

UKTI DSO PRIORITY MARKET BRIEFS

DEFENCE & SECURITY OPPORTUNITIES: THE USA



WHY THIS MARKET IS IMPORTANT

The world's biggest defence and security market and the UK's second most profitable defence market. Significant UK investment in the US defence industrial base with established suppliers to the US Department of Defense (DoD). Strong bi-lateral links and good UK representation at official level providing assistance to companies looking for new business opportunities. UK industry continues to do well in the US compared with other offshore suppliers, particularly at the sub-contract level.

DEFENCE & SECURITY OPPORTUNITIES

With its huge domestic industry capability, the US sources most of its defence equipment from US based companies. But there are significant opportunities for offshore suppliers at the sub-contract level to supply avionics, sub-systems and components, and to satisfy niche requirements in areas such as CBRN, communications, soldier equipment, and armaments. In the aerospace area some platform requirements including helicopters, air tankers, transport aircraft and jet trainers also present opportunities for offshore companies to offer competitive, leading-edge products in partnership with US industry. Outsourcing is another potential business for UK companies with

ECONOMIC BACKGROUND (2009 FIGURES)

GDP (\$BN): 14,256
(UK GDP (\$BN): 2,184)

Per capita GDP (\$): 46,381
(UK Per capita GDP (\$): 35,334)

DEFENCE ECONOMICS

Defence Budget: Increased from \$314bn in 2001 to \$493bn in 2005, \$540 in 2006, \$619bn in 2007 and \$683bn in 2008. Forecast to remain around \$703bn in 2010 and \$708bn in 2011, before falling to \$635bn in 2015.

% of GDP on Defence: Increased from 3% in 2001 to 4.7% in 2008 and 4.6% in 2009. Forecast at 4.8% in 2010, 4.6% in 2011, and declining to around 3.5% of GDP by the end of the Five-Year Defense Plan (2015), and to around 3% of GDP by 2020.

a proven track record as service providers and which have, or are prepared to invest in, a US presence. In the security domain, the US Homeland Security programme and the requirements of US enforcement agencies, Coastguard, Infrastructure, Transport and Cybersecurity offer many opportunities for UK security companies with innovative technology.

THE US DEFENCE MARKET AND HOW TO DO BUSINESS

The following general information is intended as a preliminary guide to help UK defence companies understand the US Defence Market. It is not intended to be exhaustive.

The US Defence Market

The US defence market is the largest and most advanced in the world and is the UK's second largest defence export market after Saudi Arabia. Aerospace has historically been the most important market sector for UK Industry in the US, although there has been some growth in the land and sea systems markets. Key product/service sectors for UK companies in the US defence market include propulsion systems, avionics, aircraft display systems, aircraft ejection seats, weapons and ammunition, combat bridging and fuelling systems.

The US defence market has many similarities to other markets in that it has:

- A documented, transparent acquisition process with clear decision-making authority;
- Readily available guidance on future requirements and budgets;
- A comprehensive legal and contractual framework and;
- A stable and visible (though domestically driven) political framework within which the Department of Defense and the Armed Services operate.

The US defence market is also unique:

- The sheer size of the market;
- The strength and depth of the US defence industry, making for a formidably competitive market, but also for strong potential partners; access to the latest technology in many leading edge areas and the opportunity to participate in programmes which are themselves likely to be successfully marketed outside the USA;
- A sophisticated budget approval process in which the US Congress and its Authorisation and Appropriations Committees exert a major influence on defence expenditure and individual programmes.
- The strength and nature of the relationship between the UK and the US.

Fundamentals Needed to Succeed in the US Defence Market

Whilst each case can be unique and require a different approach, a UK company is likely to need the following for success in the US defence market:

