April 17, 2005

Comment to the Bureau of the Census
On its
Notice of Proposed Rule Making
For
"Mandatory Automated Export System (AES) Filing
for all Shipments Requiring Shipper's Export Declaration Information"
(Docket Number: 031009254-4355-02)
(RIN 0607-AA38)

To whom it may concern:

APL is a wholly owned subsidiary of Singapore-based Neptune Orient Lines (NOL), a global transportation and logistics company engaged in shipping and related businesses. APL provides customers around the world with container transportation services though a network combining high quality intermodal operations with state-of-the-art information technology. APL operates over 80 vessels and has offices in more than 80 countries worldwide. We appreciate the opportunity to comment on this important Notice of Proposed Rule Making

Many exporting ocean carriers voluntarily file export manifest information electronically to Customs and Border Protection (CBP) via the agency's AES Vessel Transportation Module (VTM). Filing electronic export manifest information frees the exporting carrier from the requirement and burden of filing a paper manifest. Carriers who choose to use the AES VTM have largely made their export documentation processes completely paperless. Many carriers who have embraced the use of the AES VTM have done so in order to capitalize on paperless export technology in advance of the Automated Commercial Environment (ACE) which we understand will be available no sooner than five years from now.

APL is in the final stage of testing AES VTM prior to full implementation of the system later this year. Currently the AES does not electronically provide the proof of filing citations to AES VTM subscribers. We would lose significant automation efficiencies, decrease reporting reliability, and incur additional expense in our paperless documentation processes if we were unable to receive proof of filing citations (i.e. the

APL Limited
1667 K Street, NW, Suite 400
Washington, DC 20006
USA
www.apl.com

Internal Transaction Number (ITN)) electronically from CBP and/or Census once the USPPI has submitted the required Electronic Export Information (EEI). In short, without the electronic receipt of the proof of filing citation both the automated efficiencies and prospective use or continued use of the AES VTM is seriously undermined. The unreasonable burden in the maintenance of a paper process to support the paperless AES VTM is created.

The benefits to both the Census Bureau and to the Department of Homeland Security of ocean carriers using a fully functional AES VTM are also substantial. Fully automated export manifests available to both the Bureau of Customs and Border Protection and to the Bureau of Industry and Security for the dual purpose of risk analysis and tracking export compliance provide significant enforcement efficiencies. In addition, with the increase in the penalty provisions afforded by the Foreign Relations Authorization Act it is imperative that the government utilize reasonably and readily available technology to ensure timely and accurate data gathering for enforcement and penalty proceedings.

We request confirmation that the ITN will be provided to AES VTM participating carriers via that system, so those carriers will not need to develop manual processes for capturing that information. If the AES used by CBP and Census does not yet have the capability to provide the ITN electronically to AES VTM users, we strongly recommend that the necessary programming adjustments be made prior to the date the final rule will take effect. The absence of this functionality would provide a disincentive to exporting carriers to use or continue to use the AES VTM.

An AES capable of electronically providing VTM users with the proof of filing citation would create an incentive for the non-automated ocean carrier to move to the paperless environment thus providing the government with timely and easily verifiable export data to accomplish the stated goals of improved risk analysis, enhanced trade statistics, and post audit compliance.

Sincerely,



Tim C. Perry
APL, Ltd.
1667 K Street NW, Suite 400
Washington, DC 20006