



US BIS And OEE Set New Guidelines On Export Enforcement

In the United States, the Bureau of Industry and Security (BIS) oversees export control-related issues and general provisions. In particular, BIS takes care of all dual-use export transaction, that were about 34 million in 2021, and works in a team of 400, split into two offices: Office of Export Enforcement and Office of Export Administration.



After six years, a new Senate-confirmed Assistant Secretary has been selected, and the new guidelines are going to include a planned review of administrative enforcement and the self-disclosure program.

The planned review will have as an objective to disincentivate "no-admission settlements" - that is a provision that makes the parties involved state that they don't admit any wrongdoing by settling into a resolution mechanism, such as arbitration - and to increase accountability for any action against export control provisions. Many of these violations, when they happen, are managed by the internal

dispute resolution mechanism of the OEE, but export violations can lead to civil and criminal penalties involving multiple agencies.

Furthermore, the agency is going to increase its enforcement even on low value exporting goods, with the specific aim to keep US technology out of the "wrong hands".

In light of that, the voluntary self-disclosure process will ease the weight both on companies and on governmental agencies.

The new administration plans to increase the yearly number of self-disclosure processes issued by companies and entities working with export control related goods, as self-disclosing is interpreted as an intent to comply with regulations, thus creating a more positive and less costly resolution. In 2021, 400 voluntary self-disclosures were issued, and only 3 had some type of administrative sanction, none of them of criminal relevance.

Source: [Mondaq](#)