

Table of Contents

Section 1 Overview	1
1.1 Background	1
1.2 Compliance and Enforcement.....	4
1.3 Legislative History	5
1.4 Export Control Reform	6
1.5 Introduction to the EAR.....	16
1.6 Scope	16
1.7 Unilateral Controls and Multilateral Regimes	19
1.8 "Knowledge" Standard	21
1.9 Offices and Agencies Involved in Export Control and Enforcement of Dual-Use Items.....	22
1.10 Burma, China, Russia, Venezuela, Yemen.....	23
1.11 India	25
1.12 Cuba	25
1.13 Sudan.....	27
1.14 Iran.....	27
1.15 Order of Review and Single List.....	27
1.16 Paperwork Reduction	28
ATTACHMENT 1-1 BIS's "Know Your Customer" Guidance and Red Flags	29
ATTACHMENT 1-2 Principal Government Export Control Organizations	33
ATTACHMENT 1-3 Internet Guide to Export Trade Leads	39
ATTACHMENT 1-4 Overlapping Membership Among Export Control Regimes	45
ATTACHMENT 1-5 Non-technical ITAR and EAR Export Control Reform Provisions	47
ATTACHMENT 1-6 CCL Biological Agents Also on USML.....	69
ATTACHMENT 1-7 [Reserved]	71
ATTACHMENT 1-8 EAR99 Items License Required (LR) or No License Required (NLR).....	73
ATTACHMENT 1-9 Prohibited Countries	77

Section 2 Export Licensing Process and Procedures	1
2.1 Introduction	1
2.2 Background	2
2.3 Commerce Control List.....	3
2.4 Commerce Country Chart.....	5
2.5 License Exceptions	6
2.6 Validated End-User.....	10
2.7 Prohibited Parties Database Screening	10
2.8 Proliferation Screening	12
2.9 High-Risk Transaction Screening	14
2.10 Other Restrictions	14
2.11 Background	15
2.12 Import Certificates and End-User Statements	15
2.13 End-Use Statement	17
ATTACHMENT 2-1 Overview of General Prohibitions as Addressed in Part 736.2(b) of the EAR	19
ATTACHMENT 2-2 Overview of Countries in the Commerce Country Chart Columns	21
ATTACHMENT 2-3 Overview of License Exceptions	23
ATTACHMENT 2-4 Combined Country Chart Matrix	31
ATTACHMENT 2-5 Proliferation Screening Determination Matrix	39
ATTACHMENT 2-6 Support Documents Matrix	43

ATTACHMENT 2-7 Government Authorities Issuing Import or End-User Certificates	47
ATTACHMENT 2-8 Sample Walk-Through to Determine Whether a License is Required	53
ATTACHMENT 2-9 ECCN Structure Example: Mass Spectrometers	57
ATTACHMENT 2-10 Decision Tree for Export Transactions.....	59

Section 3 Software, Technology, Encryption, and Computers 1

3.1 Introduction	1
3.2 Software and Technology not subject to the EAR.....	2
3.3 Methods of "Release".....	2
3.4 Foreign Person Definition	3
3.5 License Determination	3
3.6 Support Documents.....	9
3.7 Visits of Foreign Persons	9
3.8 Hiring of Foreign Persons	10
3.9 The Internet	10
3.10 Restrictions on Activities of U.S. Persons.....	11
ATTACHMENT 3-1 Software and Technology ECCNs Eligible under License Exception TSR	13
ATTACHMENT 3-2 Example of a Letter of Assurance for Software for License Exception TSR	15
ATTACHMENT 3-3 Example of a Letter of Assurance for Technology for License Exception TSR	17
ATTACHMENT 3-4 Example of an Importer Statement for License Exception TMP Beta Test Software	19
ATTACHMENT 3-5 Decision Tree for Hiring of Foreign Persons	21
ATTACHMENT 3-6 Encryption License Requirement Matrix	23
ATTACHMENT 3-7 Computers License Requirement Matrix	25