- A distinctive product that is usually in-service with an armed force and can demonstrate a clear capability improvement over existing US capability;
- A clear picture of who your customer is and how you intend to sell to them, including a strategy for getting your company/product known to your intended customers;
- A detailed knowledge of the US defence market sector you are intending to compete in, with particular regard to the competition and existing technology levels;
- To be aware that it is a lengthy process to establish a presence in the US defence market. It will not happen overnight and can be quite painstaking and require a significant investment of time, effort and money;
- A sound knowledge of the US political system, policies and governance such as export controls. A detailed awareness of the timescales involved is especially important, as is an understanding of the US government procurement processes such as the Federal Acquisition Regulations (FARs).
- Key legislation to be aware of includes the Buy American Act, Berry Amendment (see para on Export Controls), Small Business legislation and the Arms Export Control Act. The US/UK reciprocal defense procurement Memorandum of Understanding (RDP MOU) signed between the UK and US Governments on 13 December 2004 waives most of the provisions of the Buy American Act. An important waiver that the UK enjoys as a result of the RDP MOU is an exemption to certain aspects of 10 USC 2534 (Miscellaneous limitations on the procurement of goods other than United States goods).
- A presence in the US either through a consultant, a licensing agreement, through a US partner company, or setting up a local office.
- A sound knowledge of US export controls/ International Traffic in Arms Regulations (ITAR) and processes for applying for US import/export licenses. A Technology Assistance Agreement (TAA – see para on Export Controls) may be required in order to share technology and deal with US companies;

Routes to Market

Past UK successes at the major platform or equipment level have often arisen from a combination of circumstances such as:

- Absence of a competitive US domestic solution to a priority, funded requirement;
- The ready availability of a developed/proven offshore solution;
- Willingness to subcontract to a capable and successful US prime and to place work in the US.

More formal channels to market include:

- Co-operative development programmes such as the F-35 Joint Strike Fighter, in which a number of UK companies have secured an important role;
- Investment in the US Defence Industry;
- The Foreign Comparative Test (FCT) Programme – a long standing, Congressionally funded programme intended to facilitate the evaluation and acquisition of foreign, non-developmental military equipment that demonstrates strong potential to satisfy DoD requirements. This programme has provided a highly effective route for UK small and medium enterprises, particularly for those with niche products;
- UK MoD's Industrial Participation policy provides a mechanism for UK companies to win business competitively from US Primes who have secured major contracts with the MOD.

DHS Opportunities

Tom Cellucci is the US Department of Homeland Security's (DHS) first Chief Commercialization Officer. He is responsible for initiatives that identify, evaluate and commercialize technology for the specific goal of rapidly developing and deploying products and services that meet the specific operational requirements of the DHS. He has developed a Commercialization Process for DHS providing efficient and cost-effective programs to foster cooperative partnerships between DHS and the private sector.

A "full response package" has been developed by the DHS to give a better understanding of the current opportunities which exist at DHS and an insight into some of the outreach that is currently being done with the private sector. The Commercialization Office website is at http://www.dhs.gov/xabout/structure/gc_1234194479267.shtm for more information. The full

response package is available from the Desk Officer USA (see "Other Useful Contacts" section)

HMG Support

For the US defence market advice, support and assistance to UK companies is provided by UKTI DSO RDWest in London and the Defence Trade Office of the British Embassy, Washington DC, in the US.

US Export Controls

In both the defence and high-technology industry sectors, the US Government tightly regulates the export of equipment and components, as well as technology. Regulations on technology transfer and information access are comprehensive with little room for flexibility. They need to be studied carefully and complied with strictly.

The US Department of State, Directorate of Defense Trade Controls (DTC) administers the exports of defence equipment and technology under the International Traffic in Arms Regulations (ITAR). The ITAR regulates the manufacture, temporary import and export of "defence articles" and the export of "defence services" and "technical data". With limited exceptions, virtually all defence equipment and technology exported from the US requires a DTC license. For joint projects between US and UK companies, the US company may obtain broad authorisation, generally in the form of a Technical Assistance Agreement (TAA), to cover technology transfers, and in some cases equipment exports.

In reviewing license applications, DTC works closely with various US DoD elements, principally the Defense Technology Security Administration (DTSA) and the particular services (e.g. US Air Force, US Navy). Despite continued improvement, processing times for all but the simplest licenses can take two to six months depending on the complexity.

An understanding of US Export Controls is essential for UK companies, particularly when teaming with US contractors or when working on joint projects. Even if a UK company owns or manufactures equipment which is not of US origin, if US military technology or funding is utilised in the design or development, then not only is the export of any hardware, technology and defence services subject to ITAR, but also the re-export of such by the UK company to its customers, partners, suppliers in the UK and abroad. The US has announced an initiative to reform its export control system, further details are given in the "Domestic Defence Industrial Capability" section of this brief.

