Export Controls: A Contemporary History

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Recommended Citation
What are Export Controls?

- Economic sanctions used by countries and international government organizations seeking to punish offending individuals, countries, and transnational organizations for their behavior.
- Examples of these controls include restricting or limiting weapons sales, freezing financial assets, limiting financial transactions, prohibiting sensitive technology transfer from universities, corporations, and government agencies to targeted individuals, countries, and transnational organizations.
- Restricting individuals (e.g. foreign nationals from sensitive countries) who can work with sensitive technologies in universities, corporations, and government agencies and have access to information about these technologies.
U.S. Govt. Agencies Administering Export Controls

Commerce Dept.
Defense Dept.
Energy Dept.
Homeland Security Dept.
Justice Dept.
National Security Council
State Dept.
Treasury Dept.
Congressional Oversight Committees for these agencies
Other participating actors
International government organizations e.g. Australia Group, Chemical Weapons Convention, Container Security Initiative, European Union, International Atomic Energy Agency, Missile Technology Control Regime, Nuclear Suppliers Group, Proliferation Security Initiative
Nongovernment Organizations (NGOs) e.g. Research universities (Purdue has export control officer, export oriented companies in aerospace, defense, science, and technology and their professional associations

U.S. Export Control Targets: Al Qaida, Iran, Syria, China, North Korea, Islamic hawala financial transfers, Iranian energy sector, arms dealers, weapons smugglers, central banks
Historic U.S. Export Controls

Trading With the Enemy Act (1917)-Intended to restrict supplying military and civilian products to Central Power combatants; Enforced by War Trade Board in Treasury Dept.; enforcement authority would be transferred to the State Dept. in 1919; Over subsequent decades many federal agencies would assume various export control authorities creating bureaucratic dysfunctionality which is a key them of this work.
U.S. Export Controls Legal & Legislative History

1949 Export Control Act-Gave U.S. Govt. legal authority to restrict exports to the Soviet bloc.

Early 1950s-Coordinating Committee (COCOM) established multilateral organization consisting of most NATO members and Japan; sought to restrict export of sensitive technologies to Soviet bloc; lasted till 1994; periodically could produce tensions between U.S. and allies.
U.S. Export Controls Legal & Legislative History

1954 Mutual Security Act - Sought to regularize U.S. military assistance objectives e.g. promoting national security interests; preventing WMD proliferation; reducing conventional arms sales;

1961 Foreign Assistance Act - initiated Cuban Trade embargo which remains in effect;

1976 Arms Export Control Act (AECA) - sought to regularize commercial arms sales and increase U.S. leverage over weapons recipients

1977 International Emergency Economic Powers Act (IEEPA) - grants presidential authority for restricting various economic transactions due to national security reasons; MAJOR foundation of much U.S. export control policy due to failure to reauthorize the 1979 Export Administration Act (EAA) giving the President the authority to control exports for reasons of national security, foreign policy, and/or short supply

1977 Foreign Corrupt Practices Act - Prohibits U.S. companies to corruptly use mails etc. to fund or solicit business with foreign countries
1996 Antiterrorism & Effective Death Penalty Act-seeks to prevent individuals within the U.S. or subject to U.S. jurisdiction from funding terrorism; recent legislation and executive orders (i.e. 2001 USA Patriot Act) have focused on preventing funding of terrorists, targeted specific individuals, organizations (Taliban); and states: Iran, North Korea, Syria
CONTINUATION OF THE NATIONAL EMERGENCY
WITH RESPECT TO IRAN

MESSAGE
FROM
THE PRESIDENT OF THE UNITED STATES

TRANSMITTING
NOTIFICATION THAT THE NATIONAL EMERGENCY WITH RESPECT TO IRAN ORIGINALLY DECLARED ON NOVEMBER 14, 1979, BY EXECUTIVE ORDER 12170, IS TO CONTINUE IN EFFECT BEYOND NOVEMBER 14, 2013, PURSUANT TO 50 U.S.C. 1622(d)
Commerce Dept. & Export Controls-Administered by Bureau of Industry & Security (BIS)
BIS Responsible for Export Licensing. Administers Commerce Control List (CCL) listing military and financial instruments subject to export control restrictions 15 CFR 774.
Export Control Classification Number (ECCN)

1C351 Human and zoonotic pathogens and "toxins", as follows (see List of Items Controlled).

