



# AES Newsletter



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## In This Issue

Kimberley Process Certificate Filing Requirements Through the Automated Export System . . . . . 1

Elimination of the Social Security Number from the Automated Export System . . . . . 3

Shipments Destined to Puerto Rico Through the United States . . . . . 4

Reporting a U.S. Customs Broker or Freight Forwarder as the U.S. Principal Party in Interest . . . . . 5

What Do I Need to Verify? . . . 5

Watch for *TradeSource* in 2010 . . . . . 6

Looking for an Export Control Classification Number? . . . . . 7

New Commerce Guide Focuses on Expanding U.S. Exports . . 8

Interested in Attending an AES Seminar or Workshop? . . . . . 8

Contact Information . . . . . 9

## Kimberley Process Certificate Filing Requirements Through the Automated Export System

by Jacquelyn Mann, Data Collection Coordination Branch



The Clean Diamond Trade Act (the Act), Public Law 108-19, Section 6, designates the U.S. Census Bureau as the leading export authority for the control of information pertaining to rough diamonds that are exported and re-exported from the United States. Prior to exporting rough diamonds, a Kimberley Process Certificate (KPC) must be obtained from a U.S. Kimberley Process Authority Licensee. Each certificate contains an assigned identification number, called the Kimberley Process Certificate Number (KPC Number). Each KPC document must be maintained on file for a period of 5 years. This is according to the Kimberley Process Certification Scheme as defined in the Act. (See the contact information below for assistance in obtaining a KPC.)

All shipments of rough diamonds must be filed in the Automated Export System (AES) predeparture, regardless of

*continued on page 2*

### **Kimberley Process Certificate—Con.**

the export value. Filers are required to provide a license type and KPC Number under the following 6-digit Harmonized Tariff Schedule/Schedule B numbers subheadings: 7102.10, 7102.21, or 7102.31. The required license type for this export transaction is T12. The KPC Number should be reported in the “License Number” field and must be equal to or greater than four numeric characters.

The AES Internal Transaction Number (ITN) should be placed in the upper right corner of the KPC document. All U.S. Principal Parties in Interest (exporters, manufacturers, suppliers, etc.) must promptly fax a copy of the KPC document, containing the AES ITN, to the Census Bureau at 800-457-7328.

Below are the AES Fatal Error Response Codes associated with the inaccurate reporting of KPC data:

- Response Code 659: ECCN MUST BE ‘EAR99’ OR BLANK
- Response Code 660: T12 REQUIRED FOR ROUGH DIAMONDS
- Response Code 661: SCHED B/HTS NBR NOT ALLOWED FOR LIC CODE
- Response Code 662: KPC NBR MUST BE AT LEAST 4 NUMERIC
- Response Code 663: KPC NUMBER CONTAINS NON-NUMERIC
- Response Code 664: KPC NUMBER CONTAINS LEADING SPACES
- Response Code 665: KPC NUMBER MISSING

For instructions on how to resolve these fatal errors, see Appendix A of the AES Trade Interface Requirements at <[http://www.customs.gov/linkhandler/cgov/trade/automated/aes/tech\\_docs/aestir/june04\\_intro/appendices/apndx\\_a.ctt/apndx\\_a.doc](http://www.customs.gov/linkhandler/cgov/trade/automated/aes/tech_docs/aestir/june04_intro/appendices/apndx_a.ctt/apndx_a.doc)>.

In addition, if a KPC Number for a shipment filed in the AES is voided or identified to be incorrect, the “License Number” field should be immediately corrected to reflect the change. All voided KPC Numbers must be faxed to the Census Bureau at 800-457-7328. Shipments of rough diamonds filed in the AES that are unable to be exported should be cancelled immediately.

**Foreign Trade Regulations (FTR) regarding the export of rough diamonds (Sections 30.4 (a)(9), 30.6 (b)(16), 30.36 (b)(6), and 30.70 provide penalties for Clean Diamond Trade Act violations) can be viewed at** <<http://www.census.gov/foreign-trade/regulations/index.html#traderegulations>>.

**U.S. Customs and Border Protection KPC requirements can be viewed at** <[http://www.cbp.gov/xp/cgov/trade/trade\\_programs/diamonds/updated\\_req.xml](http://www.cbp.gov/xp/cgov/trade/trade_programs/diamonds/updated_req.xml)>.

