

## ELECTRONIC CUSTOMS FILING SYSTEMS:

# Overview of U.S. Automated Commercial Environment and Canada's Advance Commercial Information Programs



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## Introduction

A common complaint within the U.S. and Canadian trade communities is the lack of uniformity among government agencies and the tremendous amount of time and resources wasted filing nearly identical paperwork with various government agencies in order to satisfy import or export requirements. As the U.S. [Customs and Border Protection \(CBP\)](#) agency states: “Forty-seven agencies are involved in the trade process and among these agencies, nearly 200 forms are required for imports and exports. The current processes are largely paper-based and require information to be keyed into multiple electronic systems. As a result, importers and exporters are often required to submit the same data to multiple agencies at multiple times.”

A similar situation exists in Canada where no fewer than 16 different agencies are listed by the Canada Border Services Agency (CBSA) as [Other Government Departments](#) (OGDs), with each having authority over different aspects of the customs compliance processes. The 16 OGDs do not include Revenue Canada, which oversees payment of all taxes and fees, or any provincial agencies that oversee import/export requirements at the local level.

Border inefficiencies between the two nations have become so apparent that some members of the trade community cited a “thickening of the border” and claimed that costly and duplicative border procedures were putting U.S. and Canadian traders at a competitive disadvantage.

As an example, consider the following [assessment](#) from the Washington, D.C.-based Wilson International Center:

*Border delays between the United States and Canada add about \$800 to the price of every new vehicle manufactured in North America. A car manufactured in Korea or Japan clears customs only once when it arrives at a U.S. port, but a North American car is subject to fees and inspections at least seven times as it crosses between the United States and Canada (and increasingly Mexico) in different stages of production. Economists estimate that up to 10 percent of the cost of a North American product goes to pay for border and trade inefficiencies on the U.S. border with Canada.*

The good news is that the two governments seem to be listening. Both the U.S. and Canadian governments have taken steps in recent years to address the tremendous amount of duplication within their border clearance processes. In fact, the

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*Source: U.S. Customs and Border Protection*

United States first attempted to tackle the problem more than 30 years ago when CBP rolled out the [Automated Commercial System \(ACS\)](#) as a way to provide order to the clearance process. But as technology has evolved, ACS has not been able to keep pace. ACS is scheduled to be replaced by a new import clearance system, Automated Commercial Environment (ACE), which is expected to be in full operational mode by the end of 2016.

When fully functioning, ACE will serve as the “backbone” of CBP’s trade processing system and will provide a single venue through which all import and export data will be filed. In addition to facilitating the clearance process for the trade community, ACE will also be an integral part of U.S. border security efforts. Since shippers will be required to provide information about a shipment’s contents before arrival at the border, CBP agents will have advance notification about potentially hazardous products.

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Not surprisingly, the United States’ largest trading partner, Canada, has also taken steps to streamline its compliance processes and to better manage risk assessments for shipments arriving at its borders. In 2004, Canada began phasing in the Advance Commercial Information (ACI) program, which mandates advance notification of shipment contents.

Both ACE and ACI rely on technology to enable electronic transmission of manifest information. Each country offers businesses accessibility to a customized “eManifest portal,” along with the option to link to its system via an electronic data interchange (EDI). For each country, electronic transmission is intended to replace paper documents, expedite the border clearance process, increase information sharing among government agencies, and increase border security.

Efforts to streamline data collection processes received a significant boost in early 2011 when U.S. and Canadian leaders announced the [Beyond the Border](#) initiative, which, among other things, committed each country to developing a “single window” through which all required information can be transmitted. In the United States, the Single Window Initiative is currently in development and is known as the International Trade Data System (ITDS). ITDS will use ACE as its underlying foundation. Canada’s Single Window Initiative is also in the development stages, with the CBSA working with various government departments to “test” solutions that will allow the CBSA to seamlessly transmit incoming data to all appropriate agencies.

Many businesses are understandably confused as they try to figure out how to incorporate these electronic filing systems into their day-to-day operations and how to ensure they are in full compliance with all deadlines. Misunderstandings about compliance deadlines are not surprising since both CBP and the CBSA experienced several glitches in “perfecting” their technology solutions, resulting in many deadline postponements.