License Requirements

Reason for Control: CB, CW, AT

<table>
<thead>
<tr>
<th>Control(s)</th>
<th>Country chart</th>
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<tbody>
<tr>
<td>GB</td>
<td>CB Column 1</td>
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</table>

CW applies to 1C351.d.11 and d.12 and a license is required for CW reasons for all destinations, including Canada, as follows: CW applies to 1C351.d.11 for ricin in the form of (1) Ricinus Communis Agglutinin \(_{R}(RCA_{2})\), also known as ricin D or Ricinus Communis Lectin \(_{R}(RCL_{R})\), and (2) Ricinus Communis Lectin \(_{M}(RCL_{M})\), also known as ricin E. CW applies to 1C351.d.12 for saxitoxin identified by C.A.S. #35528-89-8. See §742.18 of the EAR for licensing information pertaining to chemicals subject to restriction pursuant to the Chemical Weapons Convention (CWC).

Related Definitions:

1. For the purposes of this entry “immunotoxin” is defined as an antibody-toxin conjugate intended to destroy specific target cells (e.g., tumor cells) that bear antigens homologous to the antibody.

2. For the purposes of this

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Unit: $ value.

Related Controls:
(1) Certain forms of ricin and saxitoxin in 1C351.d.11, and d.12 are CWC Schedule 1 chemicals (see §742.18 of the EAR). The U.S. Government must provide advance notification and annual reports to the OPCW of all exports of Schedule 1 chemicals. See §745.1 of the EAR for notification procedures. See 22 CFR part 121, Category XIV and §121.7 for additional CWC Schedule 1 chemicals controlled by the Department of State. (2) The Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, and the Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services, maintain controls on the possession, use, and transfer within the United States of certain items controlled by this ECCN (for APHIS, see 7 CFR 331.3(b), 9 CFR 121.3(b), and 9 CFR 121.4(b); for CDC, see 42 CFR 73.3(b) and 42 CFR 73.4(b)).
BIS also Administers Export Administration Regulations (EAR) covering dual use items with military and civilian technologies 15 CFR 730-774
try) to such entities will be reviewed according to the licensing policy set forth on the Entity List.

[70 FR 10867, Mar. 7, 2005, as amended at 74 FR 45992, Sept. 8, 2009]

§ 744.21 Restrictions on certain military end-uses in the People’s Republic of China (PRC).

(a) General prohibition. In addition to the license requirements for items specified on the Commerce Control List (CCL), you may not export, reexport, or transfer any item subject to the EAR listed in Supplement No. 2 to Part 744 to the PRC without a license if, at the time of the export, reexport, or transfer, you know, meaning either:

(1) You have knowledge, as defined in §772.1 of the EAR, that the item is intended, entirely or in part, for a “military end-use,” as defined in paragraph (f) of this section, in the PRC; or

(2) You have been informed by BIS, as described in paragraph (b) of this section, that the item is or may be intended, entirely or in part, for a “military end-use” in the PRC.

(b) Additional prohibition on those informed by BIS. BIS may inform you ei-

(d) License application procedure. When submitting a license application pursuant to this section, you must state in the “additional information” block of the application that “this application is submitted because of the license requirement in §744.21 of the EAR (Restrictions on Certain Military End-uses in the People’s Republic of China).” In addition, either in the additional information block or in an attachment to the application, you must include all known information concerning the military end-use of the item(s). If you submit an attachment with your license application, you must reference the attachment in the “additional information” block of the application.

(e) License review standards. (1) Applications to export, reexport, or transfer items described in paragraph (a) of this section will be reviewed on a case-by-case basis to determine whether the export, reexport, or transfer would make a material contribution to the military capabilities of the PRC and would result in advancing the country’s military activities contrary to the national
Entity List (Features individuals and organizations determined to be acting contrary to U.S. foreign policy an national security interests.)