Under US law, there are serious administrative, civil and criminal consequences for violations of the export control laws.

British Defence Staff – US “Legal Advisors” have produced “A Practical Guide to US Export Controls”, having particular regard to the US Government’s International Traffic in Arms Regulations (ITAR). This is available at: <http://ukinusa.fco.gov.uk/resources/en/pdf/guide-to-us-export-controls> and is intended to give a broad understanding of US export controls and some of the pitfalls to be avoided. It is designed as an overview of the various US export control regimes, and can serve as a preliminary guide to determine what export controls may apply to a particular transaction and how best to secure timely and effective export licenses from the US for the export of defense articles, services and information. Please note that this guide was produced some time ago and some further updating is envisaged. The guide provides only general guidance about the process involved and is not intended to provide advice with respect to any particular transaction. Nor is it intended to be exhaustive. Compliance with US Government requirements can only be guaranteed by consulting with the responsible US Government Officials at the DTC.

Further information is also available at: http://www.pmdt.state.gov/regulations_laws/itar.html

AIDIS Aerospace Defence & Security (Export Group for Aerospace and Defence) run periodic seminars on ITAR: <http://www.adsgroup.org.uk/>

Please also refer to the “Domestic Defence Industrial Capability” section of this brief which outlines the US Administration’s plan to overhaul the system for controlling technology exports.

The Berry Amendment and Restrictions on Speciality Metals

The Berry Amendment was originally passed by Congress in 1941 to promote the purchase of certain US goods. The amendment was included in subsequent defense appropriations act until it was made permanent in Fiscal Year 1994. The Berry Amendment (United States Code (USC) of Federal Regulations, Title 10, Section 2533a) restricts any funding available to the US DoD from being used to buy certain end items, components, or materials unless they are of

US origin; most notably food, clothing, tents and fabrics. Separate restrictions also apply to speciality metals (USC, Title 10, Section 2533b).

Further details are at: http://www.acq.osd.mil/dpap/dars/dfars/html/current/225_70.htm

The Buy American Act

The Buy American Act passed in 1933 by Congress is the major domestic preference statute governing procurement by the entire federal government. For the DoD it applies to items not covered by the Berry Amendment. It requires the US Government to prefer US-made products in its purchases. In certain circumstances the requirement purchase can be waived if the domestic product is more expensive than an identical foreign-sourced product by a certain percentage, if the product is not available domestically in sufficient quantity or quality, or if doing so is in the public interest.

US-UK Defence Trade Cooperation Treaty

After a long running period of negotiation, the US Senate finally approved the UK-US Defence Trade Cooperation Treaty on 29 September 2010. The Treaty will provide for the exchange and circulation between the US and UK, without individual export licensing, of most equipment, technical data, software and services that are controlled by the US Munitions List (whether classified or unclassified), provided that they are in support of US/UK combined military or counter-terrorism operations, co-operative security and defence research, development, production and support programmes. The Treaty sets out high level principles which will be expanded and better defined in detailed Implementing Arrangements. The treaty will form part of a modified version of the ITAR regulations and will provide an exemption from the licensing requirements for certain defence items destined for UK-US Government end use, by establishing an “Approved Community” of the US and UK Governments and industry. There are exceptions for items which will still require an export license. The List of US Articles exempted from the Treaty is available on the US DDTC website at <http://www.pmdt.state.gov/treaties/index.html>.

The focus is now on bringing the treaty into effect and preparations for implementation are envisaged to last up to a year during which the detailed processes and guidance (including how to apply for membership of the Approved Community) will be compiled and trialled.

Foreign Military Sales (FMS) Process

FMS is an acquisition process where a foreign Government identifies a need for a military related item and decides to acquire it from the US Government. The DoD makes purchases on the customers behalf using the same US Government regulations and procedures that DoD uses to make procurements for itself. More information about the FMS programme is available at www.dsca.mil FMS requirements are advertised on the website <http://fedbizopps.gov>

Visit Security Clearance

UK company representatives intending to visit US DoD facilities must obtain visit security clearance beforehand. It is a 6 week process and is required principally so that DoD can assess and approve the disclosure/IPR issues relating to the visit. The same process is applied when visiting US defence industry when it involves information at CONFIDENTIAL level and above. For commercial visits to US defence industry at the UNCLASSIFIED/UK RESTRICTED level, a UK/US agreement signed in January 2003, allows such visits to be arranged directly between the visitor and the contractor being visited.

