



NCBFAA

National Customs Brokers & Forwarders Association of America, Inc.

www.ncbfaa.org

USPPI Responsibility Information Sheet

Version 2.1 – April 28, 2013 www.ncbfaa.org - See "Publications and Resources"

WHAT IS AN EXPORT

Any item that is sent from the United States to a foreign destination is an export. "Items" include commodities, software or technology, such as clothing, building materials, circuit boards, automotive parts, blue prints, design plans, retail software packages, and technical information.

Am I The U.S. Principal Party In Interest ("USPPI")?

The USPPI, as defined in the Foreign Trade Regulations ("FTR"), is the person in the United States that receives the primary benefit, monetary or otherwise, of the export transaction. *In other words, if you are the recipient of the purchase order from the overseas party for cargo that is exported and you are invoicing them for the product, you are the USPPI no matter what the terms of sale are.*

WHAT ARE MY RESPONSIBILITIES AS THE USPPI?

- **DETERMINE COMMODITY JURISDICTION:** Which U.S. Government Agency controls my product? Are my products subject to the Export Administration Regulations ("EAR"), the U.S. Department of State' Directorate of Defense Controls ("DDTC") International Traffic and Arms Regulations ("ITAR") and/or other government agency such as the Nuclear Regulatory Commission ("NRC"), Drug Enforcement Administration ("DEA"), or Bureau of Alcohol and Tobacco & Firearms ("ATF")?
- **"KNOW YOUR CUSTOMER":** Do due diligence on the end user(s); know their intended end use; ensure that no party to the export transaction is on any of the U.S. Government's lists of restricted parties with whom U.S. companies and U.S. Persons cannot do business without proper U.S. Government authorization.
- **CLASSIFY PRODUCTS** for Statistics (Schedule B or the US Harmonized Tariff Schedule ("USHTS") and License Determination: Commerce Control List ("CCL") ECCN or EAR99, or US Munitions List ("USML"). License requirements are dependent upon an item's classification, technical characteristics, ultimate destination, end-user, and end-use. Exporters must determine whether or not the product being exported requires a license or whether it qualifies for a license exception.
- **FILE ELECTRONIC EXPORT INFORMATION ("EEI")** into the Automated Export System ("AES") or **authorize your forwarder to file** on your behalf by signing a Power of Attorney ("POA") or other written authorization such as a Shipper's Letter of Instruction ("SLI"). POAs should specify the responsibilities of the parties with particularity and should state that the forwarder has the authority to act on behalf of the Principal Party in Interest as its true and lawful agent for purpose of filing the Electronic Export Information ("EEI") in accordance with the laws and regulations of the U.S. Note: On "Routed Export Transactions", authorization is the responsibility of the Foreign Principal Party in Interest ("FPPI").
- **PROVIDE THE FORWARDER WITH COMPLETE AND ACCURATE EXPORT INFORMATION** including licensing information necessary for filing the EEI. In the case of a "Routed Export Transaction", the USPPI is still responsible to provide this information to their forwarder.
 - Name and address of the USPPI
 - USPPI Tax ID Number (EIN or DUNS)
 - Point of Origin
 - Schedule B (or USHTS) Number
 - Generic Commodity Description
 - Schedule B / USHTS Quantity and Unit of Measure
 - Value by Schedule B / USHTS
 - Domestic (D) or Foreign (F) Indicator
 - ECCN (or EAR99 if commodities are not on the Commerce Control List)
 - NLR, EAR License Exception Code, ITAR Exemption or License Number
- **MAINTAIN SHIPMENT RECORDS** according to the regulations of the controlling Government Agency; typically 5 years from the date of export.

WHERE SHOULD I GO FOR ASSISTANCE?

Bureau of Industry and Security ("BIS")
www.bis.doc.gov

State Department – Directorate of Defense Trade Controls ("DDTC")
<http://www.pmdtdc.state.gov/>

Foreign Trade Division / Census Bureau
<http://www.census.gov/foreign-trade/www/>

USEFUL LINKS:

Introduction to Exporting
<http://www.bis.doc.gov/licensing/exportingbasics.htm>

Commodity Jurisdiction
<http://www.bis.doc.gov/licensing/facts3.htm>

FAQs on Export Licensing
<http://www.bis.doc.gov/exportlicensinganda.htm>

How to Determine an ECCN
http://www.bis.doc.gov/licensing/BIS_ECCN.pdf

BIS On-Line Training Room
<http://www.bis.doc.gov/seminarsandtraining/seminar-training.htm>

Schedule B Look-Up
<http://uscensus.prod.3ceonline.com/>

HTS Look-Up
<http://hts.usitc.gov/>

"Know Your Customer" Guidance
<http://www.bis.doc.gov/complianceand enforcement/knowyourcustomerguidance.htm>

Consolidated Screening List
http://export.gov/ecr/eg_main_023148.asp

Red Flag Indicators
<http://www.bis.doc.gov/enforcement/redflags.htm>

Embargoed Countries (OFAC)
<http://www.treas.gov/offices/enforcement/ofac/index.shtml>

WHAT ARE THE FORWARDER'S RESPONSIBILITIES?

