

Forwarders & Export Compliance

Panelists: Omari Wooden

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Data User and Respondent
Outreach
Economic Management Division
Census Bureau

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Director, Cargo Security and
Controls
Customs and Border
Protection

Brian Rothblatt

Export Administrative Specialist
Bureau of Industry and Security

Moderator: Kim Calicott

NCBFAA Export Compliance Subcommittee Chair /
Mallory Alexander International Logistics, LLC

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INTERNATIONAL TRADE STATISTICS

PRODUCTS and **SERVICES**
TO HELP YOU EXPORT



Overview of Recent Regulatory Changes

Omari Wooden

Data User and Respondent Outreach

Economic Management Division

April 2022



Overview of proposed changes

- Filing requirements for Puerto Rico and Virgin Islands
 - Comment overview
 - Overview of Themes
- County of Origin
 - Comment overview
 - Overview of Themes
- Overview of Theme-subtopics
- Status and next steps



PR-VI ANPRM Status

- Published in Federal Register on September 17, 2020
- Public comment period ended on November 16, 2020
- 93 Letters/Emails received which accounted for 139 individual comments
 - 59 public comments are available to view on the [regulations.gov](https://www.regulations.gov) portal



ANPRM Comments

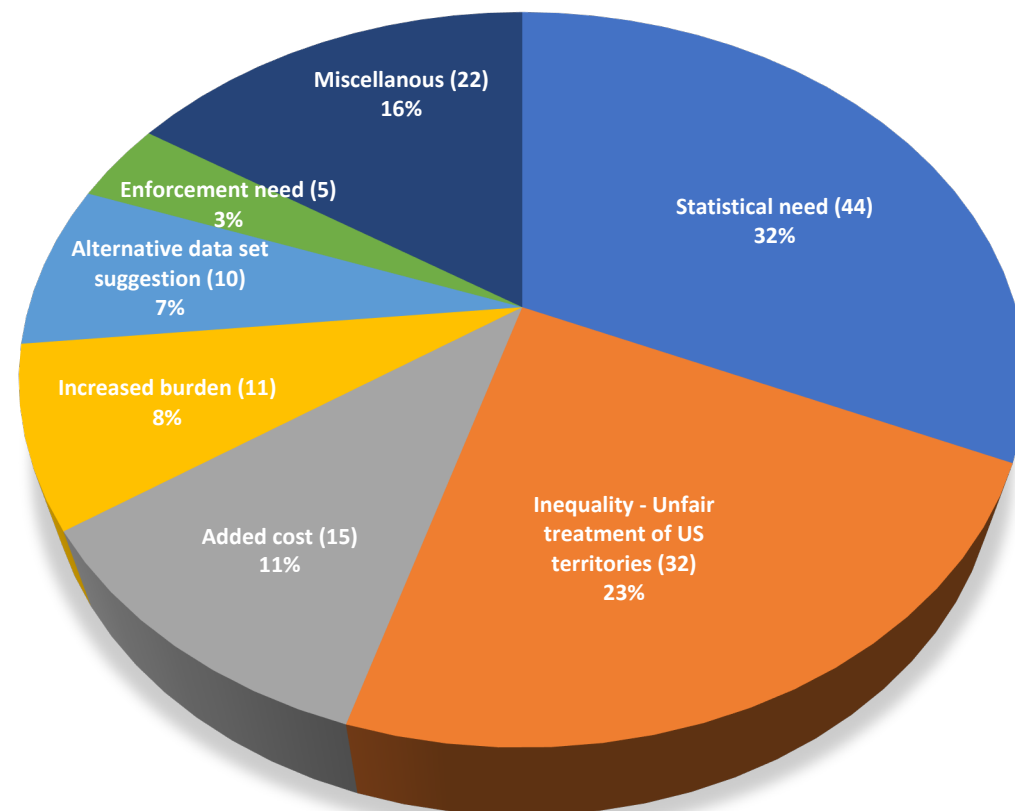
Total of 93 Comments Received

- 139 individual comments

Common Themes:

