



U.S. DEPARTMENT OF COMMERCE | **Bureau of Industry and Security**

**Fiscal Year 2021
Congressional Budget Submission**

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**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Budget Estimates, Fiscal Year 2021
President’s Budget & Congressional Budget Submission
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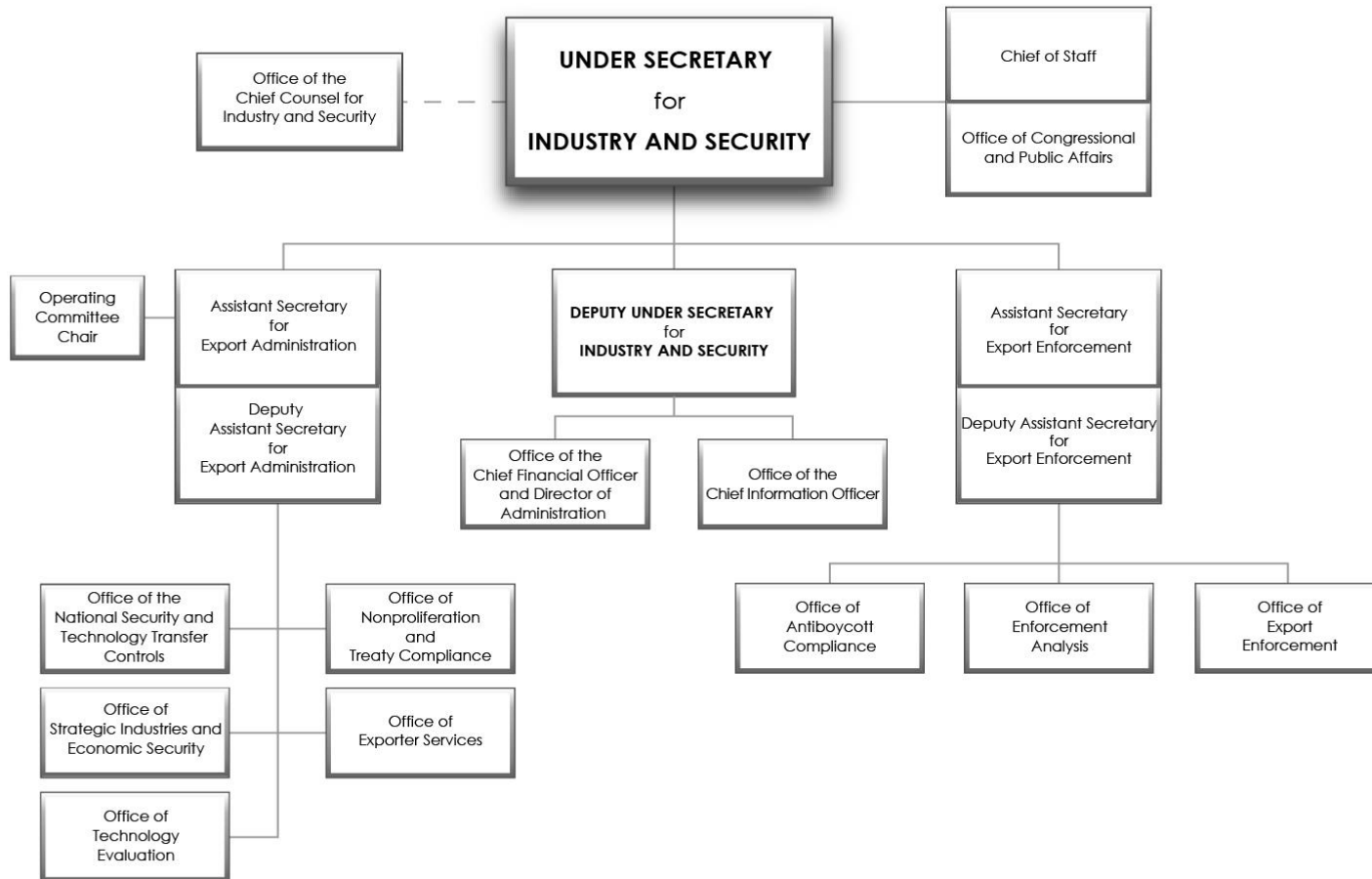
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Organization Chart



BUREAU OF INDUSTRY AND SECURITY

U.S. Department of Commerce



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Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Budget Estimates, Fiscal Year 2021
Executive Summary

The Bureau of Industry and Security (BIS) accomplishes its mission of advancing U.S. national security, foreign policy, and economic objectives by ensuring an effective export control and treaty compliance system, and by promoting continued U.S. strategic technological leadership. Our efforts include ongoing identification of sensitive items, including emerging and foundational technologies for control, maintaining robust enforcement of controls, ensuring that U.S. and foreign businesses understand and comply with the Export Administration Regulations (EAR) through ongoing education, and building consensus among international partners to protect U.S. national security.

BIS recognizes that advancements in technology and the interconnectedness of economies make our national security challenges more complex than ever before. In today's global environment, integrated markets have enabled foreign adversaries to exploit trade relationships to undermine U.S. national security. Our adversaries are attempting to increase illicit procurement of items to build weapons of mass destruction, advance destabilizing military modernization goals, support terrorist activities, and oppress millions of citizens. BIS works to strengthen export controls on countries and entities within those countries of national security and foreign policy concern to address existing and emerging security threats.

Therefore, BIS requests an FY 2021 appropriation for discretionary spending totaling \$137.664 million and 448 positions to meet its mission goals of advancing U.S. national security, foreign policy, and economic objectives. The 2021 request represents a \$10.012 million increase over the FY 2020 President's Budget Request, an increase of 8 percent.

Supporting the Presidential, Secretarial, and Administration priorities and Export Control Reform Act of 2018 (ECRA) implementation to advance national security and overall economic competitiveness and enhance overall export compliance efforts. BIS requests five positions and \$1.046 million in FY 2021, to continue our efforts to identify and review emerging and foundational technologies (as directed in ECRA Sec. 1758), and exercise jurisdiction over new sub-sets of technologies.

Furthermore, the Administration has prioritized strategies to combat China's destabilizing actions, including national security threats and acquisition of emerging technology and satellite technology security to support its destabilizing military modernization efforts via the "Made in China 2025" and civil-military integration strategies. To align BIS's enforcement mission with the Department of Justice's "China Initiative" and address this whole-of-China government effort, BIS requests eight positions and \$2.642 million for new analytical and law enforcement tools, analysts, and agents to protect U.S. technology from misappropriation and punish violators that seek to acquire such technology contrary to U.S. national security and foreign policy interests.

