

U.S. DEPARTMENT OF COMMERCE

Bureau of Industry and Security



The mission of the Bureau of Industry and Security (BIS) is to advance U.S. national security, foreign policy, and economic objectives by ensuring an effective export control and treaty compliance system and promoting continued U.S. strategic technology leadership. BIS's activities include regulating the export and reexport of sensitive goods and technologies in an effective and efficient manner; enforcing export

control, antiboycott, and public safety laws; cooperating with and assisting other countries on export control and strategic trade issues; assisting U.S. industry to comply with international arms control agreements; and monitoring the viability of the U.S. defense industrial base. This publication is to provide you with brief descriptions of the offices within BIS and the services that are available to you.

Export Administration (EA)

EA regulates exports and reexports through a licensing system set forth in the Export Administration Regulations. United States national security and foreign policy interests are safeguarded through EA's administration of export control laws relating to dual-use items. At the same time, EA seeks to reduce the regulatory burdens impeding international marketing which will aid in the economic growth of the United States. EA also has a leadership role in a range of high priority programs that involve international competitiveness and defense conversion. EA consists of five offices:

- **Nonproliferation and Treaty Compliance**
- **National Security and Technology Transfer Controls**
- **Strategic Industries and Economic Security**
- **Exporter Services**
- **Technology Evaluation**

Office of Nonproliferation and Treaty Compliance (NPTC)

NPTC has three divisions that administer U.S. export and reexport controls on dual-use commodities and technologies that can be used in weapons of mass destruction. NPTC is responsible for all policy actions, export licenses, commodity classifications, and advisory opinions pertaining to items subject to nuclear, missile technology, chemical and biological export controls. It also has a division which administers U.S. unilateral foreign policy export controls. In keeping with its nonproliferation mandate, NPTC is directly engaged in the multilateral activities of the Nuclear Suppliers Group (NSG), the Missile Technology Control Regime (MTCR), and the Australia Group (AG); the focus of these export control regimes is to prevent the spread of weapons of mass destruction and their delivery systems. NPTC also has a fourth division responsible for ensuring that the United States is in compliance with industry-related obligations under certain arms control agreements, including the Chemical Weapons Convention (CWC). The CWC, which entered into force in 1997, prohibits the development, production, stockpiling, and use of chemical weapons. The Organization for the Prohibition of Chemical Weapons (OPCW) in The Hague, Netherlands, is responsible for implementation of the treaty. NPTC advises and assists industry in complying with the requirements of the CWC with regard to OPCW data monitoring and international inspections of U.S. chemical-related facilities.

The Nuclear and Missile Technology Division (NMT) administers controls on dual-use items (commodities and related technologies) that have nuclear weapons utility or that are useful in or associated with delivery systems for weapons of mass destruction. NMT also represents the Department in the activities of the multilateral NSG and the multilateral MTCR.

The Chemical and Biological Controls Division (CBC) administers controls on chemicals, biological agents, and related equipment and technology that can be used in weapons of mass destruction. CBC also represents the Department in the activities of the multilateral Australia Group.

The Treaty Compliance Division (TCD) provides guidance to U.S. companies on how to meet the requirements of the Chemical Weapons Convention (CWC); collects and compiles data on chemical production, processing, consumption, and trade for submission to the Organization for the Prohibition of Chemical Weapons (OPCW); assists in preparing facilities for and hosting international inspections. TCD represents the Department at the OPCW where international policies and procedures on CWC compliance are developed. TCD also is preparing to implement the Additional Protocol to the U.S.-International Atomic Energy Agency Safeguards Agreement and formulates policies with regard to other arms control treaties with an industry nexus (e.g., Biological Weapons Convention).

The Foreign Policy Division is responsible for implementing controls to ensure that exports and reexports are consistent with the foreign policy interests of the United States. The issues that the division addresses include antiterrorism export control policies, trade sanctions, human rights concerns, the Firearms Convention, and regional stability. It handles the policy issues and export license applications for items controlled for foreign policy reasons and/or destined to a designated state sponsor of terrorism and countries under U.S. sanctions or embargo. The division provides transaction-specific policy guidance to the U.S. Departments of the Treasury and State to assist with Treasury's licensing regimes for exports to certain embargoed destinations. The division produces an annual Foreign Policy Report to Congress which summarizes the scope of U.S. foreign policy controls and provides an indepth overview of the division's activities.

Office of National Security and Technology Transfer Controls (NSTTC)

NSTTC is composed of three divisions that administer multilateral and unilateral national security export and reexport controls. The office implements multilateral export controls to comply with the Wassenaar Arrangement to control the spread of dual-use goods and related technologies that can enhance the military capabilities of a region. The office represents the Department in international negotiations on technical and policy issues. NSTTC is also responsible for U.S. export control policy for high performance computers and encryption, and for “deemed exports” involving technology transfers to foreign nationals in the United States. It is responsible for all policy actions, export licenses, commodity classifications, and advisory opinions for affected commodities. The three divisions of the office are organized by product and technology area, as follows:

The Sensors and Aviation Division implements multilateral export controls for commodities in Categories 6 through 9 of the Commerce Control List, including thermal imaging equipment, avionics, gas turbine engines and aircraft.