### Pt. 744, Supp. 4

<table>
<thead>
<tr>
<th>Country</th>
<th>Entity</th>
<th>License requirement</th>
<th>License review policy</th>
<th>Federal Register citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHINA, PEOPLE’S REPUBLIC OF</td>
<td>13 Institute, China Academy of Launch Vehicle Technology (CALT), a.k.a., the following six aliases:</td>
<td>For all items subject to the EAR.</td>
<td>See § 744.3(d) of this part.</td>
<td>66 FR 24265, 5/14/01.</td>
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<tr>
<td></td>
<td>- 13th Institute China Aerospace Times Electronics Corp (CATEC);</td>
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<td>75 FR 78877, 12/17/10.</td>
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<td></td>
<td>- 713 Institute of Beijing;</td>
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<td></td>
<td>- Institute of Control Devices (BICD);</td>
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<td></td>
<td>- Beijing Institute of Aerospace Control Devices (BIACD);</td>
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<td></td>
<td>- Beijing Aerospace Control Instruments Institute; and</td>
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<td></td>
<td>- Design and Manufacture Center of Navigation and Control Device</td>
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<td>33 Institute, a.k.a., the following three aliases:</td>
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<td></td>
<td>- Beijing Automation Control Equipment Institute (BACEI);</td>
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<td></td>
<td>- Beijing Institute of Automatic Control Equipment, China Haoying Electromechanical Technology Academy;</td>
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<td></td>
<td>- No. 33 Research Institute of the Third Academy of China Aerospace Science and Industry Corp (CASIC).</td>
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<td></td>
<td>Yungang, Fengtai District, Beijing;</td>
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<td>35 Institute, a.k.a., the following four aliases:</td>
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<tr>
<td></td>
<td>- Beijing Urumqi Machine Build</td>
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<td></td>
<td>- China Academy of Launch Vehicle Technology (CALT), a.k.a., the following six aliases:</td>
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<tr>
<td></td>
<td>- Beijing Automation Control Equipment Institute (CATEC);</td>
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<tr>
<td></td>
<td>- Beijing Institute of Automatic Control Equipment, China Haoying Electromechanical Technology Academy;</td>
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<td></td>
<td>- No. 33 Research Institute of the Third Academy of China Aerospace Science and Industry Corp (CASIC).</td>
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</tbody>
</table>
Defense Dept. & Export Controls-Agencies involved include Defense Technology Security Administration (DTSA)-most important; Defense Threat Reduction Agency; Defense Institute for Security Assistance Management (DISAM); and Defense Security Cooperation Agency (DSCA)

DTSA reviews proposed export licenses for Commerce and State Depts.
The Defense Technology Security Administration (DTSA) administers the development and implementation of Department of Defense (DoD) technology security policies on international transfers of defense-related goods, services and technologies. It ensures that critical U.S. military technological advantages are preserved, transfers that could prove detrimental to U.S. security interests are controlled and limited, proliferation of weapons of mass destruction and their means of delivery is prevented; diversion of defense-related goods to terrorists is prevented; military interoperability with foreign allies and friends is supported; and the health of the U.S. defense industrial base is assured.

- Review and coordinate 30,000 export licenses annually and other actions related to export of controlled hardware and technology and provide DoD position to the Departments of State or Commerce
- Review Commodity, Jurisdiction Requests, Enforcement Support, Advisory Opinions, Retransfer Requests
- Develop and advocate positions that address U.S. technology security concerns
- Develop and advocate technology security policy recommendations consistent with national military strategy and security cooperation guidance
- Advise key acquisition program managers (e.g., Joint Strike Fighter [JSF], Missile Defense) in preparation of technology release roadmaps for international cooperative programs

**Mission Statement**

- To promote United States national security interests by protecting critical technology while building partnership capacity.

**Strategic Goals**

- Preserve the U.S. defense edge by preventing the proliferation and diversion of technology that could prove detrimental to U.S. national security
- Engage U.S. allies and partners to increase interoperability and protect critical technologies
- Facilitate the health of the U.S. industrial base
- Align and utilize resources to support DTSA’s mission
- Empower people and make DTSA a great place to work

**Quick References**

- Organization Chart
- Strategic Plan
- Security Policy Automation Network (SPAN)
- SpaceLink
- EUSA

**Outreach Program**

- Request a Speaker
- Request a Visit
- Contact DTSA
Defense Technology Security Administration

Director, Defense Technology Security Administration (DTSA)

Deputy Director
DTSA

Military
Assistant

Licensing
Directorate
-- License Reviews
-- Commodity Jurisdictions
-- Voluntary & Directed Disclosures
-- Regulations

Technology
Directorate
-- Aeronautical
-- Electronics
-- Information & Communications
-- Sensors & Lasers
-- Missiles & Space
-- NBC/Land/Naval/Materials/Machine Tools
-- Space Monitoring

Policy
Directorate
-- Regional Policy
-- Negotiations/Liaison
-- Capabilities/Systems
-- Assessments/CFIUS