- Statistical need (32%)
- Enforcement (3%)
- Inequality – Unfair treatment of US territories (23%)
- Added cost (11%)
- Increased burden (8%)
- Alternative data sources (7%)
- Misc (16%)

ANPRM PR-USVI Comment themes



Types of Respondents

- Trade Associations
- Logistics Providers
- University of Puerto Rico
- Government entities of the US, PR and VI
- Telecom Providers
- Manufacturers and Distributors
- Economists
- Individuals



Next steps

- ANPRM Withdrawal issued February 4, 2022 to retain filing requirement
- Internal consideration for pilot options for reporting shipments to and from Puerto Rico
- Government stakeholders continue to work with the Government of Puerto Rico to identify alternate data sources with high quality and timeliness



Country of Origin NPRM Status

- Published in Federal Register on December 15, 2021
- Public comment period ended on February 14, 2022
- 32 Letters/Emails received which accounted for 57 individual comments

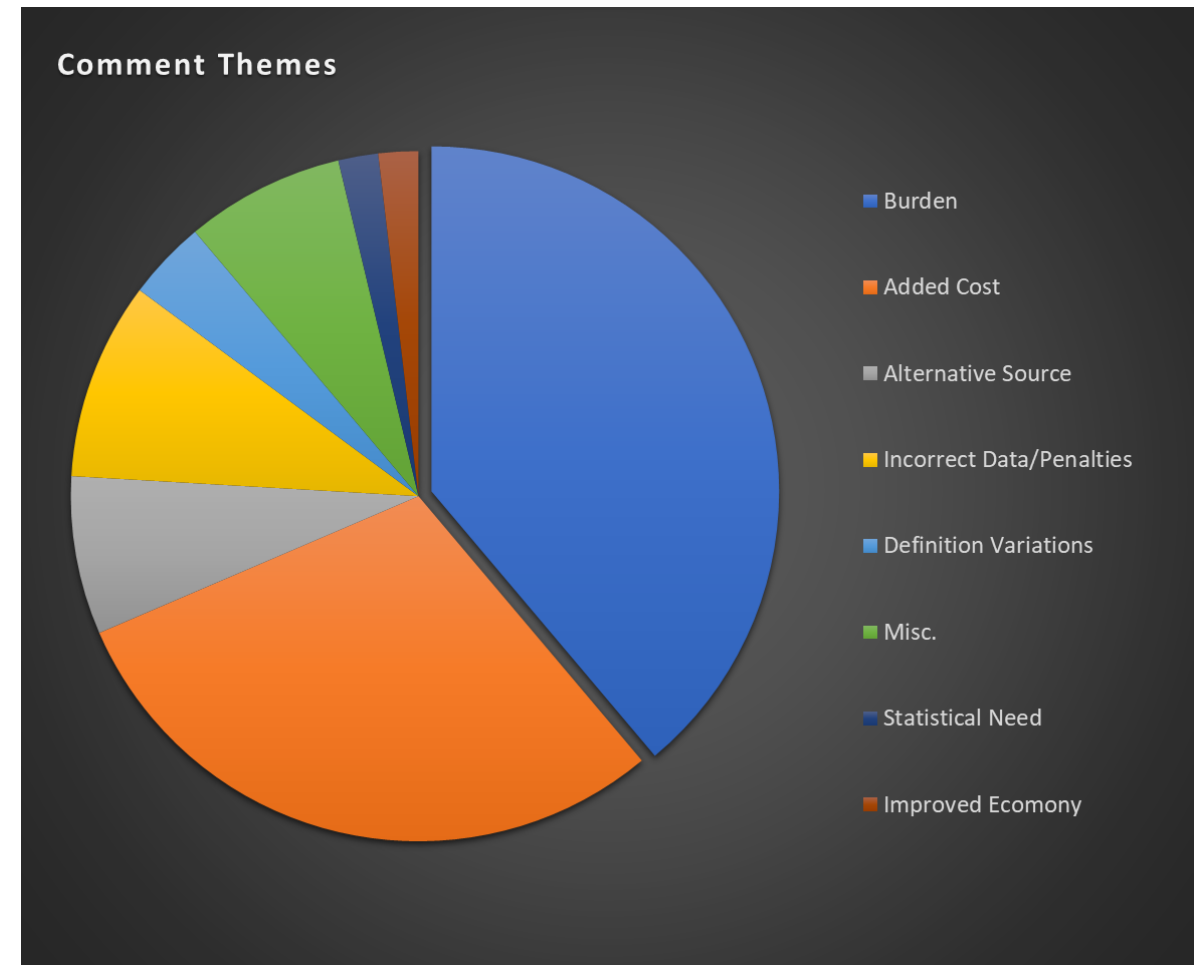


Country of Origin Comments

Total of 32 Emails/Letters Received
Resulted in 57 unique comments

Common Themes:

- Statistical need (2%)
- Improved economy (2%)
- Burden (40%)
- Added cost (28%)
- Incorrect data/penalties (11%)
- Alternative data sources/import data (7%)
- COO definition variations (4%)
- Misc (6%)



Next steps

- Evaluate comments to determine best options moving forward
- Continue to communicate with trade community about alternatives, including feedback here at NCBFAA
- Make decision and provide outreach to all stakeholders



Other Updates

- Routed Rule proposal status
- Shipments to Russia/Belarus
- Blog content
 - Shipments to Puerto Rico
 - New license codes
 - Sch B updates



International Trade Call Center (800-549-0595)



Automated Export System

Option 1

askaes@census.gov

Classification Assistance

Option 2

Eid.scheduleb@census.gov

Trade Regulations Branch

Option 3

emd.askregs@census.gov

Data Dissemination

Option 4

Eid.international.trade.data@census.gov

Outreach

Option 5

emd.outreach@census.gov



Bureau of Industry and Security

NCBFAA 2022 Annual Conference

Brian Rothblatt | Export Specialist

May 4, 2022

Topics of Discussion

- Fact Patterns
- Response to Russia/Belarus sanctions – Part 746.8
- End-User Screening – Part 744
- Managing changes in the EAR
- AES edit for C33 (No License Required) Part 758 and 732.5