The Information Technology Controls Division is responsible for all policy and licensing actions related to Categories 4 and 5 of the Commerce Control List, including high performance computers, encryption, and telecommunications. It also undertakes encryption technical reviews and policy initiatives.

The Deemed Exports and Electronics Division is the focal point for “deemed export” technology transfers (release of technology to foreign nationals in the United States) and related policy development. The division implements controls related to advanced electronics, including analog to digital converters, semiconductor manufacturing equipment, and other goods and technology in Categories 0 through 3 of the Commerce Control List.

Office of Technology Evaluation (OTE)

OTE is responsible for conducting analysis to inform decisions on implementing dual use export controls to cover key (existing and emerging) technologies in a way that maintains the competitiveness and economic viability of U.S. interests. OTE will: conduct analysis to gauge the effectiveness of the dual use export control system; analyze critical technologies on a sectoral basis; assess the capabilities of the U.S.

industrial base to support the national defense; administer BIS's Technical Advisory Committees; conduct foreign availability assessments (Part 768 of the EAR); assess the effects of imports on national security (Part 705 of the EAR); and conduct short supply determinations (Part 754 of the EAR).

Office of Strategic Industries and Economic Security (SIES)

SIES is responsible for implementing programs to ensure that U.S. defense industries can meet current and future national security requirements.

The Defense Programs Division (DPD) is responsible for identifying foreign market and diversification opportunities for U.S. defense manufacturers, assessing the economic impacts of international defense cooperative programs, and serving as an advocate for U.S. firms pursuing international defense sales. DPD informs U.S. industry regarding business opportunities with The North Atlantic Treaty Organization (NATO) and approves firms for NATO International Competitive Bidding. DPD measures the industrial base impact from the sale of excess defense articles. The division is also responsible for coordinating emergency planning programs, and participating in the North Atlantic Treaty Industrial Planning Committee.

The Strategic Analysis Division is tasked with analyzing the effect of offsets in defense trade on U.S. industry and developing initiatives to reduce their economic inefficiencies. The division is also responsible for reviewing the impact of foreign direct investment in the United States. In addition, SIES is responsible for administering the Defense Priorities and Allocations System to support approved national defense, energy, and emergency preparedness programs, and for assessing the impact of stockpile material disposal plans.

Office of Exporter Services (OExS)

This office has four divisions and a field office. The divisions counsel exporters, conduct export control seminars, and develop, draft and publish changes to the Export Administration Regulations. OExS is responsible for compliance actions related to Special Comprehensive Licenses and the development of export management and compliance programs. It also processes license applications and commodity

classifications. OExS also has the lead for reviewing entities recommended for inclusion on the Entity list and those end users requesting validated end use status. The duties of the OExS are as follows:

The Outreach and Educational Services Division (OESD) is responsible for responding to inquiries from the exporting community regarding the Export Administration Regulations (EAR), export control policy, and licensing procedures. OESD assists with the preparation of export documents and provides the status of pending applications for classifications and export licenses. It plans, conducts and participates in seminars and other outreach efforts to help exporters understand and comply with the EAR. The seminar programs range from introductory courses to specialized workshops. In addition, OESD holds Update conferences which are designed to provide exporters with the latest policy and regulatory information each year.

The Regulatory Policy Division is responsible for developing and drafting new regulations, revising the current EAR and coordinating the clearance of all changes to the EAR.

The Export Management and Compliance Division is responsible for Special Comprehensive License (SCL) counseling and evaluating SCL Internal Control Programs. EMCD also conducts outreach through export compliance seminars, assisting exporters in developing or enhancing Export Management and Compliance Programs (EMCPs), and reviewing company EMCP compliance manuals.

The Operation Support Division is responsible for maintaining and distributing BIS forms, screening all incoming applications and routing them to the appropriate licensing office for review and analysis, issuing import certificates and maintaining records on all Commerce classifications and license applications.

The Western Regional Office (WRO) is responsible for outreach and counseling activities throughout the Western United States. BIS maintains two regional offices to assist the business community, one in Newport Beach, CA, the other in San Jose, CA.

Operating Committee on Export Policy (OC)

The Operating Committee in the Office of the Assistant Secretary for Export Administration is the first-level of dispute resolution for interagency disagreements on

contentious license applications. The OC consists of voting members from the Departments of Commerce, State, Energy, Defense, and the Department of Justice/FBI (for encryption cases only), and non-voting members from the Joint Chiefs of Staff, Intelligence Community, or other U.S. Government agencies where matters of their interest are involved. The OC Chairman acts as an independent, neutral arbiter of the licensing process, and issue decisions based upon his interpretation of the EAR after hearing positions from the agencies. Agencies in disagreement with those decisions may escalate the cases to higher dispute resolution forums.

