

MAY 22 2018



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Economics and Statistics Administration**  
**U.S. Census Bureau**  
Washington, DC 20233-0001

Mr. Jamal Abdi  
Executive Director  
NIAC Action  
1629 K Street NW, Suite 503  
Washington, DC 20006

Dear Mr. Abdi:

This is in response to your letter of April 19, 2018 to Ms. Alice Kipel, Executive Director of the Regulations & Rulings Division, U.S. Customs and Border Protection (CBP), Mr. Harold Singer, Director of the Regulations & Disclosure Law Division, CBP, Ms. Dale Kelly, Chief, International Trade Management Division (ITMD), U.S. Census Bureau (Census Bureau), and Ms. Kiesha Downs, Chief, Trade Regulations Branch (TRB), Census Bureau. You are requesting an exception to the regulatory requirement mandating that all shipments destined for Iran, regardless of value, be filed in the Automated Export System (AES).

As previously noted, the Census Bureau is responsible for collecting, compiling, and publishing export trade statistics for the United States under provisions of Title 13, United States Code, Chapter 9, Section 301. The Electronic Export Information (EEI) collected via the Automated Commercial Environment is the primary source used for collecting export trade data. The Census Bureau uses such data for statistical purposes only. The EEI is also used for export control and enforcement purposes. Specifically, the Bureau of Industry and Security and the Office of Foreign Assets and Control (OFAC) are responsible for monitoring and preventing the export of certain items by unauthorized parties or to unauthorized destinations or end users. CBP is responsible for enforcing certain provisions of the Foreign Trade Regulations (FTR), the CBP Regulations, and certain regulations set forth by other government agencies.

To determine whether an exception can be granted, the Census Bureau consulted with CBP, OFAC, and the U.S. Postal Service (USPS) to evaluate the statistical and enforcement needs for these shipments. The agencies' enforcement priorities have been reevaluated. Persons sending goods to Iran remain obligated to comply with Census's filing requirements regardless of whether their shipment requires an OFAC specific license. However, Census has advised the USPS that it can forgo rejecting or returning gift items within the scope of OFAC's general license, where the only issue is the lack of evidence that the mailer has filed EEI. We understand that the USPS has agreed to cease doing so.

The Census Bureau will continue to assist customers with compliance of the FTR. Customers may contact our Helpline at 800-549-0595 for assistance with filing, classifying commodities, and interpreting the FTR. The TRB can also be contacted via email at [itmd.askregs@census.gov](mailto:itmd.askregs@census.gov). If you have questions related to licensing requirements for any agencies, please contact those agencies directly.

Mr. Jamal Abdi

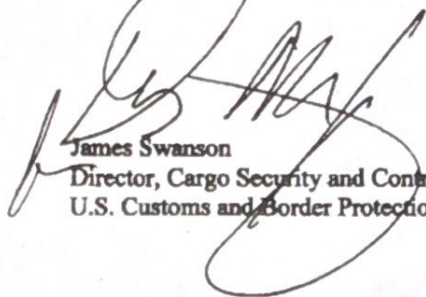
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We appreciate the opportunity to address your concerns. If you would like to discuss further, please contact me at (301) 763-6937 or [dale.c.kelly@census.gov](mailto:dale.c.kelly@census.gov), or Ms. Kiesha Downs at (301) 763-7079 or [kiesha.downs@census.gov](mailto:kiesha.downs@census.gov).

Sincerely,



Dale C. Kelly  
Chief, International Trade Management Division



James Swanson  
Director, Cargo Security and Controls,  
U.S. Customs and Border Protection