)—a precursor to the AES. He processed the original Letters of Intent (LOIs) for participation in the AES Post Authorization Special Status (AES-PASS) program, which was succeeded by AES Option 4 and is now known as the AES Postdeparture Reporting Privilege.

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New Sheriff in Town—Con.

In 1999, Mr. Wooden joined the newly formed AES Branch to market and support the electronic reporting of export information through the AES. He was actively involved in marketing the AES and educating the export trade community on using the Census Bureau's *AESDirect* and *AESPCLink* software. As participation in the AES continued to grow, he worked with thousands of companies, local and regional trade authorities, and other federal agencies to promote electronic reporting. In 2005, he was selected as project manager for postdeparture reporting in the AES Branch.

Mr. Wooden's outstanding work with the trade community has earned numerous group awards and wide recognition over the years. As part of the AES team, he earned the Hammer Award for his work on the AES and the Director's Award for Innovation for *AESPCLink*. Most recently, he received the Silver Medal from the U.S. Department of Commerce for his leadership and valuable contributions to the 2008 publication and implementation of the FTR.

Mr. Wooden earned both the bachelor of science (mathematics) and the master of science (management) degrees from the University of Maryland. To contact him, please call 301-763-3829 (office), 301-467-9387 (cell), or e-mail <omari.s.wooden@census.gov>.

Now Available! Sample Shipment Guides for *AESDirect* and *AESPCLink*

by Theresa Gordon, Automated Export System (AES) Branch

You told us that you needed a quick and easy training alternative to learn how to file your Electronic Export Information (EEI) through the *AESDirect* and *AESPCLink* software. To show that we are listening, we developed Sample Shipment Guides for both reporting methods. The *AESDirect* guide provides screenshots of the entire filing process in that software. The *AESPCLink* guide offers similar screen-by-screen examples. Both guides include important information and helpful tips that are drawn from our Frequently Asked Questions (FAQ) section on our Web site.

The Sample Shipment Guides may prove most helpful for filers who are new to *AESDirect* and *AESPCLink*, as well as to filers who use this software as their backup method of filing. Other filers who export "qualifying" shipments on occasion, can also benefit from this brief refresher.

You are welcome to download either or both of the Sample Shipment Guides from our Web site at <http://www.aesdirect.gov/support/userguide.html#sample_shipments>.

If you have questions about these guides or filing your EEI, please call the AES Help Desk at 800-549-0595 and select Menu Option 1 or e-mail <askaes@census.gov>.

AES Newsletter Now Available in Spanish!

by Theresa Gordon, Automated Export System (AES) Branch

In an effort to respond to the needs of our clients, beginning with the April 2009 edition, we are now publishing the AES Newsletter in Spanish as well as English. Both the Spanish and the English versions of the quarterly newsletter are released in January, April, July, and October.

The AES Newsletters are available from the Document Library section of the AES Web site at http://www.census.gov/foreign-trade/aes/documentlibrary/index.html#aes_newsletters.

Customs Enforcement of the Foreign Trade Regulations (FTR)

by Robert Rawls, U.S. Customs & Border Protection

On June 2, 2008, the U.S. Census Bureau published a complete revision of 15 CFR Part 30 of the FTR. These regulations promulgated the authority to the U.S. Customs & Border Protection (CBP) to enforce the FTR and to issue fines and penalties in an effort to ensure better compliance.

In January 2009, CBP published a matrix of the different violations, the initial penalty amounts, and the mitigation guidelines for first, second, and third violations. CBP's goal is to ensure full compliance with the export regulations.

CBP initiated outreach to U.S. Principal Parties in Interest (USPPIs), filers, forwarders, and carriers to inform them of the new requirements and the penalties associated with violations. We are working with the Census Bureau to provide more information to the export trade community about data requirements, timelines, and how to maintain compliance with the FTR. In addition, CBP continues to provide "informed compliance" to companies identified in the initial notification period as having compliance issues related to the new regulations.

Please note that the previous regulations included a maximum penalty of \$1,000 per export violation, while the FTR increases the maximum to \$10,000. Another important revision is that any and all parties responsible for the violations may be penalized. This may include the manufacturer, wholesaler, retailer, buyer's agent, seller's agent, freight forwarder, carrier, and/or the filer of the Electronic Export Information (EEI)—depending on the specifics of the violation.

