5 Nonpostal Export Regulations

510 Office of Foreign Assets Control (OFAC) Regulations — U.S. Department of the Treasury

511 General

The Office of Foreign Assets Control (OFAC) of the U.S. Department of the Treasury administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals against targeted foreign countries and regimes, terrorists, narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy, or economy of the United States.

512 Prohibited Destinations, Specially Designated Nationals, and Blocked Persons

Mailers may not send items to certain countries (Cuba, Iran, North Korea, and Sudan) or to a "blocked person." Blocked persons include individuals and entities (regardless of the mailing destination) that are listed on the OFAC Specially Designated Nationals (SDN) list. The SDN list is available online at *www.treas.gov/offices/enforcement/ofac/sdn/t11sdn.pdf*.

513 Additional Standards

In addition to the restrictions in 512, mailers may not send items to an entity if a blocked person owns 50 percent or more of that entity.

514 Exceptions

Many OFAC sanctions programs have exemptions that cover the mailing of items such as certain humanitarian donations, personal communications containing nothing of value, or informational materials like books, newspapers, and CDs. In addition, under each sanctions program, OFAC has established "general licenses" that authorize shipments under certain conditions. If no exemption or general license applies, a mailing may be allowed if the mailer applies for and obtains a "specific license" from OFAC.

The exemptions and general licenses are specific to each sanctions program, and mailers are advised to review the OFAC regulations applicable to the relevant sanctions program.

515 Mailer Compliance

Mailers are required to comply with these regulations. Mailers may be subject to civil and criminal penalties for failing to comply with any part of OFAC's regulations.

516 Additional Information

For additional information, including an explanation of each sanctions program, licenses, and exemptions, see the relevant set of OFAC's regulations for each sanctions program in 31 C.F.R. Chapter V, available at *www.treas.gov/ofac*, or contact OFAC at 202-622-2000.

520 Foreign Trade Regulations — U.S. Census Bureau

521 General

Subchapter 520 describes the various U.S. Department of Commerce, U.S. Bureau of the Census requirements when shipping goods internationally. In certain circumstances, customers are responsible for entering information on PS Form 2976 or 2976-A. Customers may be subject to civil and criminal penalties if they fail to electronically file their export information when required or if they fail to comply with the Foreign Trade Regulations in any other way.

522 Additional Assistance

Customers needing further assistance with filing requirements should contact the U.S. Census Bureau on its toll-free hotline at 800-549-0595:

a. Option 1 – Automated Export System Assistance.

b. Option 2 – Commodity Classification Assistance.

c. Option 3 – Regulatory Assistance.

523 Mailpieces Sent to APOs, FPOs, and DPOs

Goods mailed to APO/FPO/DPO addresses are not subject to the Foreign Trade Regulations. Accordingly, customers are not required to file electronic export information via the U.S. Census Bureau's Automated Export System or AES*Direct* Web site for such mailings, and they do not need to present a Proof of Filing Citation, AES Downtime Citation, or Exemption and Exclusion Legend.

524 Proof of Filing Citation (PFC)

524.1 General

Under the authority of 13 U.S.C. Chapter 9, as amended by the Foreign Relations Authorization Act of 2002, P.L. 107-228, U.S. Census Bureau regulations require electronic filing of export information through the U.S. Census Bureau's Automated Export System (AES) or AES*Direct* Web site for certain outbound international shipments of goods. Before mailing,

customers subject to this filing requirement are responsible for presenting a Proof of Filing Citation (PFC) or AES Downtime Citation as evidence of compliance.

The Census Bureau's regulations mandate that electronic export information be filed when any type of goods contained in a shipment (per Schedule B Export Codes at *www.census.gov/foreign-trade/schedules/b*) is valued at more than $2,500, requires an export license under U.S. law, or is being sent to certain countries designated as terrorist-supporting countries under the Export Administration Regulations, subject to certain exceptions. Following are three examples to illustrate the value criterion:

a. *Example 1:* An insured Priority Mail International package contains one *mechanically* operated watch (Schedule B item number 9101.11.0000) valued at $2,600. The total value of goods to be mailed is $2,600, and the value of all items within the same Schedule B number is more than $2,500. Consequently, electronic filing and a PFC *would* be required (unless an exemption or exclusion applies).