International
Security
-- National Disclosure Policy
-- Security Surveys
-- Negotiate General Security Agmt
-- Monitor Security Arrangements (FMS/Cooperative Programs & other information exchange agreements
-- NATO Security Policy
-- FN Visits and

Space
Directorate
-- License Monitoring
-- Tech Exchanges
-- Tech Data Reviews

Management
Directorate
-- Personnel
-- Security
-- Logistics
-- Comptroller
-- Info Technology
-- Info Assurance
Customs & Border Protection, Justice Dept. & Energy Dept. CBP enforces export control statutes in the U.S. and in foreign countries through interdicting potential smugglers in foreign countries. Justice Dept. enforces export control statutes through prosecution in U.S. courts with National Security Division being heavily involved.
Energy Dept. export control policymaking covers natural gas and electric power exports; issuing permits for constructing & maintaining electric facilities at international borders; the National Nuclear Security Administration (NNSA) authorizing nuclear energy and technology exports and preventing proliferation of WMD technology; (Nuclear Regulatory Commission (NRC) is also involved); Megaports Initiative collaborates with CBP and foreign counterparts to prevent the export of nuclear and radioactive material in containerized trade to U.S. ports
Megaports Initiative

Published on National Nuclear Security Administration (http://www.nnsa.energy.gov)

Megaports Initiative

The Megaports Initiative works with foreign customs, port authorities, port operators, and/or other relevant entities in partner countries to systematically enhance detection capabilities for special nuclear and other radioactive materials in containerized cargo transiting the global maritime shipping network. In support of this mission, the Megaports Initiative helps partner countries equip major international seaports with radiation detection equipment and alarm communication systems. In addition, the Megaports Initiative provides comprehensive training for foreign personnel, short-term maintenance coverage, and technical support to ensure the long-term sustainment and viability of installed radiation detection systems.

In addition to its international partners, Megaports collaborates with the U.S. Department of Homeland Security’s Customs and Border Protection (CBP) and Domestic Nuclear Detection Office (DNDO), and the U.S. Department of State to counter nuclear and radiological threats to the U.S. and its international partners by installing radiation portal monitors that can be used by CBP officers to scan high-risk U.S.-bound containers.

The goal of the Megaports Initiative is to scan as much container traffic as possible (including imports, exports, and transshipped containers) regardless of destination and with minimal impact to port operations. The Megaports Initiative seeks to equip 100 seaports with radiation detection systems by 2015, scanning approximately 50 percent of global maritime containerized cargo.

Since the start of the Megaports Initiative in fiscal year 2003, NNSA has completed installations at 27 ports to date in: Bahamas, Belgium, Colombia, Dominican Republic, Greece, Honduras (SFI Port), Israel, Jamaica, Malaysia, Mexico, the Netherlands, Oman (SFI Port), Pakistan (SFI Port), Panama, the Philippines, Portugal, Spain, Singapore, South Korea (SFI Port), Sri Lanka, Taiwan, Thailand, and the United Kingdom (SFI Port). Implementation is underway at 16 ports in the following locations: Bangladesh, China, Djibouti, Dubai-United Arab Emirates, Egypt, Japan, Jordan, Kenya, Lebanon, Malaysia, Mexico, Panama, and Spain.

To learn more about the Megaports Initiative, read the Megaports Initiative Brochure.
Mission:

The U.S. Government views the sale, export, and re-transfer of defense articles and defense services as an integral part of safeguarding U.S. national security and furthering U.S. foreign policy objectives. The Directorate of Defense Trade Controls (DDTC), in accordance with 22 U.S.C. 2778a of the Arms Export Control Act (AEDC) and the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120-130), is charged with controlling the export and temporary import of defense articles and defense services covered by the United States Munitions List (USML).
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed amendment to a Technical Assistance Agreement for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Saudi Arabia for the manufacturing of tubes, wings, and forward fuselage assemblies in support of the Saudi Arabia F-15SA Fleet Modernization Program.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

[Signature]

David S. Adams
Assistant Secretary
Key regulations enforced by State U.S. include the U.S. Munitions List (USML) 22 CFR 121 and International Traffic in Arms Regulations (ITAR) 22 CFR 120-130 implementing AECA
§120.36 United Kingdom Implementing Arrangement.

*United Kingdom Implementing Arrangement* means the Implementing Arrangement Pursuant to the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington DC, February 14, 2008, as it may be amended.