Section 4 Re-export Licensing Process and Procedures 1

4.1 Introduction	1
4.2 License Determination	2
4.3 Support Documents.....	4
4.4 U.S. Content in Foreign-Made Items	5
4.5 Focus: Commodity Manufacturers	6
4.6 U.S. Re-export License Requirement Matrix	8
4.7 Software and Technology <i>De minimis</i> Levels	8
4.8 Manufactured Goods Produced from Technology.....	9
ATTACHMENT 4-1 Overview and Examples of License Exception APR: Additional Permissive Re-exports	11
ATTACHMENT 4-2 Country Group A:1 Wassenaar Participating States.....	15
ATTACHMENT 4-3 Countries Eligible For License Exception APR: For Re-exports from Country Group A:1 Cooperating Countries	17
ATTACHMENT 4-4 Example of U.S. Reexport License Requirement Matrix	19

Section 5 Forms Preparation 1

5.1 Introduction	1
5.2 Preparation of Forms	2
ATTACHMENT 5-1 BIS-748P: Multipurpose Application - Blank Form	3
ATTACHMENT 5-2 BIS-748P: Multipurpose Application Instruction Sheet from Official Form	5

Table of Contents

ATTACHMENT 5-3 BIS-748P -Multipurpose Application - General Preparation Instructions for Exports.....	11
ATTACHMENT 5-4 BIS-748P: Multipurpose Application Example of Completed Form for Exports	19
ATTACHMENT 5-5 BIS-748P -Multipurpose Application -General Preparation Instructions for Re-exports	21
ATTACHMENT 5-6 BIS-748P: Multipurpose Application Example of Completed Form for Re-exports	31
ATTACHMENT 5-7 Unique License Application Requirements*	33
ATTACHMENT 5-8 BIS-748P-A: Item Appendix Blank Form.....	35
ATTACHMENT 5-9 BIS-748P-A: Item Appendix General Preparation Instructions	37
ATTACHMENT 5-10 BIS-748P-A: Item Appendix Example of Completed Form	41
ATTACHMENT 5-11 BIS-748P-B: End-User Appendix Blank Form.....	43
ATTACHMENT 5-12 BIS-748P-B: End-User Appendix General Preparation Instructions	45
ATTACHMENT 5-13 BIS-748P-B: End-User Appendix Example of Completed Form	47
ATTACHMENT 5-14 BIS-711: Statement by Ultimate Consignee and Purchaser Blank Form.....	49
ATTACHMENT 5-15 BIS-711: Statement by Ultimate Consignee and Purchaser Instructions from the EAR (Supplement No. 3 to Part 748)	51
ATTACHMENT 5-16 BIS-711: Statement by Ultimate Consignee and Purchaser General Preparation Instructions	53
ATTACHMENT 5-17 BIS-711: Statement by Ultimate Consignee and Purchaser Example of Completed Form	57
ATTACHMENT 5-18 Letter Format: Statement by Ultimate Consignee and Purchaser Instructions from the EAR (Part 748.11(e))	59
ATTACHMENT 5-19 Letter Format: Statement by Ultimate Consignee and Purchaser General Preparation Instructions	61
ATTACHMENT 5-20 Letter Format: Statement by Ultimate Consignee and Purchaser Example of Completed Letter	65
ATTACHMENT 5-21 BIS-645P: International Import Certificate Blank Form.....	67
ATTACHMENT 5-22 BIS-645P: International Import Certificate Instruction Sheet from Official Form	69
ATTACHMENT 5-23 BIS-645: International Import Certificate General Preparation Instructions	71
ATTACHMENT 5-24 BIS-645P: International Import Certificate Example of Completed Form	75

Section 6 Electronic Licensing 1

6.1 Introduction	1
6.2 Background	1
6.3 System Requirements.....	1
6.4 Applying to Use SNAP-R	1
6.5 Company and Personal Identification Numbers.....	2
6.6 Electronic Submissions.....	3
6.7 Log Requirement.....	3
6.8 Updating	3
6.9 Third Party Submissions	3
ATTACHMENT 6-1 Sample Electronic Submission Letter.....	5
ATTACHMENT 6-2 Sample Third-Party Submission Letter	7
ATTACHMENT 6-3 Sample Power of Attorney Form for Third-Party Submissions	11