CPB will focus on the following types of violations: (1) failure to file the EEI; (2) late filing of the EEI; (3) incorrect data on the EEI, such as port of exit, value, commodity description; (4) failure to provide the carrier with the appropriate proof-of-filing citation or exemption legend; (5) failure to retain records for the required five-year period; (6) loading of cargo without the appropriate proof-of-filing citation or exemption legend; and (7) failure to annotate the manifest with the appropriate proof-of-filing citation or exemption legend.

For further information or assistance, please call 202-344-2847 or e-mail manifest.branch@dhs.gov.

Foreign Trade Regulations (FTR) Letter No. 4

by Christina Farr, Regulations, Outreach and Education Branch (ROEB)

The Foreign Trade Division (FTD) published the FTR Letter No. 4, on April 23, 2009. This letter further clarifies the FTR Letter No. 1, issued September 4, 2008, that changed the requirement for advanced filing of Electronic Export Information (EEI), through the Automated Export System (AES), for shipments between the United States and Puerto Rico. As specified in the FTR, Section 30.4(b)(2), the U.S. Principal Party in Interest (USPPI) or the U.S. authorized agent shall file the EEI when required, no later than the time period specified by the mode of transportation.

In reviewing this issue with the U.S. Customs and Border Protection (CBP), the Census Bureau determined that the Trade Act deadlines do not apply to shipments within a U.S. Customs Territory. Puerto Rico is in Customs District 49; therefore, shipments between the United States and Puerto Rico are exempt from the filing time frames specified in the FTR. After further consultation with the trade community, we determined that for shipments between the United States and Puerto Rico (both northbound and southbound), the proof of filing citation, postdeparture filing citation, or exemption citation must be presented to the carrier by the time the shipment arrives at the port of unloading for shipments.

This exemption from the required filing of advanced cargo information applies only to shipments between the United States and Puerto Rico. Shipments from either the United States or Puerto Rico to the U.S. Virgin Islands or a foreign country are NOT exempt and therefore MUST follow the required filing time frames as specified in Section 30.4(b)(2). The U.S. Virgin Islands are not a part of the U.S. Customs Territory.

Every effort must be made by the USPPI and authorized agents to comply with these requirements. If you have questions concerning these requirements, please call 800-549-0595 and select Menu Option 3 or e-mail <ftdregs@census.gov>.

2009 Schedule B and Harmonized Tariff Schedule (HTS) Tables

NO CHANGES TO 2009 SCHEDULE B
EXPORT COMMODITY CODES

NEW HTS IMPORT COMMODITY CODES
EFFECTIVE JULY 1, 2009

The updated AES Import Concordance is now
available at:

<<http://www.census.gov/foreign-trade/aes/documentlibrary/index.html#concordance>>

AES*PcLink* Users—Please update your AES*Direct* Code Tables
at least once every month.

For further information or assistance, please call 800-549-0595
and select Menu Option 1 or e-mail
<askaes@census.gov>.

Bureau of Industry and Security (BIS) Strives to Improve Exporter Compliance with the Export Administration Regulations (EAR)

by Gerard Horner, Bureau of Industry and Security (BIS)

BACKGROUND

For the past two years, the BIS has used the Automated Export System (AES) data provided by the U.S. Census Bureau to measure exporter compliance with the EAR. Exporter compliance of electronic export information (EEI) filings in the AES increased from 83.5% to 95.0%, on items subject to BIS licensing requirements, i.e. those requiring a license or license exception. However, the BIS is concerned with the number of EEI filing errors for the exports of these items, as well as those designated under “No License Required” (NLR).

Seldom are any of the errors identified by the BIS associated with AES fatal errors or compliance alerts. The BIS will continue to work with the Census Bureau and U.S. Customs and Border Protection (CBP) to add additional validations to prevent BIS compliance errors from occurring in the future.