In today’s environment of advanced technology, the detection of export control violations and identification of individual and corporate violators has become a compelling factor for the increased need for forensic investigative capabilities. These tools are necessary to conduct successful investigations of foreign firms that have developed procurement systems, as well as organizational structures designed to deceive or reflect falsified information. To combat advancements in technology, BIS requests three positions and \$1.312 million to acquire specialized tools and expertise in forensic analysis for such things as trace evidence, key photographic images, key financial records, relevant phone numbers, and associated names.

Adjustments:

Inflationary Adjustments

The BIS FY 2021 Base includes a total of \$5,443,000 and 5 FTE/ 4 positions to account for the full funding requirement for inflationary adjustments to current programs activities. This includes the estimated 2021 civilian pay raise of 1 percent as well as inflationary increases for labor and non-labor activities, including benefits, service contracts, utilities, field office lease payments, and rent charges from the General Services Administration (GSA).

Technical Transfer:

BIS also requests the following transfers for a net change of \$0 and 0 FTE to the operating unit:

From Office	Subactivity	To Office	Subactivity	Amount
BIS	Operations and Administration	DM	Salaries and Expenses	\$431,000 / 0 FTE / 0 Positions

The Department of Commerce (DOC) is proposing to transfer nine projects and funding out of the Working Capital Fund and the Advances and Reimbursable account to the Departmental Management Salaries and Expense account as part of its annual review to properly align and account programs and costs. This transfer executes the Census Bureau portion of the DOC transfer. For more information regarding the specific projects and funding transfers for the Department of Commerce, please refer to Exhibit 3 of the Departmental Management FY 2021 Congressional Justification Budget.

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Transfer Change Detail by Object Class
(Direct Obligations amounts in thousands)

Activity: Operation and Administration

Subactivity: Transfer to Departmental Management Salaries and Expense Account

Object Class	2020 Enacted	2021 Transfer	2021 Base
11.1 Full-time permanent compensation	50,579	0	50,579
11.3 Other than full-time permanent	108	0	108
11.5 Other personnel compensation	4,342	0	4,342
11.8 Special personnel services payments	0	0	0
11.9 Total personnel compensation	55,029	0	55,029
12 Civilian personnel benefits	22,444	0	22,444
13 Benefits for former personnel	55	0	55
21 Travel and transportation of persons	1,739	0	1,739
22 Transportation of things	150	0	150
23 Rent, communications, and utilities	0	0	0
23.1 Rental payments to GSA	6,833	0	6,833
23.2 Rental Payments to others	0	0	0
23.3 Communications, utilities and misc. charges	1,989	0	1,989
24 Printing and reproduction	135	0	135
25.1 Advisory and assistance services	0	0	0
25.2 Other services from non-Federal sources	8,417	0	8,417
25.3 Other goods and services from Federal sources	26,703	(431)	26,272
25.4 Operation and maintenance of facilities	296	0	296
25.5 Research and development contracts	5	0	5
25.6 Medical care	0	0	0
25.7 Operation and maintenance of equipment	89	0	89

25.8	Subsistence and support of persons	0	0	0
26	Supplies and materials	1,268	0	1,268
31	Equipment	2,500	0	2,500
32	Lands and structures	0	0	0
33	Investments and loans	0	0	0
41	Grants, subsidies and contributions	0	0	0
42	Insurance claims and indemnities	0	0	0
43	Interest and dividends	0	0	0
44	Refunds	0	0	0
99	Total obligations	<u>127,652</u>	<u>(431)</u>	<u>127,221</u>

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
FY 2021 Program Increases / Decreases / Terminations
(Dollar amounts in thousands)
(By Appropriation, Largest to Smallest)

Page No. in CJ	Appropriation	Budget Program	<u>Increases</u> Title of Increase	Positions	Budget Authority
BIS - 37	Operations and Administration	Export Enforcement	Initiatives to Address China & Emerging Technology	8	2,642
BIS - 42	Operations and Administration	Export Enforcement	Enhanced Computer Evidence Program	3	1,312
BIS - 27	Operations and Administration	Export Administration	Enhanced Export Control Compliance	5	1,046
Subtotal, Increases				16	5,000

Decreases

No program changes requested

Terminations

No program changes requested

Department of Commerce
Bureau of Industry and Security
FY 2021 Transfer Summary Table
(Dollar amounts in thousands)
(Grouped by Title of Transfer, Largest to Smallest)

Page No In CJ	Budget Program	Appropriations	Title of Transfer	Positions	Budget Authority
BIS-31	EE	O&A	Transfer to the DM Salaries and Expense Account	0	(212)
BIS-19	EA	O&A	Transfer to the DM Salaries and Expense Account	0	(193)
BIS-15	MPC	O&A	Transfer to the DM Salaries and Expense Account	0	(25)
		Total, Transfers		0	(431)

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Summary of Resource Requirements
(Dollar amounts in thousands)

Page No.		Positions	Personnel	Budget Authority	Direct Obligations
	President's Budget, 2020	448	448	127,652	127,652
	Less: obligations from prior year	0	0	0	0
BIS	2021 Adjustments to Base				
14	Plus: Restoration of recoveries/unobligated balances used to offset 2020 appropriation/non-recurring	0	0	0	0
	Plus: Inflationary adjustments to base	5	4	5,012	5,012
	Less: Estimated recoveries, 2020	0	0	0	0
	2021 Base	453	452	132,664	132,664
	plus: 2021 Program changes	16	12	5,000	5,000
	2021 Estimate	469	464	137,664	137,664

	2019 Actual	2020 Enacted	2021 Base	2021 Estimate	Increase from 2021 Base
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Comparison by: activity/subactivity with totals by activity

			Personnel	Amount	Personnel	Amount	Personnel	Amount	Personnel	Amount	Personnel	Amount
BIS	Management and	Pos./BA	5	5,737	27	6,184	27	7,440	27	7,440	0	0
15	Policy Coordination	FTE/Obl.	8	5,977	27	6,429	27	7,440	27	7,440	0	0
BIS	Export	Pos./BA	175	61,100	198	55,057	203	56,675	208	57,721	5	1,046
19	Administration	FTE/Obl.	172	61,864	198	56,913	202	56,675	206	57,721	4	1,046
BIS	Export	Pos./BA	172	51,213	223	66,411	223	68,549	234	72,503	11	3,954
31	Enforcement	FTE/Obl.	169	51,507	223	68,441	223	68,549	231	72,503	8	3,954
	Total	Pos./BA	352	118,050	448	127,652	453	132,664	469	137,664	16	5,000
		FTE/Obl.	349	119,348	448	131,783	452	132,664	464	137,664	12	5,000
	Adjustments for:											
	Recoveries			(835)		(3,100)						
	Unobligated balance, start of year			(1,494)		(1,031)						
	Unobligated balance transferred											
	Unobligated balance, end of year			1,031								
	Unobligated balance expiring											
	Financing from transfers:											
	Transfer from other accounts (-)											
	Transfer to other accounts (+)											
	Appropriation		118,050	118,050	127,652	127,652	132,664	132,664	137,664	137,664	16	5,000