[77 FR 16597, Mar. 21, 2012]

§120.37 Foreign ownership and foreign control.

Foreign ownership means more than 50 percent of the outstanding voting securities of the firm are owned by one or more foreign persons (as defined in §120.16). Foreign control means one or more foreign persons have the authority or ability to establish or direct the general policies or day-to-day operations of the firm. Foreign control is presumed to exist where foreign persons own 25 percent or more of the outstanding voting securities unless one U.S. person controls an equal or larger percentage.

[78 FR 45107, July 22, 2013]
Sample USML categories

paragraphs (a) through (e) of this category.

(g) Technical data (as defined in §120.10) and defense services (as defined in §120.9) directly related to the defense articles enumerated in paragraphs (a) through (f) of this category. (See §125.4 for exemptions.) Technical data directly related to the manufacture or production of any defense articles enumerated elsewhere in this category that are designated as Significant Military Equipment (SME) shall itself be designated SME.

CATEGORY VII—TANKS AND MILITARY VEHICLES

*(a) Military type armed or armored vehicles, military railway trains, and vehicles specifically designed or modified to accommodate mountings for arms or other specialized military equipment or fitted with such items.

*(b) Military tanks, combat engineer vehicles, bridge launching vehicles, half-tracks and gun carriers.

(c) Military trucks, trailers, hoists, and skids specifically designed, modified, or equipped to mount or carry weapons of Categories I, II and IV of this section or for carrying and handling the articles in paragraph (a) of Categories III and IV of this section.

*(d) Military recovery vehicles.

*(e) Amphibious vehicles.

CATEGORY VIII—AIRCRAFT AND ASSOCIATED EQUIPMENT

*(a) Aircraft, including but not limited to helicopters, non-explosive balloons, drones, and lighter-than-air aircraft, which are specifically designed, modified, or equipped for military purposes. This includes but is not limited to the following military purposes: Gunnerly, bombing, rocket or missile launching, electronic and other surveillance, reconnaissance, refueling, aerial mapping, military liaison, cargo carrying or dropping, personnel dropping, airborne warning and control, and military training. (See §121.3.)

*(b) Military aircraft engines, except reciprocating engines, specifically designed or modified for the aircraft in paragraph (a) of this category, and all specifically designed military hot section components (i.e., combustion chambers and liners; high pressure turbine blades, vanes, disks and related cooled structure; cooled low pressure turbine blades, vanes, disks and related cooled structure; cooled augmenters; and cooled nozzles) and digital engine controls (e.g., Full Authority Digital Engine Controls (FADEC) and Digital Electronic Engine Controls (DEEC)). However, if such military hot section components and digital engine controls are manufactured to engineering drawings dated on or before January 1, 1970, with no subsequent changes or revisions to such
§ 127.6 Seizure and forfeiture in attempts at illegal exports.

(a) An attempt to export from the United States any defense articles in violation of the provisions of this subchapter constitutes an offense punishable under section 401 of title 22 of the United States Code. Whenever it is known or there is probable cause to believe that any defense article is intended to be or is being or has been exported or removed from the United States in violation of law, such article and any vessel, vehicle or aircraft involved in such attempt is subject to seizure, forfeiture and disposition as provided in section 401 of title 22 of the United States Code.

(b) Similarly, an attempt to violate any of the conditions under which a temporary export or temporary import license was issued pursuant to this subchapter or to violate the requirements of §123.2 of this subchapter also constitutes an offense punishable under section 401 of title 22 of the United States Code, and such article, together with any vessel, vehicle or aircraft involved in any such attempt is subject to seizure, forfeiture, and disposition as provided in section 401 of title 22 of the United States Code.

§ 127.7 Debarment.

(a) Debarment. In implementing §38 of the Arms Export Control Act, the Assistant Secretary of State for Political-Military Affairs may prohibit any person from participating directly or indirectly in the export, reexport and retransfer of defense articles, including subchapter.

(b) Grounds. (1) The basis for a statutory debarment, as described in paragraph (c) of this section, is any conviction for violating the Arms Export Control Act (see §127.3 of this subchapter) or any conspiracy to violate the Arms Export Control Act.

(2) The basis for administrative debarment, described in part 128 of this subchapter, is any violation of 22 U.S.C. 2778 or any rule or regulation issued thereunder when such a violation is of such a character as to provide a reasonable basis for the Director of Defense Trade Controls to believe that the violator cannot be relied upon to comply with the statute or these rules or regulations in the future, and when such violation is established in accordance with part 128 of this subchapter.