**For assistance in obtaining a KPC, please contact:**

**U.S. Kimberley Process Authority**

Offices of the Jewelers Vigilance Committee

Phone: 212-997-2002

E-mail: <<http://www.jvclegal.org/>>

## **Elimination of the Social Security Number from the Automated Export System**

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*by Rosanna Torres, Automated Export System Branch, and Selina Tolentino, Regulations Outreach and Education Branch*

The U.S. Census Bureau recently published an Interim Final Rule that eliminates the requirement from Title 15, Code of Federal Regulations, Part 30, Foreign Trade Regulations (FTR), to report a social security number (SSN) when registering to file and filing Electronic Export Information (EEI). This rule was implemented to ensure that the SSN of the U.S. Principal Party in Interest (USPPI) or authorized agent is protected in accordance with the Privacy Act of 1974.

This rule became effective on September 4, 2009, and will be implemented beginning on December 3, 2009. This means, after December 3, a USPPI or authorized agent residing or having an office located in the United States can no longer provide the SSN as an identification number when reporting EEI through the Automated Export System (AES). A USPPI or authorized agent must obtain an Employee Identification Number (EIN) from the Internal Revenue Service (IRS), or a DUNS number from Dun & Bradstreet to use as an identification number when registering or filing through the AES. The EINs are available to both businesses and individuals. The DUNS number are available only to business entities.

The requirement for a foreign entity that is identified as a USPPI remains unchanged for purposes of the FTR. When a foreign entity within the United States purchases or obtains items for export, they must report a border crossing number, passport number, or any number assigned by U.S. Customs and Border Protection.

An EIN can be obtained by calling the IRS at 800-829-4933 or applying online at <<http://www.irs.gov>>. Nonbusiness owners are allowed to obtain EINs for purposes of reporting EEI to the federal government. To obtain a DUNS number, first obtain an EIN and then complete an application online at <<http://www.dnb.com/us/>>. Regardless of the type of items being shipped or the shipping frequency, any person/entity that resides in the United States and ships goods to a foreign country will need to obtain an EIN.

When applying online for an EIN as an individual, follow these steps:

- Go to the IRS Web site referenced above and click “Apply for an EIN online,” then choose the option that states, “Apply online now.”
- Choose “Sole Proprietor” when selecting the type of legal structure.
- Choose the option for “Starting a new business” when selecting the reason why you are applying for an EIN.
- Provide additional information as requested, including name, SSN or Individual Taxpayer Identification Number (ITIN), address, phone number, and the start date of your sole proprietorship.
- Choose “Other” when selecting what your business/organization does.
- Choose “Other” and enter the phrase “Federal Law Requirements” when asked to provide information about your primary business activity.
- Review the information and click “Continue” to request and receive your EIN.

Once this information is accepted, you will have the option to receive your EIN online or in the mail. If you choose the mail option, you must allow up to 4 weeks for delivery of the letter containing your EIN. However, choosing the online option will allow you to view, print, and save the letter with your new EIN within 15 minutes.

*continued on page 4*

**Elimination of the Social Security Number—Con.**

Identify your party type and refer to the chart to maintain your social security number account.

