

Export Control Issues TPWG

Best Practices 2002

June 11, 2002

Presented by

Catherine E. Thornberry

Export Procedures Co.

www.exportproco.com

Copyright 2002 C. Thornberry

First Actions

- Executive Order re Terrorism
- Increased Border Security
- Airport Security
- Increased Scrutiny of Foreign Persons and Foreign Students
- World Support
- India and Pakistan controls
- Named Entities

Product/Technology Controls

- Commerce Control List
- US Munitions List
- NRC List
- Publicly Available Technical Data
- Fundamental Research
- Customs List of Items of use by terrorists
- Red Flags

Technical Data Controls

- Proposal to restrict scientific knowledge
- ITAR exemption for Institutes of Higher Learning
- Government tells libraries to restrict information

Country Controls

- Countries under full embargo
- Countries under partial embargo
- Armenia, Azerbaijan, Tajikistan eligible to receive defense articles
- India and Pakistan
- Named countries of transshipment risk
- Indonesia
- Afghanistan
- Extraterritoriality

Controlled Entities

- U.S. Department of Commerce Lists
- U.S. Treasury Department Lists
- U.S. State Department Lists
- Regular updates
- Extraterritoriality

Federal Programs

- BXA changed to BIS
- Executive Order 13224 regarding terrorism, Sept. 23, 2001
- Executive Order 13228 establishing Office of Homeland Security, Oct. 8, 2001

Foreign Persons (Deemed Exports)

- Border Security Bill
- INS: new rules for foreign students
- INS: swamped with paperwork
- Screening of foreign students, esp. technology alert list

U.S. Regulations

- Antiboycott Compliance:
Increased warnings

U.S. Legislation

- U.S. Patriot Act
- Proposal to break up INS into 2 agencies
- Seaport Security Act
- Security Assistance Act
- Export Administration Act

U.S. Customs

- C-TPAT
- Operation Shield America
- Increased Border Security with Canada/Mexico
- Container Security Initiative
- U.S. Customs Office in New Delhi

International Regulations and Agreements

- Wassenaar Agreement
- Australia Group
- Missile Technology Control Regime
- Nuclear Supplier's Group
- NATO, Russia Partnership
- G8 agree to fight terror funding
- UN revises economic sanctions on Iraq
- US-EU summit on Counter-terrorism

How to Comply

- Know the U.S. Export Regulations
- Determine the export regulations that affect your company
- Implement procedures to comply with applicable regulations (export compliance program)
- Maintain and audit the compliance program