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Summary of Reimbursable Obligations
(Dollar amounts in thousands)

Comparison by activity:		2019		2020		2021		2021		Increase	
		Actual		Enacted		Base		Estimate		from 2021 Base	
		FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Management and	Pos./BA	0	109	0	109	0	109	0	109	0	0
Policy Coordination	FTE/Obl.	0	0	0	109	0	109	0	109	0	0
Export	Pos./BA	2	2,222	5	2,222	5	2,222	5	2,222	0	0
Administration	FTE/Obl.	2	805	5	2,222	5	2,222	5	2,222	0	0
Export	Pos./BA	0	769	0	769	0	769	0	769	0	0
Enforcement	FTE/Obl.	0	101	0	769	0	769	0	769	0	0
Reimbursable	Pos./BA	2	3,100	5	3,100	5	3,100	5	3,100	0	0
Obligations	FTE/Obl.	2	906	5	3,100	5	3,100	5	3,100	0	0
Adjustments to Obligations											
Recoveries											
Unobligated balance, start of year											
Unobligated balance, rescission											
Unobligated balance, end of year											
Unobligated balance expiring											
Reimbursable Authority		906		3,100		3,100		3,100		0	

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Summary of Financing
(Dollar amounts in thousands)

	2019 Actual	2020 Enacted	2021 Base	2021 Estimate	Increase from 2021 Base
Total Obligations	119,348	134,883	135,764	140,764	5,000
Offsetting collections from:					0
Federal funds	0	(1,250)	(1,250)	(1,250)	0
Trust funds	0	0	0	0	0
Non-Federal sources	0	(1,850)	(1,850)	(1,850)	0
Recoveries	(835)	(3,100)	0	0	0
Unobligated balance, start of year	(1,494)	(1,031)	0	0	0
Unobligated balance transferred	0	0	0	0	0
Unobligated balance, end of year	1,031	0	0	0	0
Unobligated balance expiring	0	0	0	0	0
Budget Authority	118,050	127,652	132,664	137,664	5,000
Financing:					
Transfer from other accounts (-)	0	0	0	0	
Transfer to other accounts (+)	0	0	0	0	
Appropriation	118,050	127,652	132,664	137,664	5,000

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Adjustments to Base
(Dollar amounts in thousands)

	FTE	Amount
Transfer to the Department Management Salaries and Expense Account		(431)
Adjustment		0
Financing		0
Subtotal, Base		(431)
Other Changes:		
FY 2020 Pay raise		1,727
FY 2021 Pay raise		556
Full-year cost in 2021 of positions financed for part-year in 2020	4	657
Award Increase		485
Change in compensable days		(283)
Civil Service Retirement System (CSRS)		(26)
Federal Employees Retirement System (FERS)		909
Thrift Savings Plan		11
Federal Insurance Contribution Act (FICA) - OASDI		48
Health insurance		147
Employees Compensation Fund		(66)
Travel: Per diem		5
Rental payments to GSA		134
Printing and reproduction		2
NARA Storage & Maintenance		(11)
Working Capital Fund		672
Continuous Diagnostics and Mitigation (CDM)		25
Enterprise Services (ES) Direct Billing		71
General Pricing Level Adjustment		
Transportation of things		4
Communications, utilities, and miscellaneous charges		40
Other Services		285
Supplies and materials		18
Equipment		33
Subtotal, other changes	4	5,443
Total, adjustments to base	4	5,012

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program and Performance: Direct Obligations (MPC)
(Dollar amounts in thousands)

Activity: Management and Policy Coordination

Line Item		2019		2020		2021		2021		Increase	
		Actual		Enacted		Base		Estimate		from 2021 Base	
		Personnel	Amount	Personnel	Amount	Personnel	Amount	Personnel	Amount	Personnel	Amount
Management and	Pos./BA	5	5,737	27	6,184	27	7,440	27	7,440	0	0
Policy Coordination	FTE/Obl.	8	5,977	27	6,429	27	7,440	27	7,440	0	0
Total	Pos./BA	5	5,737	27	6,184	27	7,440	27	7,440	0	0
	FTE/Obl.	8	5,977	27	6,429	27	7,440	27	7,440	0	0

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program and Performance: Reimbursable Obligations (MPC)
(Dollar amounts in thousands)**

Activity: Management and Policy Coordination

Line Item		2019		2020		2021		2021		Increase	
		Actual		Enacted		Base		Estimate		from 2021 Base	
		Personnel	Amount	Personnel	Amount	Personnel	Amount	Personnel	Amount	Personnel	Amount
Management and	Pos./BA	0	109	0	109	0	109	0	109	0	0
Policy Coordination	FTE/Obl.	0	0	0	109	0	109	0	109	0	0
Total	Pos./BA	0	109	0	109	0	109	0	109	0	0
	FTE/Obl.	0	0	0	109	0	109	0	109	0	0

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program and Performance: Justification (MPC)**

Activity: Management Policy and Coordination (MPC)

Goal Statement

Advance U.S. national security, foreign policy, and economic objectives by ensuring an effective export control and treaty compliance system, and promoting continued U.S. strategic technology leadership.

Base Program

Management and Policy Coordination (MPC) funds the Office of the Under Secretary for Industry and Security and supporting offices. MPC officials provide leadership, management, and policy guidance to the Assistant Secretaries in their areas of responsibility, in direct support of BIS priorities, goals, and objectives.

Statement of Operating Objectives

- Collaborate with U.S. government agencies and departments, including the Departments of Defense, State, Homeland Security, and Energy, as well as the National Security Council, and the intelligence community.
- Protect United States national, cyber, economic, and homeland security.
- Enable the United States to maintain its military superiority by promoting a strong, vibrant defense industrial base capable of innovating and developing technologies second to none.
- Partner with the private sector where possible, through public-private partnerships and market-based solutions.

