

***EXPORT CONTROL
ENFORCEMENT***

Christine Lee

Attorney

Office of Chief Counsel

for Industry and Security

U.S. Department of Commerce

LEGAL AUTHORITY

Scope of controls encompass:

- Items (goods, technology, software)
- End-use and end-user based controls
- Activities of persons

Export control system authorizes an agency to:

- Define violations
- Investigate violations
- Prosecute violations

DEFINING VIOLATIONS

Violations can be defined by statute or regulation.

- Engaging in prohibited conduct
- Causing, aiding or abetting a violation
- Solicitation or attempt
- Conspiracy
- Acting with knowledge of a violation
- Possession with intent to export illegally
- Misrepresentation and concealment of facts
- Evasion
- Failure to comply with reporting or recordkeeping requirements
- License alteration
- Acting contrary to the terms of a denial order

INVESTIGATIVE AUTHORITY

- Right to obtain information
- Inspect books, records, premises and property
- Take sworn testimony
- Issue subpoenas to require any person to appear and testify or to produce books and records
- Make arrests
- Serve search warrants
- Search, detain, and seize goods and technology at ports and borders
- Conduct pre-license checks and post-shipment verifications



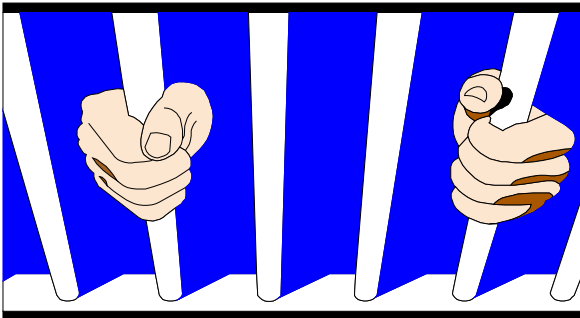
INVESTIGATIVE RESOURCES

- Provide the appropriate law enforcement agency with the authority to investigate
- Ensure that law enforcement has adequate funding and resources
- Enter into cooperative agreements to provide investigators with comprehensive investigative authority
- Allow for adequate information exchange between cooperating agencies and governments

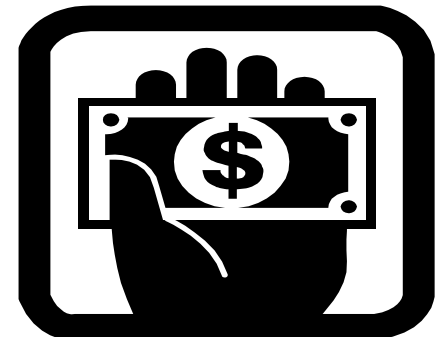


PROSECUTION

- Penalty should be commensurate with the crime (criminal and/or civil/administrative)
 - denial of export privileges
 - imprisonment
 - monetary fine



Export Control Enforcement



DENIAL OF EXPORT PRIVILEGES

- Denied person
- Related persons
- Third parties dealing with denied person in export trade transaction

NOTICE OF DENIAL ORDERS

- Publication of denial orders giving constructive notice to the world of the contents of the order
- Maintain a list of those who have been denied export privileges for exporter's convenience



CRIMINAL AND ADMINISTRATIVE PROCEDURE

- Set out in statute or regulations
- Include certain protections for those being charged with committing a violation
 - Formal charges filed by enforcement agency
 - Right to contest the charges in a hearing
 - Right to court review of proceeding



PREVENTATIVE ENFORCEMENT MEASURES

- Suspension or revocation of an export license
- Temporary denial order where the violation is imminent

CONFIDENTIALITY OF INVESTIGATIVE RECORDS

- Maintain confidentiality of information obtained during investigations
- Determine a procedure for disclosure of such information (i.e., national interest)



INDUSTRY OUTREACH

Promoting knowledge of and support for export controls in the business community

- Prevents illegal exports, reexports, and transshipments
- Educates the public on the export controls and enforcement
- Promotes compliance with the export control system
- Encourages industry to assist the government's enforcement efforts

OUTREACH EFFORTS

- Visits
- Disseminating basic information on export control laws
- Holding training programs or seminars





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(202) 482-5301
clee@bis.doc.gov