Export Enforcement (EE)

EE protects national security, foreign policy, and economic interests by preventing illegal exports and participation in prohibited trade boycotts, investigating violations, and pursuing criminal and administrative prosecutions of violations of the Export Administration Regulations. EE works closely with the U.S. exporting community and foreign government officials to develop effective export enforcement programs. EE consists of three offices:

- **Office of Export Enforcement (OEE)**
- **Office of Enforcement Analysis (OEA)**
- **Office of Antiboycott Compliance (OAC)**

Office of Export Enforcement (OEE)

OEE, the principal U.S. law enforcement agency for dual-use export enforcement, has the goal of keeping the most sensitive goods out of the most dangerous hands. OEE focuses on the most significant national security threats facing the U.S. in the export enforcement context: the proliferation of Weapons of Mass Destruction (WMD); terrorism and State support of terror; and unauthorized military end use of dual-use items and technology. OEE targets these enforcement priorities with programs and activities designed to prevent, detect, and deter violations through: working with industry to achieve the highest levels of compliance with export requirements and detect violations; interdicting controlled goods before they can reach unauthorized end users; and investigating violations to stop illicit acquisition activities and bring export violators to justice. Outreach and partnership to the business community are key elements of OEE's enforcement programs.

The Investigations Division maintains field offices located in Los Angeles and San Jose, California; Chicago; Dallas; Miami; Boston; New York; Washington, DC; and a sub-office in Houston. Each field office is staffed with Special Agents who are

empowered to make arrests, examine records, and interview witnesses, execute search warrants, and seize goods about to be illegally exported.

The Operations Division is staffed by Special Agents at OEE Headquarters and serves as the conduit for coordination between the Intelligence Community and OEE's field offices. The Division also supervises BIS's Export Control Officers, who are OEE Special Agents posted in Moscow, Beijing, United Arab Emirates, New Delhi, and Hong Kong, to conduct Pre-License Checks and Post-Shipment Verifications to confirm compliance with license requirements and prevent unauthorized diversions of controlled goods.

Office of Enforcement Analysis (OEA)

OEA consists of three divisions responsible for preventive enforcement activities. These divisions are divided along regional/country lines of responsibility. They are: **Middle East/Russia Division, China/Hong Kong Division, and South Asia/Europe Division**. Each division is responsible for all facets of preventive enforcement efforts within their area of responsibility including: screening all incoming export license applications to ensure export control enforcement information is considered before any final license decision is made, initiating any necessary prelicense checks or post-shipment verifications to assess the reliability of parties to the export transaction, reviewing visa applications to detect any possible unauthorized technology transfers to foreign nationals visiting the United States, and analyzing Automated Export System data to uncover any possible export violations to forward as leads to OEE.

Office of Antiboycott Compliance (OAC)

OAC is responsible for administering the Antiboycott provisions of the Export Administration Act and the Export Administration Regulations. These laws discourage, and in some circumstances, prohibit U.S. companies from furthering or supporting the unsanctioned foreign boycotts of countries friendly to the U.S. The office performs three main functions: ensuring compliance with the regulations through appropriate enforcement activity, assisting the public in complying with the EAR via its advice line and outreach activities, and compiling and analyzing information regarding international boycotts.

Phone Numbers

Nonproliferation & Treaty Compliance (NPTC)	202-482-3825
Chemical/Biological Controls Division	202-482-3242
Nuclear and Missile Technology Division	202-482-4188
Foreign Policy Division	202-482-6088
Treaty Compliance Division	703-605-4400
National Security and Technology Transfer Controls (NSTTC)	202-482-4196
Sensors and Aviation Division	202-482-5400
Information Technology Controls Division	202-482-0707
Deemed Exports and Electronics Division	202-482-4875
Exporter Services (OExS)	202-482-0436
Outreach and Educational Services	202-482-4811
Newport Beach WRO	949-660-0144
San Jose WRO	408-291-4212
Regulatory Policy Division	202-482-2440
Export Management & Compliance Division	202-482-0062
Operation Support Division	202-482-4238
Office of Export Enforcement (OEE)	202-482-1208
Office of Enforcement Analysis (OEA)	202-482-4255
Office of Antiboycott Compliance (OAC)	202-482-2381
Operating Committee on Export Policy (OC)	202-482-5863
Strategic Industries and Economic Security (SIES)	202-482-4506
Defense Programs Division	202-482-3695
Strategic Analysis Division	202-482-4060

Tips and leads may be directed to the following phone numbers:

OEE Intelligence and Field Support Division	202-482-1208
OEE Hotline 24 hours-a-day	1-800-424-2980

Office of Export Enforcement Field Offices

Boston Field Office	617-565-6030
New York Field Office	718-370-0070
Washington Field Office	703-487-9300
Miami Field Office	954-356-7540
Chicago Field Office	312-353-6640
Dallas Field Office	214-767-9294
San Jose Field Office	408-291-4204

Los Angeles Field Office949-251-9001
Houston Resident Office281-372-7130