Explanation and Justification

Line Item		2019 Actual		2020 Enacted		2021 Base	
		Personnel	Amount	Personnel	Amount	Personnel	Amount
Management and	Pos./BA	5	5,737	27	6,184	27	7,440
Policy Coordination	FTE/Obl.	8	5,977	27	6,429	27	7,440

MPC supports the Secretary of Commerce as the BIS management body having responsibility to represent the Department in ongoing interagency dialogues with the Departments of Defense, State, Justice, Energy, and Homeland Security, as well as the U.S. Trade Representative, intelligence community, and the National Security Council. Issues we discuss involve national security, nonproliferation, export controls, and strategic industries.

Support includes BIS policy, activity, planning, and subject matter expert (SME) resources to help the Secretary and Department meet their goals and objectives:

- Prepare reports and congressional testimony encompassing BIS activities, policies, plans and objectives; and
- Furnish to Department requested data and expertise in export administration and enforcement, as well as export control violation abatement and industry outreach in pursuit of U.S. global economic progress.

As the BIS management body, MPC responsibilities encompass statutory, regulatory, policy, procedural, and strategic guidance to Bureau programs and operations. While relying on programs for their individual operational expertise, MPC also supports programs and the Department through facilitation of Bureau operations, by managing the instrumentation programs need for their support:

- Establishing the overall BIS policy agenda;
- Coordinating agreement on BIS priorities, bureau goals, unit objectives, and key metrics;
- Evaluating program performance for consistency with priorities, goals, objectives and metrics;
- Furnishing an internal enterprise network to accommodate and help manage BIS data;
- Coordinating BIS funding among programs and engaging the Department, Office of Management and Budget and Congress;
- Assisting the Department with developing funding levels for BIS requirements;
- Performing overall oversight of program operations and expenditures;
- Executing or directly supervising the execution of selected policy initiatives; and
- Adjudicating appeals of licensing and enforcement decisions.

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program and Performance: Direct Obligations (EA)
(Dollar amounts in thousands)**

Activity: Export Administration

Line Item		2019		2020		2021		2021		Increase	
		Actual		Enacted		Base		Estimate		from 2021 Base	
		Personnel	Amount	Personnel	Amount	Personnel	Amount	Personnel	Amount	Personnel	Amount
Export	Pos./BA	175	61,100	198	55,057	203	56,675	208	57,721	5	1,046
Administration	FTE/Obl.	172	61,864	198	56,913	202	56,675	206	57,721	4	1,046
Total	Pos./BA	175	61,100	198	55,057	203	56,675	208	57,721	5	1,046
	FTE/Obl.	172	61,864	198	56,913	202	56,675	206	57,721	4	1,046

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program and Performance: Reimbursable Obligations (EA)
(Dollar amounts in thousands)

Activity: Export Administration

Line Item		2019		2020		2021		2021		Increase	
		Actual		Enacted		Base		Estimate		from 2021 Base	
		Personnel	Amount	Personnel	Amount	Personnel	Amount	Personnel	Amount	Personnel	Amount
Export	Pos./BA	2	2,022	5	2,022	5	2,022	5	2,022	0	0
Administration	FTE/Obl.	2	805	5	2,022	5	2,022	5	2,022	0	0
Total	Pos./BA	2	2,022	5	2,022	5	2,022	5	2,022	0	0
	FTE/Obl.	2	805	5	2,022	5	2,022	5	2,022	0	0

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program and Performance: Justification (EA)**

Activity: Export Administration (EA)

Goal Statement:

Identify and mitigate national security risks associated with the export, reexport, or transfer of commodities, technology and software through Export Administration Regulations (EAR) implementation, advancing U.S. national security and foreign policy interests, and enhancing the overall health and vitality of the U.S. defense industrial base.

Base Program:

Export Administration (EA) develops policies and implements regulations on the international transfer of dual-use and less sensitive military items and technologies to support U.S. national security and foreign policy goals. EA engages stakeholders among the U.S. government and industry on the appropriate level of controls for items with potential for use against the United States by its adversaries. EA participates in four multilateral export control regimes involving transfers of conventional, nuclear, chemical, biological, and missile armaments (arms) and systems, assuring consistent international controls on items of concern. Applications to export, reexport or transfer items subject to BIS regulations are evaluated by highly trained EA engineers and analysts, who process the applications consistent with U.S. national security goals and objectives.

In FY 2019, U.S. companies exported \$6.4 billion of licensed items. Exports made under a BIS license exception totaled \$18.6 billion. These exports helped sustain U.S. production facilities, workforce employment, and expertise.

Statement of Operating Objectives:

- Evaluate and adjudicate license applications, commodity classifications, and advisory opinions to achieve U.S. national security and foreign policy objectives.
- Identify emerging technologies that affect national security and develop policies to limit transfer when contrary to U.S. interests.
- Formulate, and coordinate within the interagency community to implement sanctions in support of U.S. foreign policy and national security objectives.
- Coordinate and cooperate with international partners and developing countries to design export control systems consistent with U.S. national security and foreign policy goals.
- Conduct BIS outreach to companies both domestically and internationally impacted by export controls to increase their knowledge of the EAR and enhance their compliance efforts.

- Engage the academic community to raise its level of awareness of the need to implement effective internal export control compliance programs and use its expertise to identify emerging technology with national security implications.
- Update the EAR to reflect significant legal and policy changes and provide guidance to the exporting community.
- Provide guidance and assistance to exporters on compliance strategies, as well as export management and compliance programs, including site visits to companies.
- Improve EA abilities to use export and license application data and all available public data to analyze complex trade trends and evaluate the effectiveness of BIS regulations.
- Maintain a wide array of highly qualified specialists to ensure decisions are based on current and emerging technical capabilities of industry and trends in the international marketplace.
- Carry out responsibilities related to the industrial compliance provisions of arms control and disarmament treaties (e.g., [Chemical Weapons Convention](#) and [Additional Protocol](#) and represent U.S. industry and security interests in multilateral arms control and disarmament deliberations (e.g., Biological and Toxin Weapons Convention).
- Maintain high levels of support to the interagency Committee on Foreign Investment in the United States (CFIUS) to ensure – through rigorous CFIUS reviews – inward foreign direct investment does not threaten U.S. national security.
- Conduct investigations pursuant to Section 232 of the Trade Expansion Act of 1962 to complete the highest quality evaluations of the effect of imports on U.S. national security and manage the process to grant exclusions from trade actions provided pursuant to Section 232 if articles are determined not to be produced in the United States in a sufficient and reasonably available amount or a satisfactory quality, or based upon specific national security considerations.
- Coordinate with the Department of Defense, Intelligence Community, NASA, Homeland Security and other agencies to measure the health and competitiveness of the U.S. defense and technology industrial base.
- Continue to partner with law enforcement agencies to identify export control violations and support criminal and administrative charges.
- Administer the Defense Priorities and Allocations System (DPAS) used by the Departments of Defense, Energy, and Homeland Security, the General Services Administration, as well as owners and operators of critical infrastructure, to prioritize the performance of contracts to support national defense programs.
- Assess the impact on the U.S. defense industrial base of offsets in defense procurements and prepare an annual report to Congress on offsets in the defense trade.
- Co-chair with the Department of State, the Market Impact Committee, which reviews the Department of Defense’s proposed plans to add or dispose of material from the National Defense Stockpile.