While most businesses entrust a third-party logistics provider to submit shipment data on their behalf, it’s helpful to have a basic understanding of the process and the “single window” changes that are just around the corner.

## United States—Automated Commercial Environment (ACE)

When the U.S. Customs and Border Protection agency announced in a May 2002 [Federal Register](#) posting that it was ready to test the first phase of its new Automated Commercial Environment (ACE), few would have guessed that 13 years later the program would still be—at least partially—in the development stage.

The purpose of ACE, as outlined in that Federal Register posting, remains largely the same today: “ACE is not only a replacement system for the Automated Commercial System (ACS); it is an effort to streamline business processes to facilitate the growth in trade and foster participation in global commerce, while ensuring compliance with U.S. law and regulations.”

ACE was envisioned as the successor to ACS, which, with the passage of time, has become increasingly obsolete. ACE is intended to “modernize” CBP’s capabilities through a phased-in approach. As each phase is tested and approved, it will replace the corresponding ACS function until eventually, in late 2016, ACE is scheduled to be completely operational.

CBP refers to ACE as the “backbone” of its trade processing and risk management activities. By providing a single point of data entry, ACE will allow customs agents complete visibility with regard to shipments entering and leaving the country. CBP can use this information to allocate scarce resources to focus on high-risk or unknown shipments. At the same time, shippers will benefit from a more streamlined process and from an expedited clearance process.

Following is an overview of key ACE components, including important information about how businesses can understand ACE’s requirements and ensure compatibility with data submission processes. Perhaps most important for a business to understand: ACE will be mandatory, and any business found to be in noncompliance will face fines and shipment delays.

### What is ACE?

For many in the trade community, ACE is a dream come true. When the system is fully operational, scheduled for late 2016, it will eliminate the overlapping government jurisdictions, redundant information requirements, and antiquated filing process that are the source of continual angst within the trade community. In addition, ACE will serve as the foundation for the “Single Window Initiative” called for by President Barack Obama—a single entry point for the submission of export and import data.

But ACE is more than just a way to streamline the import/export process. It is an integral part of CBP’s strategy to strengthen border security through advance knowledge of incoming shipments. This advance knowledge allows CBP to make informed resource allocation decisions to ensure that high-risk, suspect shipments can be afforded greater attention, while low-risk shipments can be quickly cleared for entry.

ACE will be an entirely electronic web-based solution through which businesses will enter shipment data either directly into a customized “ACE portal” or through a compatible electronic data interchange system.

Data will be entered into ACE once and, from there, will be disseminated to all appropriate agencies.

## Who Can Participate?

For the past several years, as ACE has been in a developmental stage, participation has been voluntary. But as “mandatory” filing dates begin to take effect, participation will no longer be optional.

For that reason, businesses must take steps to ensure they will be ACE-ready. Since most businesses rely on a logistics provider or a customs broker to submit documentation to CBP on their behalf, it's important to ensure those third parties are well versed on ACE filing deadlines and systems requirements.

## How Do You Participate?

Technology is key to ACE functionality, and a business can [interact](#) with ACE in one of two ways:

- **ACE Secure Data Portal:** The ACE Secure Data Portal was originally developed in 2003 as a way to provide users direct access to CBP systems. Several enhancements have been made since then. Today, the Portal is a customized web-based application that gives users capability to view their account information and transactional data. It is also the venue through which electronic truck manifests can be filed. The ACE portal also allows users to compile

data and run reports and to access their [Periodic Monthly Statement](#), which facilitates the payment of duties and fees.

To gain [access](#) to the ACE Portal, a business must have an account, which can be obtained by submitting an application to CBP.

### • Electronic Data Interchange (EDI) Interfaces:

With the exception of filing an electronic truck manifest (which is filed through the ACE Portal), EDI is the only mechanism through which transactions (entries, entry summaries, and ocean and rail manifests) can be filed in ACE.

Any party wishing to transmit data via an EDI will need prior approval from CBP. To initiate the process, a business must submit a [letter of intent](#) to CBP that provides detailed information about its history, operations, and capability.

For businesses that will not link directly via an EDI interface or an ACE Portal account, CBP suggests proactively ensuring that their logistics provider has the necessary systems in place to perform necessary ACE-required data filings.

