

DEC 14 2006



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

Mr. George R. Tuttle, III
Law Offices of George R. Tuttle
Three Embarcadero Center, Suite 1160
San Francisco, CA 94111

Dear Mr. Tuttle:

This is in response to your faxed letter of November 21, 2006, requesting clarification as to the applicability of the provision for routed export transactions under the Foreign Trade Statistics Regulations (FTSR), Part 30, Section 30.4(c). Since there are differences in reporting requirements among the U.S. Census Bureau and the Bureau of Industry and Security (BIS), conformity of documentation is not required. In a routed export transaction as defined in Title 15, Code of Federal Regulations (CFR), Part 772.1 of the U.S. Department of Commerce Export Administration Regulations, the authorized agent can be the "exporter" for export control purposes. However, for the Census Bureau purposes, the authorized agent shall not be shown on the Shipper's Export Declarations (SED)/Automated Export System (AES) record as the U.S. Principal Party in Interest (USPPI).

The Census Bureau defines a routed export transaction as a transaction in which the Foreign Principal Party in Interest (FPPI) authorizes a U.S. agent to facilitate the export of items from the United States and to prepare and file the SED/AES record. Title 15, CFR, Part 30.4 clearly defines the responsibilities of the USPPI, the FPPI, and the authorized agent involved in the transaction. In your example you correctly identified a routed export transaction and the responsibility of the parties in the transaction.

It is the responsibility of the U.S. agent, designated by the FPPI, to prepare and file the SED/AES record. The USPPI is responsible for providing the statistical information pertaining to the transaction. I can only address your concerns pertaining to the FTSR. **The FTSR was not written to accommodate Incoterms and there are no terms that relate exactly to the requirements of the FTSR. Clearly Incoterms address common business responsibilities for the buyer and the seller, but these requirements are not carried over to the FTSR.**

We appreciate the opportunity to assist you with your efforts to maintain compliance with export regulations. If you have further questions concerning this or other regulatory matters, please call Mr. Joey Morales, ROEB, FTD, on (301) 763-2238.

Sincerely,

Dale C. Kelly
Chief, Regulations, Outreach, and Education Branch
Foreign Trade Division

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GEORGE R. TUTTLE

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Orig to _____
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To Calendar YES NO