THE TOP ERRORS

The following are the top errors committed by AES filers of concern to the BIS:

- Ineligible use of Export Commodity Control Number (ECCN) with license exceptions.
- Ineligible Country of Export use with license exceptions.
- Invalid ECCN.
- Value of export exceeds the ceiling value of the BIS license.
- Ineligible ECCN and country of export combination use with NLR designation.
- Misrepresentation of NLR types C32 and C33 (see April 2009 AES Newsletter for details).
- Mismatch of ECCN and Country between BIS License and AES EEI filing.

EXTENDED OUTREACH AND REFERRALS

In order to achieve improved exporter compliance with the EAR, the BIS developed a program that identifies specific exporters responsible for the noncompliance of EEI filings in AES. These exporters are referred to the BIS Office of Enforcement Analysis and to the BIS Office of Exporter Services for additional follow-up. In extreme cases, the exporter may receive a warning letter or a visit instead of a phone call explaining the problem.

The BIS recently joined the Census Bureau at AES Compliance Seminars to discuss its exporter compliance program. BIS also conducts several seminars that include Census Bureau participation designed to help companies create or enhance their export compliance programs. The objective is to help companies efficiently manage their export compliance requirements by implementing strategies and safeguards that can minimize the risk of an export violation. Additional venues, such as Webinars or other outreach seminars that include information on the BIS compliance program can be found at <www.bis.doc.gov>.

QUESTIONS

For additional information on the BIS exporter compliance program, please call Gerry Horner at 202-482-2078 or e-mail <ghorner@bis.doc.gov>.

Requests by Foreign Governments for U.S. Export Documentation

by Raemeka Mayo, Regulations, Outreach and Education Branch (ROEB)

The Foreign Trade Division (FTD) recently received several inquiries from the export trade community concerning requests from foreign governments for copies of previous years' Shipper's Export Declarations (SED, Form 7525-V, obsolete), as well as current copies of Automated Export System (AES) records. U.S. Principal Parties in Interest (USPPIs) and U.S. authorized agents want to know how to handle these requests.

Providing the Electronic Export Information (EEI) filed in the AES for nonofficial purposes is a violation of Section 30.60 of the Foreign Trade Regulations (FTR). Submission of AES records to foreign governments for any reason is a nonofficial purpose.

If a foreign customs agent, government representative, or customer requests the EEI for any United States export, please provide them with the regulatory requirement stated in section 30.60 of the FTR. Additionally, the FTD issued a notice in 2004 that remains valid and that can be found at: www.census.gov/foreign-trade/regulations/ftsrletters/notice-07052004.html#html.

The reasoning for this regulatory requirement is quoted below. The quote is part of the notice that can be viewed by following the link above.

"[Providing AES information] to foreign governments would be contrary to the national interest [of the United States] as it would seriously impact further attempts to complete the mission of the Census Bureau."

For further assistance, please call 800-549-0595 and select Menu Option 3 or e-mail ftdregs@census.gov.

Guide to Archived Shipments in AESDirect

by Rosanna Torres, Automated Export System (AES) Branch

Section 30.10 of the Foreign Trade Regulations (FTR) requires that your Electronic Export Information (EEI) for each shipment remains available for five years after the date of exportation. AESDirect retains the EEI on the main server for 12 months and then transfers the EEI to the "Archived Shipments" server for the remaining four years. This feature is included with your registration and includes all EEI filed under your Filer-ID through the AESDirect software.

To access a shipment that was exported more than a year ago, you will need both the USPPI-ID and the Shipment Reference Number (SRN) of the shipment in question. Login to AESDirect to access the Main Menu and locate the "Archive Shipments" section. Click on "Retrieve an Archived Shipment." Once in the AESDirect archive, you will be prompted to enter the USPPI-ID and the SRN specific to your shipment in order to retrieve the EEI. Modifications to the EEI will be replaced when resubmitting the shipment under the same SRN.

Looking ahead, our programmers are creating a multi-volume server that will increase storage capacity. Due to the ongoing modifications, some filers are reporting difficulty in trying to

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Guide to Archived Shipments in AESDirect—Con.

delete archived shipments. If you need to delete a shipment that is more than a year old, simply retrieve it from the Archived Shipment server and resubmit it with a change in any field. Please make sure you do not change the Shipment Reference Number or make a change to a field that will generate a Fatal Error. The replacement will pass the EEI from the “archived database” to the “current database.” Once the EEI is transferred to the current database, you will have no problem deleting the shipment.

