



# Foreign Trade Regulations

## *FTR Updates*

Kiesha Downs



## FTR Updates

- Routed Export Transactions
  - Advanced Notice of Proposed Rule Making (ANPRM)
  - October 26, 2017
- Puerto Rico/Virgin Islands
  - ANPRM
  - September 17, 2020
- Country of Origin
  - Future Notice of Proposed Rule Making





## Hot Topic: Order Party as the U.S. Principal Party in Interest

### Quick Refresher: What is a USPPI?

- The U.S. Principal Party in Interest is the:
  - U.S. Person or Entity
  - Primary Beneficiary (Monetary or Otherwise)
  
- Generally, that Person can be the:
  - U.S. Seller (Wholesaler or Distributor)
  - U.S. Manufacturer
  - **U.S. Order Party**
  - U.S. Customs Broker
  - Foreign Entity (if in the U.S. at time goods are purchased or obtained for export)

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## Hot Topic: Order Party as the U.S. Principal Party in Interest

**The U.S. Order Party is the USPPI if they conduct the negotiations with the parties in the transaction and arrange for the sale and export of goods:**

- **Arranges for the Sale**
  - listing the goods for sale
  - determining eligible buyers and seller
  - conducting the sale or auction
  - soliciting, negotiating, and receiving bids from buyers
  - accepting payment from the buyer
- **Arranges for the Export of goods**
  - coordinating or transporting the goods from the auction house lot to the FPPI's chosen point in the US
  - providing knowledge, documents, and other necessary items
  - screening goods and foreign parties

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## Recent Developments: Voluntary Self-disclosure (VSD)

- Submit to:
  - Ms. Lisa E. Donaldson
  - Chief, Economic Management Division
  - U.S. Census Bureau
  - 4600 Silver Hill Road
  - Washington, DC 20233 (by USPS) or Suitland, MD 20746 (by courier)
- Due to COVID, we have limited access to physical mail.
- We are accepting VSDs electronically in a password-protected file to:
  - **Email:** [emd.askregs@census.gov](mailto:emd.askregs@census.gov)
  - **Fax:** (301) 763-8835

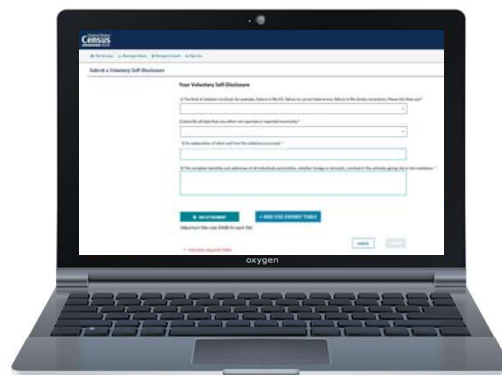


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## Recent Developments: VSD Web Portal

- Currently under development.
- Will allow for:
  - Secure submission of all information required for a VSD.
  - Ease of tracking past VSDs and communication.
  - Third parties to submit VSDs on behalf of clients and companies in violation.



Above image is a rendering and final product may be different

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# Automated Export System

## *AES Updates*

Paul Newman



## What Resources are Available to AES Filers?

- Foreign Trade Regulations (FTR)
- FTR Export Compliance Flipper
- ACE AESDirect User Guide
- Walk Through Videos
- Various Sample Shipments
- Export Training Videos
- Global Reach Blog
- GovDelivery Broadcast System
- AES Trade Interface Requirements (AESTIR) and Related Appendices
- [www.census.gov/trade](http://www.census.gov/trade)
- [www.cbp.gov](http://www.cbp.gov)



## What are the AES Compliance Report and AES Fatal Error Report?

- AES Compliance Report
  - Issued monthly to the Account Owner
  - Unresolved Fatal Errors and Compliance Alerts impact your compliance rate
  - Ultimate goal is a 100% compliance rate
  - Less than 100% compliance rate – review internal filing practices
  - Ensure contact information is current on ACE
  
- AES Fatal Error Report
  - Issued weekly to the Account Owner if unresolved Fatal Errors exist
  - Resolve Fatal Errors by reviewing Appendix A of the AESTIR
  - Contact the Trade Data Collection Branch for shipments that can not be corrected
  - [ftd.aes.fatal.reports@census.gov](mailto:ftd.aes.fatal.reports@census.gov) 1-800-549-0595, Option 1 ASKAES@census.gov

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## What is the AES Downtime Policy?

- AES Downtime may result from an unexpected system issue or an unscheduled maintenance window
- AES Downtime Policy is enacted at the 2-hour mark when a resolution is not imminent
- Notification sent via nationwide e-mail broadcast
- Filers maintain a log of unreported shipments and cargo moves
- US State Department shipments, whether licensed or ITAR exempt can not move
- AES Downtime Citation            AESDOWN – (Filer ID) – Date of Export
- Deactivation of the AES Downtime Policy is announced via nationwide e-mail broadcast
- Filers report shipments moved under downtime once system is operational

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## What is the AES Downtime Policy? (continued)

- AES Downtime Policy does not extend to an AES filer's system
  - Transmit through ACE AESDirect
  - Select an Authorized Agent to report on your behalf

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## Electronic Export Manifest

### *Manifest Updates*

Stephen Jackson



## Electronic Export Manifest

- Improve Transportation Export Statistics
- Electronic Export Information (EEI)
  - Reported by Exporters or their Authorized Agents
  - Commodity and Transportation Data
    - Estimates reported prior to export
- Electronic Export Manifest (EEM)
  - Reported by Carriers or NVOCC's
  - Transportation Data
    - Actual dates confirmed by departure messages

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## Project Goals

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Analyze Data Elements           <ul style="list-style-type: none"> <li>▪ Method of Transportation</li> <li>▪ District/ Port of Export</li> <li>▪ Date of Export</li> <li>▪ Vessel/ Carrier Name</li> <li>▪ Carrier SCAC/IATA</li> <li>▪ Foreign Port of Unlading</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Long Term Goals           <ul style="list-style-type: none"> <li>▪ Replace specific EEI data with EEM data</li> <li>▪ Reduce respondent burden</li> <li>▪ Filers would not need to update estimated data</li> <li>▪ Publish more accurate export trade statistics</li> </ul> </li> </ul> |
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## Operational Rail Test

### Statistical Data Elements:

- Method of Transportation
  - AES – 20.3% of EEI ITN level data would be updated from Vessel (10,11), Air (40) and Truck (30,31) to show Rail (20)
- Port of Export
  - AES – 6.6% of EEI ITN level data would be updated to Port Huron (3802) from 23 other reported port codes.
- Date of Export
  - AES – 38.8% of EEI ITN level data would be updated to correct the actual date of export from manifest data. (November, December, January, February, April, and May were reported)

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## Operational Rail Test

### Filer Data Elements:

- SCAC code
  - AES -39.9% of EEI ITN level data would be updated to correct the SCAC code from 69 other filed codes.
- Carrier Name
  - AES – 49.7% of EEI ITN level data would be updated to correct the carrier's name from 340 other filed names.
- \*Foreign Port is not required for Rail

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# Operational Rail Test

