



# NCBFAA

National Customs Brokers & Forwarders Association of America, Inc.

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## 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, but are not limited to, commodities such as clothing, building materials, circuit boards, automotive parts, as well as software and technology, such as blueprints, 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 / Incoterms® 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 Bureau of Industry and Security's Export Administration Regulations ("EAR"), the U.S. Department of State's Directorate of Defense Controls' ("DDTC") International Traffic and Arms Regulations ("ITAR"), the Office of Foreign Assets Control ("OFAC") and/or other government agencies such as the Nuclear Regulatory Commission ("NRC"), Drug Enforcement Administration ("DEA"), or Bureau of Alcohol and Tobacco & Firearms ("ATF").
- **"KNOW YOUR CUSTOMER":** Perform due diligence on the end user(s). Know their intended end use and 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") i.e., 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 the product being exported requires a license or whether it qualifies for a license exception.
- **TRANSMIT ELECTRONIC EXPORT INFORMATION ("EEI")** to 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 the 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** as required by the individual export control agencies, to include current [OFAC](#) requirements of 10 years beginning April 25, 2019.

### WHERE SHOULD I GO FOR ASSISTANCE?

**U.S. DEPARTMENT OF COMMERCE**  
[Bureau of Industry and Security \("BIS"\)](#)  
[Census Bureau - International Trade](#)

**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 Export Controls](#)

Commodity Jurisdiction: [BIS](#) [DDTC](#)

[BIS Training Videos](#)

[BIS Export Licensing Requirement FAQs](#)

[BIS Export Control Classification Numbers \("ECCN"\)](#)

[Consolidated Screening List](#)

[BIS "Know Your Customer" Guidance](#)

[BIS Red Flags and Forwarder Guidance](#)

[Guidance on Potential Export Violations](#)

Embargoes and Sanctions: [BIS](#) [OFAC](#)

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

[Foreign Trade Regulations \("FTR"\)](#)

[Schedule B Look-Up and HTS Look-Up](#)

[HTS Codes Not Allowed For Export](#)

- **PROVIDE THE FORWARDER WITH COMPLETE AND ACCURATE EXPORT INFORMATION** including licensing and other Partner Government Agency ("[PGA](#)") information necessary for filing the EEI. Generally, in the case of a "Routed Export Transaction", the USPPI is still responsible for providing this information to their forwarder. (Refer to [15 CFR 30.3](#) and [15CFR 30.6](#))
    - 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
    - PGA data elements if required by Appendices [Q](#) and [X](#)
    - Ultimate Consignee Type: a) Direct Consumer; b) Government Entity; c) Reseller; d) Other/Unknown
    - ECCN (EAR99 if commodities are not on the Commerce Control List), or USML Category
    - 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 USPPI has any questions, it 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 CONTRADICTIONARY 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 \(EAR\)](#) AND [ECFR 15 CFR PARTS 730-774](#)  
SEE [INTERNATIONAL TRAFFIC IN ARMS REGULATIONS \(ITAR\)](#) AND [ECFR 22 CFR PARTS 120-130](#)

- IS MY PRODUCT 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).
- [DDTC ORDER OF REVIEW AND DECISION TREE TOOLS UNDER RE-CONSTRUCTION](#) - SEE [22 CFR 120.11](#)
- IF YES, DOES MY PRODUCT REQUIRE A LICENSE OR PERHAPS QUALIFY FOR AN ITAR EXEMPTION?** (SEE [22 CFR PART 123](#))
- IS MY PRODUCT SUBJECT TO THE EAR?** (SEE [15 CFR PART 734.2-5](#))
- IS MY PRODUCT 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 Introduction and List of Prohibitions 4-10](#))
- DO I KNOW THE END USER AND END USE OF THE PRODUCT?** (SEE [15 CFR PART 744](#))
- [CONSOLIDATED SCREENING LIST](#)
- AM I SHIPPING TO A DESTINATION OF CONCERN?** (SEE [15 CFR PART 738](#), [Supplement No.1 \(15 CFR 738\) - Commerce Country Chart](#), [15 CFR PART 774 - COMMERCE CONTROL LIST](#), [Supplement No.1 \(15 CFR 740\) Country Groups](#)) AND ALSO ["BIS"](#) AND ["OFAC"](#) EMBARGOES AND SANCTIONS
- DO I NEED A BIS (DEPARTMENT OF COMMERCE) LICENSE?**
- [DEPARTMENT OF COMMERCE-BIS DECISION TREE TOOLS](#)
  - [Supplement No.1 to 15 CFR Part 732 "The Decision Tree"](#) OR,
- DOES MY PRODUCT QUALIFY FOR AN EAR LICENSE EXCEPTION?** (SEE [15 CFR Part 740](#) )
- DO ANY OTHER GOVERNMENT AGENCY REQUIREMENTS APPLY TO MY PRODUCT? DO ANY OF THOSE REQUIRE REPORTING IN THE AUTOMATED EXPORT SYSTEM?** (SEE [Appendix Q](#) and [Appendix X](#) )
- IS THERE ANY INDICATION OF RESTRICTIVE TRADE PRACTICES OR BOYCOTT LANGUAGE?** (SEE [15 CFR Part 760](#))
- DID I PROVIDE MY FORWARDER WITH THE COMPLETE AND ACCURATE INFORMATION REQUIRED TO FILE EEI, OR AN ITN (INTERNAL TRANSACTION NUMBER) IF I FILED MY OWN EEI?** (SEE [15 CFR 30.3](#) AND [15CFR 30.6](#))
- DID I PROVIDE MY FORWARDER WRITTEN AUTHORIZATION TO FILE AES ON MY BEHALF?** (SEE [15 CFR 30.3\(b\)\(3\)](#))  
*NOTE: PROVIDING 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/AUTHORIZED AGENT AND/OR AM I REVIEWING MY EEI TRANSMISSIONS FOR ACCURACY UTILIZING ACE REPORTS?** (SEE ["How to access ACE Export Reports"](#))