Visit security clearance (DoD and Industry CONFIDENTIAL and above) is obtained from the UK MOD's International Visits Control Office (IVCO) operating from MOD Abbey Wood, Bristol.

Further guidance and the required forms are at: <http://www.mod.uk/DefenceInternet/AboutDefence/WhatWeDo/SecurityandIntelligence/DESPSYA/InternationalVisitsControlOffice.htm>

ARMED FORCES – MILITARY STRENGTH

Active	1,580,255
Army	662,232
Navy	335,822
Air Force	334,342
US Marine Corps	204,261
US Coast Guard	43,598
Civilian	11,035
US Special Operations Command	3,376
US Coast Guard	7,659
Reserve	864,547
Army	447,203
Navy	109,222
Air Force	191,038
Marine Corps Reserve	109,600
US Coast Guard	7,484

Source IISS and the Military Balance 2010

SECURITY ISSUES

Memberships:

- NATO (North Atlantic Treaty Organization)
- OSCE (The Organization for Security and Co-operation in Europe)
- Permanent member of UN Security Council

Involvement in overseas deployments:

The military of the United States is deployed in many countries around the world and are still located at installations activated during the Cold War, by which the US government sought to counter the Soviet Union in the aftermath of World War II. Since 2001, the US has redeployed some of its forces as part of the "War on Terror."

US TROOPS ARE SEEING ACTIVE COMBAT IN SEVERAL COUNTRIES, MOST NOTABLY AFGHANISTAN AND IRAQ. OTHERS ARE DEPLOYED AS PART OF SEVERAL PEACEKEEPING MISSIONS.

DOMESTIC DEFENCE INDUSTRIAL CAPABILITY

The US has the largest defence manufacturing companies in the world, with a diverse range of highly sophisticated products across the entire spectrum of military requirements. While the US defence budget and military requirements have sustained this industry and product range, America has also been the world's largest exporter of military equipment since the Second World War. The size of the US defence budget, and the difficulties in penetrating the American market from the outside, have led many of the larger European companies (e.g. BAE Systems, Rolls-Royce, EADS, Finmeccanica) to acquire American companies, and/or enter into partnership arrangements with the larger American primes as a path to market. BAE Systems has been the most prominent and successful in following this path and is now among the US DoD's top suppliers.

The changing security environment, post the Al-Qaeda attacks of September 11, 2001, has led American defence companies to increase their activities in, or diversify into, the broader security sector. Tightening defence spending is likely to increase the importance of the defence export market to American companies.

This is helping to drive initiatives in the US to reform the export control regime. In August 2010 President Obama unveiled his Administration's plan to overhaul the US system for controlling technology exports with more centralised and streamlined processes.

The US is considering significantly relaxing export constraints over less sensitive military technologies currently regulated by the International Traffic in Arms Regulations (ITAR), thereby hoping to enhance competitiveness through sensible risk management. Controls over sensitive and more critical technologies are by contrast likely to be stepped up through enhanced end use monitoring. Major changes are proposed to the administration of the US export control system, and new licensing mechanisms introduced to ensure that export constraints are commensurate with the sensitivity and foreign availability of the technology exported. Defence Secretary Gates is a strong supporter of the initiative to reform the US export control system and is on the record as having said that the goal is to create a system where "higher walls are placed around fewer, more critical items". The US proposal to reform its export control system should help to break down trade barriers, enhancing the UK's ability to include US sourced items in exports into various markets, and assist in the smooth running of co-operative defence programmes as well as other areas of technical co-operation. That said, a more effective competitor must come at someone else's expense, and it is likely that further US sourced equipment would enter the market.

The table below lists the top ten US defence contractors based on their sales to the Department of Defense in 2009.

