

## BPE Global Hot Topic – January 2025

Support Your Village, People!



When I heard that the new administration dug up the Village People to perform at an inaugural event it got me thinking, are the Village People still relevant? The answer to the Trade Compliance Community is a resounding yes, because we must find ways in the weeks and months ahead to support our very own “village people” (think Operations, Sales, R&D, Logistics, Marketing, etc.). And one way to support them is by taking time to enhance your skills in data analysis. To do so, you must first embrace the concept of YMCA: **You Must Cherish ACE!**

I know what you’re thinking: “how many times do we have to hear about it?” Nevertheless, despite the fact that no one likes trying 16 different password combinations before ACE accepts one, or the fact that you have to log in every 45 days or else have to hunt down your Top Account owner to let you back in again (woe to you if you’re the Top Account owner), the value of the data to which you have access once you’re in is priceless.

Remarkably, the new administration has given us some extra breathing room to continue getting our ducks in a row. Executive Order “Regulatory Freeze Pending Review” requires that all executive departments and agencies (i) not propose or issue any rules, including sending any rules to the Office of the Federal Register (“OFR”) until review and authorization has been granted by newly appointed department or agency heads, (ii) withdraw any rules that had been sent to the OFR but have not been published, until review by the new agency heads, and (iii) consider postponing the effective date of any already published proposed rules by 60 days. We aren’t sure yet how long it will be before another earth shattering, last minute, effective yesterday rule drops. What’s a person in our shoes to do in the meantime? Here are some thoughts about how ACE data can help get us prepared for it.

First and foremost, if you have never registered for access to ACE, we highly recommend that you do so now. It’s a multi-step process, often requires a call or two to the ACE Helpdesk, and some training is often required to learn how to access your export and import reports; hence, easier to manage when you’re not having to put out fires.

Next, we can make predictions now to set us up for future success. The America First Trade Policy signed by the President last week helps give a sense of what could be in our future, and ACE data can help us determine if the results of the mandated investigations will be impactful.

Some examples are lumped together in the text of the [America First Trade Policy](#). Here we have insights into the government's mandated areas of investigation for trade compliance, which include, but aren't limited to:

- US trade agreements and sectoral trade agreements, with USMCA specifically targeted

ACE import data can be filtered and sorted. Therefore, you can easily view imports by country of origin. With the proposed February 1<sup>st</sup> implementation of 25% tariffs on imports from Mexico and Canada looming, sorting through your ACE data now would help you easily determine your current import volumes for COO MX, CA, or US products that could be impacted if indeed duties are levied this week. Once you know your volumes you can start to calculate the potential impact to share with your village people.

In addition to USMCA, your company may also be importing products under other preferential tariff agreements. All such entries will be indicated in the SPI column of your ACE ES-003 report. Since you're already looking, pull your history on those so that you'll know right away if you'll be facing any increased duties in the event the new administration decides any others aren't favorable.

- The application of Antidumping (AD) and Countervailing Duty (CVD) laws

Account owners can view AD/CVD details specific to their accounts from the References tab on the ACE home page. There are also reports that can be run to view active cases. Having this information at hand can help a company strategize to maximize cost savings, such as by sourcing products not subject to the scope of the orders or moving the supply chain, although we note that this isn't always possible.

- The effectiveness of the exclusions, exemptions, and other import adjustment measures on steel and aluminum

If you're importing steel or aluminum products and already subject to the rigorous import duties and certifications, alert your village people that more changes may ensue. You'll be able to assess your current volume of imports and identify in advance the teams directly impacted that you would be responsible for reaching out to in the event of any significant developments.

- How to maintain, obtain, and enhance our Nation's technological edge and how to identify and eliminate loopholes in existing export controls — especially those that enable the transfer of strategic goods, software, services, and technology to countries to strategic rivals and their proxies. In addition, they shall assess and make recommendations regarding export control enforcement policies and practices, and enforcement mechanisms to incentivize compliance by foreign countries, including appropriate trade and national security measures.

This one is a doozy! Don't forget that just because you don't see particular data by default in an ACE report doesn't mean it's not there. Often, you can customize your ACE reports to add fields. Think of it this way: if it has to be reported, such as in an EEL filing for export, the data will be in ACE. If you don't know the extent to which you're already exporting products subject to national security or regional stability controls, you can customize a report like AES-202 to view all ECCNs reported at the time of export. This will help you assess your risk profile for

potential stricter controls, such as the elimination of license exceptions, which by the way you can also view use of in your ACE reports.

Once you have your data in hand, ask your village people to review the data with you, and to identify hot spots. Ask what concerns them most so that you know who cares and why and when their specific concerns should be addressed in your communications. And don't forget, you got this!

BPE Global are your village people, too! Let BPE Global know if we can help you with any of your ACE account establishment or customization, or other trade compliance needs. BPE Global is a global trade consulting and training firm. Evelyn Bernal is a Director of BPE Global. You can reach Evelyn by email at [ebernal@bpeglobal.com](mailto:ebernal@bpeglobal.com) or by phone at 408-718-0265.