

Bureau of Industry and Security

BIS 2020

POLICY AND REGULATORY UPDATES

A DIGITAL EXPERIENCE

September 2, 2020



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Regulation Update

Moderator: Hillary Hess, Director
Regulatory Policy Division

Bureau of Industry and Security BIS2020 POLICY AND REGULATORY UPDATES A DIGITAL EXPERIENCE		Entity List Rules	
Date/FR cite	Revisions		
8/14/19 (84 FR 40237)	<ul style="list-style-type: none"> 17 additions, 19 entries: 2 Armenia, 2 Belgium, 1 Canada, 4 China, 1 Georgia, 1 Hong Kong, 1 Malaysia, 1 Netherlands, 1 Russia, 4 UAE and 1 UK. 23 modifications: 17 China, 4 Hong Kong and 2 Russia. 3 removals: 2 China and 1 UAE. 		
10/9/19 (84 FR 54002)	<ul style="list-style-type: none"> 28 additions under China Human rights violations Case by case license review policy for certain ECCNs 		
11/13/19 (84 FR 61538)	<ul style="list-style-type: none"> 22 additions, 32 entries: 2 Bahrain, 1 France, 1 Iran, 1 Jordan, 4 Lebanon, 1 Oman, 7 Pakistan, 1 Saudi Arabia, 1 Senegal, 4 Syria, 2 Turkey, 6 UAE and 1 UK. 1 modification under Pakistan. 3 removals under Pakistan, Singapore and UAE. 		

Bureau of Industry and Security BIS2020 POLICY AND REGULATORY UPDATES A DIGITAL EXPERIENCE		Entity List Rules	
Date/FR cite	Revisions		
3/16/20 (85 FR 14794)	<ul style="list-style-type: none"> 24 additions, under 16 entries: 2 China, 6 Iran, 9 Pakistan, 2 Russia and 5 UAE 5 modifications: France, Iran, Lebanon, Singapore and UK 		
6/5/2020 (85 FR 34495)	<ul style="list-style-type: none"> 24 additions, under 16 entries: 6 China, 4 Hong Kong, 1 Pakistan and 5 UAE. 		
6/5/2020 (85 FR 34503)	<ul style="list-style-type: none"> 11 additions under China. 3 modifications under China. Human rights violations Case by case license review policy for certain ECCNs 		
7/22/2020 (85 FR 44159)	<ul style="list-style-type: none"> 11 additions under China. 37 modifications under China. 		

Bureau of Industry and Security BIS2020 POLICY AND REGULATORY UPDATES A DIGITAL EXPERIENCE		Huawei Entity List Rules	
Date/FR cite	Revisions		
5/21/19 (84 FR 22961) Effective 5/16/19	69 additions: <ul style="list-style-type: none"> Huawei Technologies Co., Ltd. (<i>in China</i>) 68 non-U.S. affiliates of Huawei (<i>in China and 25 other destinations</i>). 		
5/22/19 (84 FR 23468)	Temporary General License, initial 90-day TGL in Supplement No. 7 to part 744, Partially restores licensing requirements and policies		
8/21/19 (84 FR 43493)	46 additions: <ul style="list-style-type: none"> 19 affiliates under existing Huawei Technologies Co., Ltd. entry <i>in China</i> 27 non-U.S. affiliates of Huawei (<i>in China and 22 other destinations</i>). 6 modifications: <ul style="list-style-type: none"> China (Huawei Technologies Co., Ltd. and three previously separate entities) <i>and</i> Belgium and Brazil 		
6/18/20 (85 FR 36719)	<ul style="list-style-type: none"> Release of “Technology” in context of Standards Organizations Interim final rule with comment period 		

Bureau of Industry and Security BIS2020 POLICY AND REGULATORY UPDATES A DIGITAL EXPERIENCE		Huawei and the TGL	
Date/FR Cite	Revisions		
5/22/19 (84 FR 23468)	Temporary General License: 90-day temporary general license in Supplement No. 7 to part 744, Partially restores licensing requirements and policies; Effective 5/20/19-8/19/19		
8/21/19 (84 FR 43487)	Extension of Temporary General License: Includes clarifying changes to authorized transactions and changes certain requirements. Effective 8/19/19 – 11/18/19		
11/20/19 (84 FR 64018) 2/18/20 (85 FR 8722) 3/12/20 (85 FR 14416) 5/18/20 (85 FR 29610)	Extension of Temporary General License: Effective 11/18/19 – 2/16/20 Effective 2/16/20 – 4/1/20 Effective 4/1/20 – 5/15/20 Effective 5/15/2020 – 8/13/2020		
3/12/20 (85 FR 14428) 3/27/20 (85 FR 17300)	Request for comments regarding future extension of TGL: Comment period closed 3/25/20, received 25 comments		

Bureau of Industry and Security BIS2020 POLICY AND REGULATORY UPDATES A DIGITAL EXPERIENCE		Unverified List	
Date/FR cite	Revisions		
<i>Pending</i>	<p><i>26 Additions: 6 UAE, 5 Hong Kong, 3 each (Germany, Pakistan), 2 each (Finland, Turkey), 1 each (Armenia, China, Mexico)</i></p> <p><i>40 Removals: 22 Hong Kong, 16 China, 1 each (Indonesia, UAE)</i></p>		