the Export Control Classification Number (ECCN)

Categories

0	Nuclear & Miscellaneous
1	Materials, Chemicals, Microorganisms, & Toxins
2	Materials Processing
3	Electronics
4	Computers
5	Telecommunications & Information Security
6	Sensors & Lasers
7	Navigation & Avionics
8	Marine
9	Aerospace & Propulsion

9 **A** **619**

Specific
Entries

Product Groups

A	Systems, Equipment, & Components
B	Test, Inspection, & Production Equipment
C	Materials
D	Software
E	Technology



What is the Fact Pattern?

Does the USPPPI Need a License?

What is it?

Where is it going?

Who will receive it?

What is the end use?



Russia & Belarus Sanctions

In response to the Russian Federation's invasion of Ukraine, the Bureau of Industry and Security has issued two final rules. The actions taken by BIS build on existing restrictions in place on Russia since its occupation of Crimea in 2014 and for other purposes.

- February 24, 2022: Russia Sanctions Rule (Implemented day of invasion): Part 746.8
- March 2, 2022: Belarus Sanctions Rule: Part 746.8
- March 11, 2022: “Luxury Goods” restrictions – 746.10 and Supplement # 5 to part 746



How to Find the Russia/Belarus Sanctions www.bis.doc.gov



The screenshot shows the official website of the Bureau of Industry and Security (BIS), U.S. Department of Commerce. The header features the BIS logo and the tagline "Where Industry and Security Intersect". A search bar is located in the top right corner. The main navigation menu includes links to Home, About BIS, Regulations, Licensing, Enforcement, Compliance & Training, Policy Guidance, Add'l Programs, Reform, and Data. The "Regulations" menu is expanded, showing a list of options: Export Administration Regulations (EAR), Commerce Control List (CCL), Commerce Control List Index, Commerce Country Chart, Search the EAR, Federal Register Notices, GPO's EAR: e-CFR, Order a hard copy of the EAR, and Proposed Rule Public Comments. A yellow arrow points to the "Export Administration Regulations (EAR)" option. Below the navigation menu, there are several news items and a "Would you like to..." section. The "Would you like to..." section includes a dropdown menu with "Speak to an Export Counselor" and an "ENTER" button. The "In The News" section features a "BIS Newsroom" link. The "Consolidated Screening List" section includes a link to "The following list may be relevant to your export or reexport transaction".