- Obtain written authorization from the appropriate principal party in interest.
- Check government lists of restricted parties. This does not remove the responsibility from the USPPI.
- Complete and file Electronic Export Information ("EEI") via the Automated Export System ("AES") based on the Information provided by the USPPI, if requested to do so by one of the principal parties.
THE FORWARDER RELIES ON THE ACCURACY OF THE INFORMATION PROVIDED BY THE USPPI, BUT IS RESPONSIBLE TO QUESTION ANY INFORMATION THAT MIGHT BE INCOMPLETE OR SEEMINGLY CONTRADICTORY TO U.S. EXPORT REGULATIONS.
- On request, provide the USPPI with a copy of the information transmitted to AES on their behalf.
WE RECOMMEND THAT THE USPPI ASK THEIR FORWARDER FOR THIS INFORMATION.

USPPI CHECKLIST

SEE INDEX FOR THE EXPORT ADMINISTRATION REGULATIONS (EAR)

http://www.access.gpo.gov/bis/ear/ear_data.html

SEE INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)

http://pmdtc.state.gov/regulations_laws/itar.html

- ARE MY PRODUCTS ON THE U.S. MUNITIONS LIST (USML)?** (SEE ITAR PART 121) PRODUCTS SPECIFICALLY DESIGNED, MODIFIED OR ADAPTED FOR MILITARY APPLICATION ARE SUBJECT TO ITAR 22 CFR, PARTS 120 – 130
http://pmdtc.state.gov/regulations_laws/itar_consolidated.html
- IF YES, DOES MY SHIPMENT QUALIFY FOR AN ITAR EXEMPTION?** (See ITAR Part 123.16)
http://pmdtc.state.gov/regulations_laws/documents/consolidated_itar/ITAR_Part123.pdf
- ARE MY PRODUCTS SUBJECT TO THE EAR?** (SEE EAR PART 734.2-5) <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=d205f834f358a746b7d9f39850d99a06&rgn=div5&view=text&node=15:2.1.3.4.22&idno=15#15:2.1.3.4.22.0.1.3>
- ARE MY PRODUCTS ON THE COMMERCE CONTROL LIST (CCL)?** (SEE PART 732) IF YES, THEY WILL HAVE AN EXPORT CONTROL CLASSIFICATION NUMBER (ECCN).
• ALPHABETICAL INDEX TO THE COMMERCE CONTROL LIST
http://www.bis.doc.gov/policiesandregulations/ear/ccl_index.pdf
- DO GENERAL PROHIBITIONS 4-10 APPLY?** (SEE PART 736.2(B)(4-10)) <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=346f20c5d59c8ae6b06011a75e32206b&rgn=div5&view=text&node=15:2.1.3.4.23&idno=15>
- DO YOU KNOW THE END USER AND END USE OF THE PRODUCT?** (SEE PART 744) <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=39840cb37e29c0c92fb92bc4c7e13e9b&rgn=div5&view=text&node=15:2.1.3.4.28&idno=15>
• KNOW YOUR CUSTOMER GUIDANCE
<http://www.bis.doc.gov/compliancandenforcement/knowyourcustomerguidance.htm>
• CONSOLIDATED SCREENING LIST
http://export.gov/ecr/eg_main_023148.asp
- AM I SHIPPING TO A DESTINATION OF CONCERN?** (See Supplement No. 1 to Part 738 and Supplement No. 1 to Part 774)
• EMBARGOED COUNTRIES – OFFICE OF FOREIGN ASSETS CONTROLS (OFAC)
<http://www.treas.gov/offices/enforcement/ofac/index.shtml>
- DO I NEED A BIS (DEPT. OF COMMERCE) LICENSE?** (See "The Decision Tree"; Supplement No. 1 to Part 732)
<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=d205f834f358a746b7d9f39850d99a06&rgn=div5&view=text&node=15:2.1.3.4.21&idno=15> or,
- DOES MY SHIPMENT QUALIFY FOR A LICENSE EXCEPTION?** (See Part 740) <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=d205f834f358a746b7d9f39850d99a06&rgn=div5&view=text&node=15:2.1.3.4.25&idno=15>
- IS THERE ANY INDICATION OF RESTRICTIVE TRADE PRACTICES OR BOYCOTT LANGUAGE?** <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=7da8d6267006bc4577d2ae2ffdad057a&rgn=div5&view=text&node=15:2.1.3.4.38&idno=15>
- DID I PROVIDE MY FORWARDER WITH COMPLETE AND ACCURATE INFORMATION REQUIRED TO FILE EEI, OR AN ITN (INTERNAL TRANSACTION NUMBER) IF I FILED MY OWN EEI?**
- DID I PROVIDE MY FORWARDER WITH WRITTEN AUTHORIZATION TO FILE AES ON MY BEHALF? NOTE: AUTHORIZATION IS THE RESPONSIBILITY OF THE FPPI ON "ROUTED EXPORT TRANSACTIONS".**
- DID I REQUEST AND RECEIVE A COPY OF THE AES DATA TRANSMISSION FROM MY FORWARDER?**