b. *Example 2:* An insured Priority Mail International package contains one *mechanically* operated watch (Schedule B item number 9101.11.0000) valued at $2,400, and one *electronically* operated watch (Schedule B item number 9101.91.0000) valued at $2,400. The total value of goods to be mailed is $4,800, but no group of items within the same Schedule B number is valued at more than $2,500. Consequently, electronic filing and a PFC *would not* be required because the mechanical watch and electronic watch are in different Schedule B groups. Rather, Exemption and Exclusion Legend "NOEEI 30.37(a)" would apply, assuming the items do not require an export license and are not being sent to a terrorist-supporting country (see 526.2).

c. *Example 3:* An insured Priority Mail International package contains two mechanically operated watches (Schedule B item number 9101.11.0000), one valued at $1,400 and one valued at $1,500. The total value of goods to be mailed is $2,900, and the value of all items within the same Schedule B number is more than $2,500. Consequently, electronic filing and a PFC *would* be required (unless an exemption or exclusion applies).

524.2 Filing Requirements

524.21 Mandatory Filing

Electronic filing of export information is required when any of the following applies:

a. One or more classes of goods (per Schedule B Export Codes at *www.census.gov/foreign-trade/schedules/b)* within the item are valued at more than $2,500, unless the shipment falls under an exemption or exclusion. See 524.1.

b. The item requires an export license under U.S. law. (See 530 for additional information.)

c. The shipment is destined to the terrorist-supporting countries of Iran or Syria.

d. The shipment is destined to the terrorist-supporting countries of Cuba, North Korea, or Sudan, and the shipment *does not* qualify as a "gift parcel or humanitarian donation" as defined by 15 CFR § 740.12.

Note: The terrorist-supporting countries are identified in Country Group E:1 in the Export Administration Regulations, 15 CFR Part 740 Supplement 1. As of October 5, 2009, they are the countries cited in items 524.1c and d.

524.22 How to File Electronic Export Information and Obtain a Proof of Filing Citation

To file electronic export information through the U.S. Census Bureau's Automated Export System or AES*Direct* Web site and obtain a PFC, customers should use the following steps:

1. Go to *www.aesdirect.gov*.
2. Register for an AES*Direct* account or log into your existing account.
3. Follow the instructions for the Automated Export System Certification Quiz.
4. The "Port of Export" code for shipping through the Postal Service is "8000."
5. The "Mode of Transport" is "Mail."
6. Leave the carrier as "SCAC/IATA," and leave the conveyance name fields blank.
7. After successfully filing electronic export information, AES*Direct* will provide an alphanumeric Internal Transaction Number (ITN) as confirmation. The PFC consists of the letters "AES" followed by the ITN: for example, "AES X20080930987654."

Note: If the Automated Export System is down, call the U.S. Census Bureau's toll-free information hotline at 800-549-0595, option 1. For additional information on electronic filing, use option 3.

525 AES Downtime Citation

If electronic export information filing is required but the U.S. Census Bureau's Automated Export System or AES*Direct* is unavailable, the mailer may ship the goods but is responsible for providing the appropriate AES Downtime Citation instead of a PFC. This citation includes the word "AESDOWN," the mailer's AES filer identification number, and the date: for example, "AESDOWN 123456789 09/30/2009."

526 Exemption and Exclusion Legend

526.1 General

In many circumstances, electronic export information filing and a PFC may not be required when mailing goods internationally. In these circumstances, customers are directed to apply an applicable Exemption and Exclusion

Legend on the customs declaration form upon mailing. The following conditions apply:

a. A mailer may enter one Exemption and Exclusion Legend per addressed mailpiece. When multiple exemptions may apply, the mailer may select any one that applies.

b. A mailer cannot apply Exemption and Exclusion Legends to shipments that require an export license.

526.2 When Applicable

Customers with shipments not meeting the mandatory filing requirements under 524.21 may apply an Exemption and Exclusion Legend such as the following on each customs declaration form:

a. "NOEEI 30.37(a)" for shipments when the value of each class of goods is $2,500 or less. Mailers cannot apply this exemption to shipments that require an export license or to shipments to countries identified as terrorist-supporting countries in the Export Administration Regulations (currently, Cuba, Iran, North Korea, Sudan, and Syria).

b. "NOEEI 30.36" for shipments to Canada that do not require an export license.

c. "NOEEI 30.37(h)" for shipments of gift parcels and humanitarian donations as defined in 15 CFR § 740.12. This exemption may apply only to qualifying shipments to certain terrorist-supporting countries identified in 524.21c (currently, Cuba, North Korea, and Sudan). In addition, the mailer must endorse the item with the marking "GIFT — Export License Not Required" on the address side of the package. The mailer must also write "GFT" in the same block as the Exemption and Exclusion Legend on the applicable required customs declaration, as described in 527. The mailer must also complete all other blocks of the customs declaration form — including the "Detailed description of contents."