Section 7 BIS Processing of License Applications	1
7.1 Introduction	1
7.2 Background	1
7.3 Licensing Policies, Prescreening, Initial Review.....	2
7.4 Enforcement Screening	3
7.5 Interagency Review Process	3
7.6 Escalation Process	4
7.7 Hold Without Action	5
7.8 Rights to an Appeal	5
7.9 Emergency Processing	6
7.10 Delivery Verification	6
7.11 "Replacement" Licenses Requests.....	6
7.12 Keeping Track of Your Application	7
7.13 Advisory Opinions	7
7.14 Classification Requests.....	8
ATTACHMENT 7-1 Where Your Application Will Be Referred.....	9
ATTACHMENT 7-2 Licensing Process Flow Chart	11
ATTACHMENT 7-3 Licensing / Escalation Process Time Chart Calendar Days	13
ATTACHMENT 7-4 Sample Advisory Opinion Letter	15
ATTACHMENT 7-5 BIS-748P: Multipurpose Application General Preparation Instructions for Classification Request.....	17
ATTACHMENT 7-6 BIS-748P: Multipurpose Application Example of Completed Form for Classification Request	21

Section 8 Export Clearance/Documentation	1
8.1 Introduction	1
8.2 A Word to Freight Forwarders	1
8.3 Routed Transactions	2
8.4 Automated Export System.....	4
8.5 AES Exemptions.....	5
8.6 Destination Control Statement	5
8.7 Shipping Tolerances	6
8.8 Customs Clearance.....	6
ATTACHMENT 8-1 Where to Obtain AES Information.....	7
ATTACHMENT 8-2 AES Responsibilities of Parties to an Export Transaction	9
ATTACHMENT 8-3 [RESERVED]	11
ATTACHMENT 8-4 [RESERVED]	13
ATTACHMENT 8-5 [RESERVED]	15
ATTACHMENT 8-6 Certified AES Software / Service Vendors	17
ATTACHMENT 8-7 AES Letter of Intent Form Commodity Data	23
ATTACHMENT 8-8 Customs Answers to AES Frequently Asked Questions.....	29
ATTACHMENT 8-9 Example of a Destination Control Statement	31

Section 9 Recordkeeping and Compliance Issues	1
9.1 Introduction	1
9.2 Background	1
9.3 Maintenance and Inspection of Records.....	2
9.4 Violations of the EAR	3
9.5 Sanctions and Penalties	4
9.6 Compliance with Restrictive Trade Practices or Boycotts Regulations.....	4
9.7 Internal Compliance Programs	5

Table of Contents

ATTACHMENT 9-1 BIS Enforcement Field Offices	7
ATTACHMENT 9-2 Records To Be Retained	9
ATTACHMENT 9-3 Records Exempt From Recordkeeping Requirements	11
ATTACHMENT 9-4 Blank Form BIS-621P: Report of Request for Restrictive Trade Practice or Boycott-Single Transaction	13
ATTACHMENT 9-5 Elements of an Internal Compliance Program	15
ATTACHMENT 9-6 Sample Nuclear End-Use Checklist.....	17
ATTACHMENT 9-7 Sample Missile Technology End-Use Checklist	21
ATTACHMENT 9-8 Sample Chemical/Biological Weapons End-Use Checklist	23
ATTACHMENT 9-9 Sample High-Risk Transaction Checklist	25

Section 10 [RESERVED] 1

Section 11 Pre-Shipment and Post-Shipment Reports 1

11.1 Introduction	1
11.2 Wassenaar Reports.....	1
11.3 High Performance Computers and Thermal Imaging Cameras	2
11.4 Validated End User	3
11.5 Installed Base.....	3
11.6 Encryption Reports	4
11.7 Other Reporting Requirements	4
ATTACHMENT 11-1 [RESERVED]	7
ATTACHMENT 11-2 Sample Wassenaar Report	9
ATTACHMENT 11-3 Sample Encryption Report	11