Bureau of Industry and Security
U.S. Department of Commerce
Where Industry and Security Intersect

Search...

Home About BIS Regulations Licensing Enforcement Compliance & Training Policy Guidance Add'l Programs Reform Data

Export Administration Regulations (EAR)

Commerce Control List (CCL)

Commerce Control List Index

Commerce Country Chart

Search the EAR

Federal Register Notices

GPO's EAR: e-CFR

Order a hard copy of the EAR

Proposed Rule Public Comments

On December 8th, the Regulations and Procedures Technical Advisory Committee (RPTAC) will hold an open discussion of the proposed export control list entries for "intrusion software"

Three Chinese Nationals Arrested for Scheme to Steal and Illegally Export Military-Grade Semiconductors

On December 8th, the Regulations and Procedures Technical Advisory Committee (RPTAC) will hold an open discussion of the proposed export control list entries for "intrusion software"

California Company Fined \$1.5 million for Illegal Exports to Iran, Syria and Sudan

Would you like to...

Select from the list below:

Speak to an Export Counselor

ENTER


In The News

BIS Newsroom

Consolidated Screening List

The following list may be relevant to your export or reexport transaction





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Where Industry and Security Intersect

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Regulations

Regulations
Export Administration Regulations (EAR)
Commerce Control List (CCL)
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Commerce Country Chart
Search the EAR
Federal Register Notices
e-CFR
Order a Hard Copy of the EAR
CCL on the e-CFR

Regulations Links
Advisory Opinions
Federal Register (FR)
Tomorrow's FR
FR and CFR Archive
State Regs (ITAR)
Census Regs (FTR)
Public Comments

These are the unofficial electronic EAR files created by BIS. The legally official text of the EAR is provided via the Federal Register publications. Incorporation of revisions pursuant to Federal Register regulatory publications are completed by BIS within 72 hours to the best of our abilities. While we strive for perfection, we do make mistakes from time to time. You may email any errors that you find to RPD2@bis.doc.gov.

If formatting/editorial changes have been made to a file, the modified date will reflect that the file has been updated, but the footer date will only be changed when a regulatory change has been made to the file.

Title	Date Last Modified
Table of Contents for the EAR	2022-03-07
Commerce Control List Index	2022-03-07
CCL Categories 0-9	2021-12-06
Category 0 - Nuclear Materials Facilities & Equipment [and Miscellaneous Items]	2022-02-03
Category 1 - Materials Chemicals Microorganisms and Toxins	2021-12-06
Category 2 - Materials Processing	2021-10-05
Category 3 - Electronics Design Development and Production	2021-03-29
Category 4 - Computers	2022-03-07
Category 5 Part 1 - Telecommunications	2022-03-07
Category 5 Part 2 - Information Security	2022-03-07
Category 6 - Sensors and Lasers	2021-03-29
Category 7 - Navigation and Avionics	2021-10-05
Category 8 - Marine	2020-09-11
Category 9 - Aerospace and Propulsion	2021-03-29
Legal Authority for the Export Administration Regulations (PDF)	2020-02-04
Part 730 - General Information	2021-03-16
Part 732 - Steps for Using the EAR	2021-10-05
Part 734 - Scope of the Export Administration Regulations	2022-04-08
Part 736 - General Prohibitions	2022-03-02
Part 738 - Commerce Control List Overview and the Country Chart	2021-10-05
Supplement No. 1 to Part 738 - Commerce Country Chart	2022-04-08
Part 740 - License Exceptions	2022-03-07
Supplement No. 1 to Part 740 - Country Groups	2022-03-02
Part 742 - Control Policy -- CCL Based Controls	2022-03-02
Part 743 - Special Reporting Requirements	2021-09-20
Part 744 - Control Policy: End-User and End-Use Based	2022-03-03
Supplement No. 4 to Part 744 - Entity List	2022-04-11
Supplement No. 6 to Part 744 - Unverified List	2022-02-08
Supplement No. 7 to Part 744 - 'Military End User' (MEU) List	2022-02-24
Part 745 - Chemical Weapons Convention Requirements	2021-01-07
Part 746 - Embargoes and Other Special Controls	2022-04-08
Part 748 - Application Classification Advisory and License	2021-10-05
Supplement No. 7 to Part 748 - VEU List	2020-06-17
Part 750 - Application Processing Issuance and/or Denial	2021-10-05
Part 752 - [RESERVED]	2015-09-25
Part 754 - Short Supply Controls	2016-05-12
Part 756 - Appeals	2020-12-23
Part 758 - Export Clearance Requirements	2021-09-20
Part 760 - Restrictive Trade Practices or Boycotts	2021-06-09
Part 762 - Recordkeeping	2020-11-18
Part 764 - Enforcement and Protective Measures	2020-11-18
Part 766 - Administrative Enforcement Proceedings	2020-11-18
Part 768 - Foreign Availability Determination Procedures and Criteria	2012-03-12
Part 770 - Interpretations	2021-10-05
Part 772 - Definitions of Terms	2022-03-07
Part 774 - The Commerce Control List	2022-01-06