Note: For more information and a complete listing of these and other Exemption and Exclusion Legends, see Appendix C of the Foreign Trade Regulations, 15 CFR Part 30.

527 Placement of PFC, AES Downtime Citation, or Exemption and Exclusion Legend

When shipments require a PFC, AES Downtime Citation, or Exemption and Exclusion Legend, it is the customer's responsibility to legibly write the PFC, AES Downtime Citation, or Exemption and Exclusion Legend on the applicable customs declaration form as follows:

a. On the May 2009 and January 2009 editions of PS Form 2976-A, *Customs Declaration and Dispatch Note — CP 72* (large white form), customers should write one PFC, AES Downtime Citation, or applicable Exemption and Exclusion Legend in block 11.

b. On editions of PS Form 2976-A printed before January 2009, customers should write one PFC, AES Downtime Citation, or

applicable Exemption and Exclusion Legend at the top of the form or in any clear space. Avoid writing over the barcode on the form.

c. On editions of PS Form 2976, *Customs Declaration CN 22 — Sender's Declaration (green label)*, dated September 2009 or later, customers should check "NOEEI § 30.37(a)" or "NOEEI § 30.37(h)" in block 7 of the form, depending on the applicable Exemption and Exclusion Legend.

Note regarding Cuba: Consumer communications devices, computers, and software (CCD) items sent to Cuba require an electronic filing when not included as a gift parcel — see the Individual Country Listing for Cuba for information regarding CCD items. Customers using editions of PS Form 2976 dated September 2009 or later to ship CCD items to Cuba should (1) completely obliterate the check boxes and text referring to NOEEI § 30.37(a) and NOEEI § 30.37(h) and (2) write one PFC or AES Downtime Citation.

d. On editions of PS Form 2976 printed before September 2009, customers should write one applicable Exemption and Exclusion Legend ("30.37(a)" or "30.37(h)") in the margin on the green portion of the form.

Note regarding Cuba: CCD items sent to Cuba require an electronic filing when not included as a gift parcel — see the Individual Country Listing for Cuba for information regarding CCD items. Customers using editions of PS Form 2976 printed before September 2009 to ship CCD items to Cuba should write one PFC or AES Downtime Citation in the margin on the green portion of the form.

e. On editions of the Global Express Guaranteed Air Waybill/Shipping Invoice (shipping label, Item 11FGG1) printed before August 2008, customers should write "NOEEI 30.37(a)" next to the sender's signature. Current versions of Item 11FGG1 have this exemption legend included on the mailing label.

Note: These standards also apply to mailers who produce privately printed customs declaration forms under 123.3.

530 Commodities and Technical Data

531 Scope and Applicability of Export Licensing Requirements

531.1 U.S. Department of Commerce — Bureau of Industry and Security; Export Controls

The Department of Commerce's Bureau of Industry and Security (BIS) regulates the export of commodities, software, and technologies in certain circumstances, pursuant to the Commerce Department's Export Administration Regulations (EAR) (15 CFR Parts 730–774). Among other things, BIS requires exporters to apply for and receive a license before

sending certain commodities, software, or technology out of the country. The EAR can be found online at *www.access.gpo.gov/bis*.

Other U.S. government agencies have export control responsibilities for regulating more specialized exports. For example, military goods might be subject to the licensing jurisdiction of the Directorate of Defense Trade Controls at the Department of State. The Department of the Treasury's Office of Foreign Assets Control (OFAC) administers and enforces economic and trade sanctions against targeted foreign countries, terrorism-sponsoring organizations, international narcotics traffickers, and other blocked entities. The BIS Web site identifies resource links for various U.S. government agencies with export control responsibilities. Customers may obtain a listing of these links at *www.bis.doc.gov/About/reslinks.htm*.