| <b>ACCOUNTS REGISTERED UNDER SOCIAL SECURITY NUMBER (SSN)</b> |                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                         |
|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Identify your: Party Type                                     | How Account Needs to be Maintained                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                         |
|                                                               | Migration Process & Programming Changes                                                                                                                                                                                                                                                                                                                                                       | Corrections to Previous Shipments                                                                                                                                                                                                                                    | AESDirect Profiles & Templates                                                                                                                                                                          |
| SELF-FILERS                                                   | Update program to latest AES Trade Interface Requirements (AESTIR) publication found at: <a href="http://www.cbp.gov/xp/cgov/trade/automated/aes/tech_docs/aestir/june04_intro">http://www.cbp.gov/xp/cgov/trade/automated/aes/tech_docs/aestir/june04_intro</a>                                                                                                                              | Programming changes must allow for corrections, replacements and deletions for any shipments containing SSN information based on a departure date prior to <b>December 4, 2009</b> .                                                                                 | N/A                                                                                                                                                                                                     |
| SOFTWARE VENDORS / SERVICE CENTERS                            | Update program to latest AES Trade Interface Requirements (AESTIR) publication found at: <a href="http://www.cbp.gov/xp/cgov/trade/automated/aes/tech_docs/aestir/june04_intro">http://www.cbp.gov/xp/cgov/trade/automated/aes/tech_docs/aestir/june04_intro</a>                                                                                                                              | Programming changes must allow for corrections, replacements and deletions for any shipments containing SSN information based on a departure date prior to <b>December 4, 2009</b> .                                                                                 | N/A                                                                                                                                                                                                     |
| CLIENTS OF SOFTWARE VENDORS / SERVICE CENTERS                 | Obtain latest software update from your provider.                                                                                                                                                                                                                                                                                                                                             | Filers must only submit corrections, replacements and deletions for shipments containing SSN information prior to <b>December 4, 2009</b> .                                                                                                                          | N/A                                                                                                                                                                                                     |
| AESDIRECT FILERS                                              | <b>USPPI</b> – Obtain EIN<br><b>Authorized Agents</b> – Obtain EIN or DUNS <ul style="list-style-type: none"> <li>• If you are registered under SSN, you must fill out the <a href="#">Automated Transition Form</a> (available October 12, 2009)</li> <li>• All programming changes in <i>AESDirect</i> Applications will automatically be updated per latest AESTIR publication.</li> </ul> | Maintain old SSN Account active. <i>AESDirect</i> Application users (including <i>AESpLink</i> users) must make any replacements or deletions through the old SSN account via the <i>AESDirect</i> webpage. <a href="http://www.aesdirect.gov">www.aesdirect.gov</a> | On <b>December 4, 2009</b> SSN information will be automatically cleared from all profiles and templates. You must update all profiles and templates with the new EIN. Do not re-enter SSN information. |

**FOREIGN TRADE DIVISION** **U S C E N S U S B U R E A U**

## Shipments Destined to Puerto Rico Through the United States

by Caroline Berry, Regulations, Outreach, and Education Branch

The U.S. Census Bureau, Foreign Trade Division (FTD), received several inquiries into whether an Electronic Export Information (EEI) is required for shipments that are formally cleared by U.S. Customs and Border Protection (CBP) into a United States port, but are ultimately destined for Puerto Rico. For goods that enter the United States and are to be finally unladed in Puerto Rico, an EEI filing is not required. In addition, it is not necessary to present a proof of filing citation or exemption legend to the carrier or CBP. Transactions of this nature will appear in our import statistics with the initial port listed as the port of entry and Puerto Rico as the port of unlading. For example, goods that are cleared by CBP at the port of Louisville, KY, and are ultimately destined for San Juan, Puerto Rico, will have Louisville captured as the port of entry and San Juan as the port of unlading on the entry document.

Every effort must be made by the U.S. Principal Party in Interest and authorized agent to comply with these requirements. If you have questions concerning these requirements, please contact the U.S. Census Bureau, Regulations, Outreach, and Education Branch, FTD at 800-549-0595, menu option 3, or by e-mail at [ftdregs@census.gov](mailto:ftdregs@census.gov).

## Reporting a U.S. Customs Broker or Freight Forwarder as the U.S. Principal Party in Interest

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*by Autumn Banks, Regulations, Outreach, and Education Branch*

When can a Customs Broker be listed as the U.S. Principal Party in Interest (USPPI) on an Electronic Export Information (EEI) record? There are instances where goods come from a foreign country, enter into the United States, and are then exported to another country. The Customs Form 7501, entry summary, is completed for goods being formally imported, and when required, the EEI is prepared for the goods when exported. For cases where there is no U.S. owner, purchaser, or primary beneficiary to the export transaction, the customs broker or freight forwarder must be reported as the USPPI.

Section 30.3 of the Foreign Trade Regulations (FTR) states that when goods enter into the United States for immediate consumption or warehousing entry and are subsequently exported without change or enhancement, the customs broker or freight forwarder can be listed as the USPPI. A customs broker or freight forwarder is reported as the USPPI if either are listed as the importer of record on Customs Form 7501, entry summary, or if the customs broker or freight forwarder enters the goods into the United States on behalf of the foreign importer. In cases where the customs broker or freight forwarder is identified as the USPPI, but is not the party completing the Automated Export System (AES) record, it must provide the information specified in Section 30.3 to the party completing the EEI.

To ensure compliance of the FTR, it is very important that all parties cooperate with each other in order to fulfill the requirements of the export transaction. For more information on the FTR, please contact the U.S. Census Bureau, Regulations, Outreach, and Education Branch, FTD at 800-549-0595, menu option 3, or by e-mail at <[ftdregs@census.gov](mailto:ftdregs@census.gov)>.