(c) Statutory debarment. Section 38(g)(4) of the Arms Export Control Act prohibits the issuance of licenses to persons who have been convicted of violating the U.S. criminal statutes enumerated in §120.27 of this subchapter. Discretionary authority to issue licenses is provided, but only if certain statutory requirements are met. It is the policy of the Department of State not to consider applications for licenses or requests for approvals involving any person who has been convicted of violating the Arms Export Control Act or convicted of conspiracy to violate that Act for a three year period following conviction. Such individuals shall be notified in writing that they are debarred pursuant to this pol-
Treasury Dept. & Export Controls-Primarily carried out by Office of Foreign Assets Control (OFAC)-Focuses on economic & trade sanctions including seizing and freezing financial assets etc.
Specially Designated Nationals (SDN) List enumerates individuals & organizations whose property is blocked due to violating U.S. laws on conducting business with proscribed individuals and organizations.
OFFICE OF FOREIGN ASSETS CONTROL
Specially Designated Nationals and Blocked Persons List
November 26, 2013

ALPHABETICAL LISTING OF SPECIALY DESIGNATED NATIONALS AND BLOCKED PERSONS ("SDN List"): This publication of Treasury's Office of Foreign Assets Control ("OFAC") is designed as a reference tool providing actual notice of actions by OFAC with respect to Specially Designated Nationals and other persons (which term includes both individuals and entities) whose property is blocked, to assist the public in complying with the various sanctions programs administered by OFAC. The latest changes to the SDN List may appear here prior to their publication in the Federal Register, and it is intended that users rely on changes indicated in this document. Such changes reflect official actions of OFAC, and will be reflected as soon as practicable in the Federal Register under the index heading "Foreign Assets Control." New Federal Register notices with regard to Specially Designated Nationals or blocked persons may also appear here.

a.k.a. MOJTAFAE SANATE HAFTOME TIR; a.k.a. SANAYE HAFTOME TIR; a.k.a. SEVENTH OF TIR), Mobarakheh Road Km 45, Isfahan, Iran; P.O. Box 81465-478, Isfahan, Iran; Additional Sanctions Information - Subject to Secondary Sanctions [NPWMD] [IFSR].

7TH OF TIR INDUSTRIES OF ISFAHAN/ESFAHAN (a.k.a. 7TH OF TIR; a.k.a. 7TH OF TIR COMPLEX; a.k.a. 7TH OF TIR INDUSTRIAL COMPLEX; a.k.a. 7TH OF TIR INDUSTRIES; a.k.a. MOJTAFAE SANATE HAFTOME TIR; a.k.a. SANAYE HAFTOME TIR; a.k.a. SEVENTH OF TIR), Mobarakheh Road Km 45, Isfahan, Iran; P.O. Box 81465-478, Isfahan, Iran; Additional Sanctions Information - Subject to Secondary Sanctions [NPWMD] [IFSR].

8TH IMAM INDUSTRIES GROUP (a.k.a. CRUISE MISSILE INDUSTRY GROUP; a.k.a. CRUISE SYSTEMS INDUSTRY GROUP; a.k.a. NAVAL DEFENCE MISSILE INDUSTRY GROUP; a.k.a. SAMEN AL-AMEMEN INDUSTRIES GROUP), Tehran, Iran; Additional Sanctions Information - Subject to Secondary Sanctions [NPWMD] [IFSR].

III, Blok C 106-107, Pamulang, Tangerang, Indonesia; DOB 17 Aug 1957; alt. DOB 17 Aug 1958; POB Korleko-Lombok Timur, Indonesia; alt. POB Tirpas-Selong Village, East Lombok, Indonesia; nationality Indonesia; National ID No. 3603251708570001 (individual) [SDGT].

AYA LA CASCAJERA S.A. (a.k.a. COMERCIALIZADORA INTERNACIONAL ASFALTOS Y AGREGADOS LAS CASCAJERA S.A.), Calle 100 No. 8A-48, Trr. B, Oficina 505, Bogota, Colombia; NIT # 900155202-1 (Colombia) [SDNT].