2009

Ranking	Company	Sales to the DoD
1	Lockheed Martin Corp.	\$14,983,515,367
2	Boeing Co.	\$10,838,231,984
3	Northrop Grumman Corp.	\$9,947,316,207
4	General Dynamics Corp.	\$6,066,178,545
5	Raytheon Co.	\$5,942,575,316
6	KBR Inc.	\$5,467,721,429
7	Science Applications International Corp.	\$4,811,194,880
8	L-3 Communications Inc.	\$4,236,653,555
9	Computer Sciences Corp.	\$3,435,767,906
10	Booz Allen Hamilton Inc.	\$2,779,421,015

Source: US DoD

DEFENCE IMPORTS AND EXPORTS 2005-09

UK-US Defence Trade

Bilateral defence trade between the US and UK is estimated at around \$3 Billion a year.

US Defence Import Procurement from other countries:

Total Imports: \$18BN

Other Key Suppliers

Israel

Norway

Canada

Netherlands

Identified US Defence Exports:

Total: \$75.5BN

Other Key Customers \$BN

Canada	8.8
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Australia	7.9
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Taiwan	3.9
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Turkey	3.5
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Republic of Korea	3.3
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Source: UKTI DSO Survey of Defence Exports & Various Open Sources

COMPETITORS

The UK has long been the most successful foreign supplier of defence equipment to the US and as a consequence many UK companies have set up or acquired operations in the US. But most major European countries, Israel and Canada have also built up their defence trade relationships with the US and established a strong presence in the market. The trend towards globalisation has also seen foreign owned, multi-domestic companies, including ones with UK based subsidiaries, play an increasing role in the US market place. Such companies may be in direct competition to UK-sourced solutions, whilst in other cases their UK subsidiaries can leverage business opportunities in the US through corporate-led activity.

Thales SA, headquartered in France, has grown its US defence and security business this past decade, underpinned by a series of acquisitions to strengthen its footprint. Thales' joint ventures in the US, such as ThalesRaytheon-Systems (est 2001), DRS Sonar Systems (est 2007) and ACSS continue to serve military and civil aviation customers. In September 2009, Thales announced the establishment of Thales USA Defense & Security, Inc., which specifically focuses on security business this past decade, underpinned by a series of acquisitions to strengthen its footprint. Thales' joint ventures in the US, such as ThalesRaytheon-Systems (est 2001), DRS Sonar Systems (est 2007) and ACSS continue to serve military and civil aviation customers. In September 2009, Thales announced the establishment of Thales USA Defense & Security, Inc., which specifically focuses on marketing Thales technologies and services to the DoD and DHS.

Multinational EADS is represented in the US through EADS North America, whose presence in the Defence and Homeland Security sectors is growing. EADS has supplied more than 90 Eurocopter HH-65 helicopters to the Coast Guard for vital HS missions. EADS North America's American Eurocopter business unit is supporting the performance upgrades for this entire fleet to the HH-65C configuration.

EADS North America currently is competing for the prime contract to supply up to 35 HC-144A aircraft for Coast Guard maritime patrol and support missions, and EADS is supplying shipboard multimode acquisition radars for the Coast Guard's National Security Cutter. EADS North America - together with parent company, EADS - contributes over US\$11 billion to the US economy annually, supporting 200,000 American jobs, a significant contribution with a substantial footprint

EADS North America is competing for the USAF tanker requirement with an Airbus-based solution (Including significant UK content) that would create and sustain many thousands of jobs across the US.

Israeli companies are also active. Elbit Systems conducts most of its US business through Elbit Systems of America, LLC, a Delaware limited liability company, and its wholly-owned subsidiaries including: EFW, Kollsman, International Enterprises, Innovative Concepts and Tallahassee Communications Industries. These are in addition to Elbit Systems of America's 50% ownership in Vision Systems. Elbit Systems of America acts as a contractor for US FMF and FMS programmes. Israel Aerospace Industries (IAI) established Stark Aerospace in the US as a subsidiary of IAI North America.

Italy's Finmeccanica SpA is represented in-country by Finmeccanica North America, with 13,000+ employees. In 2008, Finmeccanica acquired DRS Technologies, a leading supplier of mission-critical systems, further enhancing its US credentials. Alenia North America, a subsidiary of Alenia Aeronautica (a Finmeccanica company), runs the wholly-owned subsidiary Alenia North America Defense. Alenia North America is a shareholder in Global Military Aircraft Systems, a joint venture with L-3 Communications Integrated Systems, responsible for system engineering integration/avionics upgrades for the C-27J Joint Cargo Aircraft.