NOTE: Once you have successfully completed the modification or deletion of the archived shipment, you will receive an e-mail notification (Shipment Replaced or Shipment Deleted).

The “Daily Log” function is discontinued until further notice. Therefore, you cannot access a list of shipments that were filed within a particular timeframe. However, you can easily locate individual shipments by entering the USPPI-ID, the SRN, and the approximate date of exportation in the “Select Volume” field.

For further assistance, please call the AES Help Desk at 800-549-0595 and select Menu Option 1 or e-mail askaes@census.gov.

AESDirect/AESPcLink User Notes

AESDirect Users: In order to use the look-up feature (for port codes, carrier codes, commodity codes, etc.), you must temporarily remove all pop-up blockers on your Internet browser. Many browsers offer you the option of “always accept pop-ups from this site” which would be a good choice for frequent users of the *AESDirect* software.

AESPcLink Users: At least once per month, please click on the Tools Menu to update your software and to update your AES Code Tables. You must be connected to the Internet to perform these updates. The software and codes are updated several times each month, but it is up to you to keep your PC up-to-date. *AESDirect* users do not need to perform these updates.

Interested in Attending an AES Seminar or Workshop?

AES*PcLink* Workshops are scheduled as follows:

August 5	Atlanta, Georgia
August 7	Corpus Christi, Texas
August 10	Long Beach, California
August 20	New York, New York

An Export Compliance Seminar with AES*PcLink* Workshops is scheduled as follows:

August 13-14	Jackson, Mississippi
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For details, registration forms, and future educational opportunities, please visit:
<www.census.gov/foreign-trade/aes/meetingsandpresentations/index.html>.

Contact Information

AES*Direct* Technical Support (toll-free)

Every day, 7 a.m.–7 p.m. ET

Voice: 877-715-4433

Fax: 301-562-7795

E-mail: <boc-support@tradegate2000.com>

Foreign Trade Division Call Center 800-549-0595 (see menu options below)

The e-mail addresses below are not secure. Confidential company information should not be sent to these addresses.

800-549-0595, Menu Option 1 Automated Export System Branch

Monday through Friday

7:30 a.m.–6:30 p.m. ET (new hours)

Fax: 301-763-6638

E-mail: <askaes@census.gov>

800-549-0595, Menu Option 2 Commodity Analysis Branch (Schedule B/HTS Classification)

Monday through Friday

8:30 a.m.–5 p.m. ET (new hours)

Fax: 301-763-4962 (no e-mail address)

Regulations, Outreach, and Education Branch, Menu Option 3

Monday through Friday

8 a.m.–7:30 p.m. ET (new hours)

Fax: 301-763-4610

E-mail: <ftdregs@census.gov>

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Contact Information—Con.

Foreign Trade Division (all branches)

Secure Fax: 301-763-8835

This fax number is for confidential company information (i.e., data requests). Please include a cover sheet with the name and/or branch phone number to whom the fax should be delivered.

AES Partnership Agencies

U.S. Customs and Border Protection (CBP)

Trade Enforcement and Facilitation

For questions regarding CBP, ITAR, and Used Vehicles contact:

Robert Rawls, Program Manager 202-344-2847,

E-mail: <robert.rawls@dhs.gov or manifest.branch@dhs.gov>

Bureau of Industry and Security (BIS)

Help Desk, Washington, DC

202-482-4811

Western Regional Office, Los Angeles/Newport Beach, CA

949-660-0144

Western Regional Office, San Jose, CA

408-351-3378

Directorate of Defense Trade Controls

U.S. State Department, Washington, DC

Response Team

202-663-1282

D-Trade Questions

202-663-2838

Web sites

U.S. Census Bureau, Foreign Trade

<www.census.gov/trade>

U.S. Customs and Border Protection

<www.cbp.gov>

Bureau of Industry and Security

<www.bis.doc.gov>

U.S. State Department, Directorate of
Defense Trade Controls

<www.pmdtcc.state.gov>

U.S. Treasury Department, Office of
Foreign Assets Control

<www.treas.gov/offices/enforcement/ofac>