Throughout the ACE development process, CBP has provided regular updates through an online summary called “ACElopedia.” This graphic, which appeared in the January 2015 issue of ACElopedia, gives an overview of how certain functions will be performed once ACE is fully operational.

<i>“I want to...”</i>	ACE via EDI Interfaces	ACE Portal
Send Importer Security Filing Data <small>*Only low volume through Portal (less than 12 per year)</small>	✓	✓
File an Import Ocean or Rail Manifest	✓	
File an Import Truck Manifest	✓	✓
File an Electronic Inbond	✓	✓ <small>Via Truck Manifest</small>
File an Entry	✓	
File an Entry Summary	✓	
File Export Commodity Data <small>*Can also be filed using AESDirect</small>	✓	
Run Reports		✓
Respond to CBP Forms 28, 29, 4647		✓
Create Blanket Declarations		✓
Submit Supporting Documentation	✓ <small>DIS</small>	✓ <small>Upload Forms</small>
Manage Account and Periodic Monthly Statement Information		✓
File Export Air Manifest	<i>Coming Soon!</i>	
File Import Air Manifest	<i>Coming Soon!</i>	



## How Will ACE Affect Existing Prefiling Programs?

ACE is intended to fully modernize all CBP interactions with the trade community, mainly by serving as the “single window” through which private businesses will communicate with the government. A business will input trade data into ACE, and it will automatically be disseminated, evaluated, and acted upon by all affected government agencies.

To accomplish this, several existing programs will become obsolete or will undergo modifications. Programs that will be, or that have already been, replaced by ACE:

### **Automated Commercial Service (ACS)**

[The Automated Commercial Service](#) was the precursor to ACE and has been the primary repository for U.S. import and export information. However, ACS was unable to keep pace with today's rapidly changing technology and the program will be replaced by ACE. The program will remain functional until ACE is fully operational, currently scheduled for October 2016.

### **Automated Export System (AES)**

[The Automated Export System](#) was developed jointly by CBP, the Foreign Trade Division of the Bureau of the Census (Commerce Department), the Directorate of Defense Trade Controls (Department of State), additional federal agencies, and the trade community. AES served as the central point through which export shipment data required by multiple agencies was filed electronically to CBP, via an EDI. However, according to [CBP](#), “all AES functionality was incorporated into ACE” in March 2014, and since then, all export transactions have been processed in ACE.

Programs that will continue to exist under ACE but which will require modification:

### **Automated Broker Interface (ABI)**

The [Automated Broker Interface](#) is a voluntary system that allows qualified brokers, importers, carriers, port authorities, and independent service centers to electronically file import data with CBP. Currently more than 96 percent of all entries filed with CBP are filed through ABI. The interface will continue to operate once ACE is fully operational. In fact, because the ACE Portal [only](#) allows the filing of electronic import truck manifest data, ABI will be the primary method for electronic submission. However, because ABI was originally designed to support ACS, an importer needs to make certain that its software provider offers an ACE-certified system.

**AESDirect**

[AESDirect](#) is the web-based system offered by CBP that allows exporters to self-file export data to CBP. CBP has said there are no plans to eliminate AESDirect.

