Extension Sought for November 1 Mandatory Date for ACE

By Michael Laden

According to reliable reports coming out of Washington, D.C., U.S. Customs and Border Protection (CBP) has approached the White House seeking an extension of the November 1, 2015 mandatory date for all federal agencies to participate in CBP's next-generation system known as the Automated Commercial Environment (ACE). Reportedly, if an extension is granted it will be one six-month extension, making the new mandatory full implementation date May 1, 2016.

The ACE system, which has been in development and deployment since the late 1990's (and has coincidentally cost taxpayers *billions* of dollars) has been on somewhat of a *fast track* in recent years. And, CBP is to be commended for finally demanding and getting some positive traction on ACE in recent years. As envisioned by CBP and the trade community, ACE will soon become the operating platform or engine for the single window concept known as the International Trade Data System (ITDS). But now, as CBP's portion of the ACE system is nearing completion, the scramble is on for other federal agencies (Food and Drug, Department of Agriculture, Fish and Wildlife, etc.) to get on board with the single window concept. This impetus is being spurned by an Executive Order signed by President Obama on February 19, 2014. This directive requires all federal agencies who regulate or otherwise collect data on commercial imports to participate in ACE no later than November 1, 2015.

Frankly speaking, it is my humble opinion that this date is unattainable and that the government, who allowed ACE to languish for years, is now trying to run at warp speed…something that it's not very good at. Based on my experience, it is my opinion that the Federal Government runs at about one-third of the speed (or less) of most private sector companies. Simply put, they are trying to fit five years of specification, design, development, testing and implementation into an eighteen month time frame; it's too much, too fast. Some federal agencies have had to be dragged into ACE kicking and screaming and have done everything they can do to stall their part of the implementation. Now, *all of them* have been mandated to have their system requirements and specifications designed and coded in a *very* small window. I am not a programmer, but I do know quite a bit about computer systems and the art of programming; and anytime you are attempting to code disparate requirements for multiple agencies into a brand new system, it takes time…lots of time. Not only to code, but to *test*. Over the years CBP has had multiple fits and starts with certain deployments or modules of ACE; and they have also struggled mightily just to build and roll-out a 2.0 platform for the Customs-Trade Partnership Against Terrorism (C-TPAT) program.

Collectively, the Commercial Operations Advisory Committee (COAC), the trade associations, large private sector importers and the multitude of government agencies involved need to inform the White House that the date cannot be practically or realistically met. One agency, the U.S. Fish and Wildlife Service purportedly already has an exemption from the "mandatory date".

The bottom line is this; the November 1, 2015 mandatory date is way too aggressive and consideration is warranted for granting an extension. While there is no doubt that the federal agencies lagging behind in ACE coding and testing have had plenty of time to embrace and accomplish these tasks, rushing them at this juncture is clearly not in the best interests of the government or the trade community at large. We will continue to follow this story and will update our web site as new information is received.