BIS Export Control Officers: Protecting U.S. National Security and Export Controls Through Global Engagements

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EU Regulation 428/2009

Amendments:
• Enhance controls for cyber-surveillance
• Review Emerging Technologies
• Expand scope of brokering controls

EU Russia/Belarus Sanctions

- Economic sanctions on Russia – 833/2014
- Individual restrictive measures – 269/2014 and 208/2014
- Restrictions on trade and investment with certain territories 692/2014 and 2022/263
- Restrictive measures concerning Belarus – 765/2006

Russia’s invasion of Ukraine

• Enhanced cooperation between EU member states and the Department of Commerce
• Identification of new trends in potential diversion to Russia and Belarus
• Increase in post-shipment verifications and pre-license checks
• Increase in public outreach to advise greater importing community on new U.S. export controls

Eastern Europe
ECO Juven Martin
Mitigation of Transshipments With a Focus on Russia

• ECO Eastern Europe covers 17 countries
• Focus on diversion into Russia from neighbouring countries

• Foreign Commercial Service and State Department
  • Our USG Hosts and Partners
• Host country considerations
  • Official notifications, deconfliction, partnerships, and standard operating procedures
• Ministry of Foreign Affairs
  • Eastern Europe’s Host Government Partners
• End-Use Checks and Transparency
  • Compliance Mechanism and Outreach
Challenges and Accomplishments

• Implemented SOPs with several countries
• Discovered several violations, increased awareness, and created active deterrence
• Developed closer relationships with European partners by having a local presence & participating in joint outreaches
• Developed very close relationships with partners in Estonia, Latvia, Finland, Poland, and Slovakia
• Coordinated MLAT activities in Estonia and Latvia
• Identify & Disrupt (front companies, freight forwarders, financiers, and facilitators)
• Developing mechanisms to share information
• Sharing resources and knowledge
• Russian Focus: everyone’s problem and everyone’s interest

Russia/Belarus Due Diligence

• When inquiring into the ultimate destination of the item, consider e-mail address and telephone number country codes and languages used in communications from customers or on a customer’s website.
• Research the intermediate and ultimate consignees and purchaser, as well as their addresses, using business registers, company profiles, websites, and other resources.
• Determine ownership/financial involvement of end-user and purchaser
### ASEAN Countries with Strategic Trade Control Laws

<table>
<thead>
<tr>
<th>Elements</th>
<th>Philippines</th>
<th>Singapore</th>
<th>Malaysia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Strategic Trade Management Act (STMA)</td>
<td>Strategic Goods (Control) Act (SGCA)</td>
<td>Strategic Trade Act (STA)</td>
</tr>
<tr>
<td>Administration</td>
<td>STMA/Department of Trade and Industry (DTI)</td>
<td>Ministry of Finance – Singapore Customs</td>
<td>Ministry of International Trade &amp; Industry (MITI)</td>
</tr>
<tr>
<td>What are Strategic Goods</td>
<td>EU Dual Use List</td>
<td>EU Dual Use List</td>
<td>EU Dual Use List</td>
</tr>
<tr>
<td>Activities Covered</td>
<td>Export (including Re-export), Import,</td>
<td>Export (including Re-Export), Transshipment, Transit, ITT (Intangible Transfer of Technology) &amp; Brokering</td>
<td>Export, Brokering, Transshipment, Transit (Goods &amp; Technology), ITT, Financing</td>
</tr>
<tr>
<td>Internal Compliance Prg. Elements</td>
<td>9 Elements</td>
<td>7 Elements</td>
<td>5 Elements</td>
</tr>
<tr>
<td>License Type</td>
<td>Global &amp; Individual License Based on ICP</td>
<td>Bulk &amp; Individual for (Military &amp; dual-use goods)</td>
<td>Bulk, Multiple, Individual, Restricted license</td>
</tr>
<tr>
<td>License Exceptions</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Voluntary Disclosure Program</td>
<td>Yes but no template and procedure defined (drafting now)</td>
<td>Yes</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Burma

- March 8, 2021: Burma added to “military end-use” and “military end-user” restrictions (See § 744.21 and Supplements No. 2 & 7 to Part 744 of the EAR).
- Burma removed from Country Group B and added to Country Group D:1.
- Eliminates the availability of certain license exceptions or portions of license exceptions or imposes conditions on their use.
- NS-related changes: Presumption of denial for national security-controlled items that would make a material contribution to weapons systems capabilities.
- April 9, 2021: amended the EAR to require a license for all items subject to the EAR to military-intelligence end uses and end users in Burma, as well as for specific activities of U.S. persons in connection with such military-intelligence end uses and end users (See §§ 744.6 and 744.22 of the EAR).
  - Military-intelligence end users include Office of Chief of Military Security Affairs and the Directorate of Signal.
- March 8, 2021 and July 6, 2021: added parties to the BIS Entity List.

Changes for 2022...

- Enhanced cooperation between the governments of the Philippines and Malaysia
- New focus on potential Russian diversion
- Monitoring shifting export trends in the region
Canada

Export Compliance Specialist
Valerie Goldman

Trade Relationship with Canada

- The U.S. and Canada share the world’s longest international border
  - 5,525 miles
  - 120 land ports of entry
- In 2021, there were over $665.5 billion in traded goods, of which exports from the U.S. to Canada totaled $307.8 billion.
Export Control Coordination

- Nearly all items listed on the Commerce Control List (CCL) are eligible for export to Canada without a BIS export license.
- Most exports to Canada, regardless of value, are not required to be reported in the Automated Export System (AES).
- Canada maintains controls to prevent the unauthorized reexport of U.S.-origin goods to certain destinations, but the scope of such controls does not prevent reexports to certain end uses and end users of concern.
- U.S. and Canada have enacted similar Russia sanctions controls.

Enforcement Coordination and Cooperation

- Increased information sharing
- Joint pre and post shipment verifications and audits
- Inspections, detentions, and seizures of shipments
- Collaboration on law enforcement actions and investigations
Questions and Answers

Thank you