



News Release

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For Immediate Release

NCBFAA Comments On Census Proposal Regarding Routed Export Transactions

Washington, DC: In a [letter to the Bureau of the Census](#), the National Customs Brokers and Forwarders Association of America, Inc. (NCBFAA) has submitted comments on Census' Advanced Notice of Proposed Rulemaking regarding standard and routed export transactions.

In its letter, the NCBFAA focused on three specific areas:

- Defining routed exported transaction
- Who files data elements
- Clarifying agent responsibilities

The NCBFAA recommends amending the Census Bureau's definition of a routed export transaction to bring it in line with Bureau of Industry and Security (BIS) Export Administration Regulations (EAR) by no longer including in the definition the requirement to prepare or file Electronic Export Information (EEI).

"Accordingly, as the existing definition of a routed export is not consistent with the EAR, appears to require a step that really has nothing to do with whether the transaction is a routed export (i.e., whether the export process is controlled by the ["foreign principal party in interest"] FPPI, and is internally inconsistent, we suggest that the last phrase ["and prepare and file the EEI"] should be deleted," the NCBFAA said.

The NCBFAA reiterated its belief that Census is correct to require that the party, with the information at the time of the export transaction, provide the data elements to the AES filer. However, "the NCBFAA believes that several modifications should be made to the regulations to both ensure that accurate information concerning the nature of the export is properly transmitted to the government, and that the responsibilities of the various parties are better defined."

Currently, the rule states that the U.S. principal party in interest (USPPI) is responsible for providing the FPPI's agent with the "Export Control Classification (ECCN) *or* sufficient technical information to determine the ECCN." The NCBFAA recommends changing the language to, "Export Control Classification Number (ECCN) and any other licensing authority that is relevant to the export," to eliminate uncertainty about the obligation to provide this information as well as to make it clear that this responsibility pertains to all licensing issues.

In addition, the NCBFAA suggested clarifications to the responsibilities of the authorized agent and noted that the USPPI should be responsible for providing certain enumerated data elements (*viz.*, hazardous material indicator, FTC identifier,

VIN/product ID, vehicle title number, vehicle title state code, filing option indicator, KPC number, related party indicator and export information code) to the authorized filing agent.

In conclusion, the NCBFAA strongly encouraged Census to require that the FPPI's U.S. agent must agree in writing to take on that responsibility for determining and obtaining license authority before the USPPI can properly delegate that function.

Headquartered in Washington, D.C., the NCBFAA represents more than 1,000 member companies with 110,000 employees in international trade - the nation's leading freight forwarders, customs brokers, ocean transportation intermediaries (OTIs), NVOCCs and air cargo agents, serving more than 250,000 importers and exporters. Established in 1897 in New York, NCBFAA is the effective national voice of the industry. Through its various committees, counsel and representatives, the Association maintains a close watch over legislative and regulatory issues that affect its members. It keeps them informed of these and other related issues through its weekly Monday Morning eBriefing, and various meetings and conferences throughout the year.

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