531.2 Export Enforcement

BIS implements and enforces the EAR. Many items regulated by the EAR are referred to as "dual-use" items, meaning that the items have both commercial and military or proliferation applications. However, many purely commercial items also are subject to the EAR. BIS's mission is to advance U.S. national security, foreign policy, and economic objectives by ensuring an effective export control and treaty compliance system and by promoting continued U.S. strategic technology leadership. Senders must understand and comply with BIS's regulations when exporting commodities, software, or technology by mail. Postal Service employees will *not* advise prospective mailers of the type of license required for or the type of authorization available for the export of any item to any destination or recipient. However, if an export control violation has occurred or might occur, or for more information, contact the following source:

OFFICE OF EXPORT ENFORCEMENT (OEE)
BUREAU OF INDUSTRY AND SECURITY
U.S. DEPARTMENT OF COMMERCE
1401 CONSTITUTION AVE. NW
WASHINGTON, DC 20230-0002

TELEPHONE: 202-482-1208.

In addition, OEE has nine field offices located throughout the United States. Information about these field offices is available at *www.bis.doc.gov/about/programoffices.htm*.

532 Export Licenses

532.1 General

BIS might require an export license based on several factors specific to a mailer's transaction: the nature and use of the item (commodity, software, or technology) being exported, its destination, the consignee, and the end user. Exports to certain countries are more heavily restricted than others. For example, BIS maintains comprehensive controls against countries designated as "terrorist-supporting countries" (as of October 2009, these countries are Cuba, Iran, North Korea, Sudan, and Syria).

532.2 Export — Definition

Any item that is sent from the United States to a foreign destination is an export. “Items” include commodities, software, and technology. For example, clothing, building materials, circuit boards, automotive parts, blueprints, design plans, retail software packages, and technical information are “items” that may be subject to export control.

In determining export license requirements, it does not matter *how* an item is transported outside the United States. For example, an item can be sent by regular mail or hand-carried on an airplane; a set of schematics can be sent via facsimile to a foreign destination, software can be uploaded to or downloaded from an Internet site, or technology can be transmitted via e-mail or during a telephone conversation. Regardless of the method used for the transfer, the transaction is considered an “export” for export control purposes. An item is also considered an export even if it is leaving the United States only temporarily, if it is leaving the United States but is not for sale (e.g., a gift), or if it is being mailed to a wholly-owned U.S. subsidiary in a foreign country. Finally, under the EAR, release of technology or source code subject to the EAR to a foreign national in the United States is “deemed” to be an export to the home country of the foreign national.

532.3 How to Determine If an Export License Is Needed

A relatively small percentage of U.S. exports require an export license from BIS. License requirements are dependent upon an item’s technical characteristics, destination, recipients, and end use. The value of the shipment does not affect the export license requirements. It is the mailer’s responsibility to determine if an export requires a license under the EAR. For further assistance about whether an export license might be required, visit *www.export.gov/regulation* or *www.bis.doc.gov/licensing*, or call 202-482-4811.

532.4 Additional Information

Additional information concerning export licenses is available from the U.S. Department of Commerce as follows:

a. Mailers located in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming should contact either of the following offices:

- BIS WESTERN REGIONAL OFFICE
  U.S. DEPARTMENT OF COMMERCE
  3300 IRVINE AVE., STE. 345
  NEWPORT BEACH, CA 92660-3112
  Telephone: 949-660-0144
  Fax: 949-660-9347
  e-mail: *biswest@bis.doc.gov*
- BIS WESTERN REGIONAL OFFICE — NORTHERN CA BRANCH
  U.S. DEPARTMENT OF COMMERCE
  160 WEST SANTA CLARA ST., STE. 725
  SAN JOSE, CA 95113-1758
  Telephone: 408-998-8806
  Fax: 408-998-8677
  e-mail: *biswest@bis.doc.gov*

b. Mailers in all other locations should contact the following office:

OFFICE OF EXPORTER SERVICES
OUTREACH AND EXPORTER SERVICES DIVISION
U.S. DEPARTMENT OF COMMERCE
14TH ST. & PENNSYLVANIA AVE. NW
WASHINGTON, DC 20230-0001

Telephone: 202-482-4811
Fax: 202-482-2927
e-mail: *ecdoexs@bis.doc.gov*

533 Additional Standards

533.1 Shipper's Export Declaration

Commerce Form 7525-V, *Shipper's Export Declaration*, is obsolete and no longer accepted by the Postal Service.