**Free and Secure Trade (FAST)**

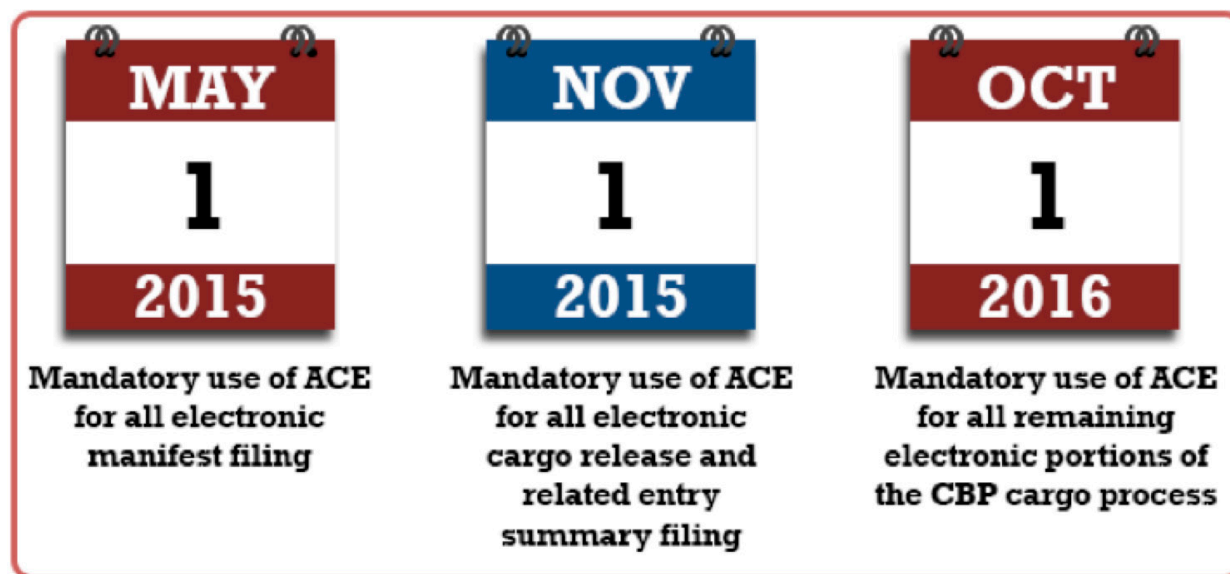
FAST is a “trusted traveler” program that offers expedited clearance for low-risk commercial shipments crossing the border by truck. To be eligible, a business or carrier must be a member in either the U.S. Customs-Trade Partnership Against Terrorism (C-TPAT) or Canada’s Partners in Protection (PIP)—programs referred to as “trusted trader” programs that provide benefits to businesses that voluntarily agree to certify the security of their supply chains. FAST [will](#) continue to operate, and ACE will support all data integration program requirements.

**Pre-Arrival Processing System (PAPS)**

[PAPS](#) utilizes bar code technology to allow carriers to submit clearance documentation as much as 30 days prior to a shipment’s expected arrival at the U.S. border. PAPS is mandatory for truck carriers at land border points of entry, and going forward, shipments [will](#) still be processed through ACE.

**When Will ACE Take Effect?**

The Automated Commercial Environment is a key part of the “Single Window Initiative” that was outlined in a February 2014 White House Executive Order. The SWI, known as the International Trade Data System (ITSD), will allow businesses to electronically transmit, through a “single window,” the data required to meet U.S. government import and export requirements. ITSD will use ACE as its foundation, and the 2014 Executive Order sets a completion date of December 2016.



Source: U.S. Customs and Border Protection



Working backwards from the ITDS deadline, CBP [announced](#) three “mandatory dates” upon which members of the trade community will be required to begin filing electronic data to ACE:

- **May 1, 2015:** Mandatory use of ACE for all electronic manifest filings. This requirement extends to all modes of transportation—air, rail, ocean, and truck.
- **November 1, 2015:** Mandatory use of ACE for all electronic cargo release and related entry summary filings. This includes any data that extends to the jurisdiction of Partner Government Agencies (PGAs), also known as Other Government Departments (OGDs).
- **October 1, 2016.** Mandatory use of ACE for all remaining portions of the CBP cargo process.

By the end of 2016, ACE will become the Single Window—the primary system through which all import and export information will be transmitted to the government and from which the government will base admissibility.

## Penalties For Noncompliance?

Similar to other government programs, failure to comply with ACE filing mandates could result in fines and penalties. According to [Kewill](#) customs management firm, “the master of any ship, driver of any vehicle, or the pilot of any aircraft found not to be in compliance with the advance notification rules will be subject to a monetary fine.” A first-time violation will trigger a fine of \$5,000, and subsequent violations will trigger fines of \$10,000.

While these are not insignificant amounts, the major impact could be felt in the clearance delays likely to result from missing or incomplete filings. “Missing data will generate an immediate fail, which will result in goods being turned away or detained, with the associated additional costs, including labor, storage, and fuel, while the situation is resolved,” Kewill warns customers.

In fact, the overall impact of having a shipment delayed at the border could easily run into tens of thousands of dollars and have an impact that could reverberate throughout an entire supply chain.

There is much to lose by not complying, and there is much to gain from successful ACE participation.

## Canada—Advance Commercial Information (ACI)

When the Canadian government set out to minimize the threat of hazardous goods and contraband arriving at its borders, it smartly recognized that (a) not all inbound cargo poses the same threat; (b) cargo arriving via ground is different than cargo arriving via air, water, or rail; and (c) any new regulations would have to be implemented very carefully so as not to disrupt that nation's economy and the global supply chain.