### What Do I Need to Verify?

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*by Kitwana Pounsel, Automated Export System Branch*

There is always a sigh of relief when a first-time filer learns that his or her Automated Export System (AES) filing has been successfully transmitted. For an AESDirect filer, the signal is the three pop-up windows and the e-mail confirmation the filer receives after pressing the "Submit Shipment" button. For filers that use their own systems, the signal may be a confirmation number. No matter what system is used, most people feel a sense of accomplishment when they send in that first shipment. However, the feeling of accomplishment quickly dissipates when the e-mail or response message includes both the Internal Transaction Number and a Verify Message. Verify Messages, however, are not transmitted without good reason. AES Verify Messages are sent when a filer has transmitted information about a specific commodity code that falls outside of the normal U.S. Census Bureau parameters for said code. In other words, a filer has submitted something that the system did not expect to receive. There are 44 different kinds of Verify Messages, and each one is described in detail in Appendix A of the Automated Export System Trade Interface Requirements.

When you receive any of the Verify Messages that are generated by the AES, your best course of action is to read the message and confirm that the information you submitted (specifically what the Verify Message references) is correct. For example, one of the

*continued on page 6*



### ***What Do I Need to Verify?—Con.***

most commonly received Verify Messages is Message 8H1, “Value/Quantity 1 Out of Range-High.” This message serves as an alert that the ratio of the value reported and the quantity reported falls outside of the expected range for that commodity code. When you receive this Verify Message, you should look at the AES filing that you submitted, go to the Commodity section, and verify that the value and quantity that you have reported are accurate. One of the most common reporting errors is transposing two numbers or adding an unnecessary zero to a value. Once the information referenced in the Verify Message is verified (and if necessary, corrected and resubmitted), no further action is required.

Another way to address Verify Messages that you receive on a regular basis is to submit a Parameter Change Request. This request will then be sent to a commodity analysis client representative who will investigate the Census Bureau parameters for a particular commodity code and decide whether or not the parameters need to be adjusted or changed. Your company may submit the Parameter Change Request when you have at least five ITNs that have generated the same Verify Messages for the same commodity code. For more information, please visit <<http://www.census.gov/foreign-trade/aes/documentlibrary/index.html#parameter>>.

## **Watch for *TradeSource* in 2010**

### ***New Automated Export System Publication Will Include Trade Articles from Various Government Agencies***

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*by Rosanna Torres, Automated Export System Branch*

A mission of the Foreign Trade Division (FTD) is to educate exporters about the Foreign Trade Regulations (FTR) and the best practices that can be incorporated into daily business transactions to ensure compliance. We are aware, however, that we are not the only government agency that has a direct impact on the export of U.S. commerce. Numerous agencies are involved in the trade process and each one is responsible for delivering pertinent information to the trade. The information is often located in numerous documents, publications, and Web sites. This can create a challenge for entrepreneurs in their efforts to locate required information in a timely manner for exporting purposes.

The FTD cares about America’s businesses and is working to streamline the delivery of trade-related information. Starting in 2010, the Automated Export System Branch will launch a new publication called *TradeSource*. This will be a collaborative effort with other federal agencies that are directly involved with businesses in the export trade industry. *TradeSource* will publish semiannually, alternating with the *AES Newsletter*. The introductory issue will inform exporters of the mission each agency has within the exporting process. Coming in 2010, look for the new *TradeSource*, your one-stop resource to stay informed about trade compliance.

## Looking for an Export Control Classification Number?

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by Craig Simoneau, Outreach and Educational Services Division, Bureau of Industry and Security

It is a common misconception that when exporters are seeking to determine the licensing requirements of their shipments, they can simply call the Bureau of Industry and Security (BIS) counseling call center to obtain an Export Control Classification Number (ECCN) over the phone. Unlike Schedule B numbers or Harmonized Codes, determining the ECCN of a product often requires a detailed analysis of the technical characteristics, functions, and capabilities of the item.

