

Questions and Answers from FWS ACE Webinar – June 22, 2020

Q: How should we clear imports that require a Cites Certificate? Are original documents still required?

A: Yes, original permits and certificates must be submitted separately in hard copy form to complete the FWS document package and are required before the shipment can be fully processed. By law, FWS cannot accept scanned images of wildlife permits and certificates, other than for initial review.

Q: If the broker is transmitting their entry in conjunction with the FWS, is CBP set up NOT to release the cargo prior to getting a FWS MAY PROCEED?

A: CBP will not release the cargo until FWS has sent a May Proceed.

Q: How does clearance work for Overtime requests?

A: Overtime requests will work the same as is currently handled at each POE.

Q: Previously, F&W was required to release a shipment before customs entry could be submitted. Is it now that F&W and customs entry are submitted at the same time or does the ACE F&W need to be submitted before the shipment arrives? Please clarify on the filing timing. If submitted in ACE then F&W and Customs are submitted at the same time. How does that work now since previously F&W had to be submitted and released before customs entry could be submitted?

A: Correct, FWS data and customs entry can be submitted through ACE at the same time. The ACE system will not allow for CBP release until FWS has provided a May Proceed.

Q: Will we still need to wait until the shipment is in the same state of delivery before submitting the FWS entry for release? For example, Chicago we have to wait until the shipment is in the state of IL to submit the FWS information prior to submitting to CBP for release.

A: FWS data should be filed in ACE when the customs entry is submitted.

Q: Can the ACE FWS message set be sent as standalone transaction in ACE prior to filing the Customs entry?

A: The PGA Message set does not stand-alone. It must be submitted with an entry filing certified for cargo release

Q: Is there any advantage to filing through ACE versus remaining to file through e-dec?

A: An advantage of filing through ACE is the FWS data can now be filed at the same time as the CBP entry. If FWS is filed through ACE at the same time as the CBP entry, the broker/filer is not liable if the shipment gets released prior to FWS clearance.

Additionally, filing through ACE is helpful when filing FDA related product because all PGAs are transmitted at the same time versus the previous regulation of waiting for FWS release before transmitting the other PGAs. FDA may clear sooner now.

Q: Will a penalty be issued if CBP releases prior or will there be a waiver (temporarily) until this gets resolved?

A: As long as the FWS data is submitted prior to or at the same time the customs entry is submitted, no penalty will be issued.

Q: Please advise on the date that we should start F&W ACE entries?

A: July 6th, 2020. Please email Rhyan_tompkins@fws.gov directly to advise filing of your first FWS ACE entry.

Q: Are all designated ports ready for ACE PGA filings?

A: Yes.

Q: If customs releases the shipment but later F&W wants to examine the cargo, how does that work? I know it's an internal issue, however, it seems that the importer would still be fined for the movement. Is that correct?

A: FWS would conduct all exams/physical inspections prior to CBP releasing the shipment.

Q: Is there any problem if we file both ways?

A: No. As long as the each entry is filed the same way. The PGA lines within an entry must all be LDS or all be EDS.

Q: If my tariff doesn't flag F&WL, for example a painting, can I proceed the same as the past by just submitting through EDECS

A: Yes, you can continue to file through eDecs. You may also file through ACE. EDS filings can be submitted for any entry subject for FWS data requirements, regardless if the HTS code is flagged for FWS.

Q: Will the eDec system remain as an option to submit import data for USFWS clearances?

A: Yes, the eDec system will always remain an option.

Q: Will you be able to preclear or have to wait until it arrives at the final port of destination?

A: FWS regulations do not allow for preclearance at this time.

Q: If we have a FWS line and a disclaimed item, do they need to be separate Customs entries?

A: No, Disclaim E can be entered with FWS data, on the same entry.

Q: With air freight we are not supposed to submit the entry until the cargo is wheels up. Will there be a way to submit the 48 hour notification electronically prior to the customs entry?

A: FWS data and the customs entry may be filed at the same time via ACE. Filers should continue to follow the 48 hour notice guidance, instructed by each FWS port office (ex. port office email box, port appointment webpage)

Q: Do you have to wait until freight actually arrives at the facility before FWS can be filed?

A: FWS data may be filed via eDecs or ACE anytime in advance of the shipment arriving to final destination. However, FWS does not pre-clear shipments, therefore the freight needs to be arrived at the final destination before FWS reviews and processes the eDec (entry).

Q: Can this be used for exports as well?

A: No, not at this time.

Q: Do I understand correctly there should be only one eDEC number per entry? Our type 06 FTZ entries can involve multiple different importations, that would mean we would need to indicate "VARIOUS" for most of our entries?

A: Correct, one eDec number per entry for all entry types except type 06. FTZ entries are allowed multiple eDec numbers per entry.

Q: How long does it take F&W to receive PGA entry info from CBP after the entry is filed?

A: Currently, FWS receives the data from CBP every hour at :00.

Q: If I file an EDS entry it will automatically generate a regular online edec and once F&W is released I would receive FWS may proceed message in ACE as well as a cleared edec emailed like before correct?

A: Yes, that is correct.

Q: CA Data can only be submitted if rejected by FWS, how can one update the FWS in ACE if filed prior to the 3 days before ETA?

A: A CA, Replace, and Update can all be submitted prior to the 3 days before the ETA. After the 3 day prior mark (ex. 2 or 1 day before arrival), only Updates can be made, unless rejected by FWS. To make corrections to FWS data at this point, the filer should contact the FWS port inspection office. Or can cancel and resubmit a new entry.