Explanation of and Justification

Line Item		2019		2020		2021	
		Actual		Enacted		Base	
		Personnel	Amount	Personnel	Amount	Personnel	Amount
Export	Pos./BA	175	61,100	198	55,057	203	56,675
Administration	FTE/Obl.	172	61,864	198	56,913	202	56,675

EA will continue in FY 2020 to support the BIS mission and implement the objectives outlined above, as well as other policy objectives and priorities. Estimates of workload are challenging because exports, foreign investment, CFIUS reviews, requests for DPAS actions, Section 232 investigations, and defense industrial base assessment volumes depend on many factors outside of BIS control. Based on all these factors, EA anticipates its workload will continue to grow.

Additional information about these programs may be found at:

- [Mission Statement: https://www.bis.doc.gov/index.php/about-bis/mission-statement.](https://www.bis.doc.gov/index.php/about-bis/mission-statement)
- Organization and Program Offices: [https://www.bis.doc.gov/index.php/about-bis/organization/program-offices.](https://www.bis.doc.gov/index.php/about-bis/organization/program-offices)

EA has multiple programs, the largest of which is the evaluation and adjudication of export license applications. The export license application program provides the U.S. government with a level of assurance that exports, reexports and transfers of items subject to BIS jurisdiction will not be diverted to weapons of mass destruction programs, military programs contrary to U.S. interests, terrorists, regions of instability, or to persons violating human rights. EA analysts and engineers maintain superior expertise in current technologies and market trends, to maintain the knowledge required to efficiently process applications while achieving national security and foreign policy goals.

EA personnel possess the technical qualifications to assess a wide range of leading edge products available in the global marketplace. EA uses data and research to study trends and inform export policy decisions; gauge the effect of the dual-use export control system on U.S. interests; support compliance efforts by identifying noncompliance with the EAR; provide statistical reports to the federal government and external stakeholders to support industry and government relations; and analyze foreign availability of critical products and technologies.

Under Section 232 of the Trade Expansion Act of 1962, as amended, EA conducts comprehensive investigations to determine the effect on the national security of the U.S. of imports of any article. In addition, with BIS-unique and mandatory data collection authority, EA researches, surveys, and assesses the economic health and competitiveness of defense sectors and critical technologies and defense

capabilities and readiness. These assessments provide unique insight into foreign sourcing and dependencies, workforce issues, financial health, competitive challenges and other factors impacting the ability of the U.S. industry to meet national security requirements.

EA coordinates BIS participation in CFIUS by evaluating the export control and defense industrial base equities in transactions that could result in foreign control of a U.S. business, and assesses the national security implications of these transactions. Chaired by Treasury, CFIUS is the interagency committee that conducts national security reviews of mergers, acquisitions or takeovers with potential to result in foreign control of a U.S. business. Should a particular transaction raise national security concerns, CFIUS has the authority to mitigate those national security concerns, or it may recommend the President prohibit or suspend the transaction. The President signed the Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA) into law in August 2018. FIRRMA, which achieves the goals of protecting our national security and preserving our long-standing open investment policy and will be fully implemented in February 2020, will significantly expand the scope of transactions subject to CFIUS's jurisdiction. BIS's engagement in CFIUS is critical to implementing FIRRMA and to ensuring that the Administration's and Congress' objectives of strengthening national security reviews of foreign investment in the United States are achieved.

Significant Accomplishments

Section 232 Investigations and Production Exclusion Process

In FY 2019, BIS issued determinations on approximately 75,000 requests submitted by U.S. parties for exclusion from Section 232 tariffs and quotas on steel and aluminum products. Commerce's review of all exclusion requests, including objections, rebuttals, and surrebuttals, was conducted on a case-by-case basis, taking into account only information that was submitted on the public record by the parties. As part of making continuous improvements to this process, BIS worked closely with industry specialists within Commerce's International Trade Administration. To further ensure that every Section 232 exclusion request was analyzed accurately and efficiently, during FY 2019, the Department developed a customized online portal that has replaced the use of the Federal rulemaking portal for organizations' submittals. Launched on June 13, 2019, the new 232 Exclusions Portal streamlined the exclusion process for external parties and provides greater transparency by the public to more easily view all exclusion request, objection, rebuttal, and surrebuttal documents in one web-based system. With the launch of the 232 Exclusions Portal, the time from submission to posting of an exclusion request is averaging eight days, a 79 percent decrease from the processing time under regulations.gov. An exclusion request that receives no objections on the 232 Exclusions Portal receives a decision within 77 calendar days on average, a 37 percent decrease compared to regulations.gov and continues to improve weekly.

Additional information related to the New 232 Exclusions Portal is located at: <https://www.trade.gov/232/steelalum>.

On April 14, 2019, the Secretary of Commerce submitted a completed Section 232 investigation report on the effect of imports of uranium on the national security to the President. On July 12, 2019, the President announced that he had not chosen to adjust imports under Section 232. Instead, the President directed the formation of a government-wide working group, co-chaired by the National Security Council and National Economic Council to develop recommendations for reviving and expanding domestic nuclear fuel production.

In March 2019, the Secretary of Commerce initiated a Section 232 investigation into the effects of imports of titanium sponge on the national security. This report was submitted to the President on November 29, 2019, and is currently under review.

The Bureau has also experienced an increase in requests for enhanced BIS industrial base surveys and analysis from multiple U.S. government agencies, including the Department of Defense, the National Aeronautics and Space Administration, and the intelligence community to help support informed national defense and technology policy decisions.

Firearms Control Change from United States Munitions List (USML) to Commerce Control List (CCL)

On May 24, 2018, the Department of Commerce published the proposed rule, *Control of Firearms, Guns, Ammunition and Related Articles the President Determines No Longer Warrant Control Under the United States Munitions List (USML)* (83 FR 24166). The Department of State published its proposed rule, *International Traffic in Arms Regulations: U.S. Munitions List Categories I, II, and III* (83 FR 24198), on the same day. The comment periods for both rules closed on July 9, 2018.