Electronic EAR Files

- Part 746.8 Sanctions Against Russia & Belarus
- 746.10 'Luxury Goods' Sanctions Against Russia and Belarus
- Supplement # 5 to 746 Luxury Goods that require a License to export

Part 746 Embargoes and Other Special Controls

the CSL

www.bis.doc.gov

The screenshot shows the official website of the Bureau of Industry and Security (BIS), part of the U.S. Department of Commerce. The header includes the BIS logo, the text "Bureau of Industry and Security U.S. Department of Commerce Where Industry and Security Intersect", and a search bar. A navigation menu contains links for Home, About BIS, Regulations, Licensing, Enforcement, Compliance & Training, Policy Guidance, Add'l Programs, and Data. The main content area features a large circular seal of the U.S. Department of Commerce and a prominent banner for a "Notice of Request for Public Comments on Section 232 National Security Investigation of Imports of Titanium Sponge". To the right, there are three smaller news items, each with a BIS logo icon. Below the main banner, there are six interactive boxes: "Would you like to..." with a dropdown menu for "Speak to an Export Counselor" and an "ENTER" button; "New to Exporting?" with a gear icon and text "Information for small and new-to-export companies"; "Consolidated Screening List" (circled in red) with a sigma symbol icon and text "The following list may be relevant to your export or reexport transaction"; "Exporter Portal" with a cube icon and text "Everything you need to know about exporting"; "In The News" with a "BIS News" icon and text "BIS Newsroom"; and "Report Violations" with a shield icon and text "Reporting Possible Violations".

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U.S. Department of Commerce
Where Industry and Security Intersect

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U.S. DEPARTMENT OF COMMERCE • BUREAU OF INDUSTRY AND SECURITY

Notice of Request for Public Comments on Section 232 National Security Investigation of Imports of Titanium Sponge

Notice of Request for Public Comments on Section 232 National Security Investigation of Imports of Titanium Sponge

Request for Public Comments Regarding Review of Commerce Control List for Items Transferred From United States Munitions List Categories I and XV.

Chinese Telecommunications Conglomerate Huawei and Huawei CFO Wanzhou Meng Charged with Financial Fraud

Would you like to...

Select from the list below:
Speak to an Export Counselor ENTER

New to Exporting?