Canada, because of geographic proximity, politics and various defence economic arrangements, is well-placed to access the US market. Under the Canada-US Defence Production Sharing Arrangement (DPSA), Canadian companies are generally allowed to compete for prime and subcontracts on the same basis as US companies. While the North American Free Trade Agreement (NAFTA) does provide access to US government procurement, the DPSA provides a broader access, particularly in the components and combat systems of ships, aircraft and vehicles. The US market accounts for 80% of Canada's defence exports, and the technologies developed by Canadian partners are often intertwined with US technology. CADSI has highlighted that Canadian companies face some ITAR issues.

PROCUREMENT ORGANISATION

Defense Procurement and Acquisition Policy

3060 Defense Pentagon
Room 3B855
Washington, DC 20301-3060
www.acq.osd.mil/dpap

US Department of Defense

www.defense.gov

OFFSET POLICY

The US is formally against offsets. The US prohibits government officials and employees, as well as Government agencies, to get involved in any offset business. However, many countries consider the Buy American Act an equivalent, for practical purposes, to offset policies of other countries. Partners or defence subcontractors of US prime contractors of the US Government are subject to Buy American Act.

KEY PERSONALITIES

Head of State/Government	President Barack Obama
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Secretary of Defense	Robert M. Gates
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Deputy Secretary of Defense	William J. Lynn, III
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Director of Defense Procurement and Acquisition Policy	Shay Assad
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Director, Defense Security Cooperation Agency	Vice Admiral William E Landay III
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Secretary of the US Air Force	Michael B. Donley
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Secretary of the US Navy	Ray Mabus
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Secretary of the Army	John M. McHugh
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Secretary Homeland Security	Janet Napolitano
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Deputy Secretary Homeland Security	Jane Holl Lute
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Biographies of Senior US Defense Officials can be found at www.defense.gov/bios/

FURTHER INFORMATION

If you require further information/clarification on anything in this Fact Sheet please contact:

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OTHER USEFUL CONTACTS

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Homeland Security

Vice Consul Trade & Investment
Homeland Security Specialist
British Embassy
3100 Massachusetts Avenue NW
Washington, DC 20008

T: 001 (202) 588 6670

OTHER USEFUL WEBSITES

Aerospace Industries Association
<http://www.aia-aerospace.org>

Association of the US Army
<http://www.ausa.org>

Central Contractor Registration
<http://www.ccr.gov>

Defense Advanced Research
Projects Agency
<http://www.darpa.mil>

Department of Homeland Security
<http://www.dhs.gov/index.shtm>

Doing Business with the Department of Defense
<http://www.dod.gov/other-info/business.html>

DoD News & Information (Includes Links to Army,
USMC, Navy and Air Force Websites)
<http://www.defense.gov>

How to do Business with the Department
of Homeland Security
<http://bit.ly/commercializationresources>

Federal Business Opportunities
<http://www.fbo.gov>

Homeland Security Advanced Research Projects
Agency – Solicitations & Teaming
<https://baa.st.dhs.gov>

National Defense Industrial Association
<http://www.ndia.org>

Navy technology Match (R&D Opportunities)
<http://www.navytechmatch.com>

OSD Foreign Comparative Test (FCT) Program
<http://www.acq.osd.mil/cto>

Modern Day Marine Military Exposition.
<http://www.marinecorpsexpos.com>

Navy League's Sea Air Space Exposition.
<http://www.navyleague.org>

USA Travel Advice

Travel information and general embassy contact
details can be found at:

www.fco.gov.uk

Foreign Consular Offices in the United States

Media, travel, careers, business and state links/
information can be found at:

www.state.gov

Embassy of the US, London – Visa information

<http://london.usembassy.gov/visas.html>

The CIA World Factbook provides information on the
history, people, government, economy, geography,
communications, transportation, military, and
transnational issues for 266 world entities. The
Reference tab includes: maps of the major world
regions, as well as Flags of the World, a Physical Map
of the World, a Political Map of the World, and a
Standard Time Zones of the World map.

www.cia.gov/library/publications/the-world-factbook

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