Bureau of Industry and Security BIS2020 POLICY AND REGULATORY UPDATES A DIGITAL EXPERIENCE		Regime Rules	
Date/FR cite	Rule	Revision	
6/17/20 (85 FR 36483)	Australia Group (AG) Feb 2020 Intersessional Decisions	Addition of Certain Rigid-Walled Single-Use Cultivation Chambers and Precursor Chemicals to the CCL	
<i>Pending</i>	<i>Wassenaar Arrangement 2018</i>	<p><i>Revises: 36 ECCNs</i></p> <p><i>Adds: 1 ECCN</i></p> <p><i>Revises: GBS, TSR, STA, RS Controls, Definitions, SL and VSL, Thermal Imaging Camera Reporting</i></p>	
<i>Pending</i>	<i>Wassenaar Arrangement 2019 Emerging Technology</i>	<p><i>Revises: 9 ECCNs and Adds: 1 ECCN</i></p> <p><i>Additive Manufacturing, 'Computational lithography' 'software', production technology for substrates for high-end integrated circuits, surveillance 'software', digital forensics or investigative tools, ENC, 'sub-orbital craft'</i></p>	

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Date/FR cite	Rule	Revision	
<i>Pending</i>	<i>Wassenaar Arrangement 2019</i>	<i>Revises: 22 ECCNs</i> <i>Revises Category 5 - Part 2-related provisions in the EAR, including to License Exception Encryption commodities, software, and technology (ENC)</i> <i>Eliminates reporting requirements for certain encryption items</i>	

Bureau of Industry and Security BIS2020 POLICY AND REGULATORY UPDATES A DIGITAL EXPERIENCE		Country Policy Rules	
Date/FR cite	Rule	Revision	
10/21/19 (84 FR 56117)	Restricting Additional Exports and Reexport to Cuba	Policy of denial for leases of aircraft to Cuban state-owned airlines Modification to AVS and SCP 10% de minimis level to Cuba	
2/24/20 (85 FR 10274)	Amendments to Russia and Yemen Country Groups	Added to Country Group D:5	
3/6/20 (85 FR 13009)	Correcting Amendment		

Bureau of Industry and Security BIS2020 POLICY AND REGULATORY UPDATES A DIGITAL EXPERIENCE			Country Policy Rules (China)  	
Date/FR cite	Rule	Revision		
4/28/2020 (85 FR 23459)	Expansion of MEU controls	Expands MEU license requirement controls to military end-users in PRC, Russia and Venezuela Effective 6/29/2020		
6/3/2020 (85 FR 34306)	Correction rule			
4/28/2020 (85 FR 23470)	Elimination of CIV	Removes License Exception CIV from § 740.5 Removes CIV eligibility from all ECCNs on the CCL Effective 6/29/2020		
4/28/2020 (85 FR 23496)	Modification to APR; proposed rule	Proposed removal of § 740.16(a)(3) Comment period closed 6/29/2020		
5/19/2020 (85 FR 29849)	Amendments to Foreign-Direct Product and the Entity List	Imposes new control over certain foreign-produced items Applies new control to Huawei and its non-U.S. affiliates		

Bureau of Industry and Security BIS2020 POLICY AND REGULATORY UPDATES A DIGITAL EXPERIENCE			 	
Emerging and Foundational Technologies				
Date/FR cite	Rule	Revision		
1/6/2020 (85 FR 459)	Geospatial Imagery Software to 0Y521 - Interim Final Rule	Classifies software specially designed to automate the analysis of geospatial imagery, under ECCN 0D521.		
Formation of Emerging Technology Technical Advisory Committee (ETTAC)				
Pending Foundational Technologies ANPRM				
Mature technologies or technologies that have been reviewed for classification				
Considers whether changes in control are necessitated by evolving threats				



USML to CCL

Date/FR cite	Rule	Revision
1/23/2020 (85 FR 4136)	Control of Firearms, Guns, Ammunitions and Related Articles	USML Cats I-III moved to BIS CCL Effective 3/9/2020
4/2/2020 (85 FR 18438)	Guns I-III, notifying public of interim measures with respect to 3/6/2020 Court Order	Added to Country Group D:5

Interagency Review of USML Cats IV, XI, XV



Requests for Comment

- Geospatial Imagery ECCN 0Y521 1/6/2020 (85 FR 459)
 - 60 day comment period (ended 3/6/20)
- Extension of TGL 3/27/2020 (85 FR 17300)
 - 40 day comment period (ended 4/22/2020)
- Modification of License Exception APR 4/28/2020 (85 FR 23496)
 - 60 day comment period (ended 6/29/2020)
- Amendments to Foreign-Direct Product Rule and Entity List 5/19/2020 (85 FR 29849)
 - 60 day comment period (ended 7/14/2020)
- Release of “Technology” in Context of Standards Organization 6/18/2020 (85 FR 36719)
 - 60 day comment period (ended 8/17/2020)

Recent Updates

Questions

Contact Information

- **Department of Commerce, Bureau of Industry and Security (BIS):**
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- Encryption – (202) 482-0707
- **Department of State, Directorate of Defense Trade Controls (DDTC):**
 - Licenses defense services and defense (munitions) articles.
 - (202) 663-1282
- **Department of the Treasury, Office of Foreign Assets Control (OFAC):**
 - OFAC administers and enforces economic and trade sanctions against targeted foreign countries, terrorism sponsoring organizations, and international narcotics traffickers.
 - (800) 540-6322