533.2 Shipper's Electronic Export Filing Required

If an export requires a license, the customer must electronically file export information with the U.S. Bureau of the Census before mailing (see 520).

533.3 Processing at Post Office Facilities

For items requiring an export license, Postal Service personnel at Post Office facilities must verify that the customs declaration is complete (see 123), including a license number in block 17 and a Proof of Filing Citation or AES Downtime Citation (see 520) in block 11.

540 Munitions (Defense Articles) and Related Technical Data

541 Licensing Requirements

541.1 Individual Licenses

541.11 Exporting Defense Articles

The exportation of defense articles requires a license issued by the U.S. Department of State, Directorate of Defense Trade Controls (DDTC). Information related to DDTC can be found at its website at *www.pmddtc.state.gov/index.html*. Defense articles subject to the license requirement can be found on the United States Munitions List in 22 CFR Part 121. Information concerning licenses for the export of defense articles can be found online in 22 CFR Part 123 of the International Traffic in Arms Regulations (ITAR) at *www.pmddtc.state.gov/regulations_laws/itar_official.html*.

541.12 Exporting Technical Data

The exportation of "technical data" as defined in 541.121 requires a license issued by the Department of State, Directorate of Defense Trade Controls (DDTC). Information related to DDTC can be found at its website at

www.pmddtc.state.gov/index.html. Information concerning licenses for the export of technical data can be found in 22 CFR Part 125 of the ITAR.

Information concerning licenses for the export of technical data can be found online in 22 CFR Part 125 of the ITAR at www.pmddtc.state.gov/regulations_laws/itar_official.html.

541.121 **Technical Data — Definition**

According to § 120.10 of the ITAR, "technical data" is defined as follows:

1. Information, other than software as defined in § 120.10(a)(4), that is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of defense articles. This includes information in the form of blueprints, drawings, photographs, plans, instructions, and documentation.
2. Classified information relating to defense articles and defense services.
3. Information covered by an invention secrecy order.
4. Software as defined in § 121.8(f) directly related to defense articles.

"Technical data" does not include information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities, or information in the public domain as defined in § 120.11. It also does not include basic marketing information on function or purpose or general system descriptions of defense articles.

541.122 **Technical Data — Exempt From Licensing**

Technical data that has been published or that is otherwise exempt from licensing under 22 CFR Part 125 of the ITAR does not require a Department of State license for exportation. However, the sender must mark the outside of the mailpiece, identifying the specific subsection under which the exemption is claimed (e.g., "22 CFR 125.4…APPLICABLE," if 22 CFR § 125.4 is the citation for the relevant exemption).

541.2 Prohibited Countries

Technical data exemptions under 541.122 and requests for licensees to export defense articles under 541.11 may not be made for items destined to or originating in certain prohibited countries. These countries are listed in 22 CFR § 126.1 of the ITAR. The mailer should visit the DDTC website at www.pmddtc.state.gov for a current listing. As of April 2010, these countries include the following:

1. Belarus.
2. Burma.
3. China.
4. Congo, Democratic Republic of the.
5. Cote d'Ivoire.
6. Cuba.
7. Eritrea.
8. Iran.
9. Iraq.
10. Lebanon.

11. Liberia.
12. Korea, Democratic People's Republic of (North Korea).
13. Sierra Leone.
14. Somalia.
15. Sudan.
16. Syria.
17. Venezuela.

Note: Mailers are advised to check the current version of 22 CFR § 126.1 of the ITAR for an updated list before mailing, as the list is subject to change.

541.3 Exporting of Government Shipments

Shipments mailed by or for any U.S. government agency do not require an individual license from the Department of State so long as all requirements of 22 CFR §126.4 can be met. The sender must mark the mailpiece with the applicable subsection of §126.4 (e.g., "22 CFR 126.4(a) APPLICABLE").