The Department of Commerce proposed rule described how articles the President determined no longer warrant control under USML Categories I-III (Category I – Firearms, Close Assault Weapons, and Combat Shotguns; Category II – Guns and Armament; and Category III – Ammunitions and Ordnance) would be controlled on the Commerce Control List (CCL). The Department of State proposed rule would revise Categories I, II, and III of the USML to more precisely describe the articles warranting continued control on that list.

The Departments of Commerce and State reviewed the public comments each received during the comment period and drafted final rules for interagency consideration. On November 7, 2019, OMB completed its review of the Departments of Commerce and State final rules. The Department of State completed the 30-day, statutorily required, Arms Export Control Act (AECA) section 38(f) congressional notification process on December 12, 2019. The final rules were published January 23, 2020.

Educational and Outreach Activities

EA continued to expend resources to inform the regulated community about the regulations, changes to them, and compliance. These outreach activities included BIS seminars, industry group and professional association meetings and seminars, small and medium-sized business conferences, webinars, and meetings with foreign governments. EA also utilizes web-based videos and decision tools to assist exporters. During FY 2019, EA created and posted eight to the agency's website, with the intent of enabling small- and new-to-export firm's access to clear and concise guidance, delivered in an entertaining format. To date, the videos have been viewed over 22,000 times. The decision tools on the BIS website are also very popular, receiving more than 30,000 hits in FY 2019. In addition to outreach with the public, BIS continued to support U.S. Customs and Border Protection (CBP) and other law enforcement agencies around the United States with updated training materials containing information about relevant changes to the EAR. BIS also worked with CBP to implement and announce new requirements for the Automated Export System as additional final rules were published and became effective throughout FY 2019.

Export License Processing

In FY 2019, EA processed 34,207 export license applications. This marked a 3.1 percent decrease from the applications processed in FY 2018. BIS approved 29,327 license applications (85.7 percent), returned 4,561 applications without action (13.3 percent), and denied 319 applications (0.9 percent). BIS's average license application processing time this year was 23 days. This included time for reviews by the Departments of Defense, Energy, and State.

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program Changes For 2021
(Dollar amounts in thousands)

		2021 Base		2021 Estimate		Increase from 2021 Base	
		Personnel	Amount	Personnel	Amount	Personnel	Amount
Export	Pos./BA	204	56,675	209	57,721	5	1,046
Administration	FTE/Obl.	203	56,675	207	57,721	4	1,046

Enhanced Export Control Compliance (+\$1,046, 4 FTE/5 Positions) BIS requests five new positions: one electronic engineer, one general engineer, two statisticians, and one program management specialist, for enhanced export control compliance. These positions will support the Presidential, Secretarial, and Administration priorities of the Export Control Reform Act of 2018 (ECRA) implementation, to advance national security and overall economic competitiveness, and enhance overall export compliance efforts. As BIS continues to identify and review emerging and foundational technologies (as directed in ECRA Sec. 1758), the Bureau will exert jurisdiction over new sub-sets of technologies. The engineers are required to identify and make recommendations on controls needed on new and foundational technologies that are essential to U.S. national security. They will also participate in licensing activities, ongoing multilateral export control regime efforts, and interagency efforts pursuant to existing EAR authorities. The statisticians will apply statistical theories, techniques, and methods to gather, analyze, interpret, and report quantified information. Specifically, they will develop export data reports, identify new data sources, and prepare detailed analyses of collected data. The program management specialist is required to develop a project plan and coordinate all the activities to meet the deadlines imposed as a result of technical advisory and multilateral regimes meetings, comment periods required on proposed rules, and national security priorities imposed by the President.

Evolving and increasingly sophisticated tactics employed by U.S. adversaries to acquire U.S. technology requires BIS continually to review and assess technologies in the marketplace and determine whether otherwise uncontrolled items can make a contribution to an unauthorized military modernization program or weapons of mass destruction (WMD), and thus require an export license. The new positions will also provide more efficient responses to Export Enforcement classifications related to detentions, seizures, or license determinations necessary to take administrative or enforcement actions, thereby further enhancing U.S. national security.

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program Change Personnel Detail**

Activity: Export Administration
Program Change: Enhanced Export Control Compliance

<u>Title</u>	<u>Grade</u>	<u>Number</u>	<u>Annual Salary</u>	<u>Total Salaries</u>
General Engineer	13	1	116,353	116,353
Electronic Engineer	13	1	116,353	116,353
Program Management Specialist (mission support)	13	1	116,353	116,353
Statistician	14	2	137,491	274,982
Total		5	486,550	624,041
Mission Support	3%			18,721
Less lapse	25%	(1)		(160,691)
Total full-time permanent (FTE)		4		482,072
FY 2021 Pay Raise	1%			4,821
Total				486,892

Personnel Data

Full-time Equivalent Employment	
Full-time permanent	4
Other than full-time permanent	0
Total	4
Authorized Positions:	
Full-time permanent	5
Other than full-time permanent	0
Total	5

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program Change Detail by Object Class

Activity: Export Administration

Program Change: Enhanced Export Control Compliance

Object Class	2019 Actual	2020 Enacted	2021 Base	2021 Estimate	Increase from 2021 Base
11.1 Full-time permanent (Compensation)	18,772	23,651	26,426	26,913	487
11.3 Other than full-time permanent	0	6	6	6	0
11.5 Other personnel compensation	638	732	218	218	0
11.8 Special personnel services payments	0	0	1	1	0
11.9 Total personnel compensation	19,410	24,389	26,651	27,138	487
12.1 Civilian personnel benefits	7,393	9,920	8,022	8,158	136
13 Benefits for former personnel	55	52	55	55	0
21 Travel and transportation of persons	626	812	814	816	2
22 Transportation of things	51	66	88	115	27
23 Rent, communications, and utilities					
23.1 Rental payments to GSA	4,571	5,125	5,125	5,195	70
23.2 Rental payments to others	0	0	1	1	0
23.3 Communications, utilities, and miscellaneous charges	1,331	1,377	1,442	1,450	8
24 Printing and reproduction	57	64	65	66	1
25 Other contractual services			0		
25.1 Advisory and assistance services	0	0	0	0	0
25.2 Other services from non-Federal sources	4,947	4,014	4,015	4,016	1
25.3 Other goods and services from Federal sources	21,781	9,067	8,368	8,629	261
25.4 Operation and maintenance of facilities	0	148	148	148	0
25.5 Research and development contracts	0	0	0	0	0
25.6 Medical care	0	0	0	0	0