The result? The Advance Commercial Information (ACI) program—created and implemented by the Canada Border Services Agency (CBSA). ACI is similar to the Automated Customs Environment (ACE) program administered in the United States in that each program serves a dual purpose: maintaining a heightened focus on border security while simultaneously reducing the paperwork burden on the trade community and streamlining the customs compliance process.

ACI is a three-tiered program which, when fully implemented, will ensure that Canadian border officials are aware of all inbound cargo before it arrives at the border. This advance notification is intended to alert border agents about potential threats so that proper resources can be allocated.

THE THREE PHASES OF ACI			
	PHASE ONE	PHASE TWO	PHASE THREE (also referred to as eManifest)
Transport Mode Affected	Marine Cargo loaded in non-U.S. Ports	Air Cargo and Marine Cargo loaded in U.S. Ports	Cargo traveling via Highway or Rail
Date of Compliance	April 2004	July 2006	Currently in “informed compliance period” (March 2015)
Rules of Compliance	Electronic manifest must be filed at least 24 hours before a shipment's scheduled arrival.	<b>Air:</b> Electronic transmission of data at least four hours prior to arrival at Canadian airport. For flights less than four hours in duration, information must be filed at time of departure.  <b>Marine:</b> Electronic transmission of data 24 hours prior to scheduled arrival in Canadian port.	<b>Rail:</b> Electronic transmission of cargo data at least two hours prior to arrival in Canada.  <b>Highway:</b> Electronic transmission of cargo data at least one hour prior to arrival in Canada and up to 30 days in advance

## eManifest

ACI Phase Three calls for a technology solution—eManifest—to provide the platform and technology necessary to electronically transmit shipment data directly to the CBSA.

The system has been developed and tested over the last several years, and when fully operational, members of the trade community will have a choice about how to submit data to the CBSA:

- Through an electronic data interchange (EDI), which will link their own existing system to the CBSA
- Through the CBSA's eManifest portal, which is a web-based system designed with small and medium businesses in mind that may not have internal technology systems in place and that may not be able to absorb the costs associated with an EDI

eManifest development and testing have been underway for the past several years, and in fact, the CBSA has had to postpone implementation on several occasions. The system has been available to the trade community, and businesses have been encouraged to voluntarily familiarize themselves with how the system works. eManifest is currently in an [“informed compliance”](#) period, whereby businesses are expected to be making use of the system, but since it is technically still in a “testing mode,” compliance is not mandatory.

However, the CBSA has encouraged businesses to take advantage of its numerous online publications, fact sheets, and training tools so that when compliance becomes mandatory, there will be a reduced risk of noncompliance.

## What Does ACI Mean For Business?

Aside from strengthening border security and minimizing the risk of hazardous materials gaining entry into Canada, ACI has several important benefits for the cross-border process:

- Electronic data transmission eliminates paperwork. Elimination of paperwork will allow for better tracking and recordkeeping.
- Prioritization of resources. Advance notification of pending arrivals will allow the CBSA to better allocate its scarce manpower resources so that proper attention can be given to high-risk shipments.
- Reduction in delays and congestion. Because the CBSA officers will be able to pinpoint high-risk shipments, less risky and “routine” shipments will be eligible for faster processing.

## Single Window Initiative (SWI)

A key provision of the Beyond the Border Action Plan, which was signed in 2011 by U.S. President Barack Obama and Canadian Prime Minister Stephen Harper, was an agreement to create a “single window” through which members of the trade community can electronically submit all information required to comply with customs and other government agencies. The goal of this “Single Window Initiative” is to streamline and simplify the import process and to significantly reduce paperwork and redundancies that now exist in the compliance process.