541.4 Obtaining Additional Information

The sender may obtain information from the DDTC Response Team, regarding the applicability of the Department of State requirements and application for an individual license. In addition, the DDTC Response Team handles process and status questions, and it assists mailers and other exporters with more complex questions involving export control issues. The DDTC Response Team should provide substantive responses within 24 hours of receiving inquiries. The DDTC Response Team can be contacted by telephone at 202-663-1282 or by e-mail at *DDTCResponseTeam@state.gov.*

542 Mailing Under Individual Licenses

542.1 Marking by Sender

For shipments under an individual license, the sender must mark the mailpiece, "DEPARTMENT OF STATE EXPORT LICENSE NO. _____." If only a portion of the amount authorized is mailed, the sender must enter in the area provided on the license the amount (quantity and/or value) being shipped. In addition, the sender must record the license number in Block 17 of PS Form 2976-A.

542.2 Processing at Post Office Facilities

542.21 Examination of List of Contents

When a sender presents a Department of State license, compare the description of the article indicated on the license with the description of the contents shown on the customs declaration form (see 123), or stated orally by the sender in the case of technical data mailed as printed matter (see 541.121). If no discrepancy is noted, the contents of the package are mailable, and if the destination is not one of the prohibited countries under 541.2, accept the package for mailing.

542.22 Amount of Mailing Authorized by License

If the mailing comprises the entire contents authorized by the license, retrieve the license from the sender, mark the license "completed," apply a legible postmark, and forward it to the following address:

PM/DDTC SA-1 12TH FLOOR
DIRECTORATE OF DEFENSE TRADE CONTROLS
BUREAU OF POLITICAL MILITARY AFFAIRS
U.S. DEPARTMENT OF STATE
WASHINGTON DC 20522-0112

If a mailing includes only a portion of the contents authorized, the mailer must enter in the area provided on the license the amount (quantity and/or value) being shipped and present the item for mailing at a Post Office facility, where it will be postmarked and returned to the sender. The mailer should bring back the same license to mail the rest of the items.

550 Dried Whole Eggs

551 Description

When dried whole eggs purchased under a program of the Commodity Credit Corporation, U.S. Department of Agriculture, are offered for export by mail, an endorsement must be written or stamped on each package and a special certificate of mailing (see 552) prepared and completed by the sender waiving any right to withdraw the package from the mail or to have it returned. Such mailings can be made only by Priority Mail International.

552 Charges

A charge equal to the individual Certificate of Mailing fee (see Notice 123, *Price List)* will be made for each special certificate of mailing, or for each package if a single certificate covers more than one package. As prescribed in 553.21, postage stamps to cover the charge will be affixed to the certificate and canceled.

553 How to Mail

553.1 Preparation by Sender

553.11 Marking

The endorsement referred to in 551 must be properly completed and signed by the exporter or an authorized representative over his or her title. The Priority Mail International forms accompanying applicable parcels should be completed by the sender to indicate that the parcels are to be abandoned in case of nondelivery.

553.12 Certificate of Mailing Dried Whole Eggs

553.121 Type of Certificate

A certificate as shown in Exhibit 553.121, prepared and completed by the sender, must be presented with all shipments described in 551.

Exhibit 553.121
Certificate of Mailing Dried Whole Eggs

CERTIFICATE OF MAILING DRIED WHOLE EGGS

I hereby certify that there has (have) been posted at this Post Office facility today by (Sender), parcels containing a total of (Number) pounds of dried whole eggs on which the sender has waived the right to withdraw same from the mail or have same returned.

Parcels addressed to

_____
(Name and addresses of addressees)

_____ _____
(Office stamp) (Postmaster)
(Date)

_____
By

553.122 **Single Certificate**

A single certificate may cover any number of parcels mailed by the same sender even though addressed to different countries.

553.2 Processing in Office of Mailing

553.21 Postage

Postage to cover the charge for the certificate of mailing dried whole eggs must be affixed to the certificate and canceled by the postmark of the office of mailing.

553.22 Signature of Postmaster

After postmarking, the certificate should be signed by the postmaster or an authorized representative and returned to the sender.

560 (Reserved)

570 Consular and Commercial Invoices

Many countries require special documents to be prepared by the sender and to be either presented by the addressee or enclosed within the package. In some cases, certification by a recognized Chamber of Commerce in the United States, or legalization by a consulate in the country of destination, or both, are required. Such information as has been made available to the U.S. Postal Service concerning these requirements appears under the *Observations* in the Individual Country Listings.

580 Drawback Arrangement

581 Description

Drawback is an arrangement provided for under Customs Service regulations whereby exporters of certain merchandise are entitled to claim a refund of (a) the duty paid on imported material used wholly or in part in the manufacture or production of items to be exported, or (b) the internal revenue tax paid on domestic material used.