A.A. ABDUSSALAM, Ahmad (a.k.a. 'ABD-AL-SALAM, Hmeid; a.k.a. 'ABD-AL-SALAM, Humayd; a.k.a. ABDUL HADI ABDUL SALAM, Ahmad Abdussalam; a.k.a. ABDUSSALAM, Abdulhadi; a.k.a. ABDUSSALAM, Ahmad; a.k.a. "ABDULHADI"; a.k.a. "HUMAYD"); DOB 30 Dec 1965; Passport 55555 (Libya) (individual) [LIBYA2].

A.I.C. COMPREHENSIVE RESEARCH INSTITUTE (a.k.a. A.I.C. SOGO KENKYUSHO; a.k.a. ALEPH; a.k.a. AUM SHINRIKYO; a.k.a. AUM SHOGON TEMPO (GROUP OF...
SYRIA SANCTIONS PROGRAM

This document is explanatory only and does not have the force of law. Executive Orders 13338, 13386, 13466, 13572, 13573, 13582, 13606, and 13608, applicable laws, and the implementing regulations pertaining to Syria (31 C.F.R. part 587) contain the legally binding provisions governing these sanctions. This document does not supplement or modify the Executive orders, applicable laws, or regulations.
III. PROHIBITED TRANSACTIONS

Current Syria sanctions (1) block the property and interests in property of the Government of Syria pursuant to E.O. 13582, (2) block the property and interests in property of persons listed in an Annex to, or that are determined by the Secretary of the Treasury in consultation with the Secretary of State, to meet the criteria described in, E.O. 13338, E.O. 13399, E.O. 13460, E.O. 13572, E.O. 13573, E.O. 13582, or E.O. 13606, (3) prohibit transactions or dealings with foreign persons that are determined by the Secretary of the Treasury, in consultation with the Secretary of State, to meet the criteria described in E.O. 13608, and (4) prohibit certain transactions with respect to Syria pursuant to E.O. 13582.

Under E.O. 13582, all property and interests in property of the Government of Syria, which includes its agencies, instrumentalities, and controlled entities, which are in the United States or within the possession or control of U.S. persons, are blocked.

E.O. 13582 also prohibits the following:

- New investment in Syria by a U.S. person, wherever located;
- The direct or indirect exportation, reexportation, sale, or supply of any services to Syria from the United States or by a U.S. person, wherever located;
- The importation into the United States of petroleum or petroleum products of Syrian origin;
- Any transaction or dealing by a U.S. person, wherever located, in or related to petroleum or petroleum products of Syrian origin; and
- Any approval, financing, facilitation, or guarantee by a U.S. person, wherever located, of a transaction by a foreign person where the transaction by that foreign person would be prohibited if performed by a U.S. person or within the United States.

The names of persons listed in an Annex or designated pursuant to E.O. 13338, E.O. 13399, E.O. 13460, E.O. 13572, E.O. 13573, or E.O. 13582, whose property and interests in property are therefore blocked, are published in the Federal Register and incorporated into OFAC’s Specially Designated Nationals and Blocked Persons List (“SDN List”) with the identifier “[SYRIA].” The names of persons listed in an Annex or designated pursuant to E.O. 13606, whose property and interests in property are therefore blocked, are published in the Federal Register and incorporated into OFAC’s SDN List with the identifier “[HRIT-SY].” The names of foreign persons identified pursuant to E.O. 13608 are published in the Federal Register and incorporated into OFAC’s SDN List with the identifier “[FSE-SY].” The SDN List is available through the following page on OFAC’s Web site: www.treasury.gov/sdn.
Congress & Export Controls
Most congressional committees can get involved in this process including those dealing with international trade, foreign affairs, international economics, homeland security, military affairs, intelligence, and criminal justice. Members of Congress also lobbied for favorable treatment by export oriented companies, universities with significant international technology transfer activities and international student populations etc. Congress also gets involved when export control contentiousness involving allied countries occurs.
March 5, 2013 House Foreign Affairs Committee hearing on North Korean Government criminal financing activities
Nongovernment Organizations (NGOs) and export controls

Export oriented business lobby Congress and use regulations.gov to provide feedback on proposed federal regulations; farm organization lobbying against the 1980 Carter Administration embargo on the former Soviet Union for invading Afghanistan was repealed by Reagan Administration; academic institutions often critical of various U.S. export control regulations involving sharing of sensitive information and technology with individuals from countries such as China; in 2008 a U. Tennessee-Knoxville Electric Engineering Prof. convicted of 18 Arms Export Control Act violations for employing Chinese and Iranian students to help with plasma research on an Air Force project stipulating NO foreign nationals could be employed (sentenced to 4 yrs. Imprisonment); Purdue and other research universities have export control officials who criticize relevant agencies for not being transparent and providing timely answers to questions.
International Government Organizations and Export Controls

