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**COMMERCE REVISES RUSSIA AND BELARUS EXPORT CONTROLS, ENHANCES
TRANSPARENCY OF FUTURE ENFORCEMENT PROCEEDINGS**

WASHINGTON, D.C.— Today, the U.S. Department of Commerce’s Bureau of Industry and Security (BIS) issued a final rule that revises, corrects, and clarifies certain provisions of the Export Administration Regulations (EAR) pertaining to the sweeping export controls imposed on Russia and Belarus in response to Russia’s further invasion of Ukraine. Additionally, to enhance the transparency of BIS’s efforts to vigorously enforce export controls on Russia and Belarus, this rule amends the EAR to make future charging letters in administrative export control enforcement cases publicly available prior to the final disposition of such cases.

“The necessary speed and broad scope of export controls put in place in response to Russia’s brutal, unjustified assault on Ukraine requires BIS to be in regular communication with U.S. exporters and other stakeholders regarding compliance with the enhanced restrictions on trade with Russia,” **said Under Secretary of Commerce for Industry and Security Alan Estevez.** “National security is a shared responsibility, and the clarifications made in today’s rule will help to ensure that the exporting community better understands and can more effectively comply with the new rules.”

“BIS continually works to refine its rules to ensure their maximum effectiveness,” **said Assistant Secretary of Commerce for Export Administration Thea D. Rozman Kendler.** “The revisions in today’s rule, including to key regulatory provisions that target Russia and Belarus, will ensure that BIS continues to impose severe costs for Russia’s further invasion of Ukraine.”

“When we bring administrative charges for violations of the export rules, we want everyone to know it,” **said Assistant Secretary of Commerce for Export Enforcement Matthew S. Axelrod.** “By making enforcement actions public when charged, we aim both to educate the exporting community about the consequences that can result from misconduct and to incentivize investment in compliance and deterrence.”

Notable revisions or clarifications made by today’s rule include the following:

- Revisions to the controls for Russian and Belarussian military end uses and military end users by extending license requirements to include food and medicine designated as EAR99; license applications for such items will be subject to a case-by-case review policy.
- Corresponding modifications to the Russian and Belarussian military end users on the Entity List as a result of the new license requirement for EAR99 food and medicine.

- Revisions to the EAR’s restrictions that apply to items that are destined for certain regions in Ukraine, including the addition of new categories of transactions that will be subject to case-by-case review.
- Clarifications and corrections of provisions of the EAR pertaining to controls on exports of luxury goods destined for Russia and Belarus and items for use in Russia’s oil refinery sector.
- Amendment to the EAR to make charging letters publicly available in future export enforcement cases prior to the final administrative disposition of such cases. While precharging letters will retain their current nonpublic status, charging letters will now be public once filed with the Administrative Law Judge, making such information available to the public at an earlier stage of the proceedings. This will allow BIS to more timely inform interested parties of ongoing enforcement efforts and to educate the exporting community on its controls. Under the Export Control Reform Act of 2018 (50 U.S.C. §§ 4801-4852), administrative penalties can reach \$328,121 per violation or twice the value of the transaction, whichever is greater, and/or denial of export privileges. The administrative monetary penalty maximum is adjusted for inflation annually.

Additional information on the Bureau of Industry and Security’s actions in response to Russia’s further invasion of Ukraine is available [here](#).

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