25.7	Operation & maintenance of equipment	41	41	41	41	0
25.8	Subsistence and support of persons	0	0	0	0	0
26	Supplies and materials	548	607	609	611	2
31	Equipment	1,053	1,231	1,231	1,282	51
32	Lands and structures	0	0	0	0	0
33	Investments and loans	0	0	0	0	0
41	Grants, subsidies and contributions	0	0	0	0	0
42	Insurance claims and indemnities	0	0	0	0	0
43	Interest and dividends	0	0	0	0	0
44	Refunds	0	0	0	0	0
Total Obligations		61,864	56,913	56,675	57,721	1,046

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program and Performance: Direct Obligations (EE)
(Dollar amounts in thousands)

Activity: Export Enforcement

Line Item		2019		2020		2021		2021		Increase	
		Actual		Enacted		Base		Estimate		from 2021 Base	
		Personnel	Amount	Personnel	Amount	Personnel	Amount	Personnel	Amount	Personnel	Amount
Export	Pos./BA	172	51,213	223	66,411	223	68,549	234	72,503	11	3,954
Enforcement	FTE/Obl.	170	51,507	223	68,441	223	68,549	231	72,503	8	3,954
Total	Pos./BA	172	51,213	223	66,411	223	68,549	234	72,503	11	3,954
	FTE/Obl.	170	51,507	223	68,441	223	68,549	231	72,503	8	3,954

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program and Performance: Reimbursable Obligations (EE)
(Dollar amounts in thousands)**

Activity: Export Enforcement

Line Item		2019		2020		2021		2021		Increase	
		Actual		Enacted		Base		Estimate		from FY 2021 Base	
		Personnel	Amount	Personnel	Amount	Personnel	Amount	Personnel	Amount	Personnel	Amount
Export	Pos./BA	0	769	0	769	0	769	0	769	0	0
Enforcement	FTE/Obl.	0	101	0	769	0	769	0	769	0	0
Total	Pos./BA	0	769	0	769	0	769	0	769	0	0
	FTE/Obl.	0	101	0	769	0	769	0	769	0	0

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program and Performance: Justification (EE)**

Activity: Export Enforcement (EE)

Goal Statement

Apply law enforcement and export control expertise to deter exports of sensitive items to embargoed destinations, to illicit end-users, and to prohibited end-uses, and ensure parties involved in U.S. commercial transactions do not engage in prohibited boycott activities.

Base Program

Export Enforcement (EE) enforces export controls identified in the Export Administration Regulations (EAR). These enforcement actions adhere strictly to statutes and regulations resulting from the Export Administration Act (EAA) and its permanent update, the Export Control Reform Act of 2018 (ECRA).

The program enforces foreign policy and supports national security through deliberate activities intended to prevent exports of controlled items, short supplies of critical U.S. national security source materials, and violation of anti-boycott requirements:

- Enforcement works for fair markets for U.S. industry, nonproliferation, anti-terrorism, and compliance with the EAR;
- EE advises U.S. exporters and banks on the substance and application of the EAR;
- Program efforts monitor and analyze trends in boycott activity, pursuing criminal and administrative sanctions for violations;
- Special Agents with law enforcement authority conduct investigations related to violations of U.S. export control laws;
- More broadly, EE Special Agents investigate any criminal activity threatening law abiding exporters with market disadvantage;
- EE protects national security by facilitating secure U.S. exports through ensured exporter compliance with the EAR;
- The program prevents diversion of EAR-controlled items to unauthorized end uses or end users;
- Controlled Items include nuclear, missile, chemical and biological, and other weapons of mass destruction (WMD);
- Prevention and control programs also help to reduce terrorism, human rights abuses, and other U.S. export control violations;
- Through its compliance efforts, EE identifies reliable transaction parties, which increases secure U.S. trade; and
- EE reviews export license applications, helps U.S. exporters screen suspicious inquiries, and secures U.S. trade.

Statement of Operating Objectives

- Continue to identify and investigate vigorously applicable export control statutes, including EAR, violations;
- Prosecute each violator through administrative or criminal procedures, as appropriate.
- Continue to level the playing field for U.S. exporters by actively pursuing export control violators, especially those attempting to “muscle out” exporters who “play by the rules.”
- Partner whenever practicable with federal law enforcement agencies, the Department of Defense (DOD), and the intelligence community to enhance EE ability to enforce export controls by expanding the network of resources and capabilities.

- Collaborate with those agencies to inhibit an ever increasing level of sophistication exerted by criminal networks and unfriendly nation-states seeking to obtain controlled U.S. items illegally.
- Provide to BIS and interagency partners classified and unclassified (all source) information, when making licensing decisions regarding foreign end users and end uses of U.S. controlled items, to determine potential diversion risks.
- Identify non-compliant export transactions with the help of fully automated processes incorporating all source intelligence in the evaluation of foreign parties' export transactions and end uses, including during the licensing process.
- Work with international partners, especially through the Export Control Officer (ECO) program and end use monitoring, to prevent controlled item diversions.
- Expand criminal intelligence capabilities to identify and eliminate domestic and international criminal proliferation networks.
- Continuously update "foreign parties of concern" designations on the Entity List and Unverified List to help industry identify troublesome transactions before the trouble starts.
- Obtain and employ the additional resources necessary to address an ever increasing workload of enforcement actions against those who violate U.S. export controls and the anti-boycott provisions of the EAR.

Explanation and Justification

Line Item		2019		2020		2021	
		Personnel	Amount	Personnel	Amount	Personnel	Amount
Export	Pos./BA	172	51,213	223	66,411	223	68,549
Enforcement	FTE/Obl.	170	51,507	223	68,441	223	68,549

Export Enforcement exercises unique authorities and, with the help of other agencies' complementary resources and manpower, the program conducts complex investigations. A significant percentage of EE actions involve uncontrolled items destined for unauthorized military modernization programs, weapons of mass destruction programs, sanctioned actors, and terrorists.

The tactics of our adversaries to acquire U.S. origin items illicitly have become more sophisticated. Every year, the volume of EAR transactions requiring compliance assessments increases as international trade becomes more interdependent and diverse.

The pressure increases on EE to scrutinize miniscule details of in-country transfers abroad, including direct exports from the United States, and re-exports. The same applies to exports and re-exports of licensed and unlicensed items. Program success depends upon EE confirming whether these items are diverted to end-uses or end-users of national security and foreign policy concern.