While the BIS is unable to provide definitive commodity classifications over the phone, BIS counselors are available to provide guidance to exporters on the steps involved in reviewing items on the Commerce Control List (CCL) and making ECCN determinations using online resources. Staff can then provide guidance on the regulatory requirements related to specific transactions. The BIS asks forwarders to encourage their clients to take advantage of the many resources on the BIS Web site:

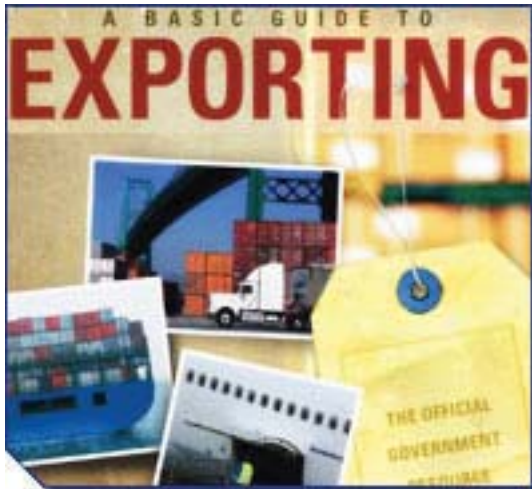
- The BIS's *Know the Facts Before You Ship: A Guide to Export Licensing Requirements* is a good starting point in understanding obligations under the Export Administration Regulations (EAR). It is targeted at those who are new to exporting <[www.bis.doc.gov/pdfpublications/bis\\_booklet.pdf](http://www.bis.doc.gov/pdfpublications/bis_booklet.pdf)>.
- A table of classification information from participating manufacturers <[http://www.bis.doc.gov/pdf/ccats\\_table2.pdf](http://www.bis.doc.gov/pdf/ccats_table2.pdf)>.
- The electronic version of the EAR and CCL <[http://www.access.gpo.gov/bis/ear/ear\\_data.html#ccl](http://www.access.gpo.gov/bis/ear/ear_data.html#ccl)>.
- A brochure providing additional guidance on obtaining an ECCN <[http://www.bis.doc.gov/licensing/bis\\_eccn.pdf](http://www.bis.doc.gov/licensing/bis_eccn.pdf)>, as well as a FAQ on ECCN determinations <[http://www.bis.doc.gov/licensing/do\\_i\\_needaneccn.html](http://www.bis.doc.gov/licensing/do_i_needaneccn.html)>.
- The online training room that provides additional guidance, including Module 2, which covers the CCL <<http://www.bis.doc.gov/seminarsandtraining/seminar-training.htm>>.

The BIS encourages exporters to perform an ECCN self-classification whenever possible. If an official BIS classification is still desired, it can only be obtained from the BIS via a Commodity Classification request submitted through the Simplified Network Application Process Redesign (SNAP-R) online application system. Technical staff at the BIS will review these requests and provide an official classification within 4 to 6 weeks. For information on signing up with the BIS to use SNAP-R, please visit <[www.bis.doc.gov/snap/pinsnapr.htm](http://www.bis.doc.gov/snap/pinsnapr.htm)>.

It is important to remember that exporters are ultimately responsible for determining the ECCN of their items and licensing requirements for their transactions. The Office of Exporter Services at the BIS has counselors available to explain the obligations of various parties under the EAR. Call the Washington, DC, headquarters at 202-482-4811 or the BIS Western Regional Office in California at 949-660-0144 or 408-998-8806.

# New Commerce Guide Focuses on Expanding U.S. Exports

by Doug Barry, Trade Data Center, U.S. Department of Commerce



The latest version of *A Basic Guide to Exporting* is a step-by-step manual that includes updated information on identifying new and overseas markets, selecting the best finance options, and how to create a Web site for selling goods to international buyers. This guide will also help businesses take greater advantage of the current boom in U.S. exports.

The book contains 17 chapters on the nuts and bolts of the export process, as well as case studies in which owners of mostly small companies share how they have profited from international sales. Some of the featured companies are involved in hair care products for pets, senior care, fiberglass houses that withstand tropical storms, medical devices, and machines that use light bursts to purify water. The merchandise may seem

ordinary, but how the companies have increased their sales in the face of slowing demand at home is notable.

“Whether you look to make your first export sale or to expand into new markets, this new edition of *A Basic Guide to Exporting* provides expert advice and practical solutions for reaching new customers and making sales around the world,” said former U.S. Secretary of Commerce Carlos M. Gutierrez.

Copies of *A Basic Guide to Exporting* are available at bookstores and can be ordered at [www.export.gov/basicguide](http://www.export.gov/basicguide). The Web site features reviews and sample chapters from the book.