Information for small and new-to-export companies

Consolidated Screening List

The following list may be relevant to your export or reexport transaction

Exporter Portal

Everything you need to know about exporting

In The News

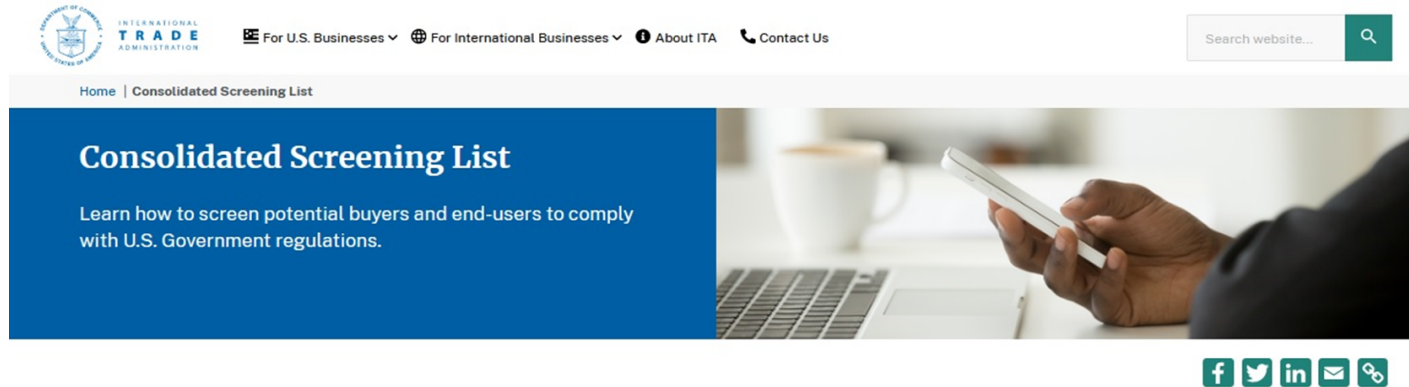
BIS Newsroom

Report Violations

Reporting Possible Violations



https://www.trade.gov/consolidated-screening-list



Use the [Consolidated Screening List Search Engine](#).

The Consolidated Screening List (CSL) is a list of parties for which the United States Government maintains restrictions on certain exports, reexports, or transfers of items. Below, under "Tools" are links to the CSL search engine, downloadable CSL files, and the CSL Application Programming Interface (API), all consisting of the consolidation of multiple export screening lists of the Departments of Commerce, State, and Treasury.

Key Considerations:

- These tools are a consolidation of multiple export screening lists of the Departments of Commerce, State, and the Treasury and may be used as an aid to industry in conducting electronic screens of potential parties to regulated transactions.
- In the event that a company, entity, or person on the list appears to match a party potentially involved in your export transaction, additional due diligence should be conducted before proceeding.
- There may be a strict export prohibition, requirement for seeking a license application, evaluation of the end-use or user to ensure it does not result in an activity prohibited by any U.S. export regulations, or other restriction.
- Prior to taking further action, to ensure full compliance with all of the terms and conditions of the restrictions placed on the parties on this list, the user must check the official publication of restricted parties in the Federal Register. They should also check the official lists of restricted parties maintained on the websites of the Departments of Commerce, State, and the Treasury.



https://www.trade.gov/data-visualization/csl-search



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[Data Visualization](#) [Due Diligence Investigation Services](#)

CSL SEARCH

Search the Consolidated Screening List

Search all [the screening lists](#) at one time by filling in the search boxes below.
If you get too many results, try including more information to the additional fields. If you get too few results, try searching one field at a time.

Keyword

Search for words in the name, alternative names (aliases), title of the entity, and additional remarks regarding the entity.

Name

Search for an entity's name or one of its alternative names.

Fuzzy Name

When set to "off", the spelling of the Name you search for must be correct to get results. When set to "on", the spelling for the Name you search for may be slightly off from the exact spelling. Check the score for each result to determine how close a match it is to the entity's name or its alternative names. A score of 100 is an exact match. Results are returned with the highest scores first.
Fuzzy search filters out the following common words: co, company, corp, corporation, inc, incorporated, limited, ltd, mrs, ms, mr, organization, sa, sas, llc, university, and univ.
For example, 'Water Corporation' returns the same results as 'Water' because 'Corporation' is one of the common words.

Address

Search for the street address, city, province, and postal code of an entity.

Sources

Choose which of the screening lists that you want to search.

