

Entity List

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The Use of the Entity List Today: *IED Counter-Proliferation Efforts*

The Expanded Entity List
Update 2012

Use of the Entity List Today

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The Entity List: General Information

- The Entity List is a list of foreign persons for whom the export, reexport, and/or transfer (in-country) of EAR items is subject to specific license requirements and policies.
- Entity List licensing requirements and policies are supplemental to those elsewhere in the EAR.
 - Part 744 of the EAR: Entity List criteria
 - Supplement 4 to Part 744: The Entity List
 - 339 persons located in 29 countries



The Entity List: General Information

- The Entity List is subject to ongoing review and revision. All changes to the Entity List are published in the *Federal Register*. In 2011, BIS published ten rules amending the Entity List.
 - Supplement No. 5 to Part 744: End-User Review Committee Procedures



The Entity List

What does the Entity List Do?

- The Entity List informs the public of:
 - Persons and organizations subject to specific licensing requirements and policies,
 - Location(s) of listed entities, their aliases and other available identifying information, and
 - The availability of license exceptions to each entity, if any.



Entity List: General Information

Entity List Criteria: "Classic" Criteria

The criteria for addition to the Entity List are found in part 744 of the EAR, and include:

- Proliferation activities, including:
 - Missiles
 - Nuclear Activities
 - Chemical/Biological Weapons
- Executive Order sanctions



The "Expanded Entity List"

"New" Criteria:

- In August 2008, BIS published a rule expanding the criteria for inclusion in the Entity List.
- The new criteria allowed for the addition of persons that the USG determines are engaged in activities contrary to the national security or foreign policy interests of the United States or are acting on behalf of such persons.





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Export Enforcement Activities

Export Enforcement Focus:

- The Department of Commerce's Office of Export Enforcement and Office of Export Analysis, in collaboration with defense, intelligence, and law enforcement partners from throughout the Government, have focused on disrupting and dismantling procurement networks around the world that are intent on killing or injuring U.S. and Coalition Forces.
- The Department of Commerce, along with multiple other Government agencies, has been instrumental in identifying and targeting networks responsible for killing and maiming U.S. Forces personnel, partnering Coalition military personnel, and non-combatant civilians in Iraq, Afghanistan and neighboring Pakistan, through the use of improvised explosive devices (IEDs).



Counter-IED Accomplishments

- Working with its interagency partners, the Department of Commerce has identified and placed subjects (targets) on specific designation lists, including the Entity List.
- In some cases, as a result of Export Enforcement's efforts, contractors paid millions in U.S. contract dollars were disbarred.
- Since 2007, Export Enforcement has completed over 15 criminal investigative cases have been completed; analytic work is on-going in an additional 13 criminal investigative cases.
 - A group of persons is awaiting extradition from Singapore for its role in the illicit transfer of over 6,000 electronic devices to trigger IEDs.



Counter-IED Accomplishments

Entity List Additions:

- Since 2008, BIS has added 152 persons to the Entity List on the basis in their involvement in IED networks and/or their provision of support to persons engaged against U.S. and Coalition forces in Iraq and Afghanistan.
 - September 22, 2008 (73 FR 54499): 115 persons
 - October 31, 2011 (76 FR 67059): 8 persons
 - November 21, 2011 (76 FR 71867): 13 persons
 - April 27, 2012 (77 FR 25055): 16 persons



Counter-IED Accomplishments

- Exports, reexports and transfers of all items subject to the EAR to all the 152 IED-related persons added to the List since 2008 require a license and are subject to a license review policy of a presumption of denial.
- Several of the persons have appealed their inclusion on the Entity List to BIS.



Counter IED-Accomplishments

- The Department of Commerce has furthered the United States' response to counter IED capabilities by assisting other agencies, such as the FBI's Threat Explosive Detection Analytical Center, in better understanding emerging IED technologies and trends.



Counter-IED Accomplishments

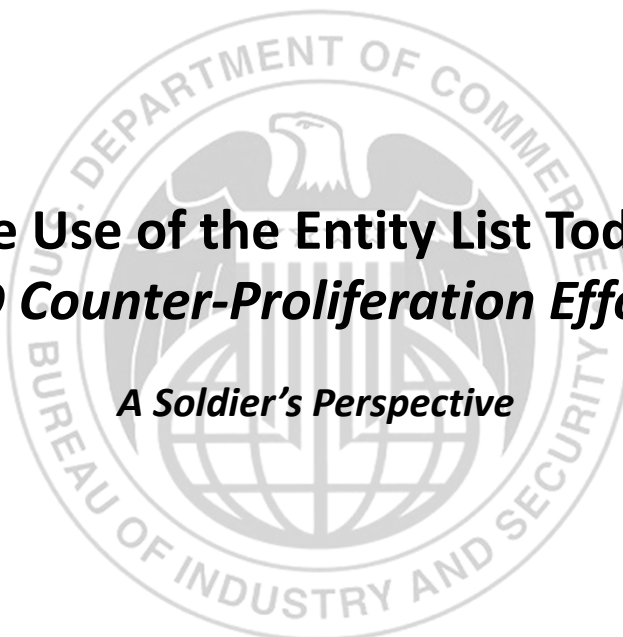
- Lieutenant General Michael Barbero, head of DoD's Joint Improvised Explosive Device Defeat Organization, was quoted in a BIS press release after the Department of Commerce added 16 parties to the Entity List on the basis of their provision of support to persons engaged against U.S. and Coalition Forces in Afghanistan. He stated:

"The dual-use materials provided to insurgents by these foreign companies are used to make improvised explosive devices, or IEDs, that kill and injure not only U.S. and coalition forces, but innocent civilians as well. Through coordinated efforts and strong partnerships across the U.S. Government, we are able to go after these nefarious actors and effectively counter the networks that use IEDs against our troops."



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A Soldier's Perspective



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Questions and Answers