## Interested in Participating in a Webinar?

Export Webinars are scheduled as follows:

|             |                                 |
|-------------|---------------------------------|
| October 27  | Filing Requirements             |
| October 29  | Export Commodity Classification |
| November 03 | AES Overview                    |
| November 05 | How to Use AESPCLink            |

For additional information regarding Webinars, contact [Christina.Farr@census.gov](mailto:Christina.Farr@census.gov).

## Interested in Attending an AES Seminar or Workshop?

Export Compliance Seminars with AESPCLink Workshops are scheduled as follows:

|                                                                                               |                |
|-----------------------------------------------------------------------------------------------|----------------|
| October 19–21                                                                                 | Houston, Texas |
| Sponsored by <a href="http://www.OnPointSolutionsGroup.com">www.OnPointSolutionsGroup.com</a> |                |
| November 19–20                                                                                | Laredo, Texas  |

For details, registration forms, and future educational opportunities, please visit [www.census.gov/foreign-trade/aes/meetingsandpresentations/index.html](http://www.census.gov/foreign-trade/aes/meetingsandpresentations/index.html).



## Contact Information

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### **AESDirect Technical Support (toll-free)**

Every day, 7 a.m.–7 p.m. ET

Voice: 877-715-4433

Fax: 301-562-7795

E-mail: <[boc-support@tradegate2000.com](mailto:boc-support@tradegate2000.com)>

### **Foreign Trade Division Call Center 800-549-0595** (see menu options below)

The e-mail addresses below are not secure. Confidential company information should not be sent to these addresses.

#### ***Automated Export System Branch, Menu Option 1***

Monday through Friday

7:30 a.m.–6:30 p.m. ET (new hours)

Fax: 301-763-6638

E-mail: <[askaes@census.gov](mailto:askaes@census.gov)>

#### ***Commodity Analysis Branch (Schedule B/HTS Classification), Menu Option 2***

Monday through Friday

8:30 a.m.–5 p.m. ET (new hours)

Fax: 301-763-4962 (no e-mail address)

#### ***Regulations, Outreach, and Education Branch, Menu Option 3***

Monday through Friday

8 a.m.–7:30 p.m. ET (new hours)

Fax: 301-763-4610

E-mail: <[ftdregs@census.gov](mailto:ftdregs@census.gov)>

### **Foreign Trade Division (all branches)**

Secure Fax: 301-763-8835

This fax number is for confidential company information (i.e., data requests). Please include a cover sheet with the name and/or branch phone number to whom the fax should be delivered.

### **AES Partnership Agencies**

#### **U.S. Customs and Border Protection (CBP)**

Trade Enforcement and Facilitation

For questions regarding CBP, ITAR, and Used Vehicles contact:

Robert Rawls, Program Manager 202-344-2847,

E-mail: <[robert.rawls@dhs.gov](mailto:robert.rawls@dhs.gov) or [manifest.branch@dhs.gov](mailto:manifest.branch@dhs.gov)>

*continued on page 10*

**Contact Information—Con.**

**Bureau of Industry and Security (BIS)**

|                                                        |              |
|--------------------------------------------------------|--------------|
| Help Desk, Washington, DC                              | 202-482-4811 |
| Western Regional Office, Los Angeles/Newport Beach, CA | 949-660-0144 |
| Western Regional Office, San Jose, CA                  | 408-351-3378 |

**Directorate of Defense Trade Controls**

|                                       |              |
|---------------------------------------|--------------|
| U.S. State Department, Washington, DC |              |
| Response Team                         | 202-663-1282 |
| D-Trade Questions                     | 202-663-2838 |

**Web sites**

|                                                                 |                                                                                                        |
|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| U.S. Census Bureau, Foreign Trade                               | < <a href="http://www.census.gov/trade">www.census.gov/trade</a> >                                     |
| U.S. Customs and Border Protection                              | < <a href="http://www.cbp.gov">www.cbp.gov</a> >                                                       |
| Bureau of Industry and Security                                 | < <a href="http://www.bis.doc.gov">www.bis.doc.gov</a> >                                               |
| U.S. State Department, Directorate of<br>Defense Trade Controls | < <a href="http://www.pmdtcc.state.gov">www.pmdtcc.state.gov</a> >                                     |
| U.S. Treasury Department, Office of<br>Foreign Assets Control   | < <a href="http://www.treas.gov/offices/enforcement/ofac">www.treas.gov/offices/enforcement/ofac</a> > |