Seek to prevent spread of conventional weapons and technologies and weapons of mass destruction e.g. Biological and Toxin Weapons Convention; Container Security Initiative, International Atomic Security Agency; Missile Technology Control Regime, Proliferation Security Initiative; UN Small Arms Treaty; These organizations can have achieve modest success and mean well but have limited global authority and effectiveness and have failed to prevent countries like Iran and North Korea from obtaining lethal weapons. Enforcement is a big problems due to divergent national interests.
Missile Technology Control Regime

The Missile Technology Control Regime is an informal and voluntary association of countries which share the goals of non-proliferation of unmanned delivery systems capable of delivering weapons of mass destruction, and which seek to coordinate national export licensing efforts aimed at preventing their proliferation. The MTCA was originally established in 1987 by Canada, France, Germany, Italy, Japan, the United Kingdom and the United States. Since that time, the number of MTCA partners has increased to a total of thirty-four countries, all of which have equal standing within the Regime.

The MTCA was initiated partly in response to the increasing proliferation of weapons of mass destruction (WMD), i.e., nuclear, chemical and biological weapons. The risk of proliferation of WMD is well recognized as a threat to international peace and security, including by the UN Security Council in its Summit Meeting Declaration of January 31, 1992. While concern has traditionally focused on state proliferators, after the tragic events of 11 September 2001, it became evident that more also has to be done to decrease the risk of WMD delivery systems falling into the hands of terrorist groups and individuals. One way to counter this threat is to maintain vigilance over the transfer of missile equipment, material, and related technologies usable for systems capable of delivering WMD.

The MTCA rests on adherence to common export policy guidelines (the MTCA Guidelines) applied to an integral common list of controlled items (the MTCA Equipment, Software and Technology Annex). All MTCA decisions are taken by consensus, and MTCA partners regularly exchange information about relevant national export licensing issues.

National export licensing measures on these technologies make the task of countries seeking to achieve capability to acquire and produce unmanned means of WMD delivery much more difficult. As a result, many countries, including all MTCA partners, have chosen voluntarily to introduce export licensing measures on rocket and other unmanned air vehicle delivery systems or related equipment, material and technology.

The current Chairman of the Regime is Ambassador Jörg Ranau of Germany.

The Frequently Asked Questions (FAQ) page provides additional information about the MTCA.
Conclusions & Recommendations

U.S. Govt. agencies have had both success and failure in enforcing export control laws.

Current U.S. Govt. export controls are too widely dispersed and the bureaucratic structure is dysfunctional to be effective; aren’t adaptable to emerging sci/tech and international security trends.

Export controls are most effective when there is national and international will to enforce them and WHEN sanctioning countries have near total control over targeted countries, individuals, or transnational organizations.

Those targeted by export controls will seek to exploit western idealism, selfishness, the desire for commercial gain, and mirror imaging rhetoric to try to evade and violate export controls.

Commerce Dept. should be removed from export control policymaking—it’s focused on promoting international trade.
Conclusions & Recommendations

A single U.S. Govt. export control council should be created with representation from existing agencies to represent the President with the National Security Council resolving disputes.

A single select congressional committee (represented by members from existing export control oversight committees) should be created.

Export controls should be strongest on WMD component parts and items of acute national security import e.g. cybersecurity, precision guided munitions, space launch vehicles, infrastructure security etc.

These controls should emphasize emerging national security threat regions e.g. China, Iran, North Korea, Syria, Pakistan/Afghanistan, Russia, Gulf of Yemen;

Tougher penalties against violators-U.S. academic institutions need to place emphasis on protecting national security and intellectual property instead of idealistic ally exchanging sci/tech information.
Conclusions & Recommendations

Topic ripe for interdisciplinary research covering economics, political science, international relations, military policy, political lobbying, criminal justice, U.S. and international law etc. Covers multiple government sources, trade literature, scholarly analysis.

Involves the intersection of Die Primat der Aussenpolitik (primacy of foreign policy) coined by German historian Leopold von Ranke (1795-1886) and Die Primat der Innenpolitik (primacy of domestic politics) coined by many scholars in discussing international economic and security relations.

Export controls will be used as long as countries are unable/unwilling to take covert or overt military action against offenders they see as threatening national interests & international security & stability.
Questions?