582 Processing Drawback Claims

582.1 Forms Required

582.11 List of Forms

The following forms must be used when drawback is claimed:

a. *Notice of Exportation of Articles with Benefit of Drawback* (Customs Form 7511).

b. *Waiver of Sender's Right to Withdraw Package From the Mail* (Customs Form 3413).

582.12 Where to Obtain the Forms

Exporters may obtain Customs Form 7511 and 3413 from the customs offices listed in 711.62.

582.2 Preparation by Senders

582.21 Claiming Drawback

Senders intending to claim drawback on items exported by mail must present three completed copies of a *Notice of Exportation of Articles with Benefit of Drawback* (Customs Form 7511) with the package or packages.

582.22 Waiver of the Right to Withdraw the Package

A waiver of the right to withdraw the package from the mail must appear on the address side of each package. This waiver may be made on Customs Form 3413 and affixed to the wrapper, or may be stamped or written in wording similar to that shown in Exhibit 582.22.

Exhibit 582.22
Waiver of the Right to Withdraw the Package

WARNING
EXPORTED IN BOND FOR DRAWBACK
UNDER N.E. NO.

Must not be returned to shipper or delivered in United States before submission to District Director of Customs.

Shipper _____

_____

We hereby waive our right to withdraw this package from the mail.

_____
Shipper's Signature

582.3 Processing by Postmaster

582.31 Postmaster's Certification

Postmark and sign the Postmaster's Certificate on the reverse side of Customs Form 7511 after verifying that the marks and numbers on the form conform to those on the package and that the sender has signed the statement waiving the right to withdraw the package from the mail.

582.32 Disposal of Forms

Dispose of completed Customs Form 7511 as follows:

a. Return one copy to the sender.

b. Forward one copy to the customs port where the claim is to be filed (shown on the front of the form).

c. Retain one copy as a Post Office record. Dispose of this copy after 3 years.

590 Exporting Wildlife and Protected Plants

591 Special Requirements for Wildlife and Certain Plant Exports

Exports of wildlife items and products may be subject to declaration, license, marking, and permit requirements enforced by the U.S. Fish and Wildlife Service (USFWS). Similar requirements also apply to plants protected as endangered or threatened under U.S. law or international treaty. Live wildlife and dead animals, with only a few exceptions, may not be exported via the U.S. Postal Service (see 138.1).

592 Declaration Requirements

592.1 Declaration of Wildlife Exports

The following wildlife exports must be declared to USFWS and must receive clearance prior to export:

a. Commercial exports of wildlife products.

b. Shipments of items not intended for commercial use valued at $250 or more.

c. Noncommercial shipments of items that require a permit for export (e.g., products made from endangered species or migratory birds) regardless of the dollar value of the shipment.

To declare a wildlife export, shippers must complete and file Form 3-177, *Declaration for Importation or Exportation of Fish or Wildlife,* with USFWS. Copies are available from wildlife inspection offices (see 598), from the U.S. Customs Service, or on the Internet at *www.fws.gov/le/ImpExp/faqs.htm*.

592.2 Declaration of Scientific Specimens or Parts

Form 3-177 is not required at the time of export for shipments of dead, preserved, dried, or embedded scientific specimens or parts when:

a. The shipment does not require a permit from USFWS.

b. The shipment is exported by an accredited scientist or accredited scientific institution for taxonomic or systematic research purposes.

Instead, the scientist or scientific institution (or an agent acting on their behalf) must file Form 3-177 with the assistant regional director for law enforcement in the USFWS administrative region from which the export was mailed within 180 days of export. Contact information is available on the Internet at *www.le.fws.gov* (click on *Contacts*).

592.3 Declaration of Plant Exports

The export of protected plants is regulated by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS). Plant Protection and Quarantine (PPQ) is a program within APHIS. Shippers should contact the PPQ division for additional information about export requirements for protected plants. Exporters who engage in the commercial trade of plants listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) must obtain a general permit from PPQ in addition to meeting the permit requirements described in 596. All plant exports are subject to phytosanitary inspection and certification rules administered by PPQ. Information about plant export requirements can be found at *www.aphis.usda.gov/import_export/index.shtml*.