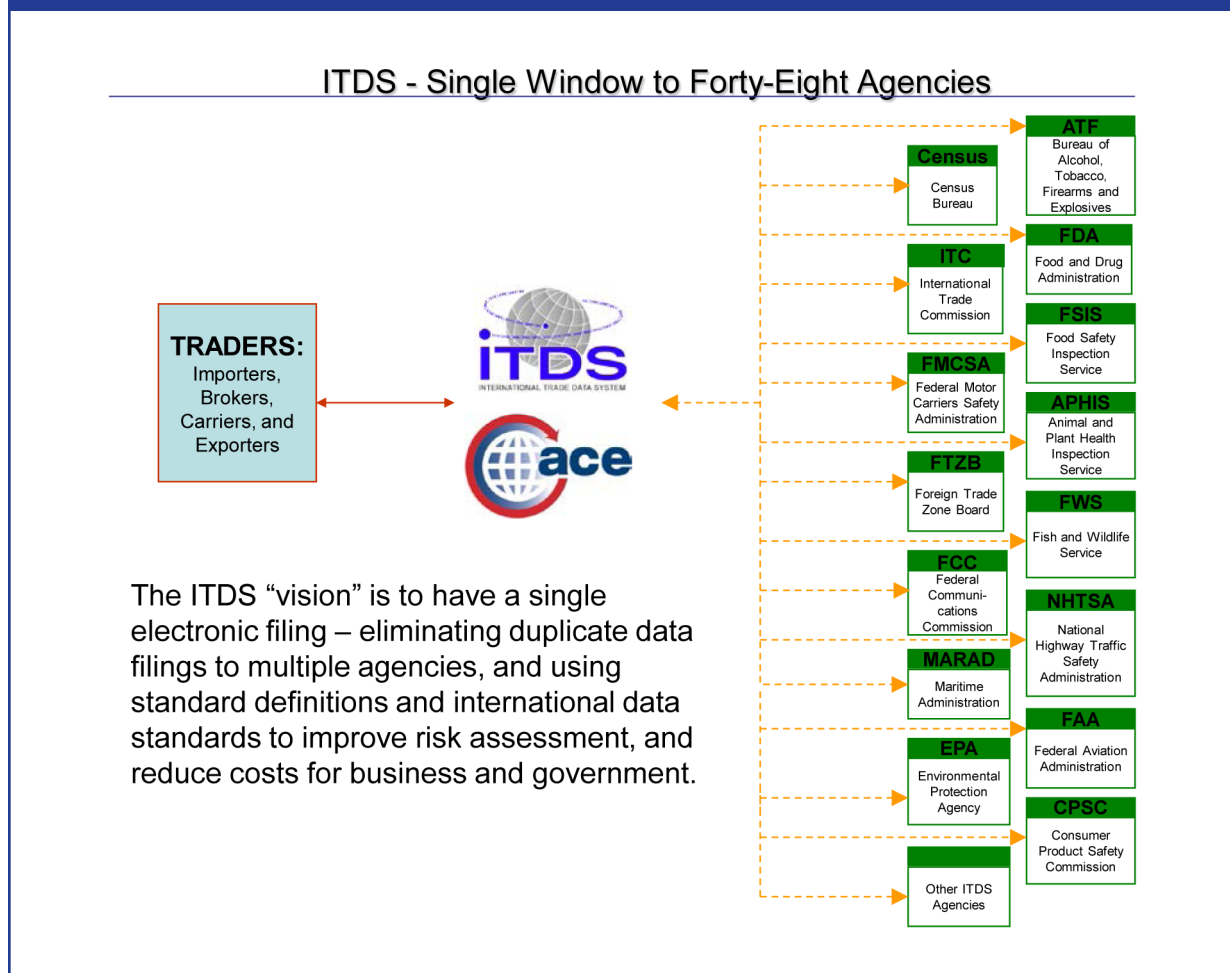
In the U.S., traders will submit data directly to CBP, which will then automatically transmit information to any “partner government agency (PGA)” with jurisdiction over that particular shipment. In Canada, the SWI will link directly to the CBSA, which in turn will transmit data to the appropriate departments or agencies with regulatory control over the goods.

The two countries also agreed that, to the extent possible, each country’s “single window” should include the same data fields and be as closely aligned as possible.

### United States— International Trade Data System

In February 2014, President Obama signed an [Executive Order](#) to add specificity to the U.S. single window, which is called the [International Trade Data System \(ITDS\)](#). The Executive Order sets December 2016 as the deadline for completion of the project and instructs government officials to work with

#### “SINGLE WINDOW”—ITDS—WILL SIMPLIFY FLOW OF DATA FROM BUSINESS TO GOVERNMENT



Source: [International Trade Data System](#)

nongovernment stakeholders to build more efficient business processes and improve border management processes.