Countries

Choose which countries that you want to search. Note, the Nonproliferation Sanctions and ITAR Debarred lists do not include the country with an entity. If you choose to search for entities by country then you will not be searching these two lists.

[Search](#)



Managing Changes to the EAR

The screenshot shows the BIS website interface. A red box highlights the main content area, which includes a large circular seal of the U.S. Department of Commerce and a prominent notice: "Notice of Request for Public Comments on Section 232 National Security Investigation of Imports of Titanium Sponge". To the right of this box, a sidebar lists three additional notices. Below the main content area, several service tiles are visible. A red box highlights the "Exporter Portal" tile, which is described as "Everything you need to know about exporting". Another red box highlights the "Would you like to..." section, which includes a dropdown menu set to "Speak to an Export Counselor" and an "ENTER" button. A red arrow points from the left margin to the "Exporter Portal" box, and another red arrow points from the left margin to the "Would you like to..." section.

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Where Industry and Security Intersect

Search ...

Home About BIS Regulations Licensing Enforcement Compliance & Training Policy Guidance Add'l Programs Data

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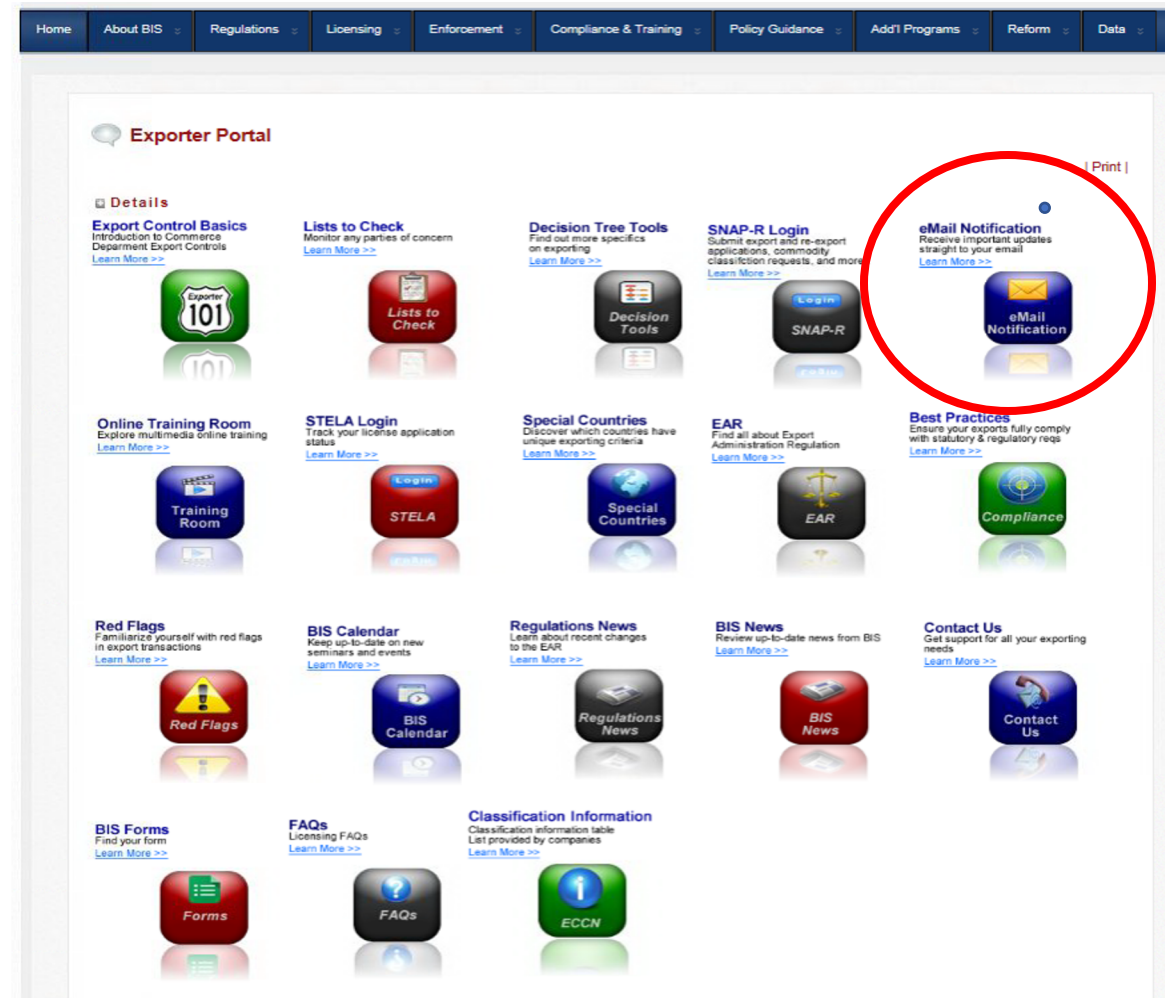
BIS Newsroom