593 Export Licenses and Inspection Requirements for Commercial Wildlife Exports

Individuals or companies that commercially export wildlife must have a valid import/export license from USFWS. Exporters must notify USFWS and make their shipments available for inspection at least 48 hours before the planned exportation date. Exporters must pay appropriate inspection fees.

594 Marking Requirements for Wildlife Exports

All packages containing wildlife products must be marked clearly with the name and address of both the shipper and the recipient. Information identifying the contents as fish or wildlife and specifying the quantity and species involved must accompany the shipment. Federal regulations (50 CFR Part 14, Subpart H) explain how to comply with wildlife marking requirements. See 597.

595 Permit Requirements for Wildlife and Plant Exports

Permits are required to export any of the following by mail or other means:

a. Any wildlife or plant (including parts and products) where the species is listed under CITES. A list of species protected under this treaty is maintained by USFWS at *http://international.fws.gov*.

b. Any wildlife or plant (including parts and products) where the species is listed as endangered or threatened under the U.S. Endangered Species Act. A list of these species can be found at *http://endangered.fws.gov/wildlife.html*.

c. Migratory birds, parts, feathers, nests, eggs, or items made from them. Permit requirements for export and numerous other protections apply to more than 700 bird species safeguarded under the Migratory Bird Treaty Act. A list can be found on the Internet at *www.fws.gov/migratorybirds/RegulationsPolicies/mbta/mbtandx.html*.

CITES-listed herbarium specimens; other preserved, dried, or embedded museum specimens; and live plant material may be exported as a noncommercial loan, donation, or exchange between registered scientists or registered scientific institutions using a CITES-authorized label instead of an export permit.

596 Obtaining and Using Permits for Wildlife and Protected Plant Exports

596.1 Export Permits

Shippers who need export permits or other documentation required under CITES or the Endangered Species Act should contact USFWS Office of Management Authority (800-358-2104) for the appropriate application forms and instructions. Some CITES-listed species also require permits from the importing country before they can be legally exported.

596.2 CITES Permit

The original CITES permit must accompany the shipment. All wildlife exports requiring a CITES permit that are shipped by mail, including personal items mailed overseas, must be declared to USFWS and made available for inspection and permit validation by USFWS wildlife inspectors. Exports of CITES-protected plants must be declared to the U.S. Department of Agriculture's Animal and Plant Health Inspection Service; permits for these shipments must be validated by that agency before export.

596.3 Export of Migratory Birds

The export of migratory birds, their parts, feathers, eggs, or nests, or products made from them, is prohibited except with a permit from USFWS. Permit applications and information are available from the regional Migratory Bird Permit Offices located in Albuquerque, NM; Anchorage, AK; Atlanta, GA; Denver, CO; Fort Snelling, MN; Hadley, MA; and Portland, OR.

597 How to Obtain Additional Information

Additional information about exporting wildlife products and protected plants can be found in the following sections of the Code of Federal Regulations (CFR):

a. 50 CFR Part 14, Importation, Exportation, and Transportation of Wildlife.

b. 50 CFR Part 23, Endangered Species Convention.

c. 50 CFR Part 24, Importation and Exportation of Plants.

These and other Federal regulations, including those governing endangered species (50 CFR Part 17) and migratory bird permits (50 CFR Part 21), may be accessed online at *http://www.gpoaccess.gov/cfr/index.html*.

Shippers may also contact USFWS wildlife inspection offices for assistance with wildlife exports. Questions about the export of protected plants should be addressed to the U.S. Department of Agriculture's Animal and Plant Health Inspection Service. A list of Agriculture Inspection Stations and Offices appears in 723.

598 Wildlife Inspection Offices

USFWS wildlife inspection offices are located in the cities listed below. Addresses and phone numbers for these offices can be found on the Internet at *www.le.fws.gov* (click on *Contacts*).

Agana, GU	Denver, CO	New Orleans, LA
Anchorage, AK	Detroit, MI	New York, NY
Atlanta, GA	Dunseith, ND	Newark, NJ
Baltimore, MD	El Paso, TX	Nogales, AZ
Blaine, WA	Great Falls, MT	Portland, OR
Boston, MA	Honolulu, HI	San Diego, CA
Brownsville, TX	Houston, TX	San Francisco, CA
Buffalo, NY	Laredo, TX	Seattle, WA
Chicago, IL	Los Angeles, CA	Tampa, FL
Dallas, TX	Minneapolis, MN	