



NCBFAA

National Customs Brokers & Forwarders Association of America, Inc.

www.ncbfaa.org

USPPI Responsibility Information Sheet

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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").
- **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?

U.S. DEPARTMENT OF COMMERCE
[BUREAU OF INDUSTRY AND SECURITY \("BIS"\)](#)
[CENSUS BUREAU - FOREIGN TRADE DIVISION](#)

U.S. DEPARTMENT OF STATE
[DIRECTORATE OF DEFENSE TRADE CONTROLS \("DDTC"\)](#)

U.S. DEPARTMENT OF THE TREASURY
[OFFICE OF FOREIGN ASSETS CONTROL \("OFAC"\)](#)

USEFUL LINKS:

[BIS Introduction to Exporting](#)

[BIS Commodity Jurisdiction](#)

[BIS FAQs on Export Licensing](#)

[BIS How to Determine an ECCN](#)

[BIS On-Line Training Room](#)

[Consolidated Screening List](#)

[Electronic Code of Federal Regulations \("eCFR"\)](#)

["Know Your Customer" Guidance](#)

[Red Flag Indicators](#)

[U.S. Embargoes and Sanctions \(OFAC\)](#)

[Schedule B Look-Up](#)

[HTS Look-Up](#)

- **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
 - Schedule B / USHTS Quantity and Unit of Measure
 - Commercial/Generic Commodity Description
 - Value (at the port of export) by Schedule B / USHTS
 - Domestic (D) or Foreign (F) Indicator
 - Ultimate Consignee Type: a) Direct Consumer; b) Government Entity; c) Reseller; d) Other/Unknown
 - ECCN (or EAR99 if commodities are not on the Commerce Control List)
 - NLR, EAR License Exception Code, ITAR Exemption
- For licensed cargo:**
- License Number
 - Value of goods moving against the license

"This document is intended to provide guidance and information only. It reflects the Forwarder's position on and interpretation of the applicable laws or regulations from the Code of Federal Regulations and does not in any way replace or supersede those laws or regulations. If it has any questions, USPPI should consult its counsel."

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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 CHECKLISTSEE [INDEX FOR THE EXPORT ADMINISTRATION REGULATIONS \(EAR\)](#)SEE ["OFFICIAL" INTERNATIONAL TRAFFIC IN ARMS REGULATIONS \(ITAR\)](#) AND [ECFR: 22 CFR PARTS 120-130](#).

- ARE MY PRODUCTS ON THE U.S. MUNITIONS LIST (USML)?** (SEE [22 CFR PART 121](#)) ARTICLES OR SERVICES THAT MEET THE CRITERIA OF A DEFENSE ARTICLE / SERVICE ON THE USML OR PROVIDES THE EQUIVALENT PERFORMANCE CAPABILITIES OF AN ARTICLE ON THE USML ARE SUBJECT TO THE ITAR (22 CFR, PARTS 120- 130).
- **NEW!** - [DEPARTMENT OF STATE DECISION TREE TOOLS](#)
- IF YES, DOES MY SHIPMENT QUALIFY FOR AN ITAR EXEMPTION?** (SEE [22 CFR PART 123](#))
- ARE MY PRODUCTS SUBJECT TO THE EAR?** (SEE [15 CFR PART 734.2-5](#))
- ARE MY PRODUCTS ON THE COMMERCE CONTROL LIST (CCL)?** (SEE [15 CFR PART 732](#)) IF YES, THEY WILL HAVE AN EXPORT CONTROL CLASSIFICATION NUMBER (ECCN).
- [ALPHABETICAL INDEX TO THE COMMERCE CONTROL LIST](#)
- DO GENERAL PROHIBITIONS 4-10 APPLY?** (SEE [15 CFR PART 736.2\(B\)\(4-10\)](#))
- DO I KNOW THE END USER AND END USE OF THE PRODUCT?** (SEE [15 CFR PART 744](#))
- [KNOW YOUR CUSTOMER GUIDANCE](#)
 - [CONSOLIDATED SCREENING LIST](#)
- AM I SHIPPING TO A DESTINATION OF CONCERN?** (SEE SUPPLEMENT NO. 1 TO [15 CFR PART 738](#), [SUPPLEMENT NO. 1 TO 15 CFR PART 774](#)) AND ALSO [U.S. EMBARGOES AND SANCTIONS - OFFICE OF FOREIGN ASSETS CONTROL \("OFAC"\)](#)
- DO I NEED A BIS (DEPT. OF COMMERCE) LICENSE?**
- **NEW!** [DEPARTMENT OF COMMERCE-BIS DECISION TREE TOOLS](#)
 - "THE DECISION TREE"; SUPPLEMENT NO. 1 TO [15 CFR PART 732](#)
- OR,
- DOES MY SHIPMENT QUALIFY FOR AN EAR LICENSE EXCEPTION?** (SEE [15 CFR PART 740](#))
- IS THERE ANY INDICATION OF RESTRICTIVE TRADE PRACTICES OR BOYCOTT LANGUAGE?** (SEE [15 CFR PART 760](#))
- 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 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?**