Report Violations

Reporting Possible Violations



Sign up For email Notifications



Required (NLR)

Response Code 66Q: ECCN & COUNTRY OF DEST NOT ALLOWED FOR C33 (NLR)

- On January 13, 2022, BIS and CBP launched a new AES Edit that notifies the exporter of prohibited use of the license type “No License Required (NLR C33)” for certain combinations of Export Control Classification Numbers (ECCN) to Countries of Ultimate Destination based on reasons for control as statement in the Export Administration Regulations (EAR).
- The response message will indicate which specific commodity line the error is occurring. For example: 66Q Commodity Line 4.
- Part 758 of the EAR does not require any ECCN entry in C33 -- so the new 66Q edit does not activate if you leave that field blank. EAR99 or ECCNs controlled for AT reasons only to a destination also will not trigger an error message.
- AES response code 66Q will be triggered by 1 ore more of these 3 reasons:
 - 1) Country of Destination
 - 2) ECCN
 - 3) License Type



Latest News at BIS

Publication Date	Effective Date (if not date of publication)	End of Comment Period	Federal Register Citation	Title of Federal Register
4/14/2022	4/08/2022		87 FR	Expansion of Sanctions Against Russia and Belarus Under the Export Administration Regulations (EAR)
4/12/2022	4/08/2022		87 FR	Additions to the List of Countries Excluded from Certain License Requirements under the Export Administration Regulations (EAR)
4/11/2022			87 FR 21011	Addition of Certain Entities to the Entity List; Correction
4/07/2022	4/01/2022		87 FR 20295	Additions of Entities to the Entity List
3/16/2022	3/11/2022		87 FR 14785	Imposition of Sanctions on 'Luxury Goods' Destined for Russia and Belarus and for Russian and Belarusian Oligarchs and Malign Actors Under the Export Administration Regulations (EAR)
3/10/2022	3/04/2022		87 FR 13627	Addition to the List of Countries Excluded from Certain License Requirements under the Export Administration Regulations (EAR)
3/09/2022	3/03/2022		87 FR 13141	Further Imposition of Sanctions Against Russia with the Addition of Certain Entities to the Entity List
3/08/2022	3/03/2022		87 FR 12856	Expansion of Sanctions Against the Russian Industry Sector Under the Export Administration Regulations (EAR)
3/08/2022	3/02/2022		87 FR 13048	Imposition of Sanctions Against Belarus Under the Export Administration Regulations (EAR)
3/03/2022	2/24/2022		87 FR 12226	Implementation of Sanctions Against Russia Under the Export Administration Regulations (EAR)
2/14/2022			87 FR 8180	Addition of Certain Entities to the Entity List
2/10/2022		3/28/2022	87 FR 7777	Request for Public Comments on the Section 232 Exclusions Process
2/08/2022			87 FR 7037	Revisions to the Unverified List
2/03/2022			87 FR 6022	Foreign-Direct Product Rules: Organization, Clarification, and Correction
1/12/2022			87 FR 1670	Information Security Controls: Cybersecurity Items; Delay of Effective Date
1/6/2022			87 FR 729	Export Control Classification Number 0Y521 Series Supplement—Extension of Controls on an Emerging Technology (Software Specially Designed To Automate the Analysis of Geospatial Imagery Classification)





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