Q: IF YOU REALIZE THERE IS AN ERROR ON THE EDEC AFTER THE EDEC HAS CLEARED DO YOU HAVE TO CANCEL THE ENTIRE ENTRY? (FOR EXAMPLE THE AIR WAY BILL NUMBER ETC.) CAN THE INSPECTOR ALLOW YOU TO FIX THE INCORRECT MASTER BILL NUMBER WITHOUT CANCELLING THE ENTIRE ENTRY?

A: The filer should not cancel the entry. The filer should contact the FWS port inspection office and explain the error to the reviewing inspector.

Q: How will fees work if filing in ACE instead of eDecs? Typically, we pay FWS fees at the time of eDec filing via credit card. How will processing of payment work with an EDS outside of eDecs? Will this delay FWS release?

A: Those who file the FWS Message Set through ACE must have a corporate account established with FWS. You will pay once a month in the eDec system for all FWS entries filed during that month. There is no delay in FWS release, payment is made after the entries have been released.

Q: Is FWS set up in PayCargo or Cargo Spint? Can ACH payment be made?

A: No

Q: As long as we continue to use edecs, can we still continue to pay by credit card per entry?

A: Yes

Q: How do we pay the FWS filing fees if we file for ACE filing, does it mean filer must also have a E-dec account in order to make payment and submit ACE entry? if so, does that mean the ACE filer must submit a E-dec file in order to submit an ACE entry?

A: Those who file the FWS Message Set through ACE must have a corporate account established with FWS. The filer that transmits an EDS via ACE does not need to file a separate eDec, the system will generate an eDec automatically.

Q: For the corporate accounts, do we get the monthly statement or we have to look into the account status monthly? Do we get a reminder to make payment?

A: Yes, emailed statements are sent out each month.

Q: If FWS entry is cancelled in ACE, does that mean another entry fee is needed for the replacement?

A: No, if an entry is cancelled and the eDec is deleted, the fee will be refunded.

Q: Will there be a code for FWL submission for DIS? And what email will be send to to notify FWL about DIS upload? When Docs are uploaded in DIS is there an mail address we should send to FWS letting them know the docs were uploaded in DIS?

A: Yes, the FWS Document Label Code is: **FWS_SUPPORTING_DOCS and the FWS DocCode is: **FWS02****

Q: Will filer submit document via Customs DIS or eDecs?

A: FWS prefers that filers submit the document package via DIS for EDS transmissions and via eDecs for LDS transmissions. However, the document package may be submitted using either option.

Q: So it's not going to be mandatory to upload DIS for FWS? Since the eDec will always be available?

A: Correct.

Q: So I can continue filing my eDec and just print and upload via DIS correct?

A: A copy of the eDec is no longer required to be included in the document package upload.

Q: Will there be a 3177 screen in ACE? Will the doc packet need to be the same as when we uploaded to e-decs.

A: No, there is no 3-177 screen in ACE. When an EDS is transmitted, FWS will generate a pending eDec Form 3-177 based on the FWS data provided in the message set. The document package does not need to include the eDec cover sheet, a copy of the eDec, or payment information.

Q: Will you see the ACE-filed entries on EDEC system?

A: Yes, an 03 event message in ACE will indicate that FWS has generated an eDec Form 3-177 from the FWS message set data. The filer can log into eDecs and view the pending eDec at that time.

Q: Is there a link or email to LEMIS for registration/account set up?

A: An eDec filer account can be set up at: <https://edecs.fws.gov/> and by selecting "Create New Account". To set up a FWS corporate account you will need to contact our LEMIS Help Desk at: 303-375-2355.

Q: Will messaging come back thru the entry when the EDEC is filed separately?

A: Yes, ACE messaging will come through when an LDS has been transmitted and linked to the eDec that was filed via the eDec system.

Q: If filing via eDecs, and reporting FWL Confirmation number in ACE what limited PG Records are required to report, or do we need to enter all the mandatory PG Records

A: When filing LDS: PG 01, PG02, and PG14 are the only records required.

Q: If we are a self-filer but use a vendor's software to transmit-who will need eDec filer acct and corp acct-us or the software company we use?

A: The eDec filer account and corporate account should be the self-filer/importer.

Q: Why reduce the number of HTS flagged to 200 when unflagged might still require FWS?

A: The flags were reduced to lessen the burden on the filers and the number of Disclaim E that would need to be reported for flags that do not contain FWS regulated commodities. However, there will be unflagged HTS codes that do contain FWS regulated commodities and filers are still required to file FWS data on these entries and received FWS clearance, prior to release of the shipment.

Q: How about live animals? Live animals usually need 24hr advance filing to get the inspection scheduled.

A: Filers can submit FWS data via ACE or eDecs in advance. Filers should continue to follow the FWS port inspection office' guidance on notification and inspection requests.

Q: Will this delay USDA "Transfer" delivery ticket for inspection

A: The USDA transfer will not occur until FWS has provided a May Proceed. However, this should not be different from how the process is currently working.

Q: Any special documentation required for goods made of Mammoth Ivory taken from glaciers and are such goods admissible into the US?

A: The mammoth, *Mammuthus primigenius*, is extinct and falls under the definition of fossil in 50 CFR Part 10 "Fossil means the remains of an animal of past geological ages which has been preserved in the earth's crust through mineralization of the object." Therefore, FWS has no requirements for the importation or exportation of products from that species.