In a statement accompanying the Order, the White House noted: "At present, businesses must submit data to multiple agencies through various channels, often in paper form. The ITDS will save businesses time and money, and dramatically reduce the number of forms a business has to fill out to import or export."

The White House statement also noted that when in place, ITDS will reduce the waiting time for import and export clearance approvals from "days to minutes."

The Automated Customs Environment (ACE) will serve as the basis for ITDS.

## Canada—Single Window Initiative

The CBSA is also in the developmental stages of what will eventually become a one-source option for transmitting trade-related data. Canada's solution is called the Single Window Initiative and is scheduled to be in place by 2016.

Similar to ITDS, the Single Window Initiative will integrate the data filing process for those departments and agencies that have regulatory control over certain types of products. Currently [nine](#) "participating government departments and agencies" (PGAs) are working with the CBSA:

- Canadian Food Inspection Agency (CFIA)
- Canadian Nuclear Safety Commission (CNSC)
- Environment Canada (EC)
- Fisheries and Oceans Canada (DFO)
- Department of Foreign Affairs, Trade, and Development (DFATD)
- Health Canada (HC)
- Natural Resources Canada (NRCan)
- Public Health Agency of Canada (PHAC)
- Transport Canada

Together with the CBSA, these 10 departments and agencies encompass 39 programs that form the SWI and are working to create a streamlined approach for the electronic collection and dissemination of commercial import data between the government and the trade community. According to the CBSA, "trade stakeholders will provide import information electronically to the CBSA via an Integrated Import Declaration (IID). In turn, the CBSA will transmit the information to the appropriate PGA responsible for regulating the goods."

Key SWI benefits to the trade community will include:

- Reduced administrative burden and associated costs as a result of removing the manual paper processes from the compliance process
- Simplified border processes for the trade industry
- Centralized access to border processing requirements

- Capacity to submit release request information through a single data transfer
- Consistent application of import regulations across the country
- Reduced time-consuming communication between importers/brokers and PGAs
- Ability to correct misidentified goods earlier in the process
- Use of single reporting method simplifies compliance with multiple PGA requirements

While the intent of the Obama/Harper commitment to a “single window” process is to create a platform from which data can be shared across borders, both the United States and Canada are building separate systems. Although, as the CBSA [notes](#), both sides understand the need for “a common language for trade both nationally, and when possible, internationally,” it is also understood that an undertaking of this magnitude must begin with small steps. Both countries have announced that their SWI systems will launch in 2016. Once the two domestic systems are in place, the two countries will look for opportunities to harmonize data across borders.



## Conclusion

With 47 U.S. agencies having some degree of involvement in U.S. import/export processes, along with at least nine Canadian departments and agencies, it's not surprising that the customs clearance process has become less than efficient. Businesses on either side of the border have long complained about redundancies in the process—about having to submit the same information to more than one government agency—and about having to file paperwork manually.

"There's got to be a better way" has been a common refrain among the business community. And now there is.

Both the U.S. and Canadian governments have developed electronic filing systems that—when fully operational—will allow businesses to submit trade information to a single source. In the U.S. that system is known as the Automated Commercial Environment, and its Canadian counterpart is called Advance Commercial Information. In addition to facilitating the compliance process for businesses, the two programs will help strengthen border security. Customs agents will have advance notification about shipments heading to their borders and will be able to allocate resources based on each shipment's risk assessment.

Border efficiency will get an added boost when each country completes its "Single Window Initiative." The concept of creating a single platform to capture all export/import data is one of several trade facilitation initiatives announced by U.S. President Barack Obama and Canadian Prime Minister Stephen Harper. Eventually the two systems will allow for harmonization of data between the two countries, but initial plans are to create two domestically focused parallel systems.

Businesses might be forgiven if they find the program acronyms and compliance procedures somewhat confusing. The programs *are* confusing! Most businesses enlist their compliance processes to a third-party logistics provider, which will have complete familiarity with these programs and all other customs-related processes.

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#### **Purolator International**

1.888.511.4811

[wedeliverycanada@purolator.com](mailto:wedeliverycanada@purolator.com)

[www.purolatorinternational.com](http://www.purolatorinternational.com)

<http://blog.purolatorinternational.com>



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