Illicit intangible technology procurement efforts require extra scrutiny because they may occur invisibly, both domestically and internationally. This is in addition to EE efforts to thwart illicit tangible exports. Detecting bad actors in these kinds of transfers includes identifying foreign entities in the United States and technology transfers accomplished through foreign investment.

Export Enforcement depends on access to information, close partner collaboration, and, especially, the help of U.S. industry to prevent non-compliant activities. Transfers of items from the U.S. Munitions List (USML) and changes to controls addressing national security threats have helped EE gain access to information. The program is also working to use more efficiently all data available to the U.S. government.

In FY 2021, EE will expand its collaborations with government, international, and private sector partners. The program also expects to enhance its data analytics to identify and prioritize non-compliant activities, alert U.S. companies of suspicious transactions, and execute complex criminal and administrative investigations to enforce the EAR.

Additionally, BIS has built international partnerships with like-minded countries, including Canada, Germany, India, and Japan, as well as trans-shipment hubs, such as Finland, Hong Kong, Malaysia, Singapore, and the United Arab Emirates. Through its Export Control Officer program, EE engages these partnerships to prevent the diversion of U.S. origin items.

The **Office of Export Enforcement (OEE)**, a component of the Export Enforcement program, promotes economic and national security by aggressively investigating violations of the Export Administration Regulations and other laws. Designated OEE agents also have law enforcement authority related to regulations implementing the Chemical Weapons Convention and the U.S. Additional Protocol, as well as the collection and publication of foreign commerce and trade statistics.

To support the investigative process, the **Office of Enforcement Analysis (OEA)** helps U.S. industry identify suspicious inquiries and transaction parties by using all-source intelligence materials available from the intelligence community, and other government sources, such as federal law enforcement. OEA analysts can help administrative and criminal investigations by employing this intelligence to identify individuals and networks suspected of violating the EAR.

OEA furnishes intelligence products to Licensing Officers (LO) to help reliable foreign individuals, companies, and governments, receive and properly handle controlled United States-origin items requiring an export license. The OEA end use verification program, which includes pre-license checks and post shipment verifications, helps identify non-compliant transactions and parties. The program checks often result in investigative leads and enforcement outcomes.

Export Control Officers (ECO) stationed in seven countries often receive temporary augmentation from OEE Special Agents deployed for this assistance. The ECO presence helps build foreign governments' capacities to implement export controls and develop complementary enforcement actions in such locations. They also help educate foreign industry on EAR compliance.

Significant Accomplishments**Rasheed Al Jijakli***Tactical Equipment to Syria*

Rasheed Al Jijakli, a Syrian-born naturalized U.S. citizen, was sentenced December 20, 2018, in U.S. District Court for the Central District of California, to 46 months in prison, two years of supervised release, a \$5,000 criminal fine, and a \$100 special assessment. He pled guilty August 13, 2018 in connection with a conspiracy to export tactical gear illegally to Syria. The equipment includes laser bore sights, rifle scopes, flashlights, and radios. This is a joint investigation among the Office of Export Enforcement, FBI, IRS, and U.S. Immigration and Customs Enforcement.

Gennadiy Boyko*Rifle Optics and Weapons to Russia and Ukraine*

Gennadiy Boyko was sentenced November 28, 2018, in U.S. District Court for the Northern District of Georgia, to 18 months in prison, one year of supervised release, 100 hours of community service, and a \$100 special assessment. He pled guilty December 6, 2017 to conspiring to violate the International Emergency Economic Powers Act and the Arms Export Control Act. Boyko owns SHOPOZZ, Inc., a mail consolidation and forwarding business located in Alpharetta, GA. His business provides a virtual U.S. address for individuals located in Russia and Ukraine. Investigators revealed he used that business illegally to export EAR controlled rifle optics as well as ITAR controlled weapons parts to Russian and Ukrainian entities. Boyko pled guilty to shipping to his home or his business the items ordered from U.S. online vendors, and then repacking them with other innocuous items to be shipped out of the country via the freight forwarder MEEEST-CENTRAL. Boyko was arrested in November 2016 and has been cooperating with the U.S. Government since his arrest. This was a joint investigation among the Office of Export Enforcement, FBI, Customs and Border Protection, and the Defense Criminal Investigative Service.

Kenneth Chait/Tubeman.com*Trigger Spark Gaps to Pakistan*

Kenneth S. Chait received a sentence of 12 months and one day in prison, two years of supervised release, and a \$100 special assessment.

Industrial Equipment to Iran

Michael Sheehan was sentenced to two years' probation, a \$500 criminal fine, and a \$200 special assessment, November 1, 2018. Sheehan pled guilty June 7, 2018, in U.S. District Court for the Northern District of Ohio, for his part of the illegal export to an Iranian procurement network of United States-origin industrial equipment. The items were transshipped through Austria, the United Arab Emirates, India, and Turkey, for ultimate end use in Iran's oil and gas industry. The end users of the items included the National Iranian Oil Company and other Iranian government entities identified on the Office of Foreign Assets Control's Specially Designated Nationals List. This joint investigation included the Office of Export Enforcement and U.S. Immigration and Customs Enforcement.

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program Changes For 2021
(Dollar amounts in thousands)

		2021 Base		2021 Estimate		Increase from 2021 Base	
		Personnel	Amount	Personnel	Amount	Personnel	Amount
Export	Pos./BA	223	68,549	234	71,191	8	2,642
Enforcement	FTE/Obl.	223	68,549	231	71,191	6	2,642

Initiatives to Address China & Emerging Technologies (+\$2.642, 6 FTE/8 Positions) The Administration has prioritized strategies to combat China's destabilizing actions. To support its destabilizing military modernization efforts via the "Made in China 2025" and civil-military integration strategies, the China regime has acquired satellite and other emerging technology with implications threatening to U.S. national security. To align the BIS enforcement mission with the Department of Justice "China Initiative" and address whole government approach to China, BIS seeks new analytical and law enforcement tools, analysts, and agents to protect U.S. technology from misappropriation and to punish violators who seek to acquire such technology contrary to U.S. national security and foreign policy interests.

Information technology fusion and analysis programs will enable BIS to process large amounts of data regarding licenses, exports, open source, classified, and other U.S. Government reporting, which in turn will improve additional analysts' capability to identify diversion attempts, map proliferation networks, and increase law enforcement opportunities. Additionally, these tools will enable experts to ensure licenses receive appropriate intelligence review. Increased language support will identify efforts to disguise diversions, and support law enforcement actions. The additional special agents will increase the number of investigations into Chinese acquisition attempts and partner with the Department of Justice China Initiative. Additional attorneys will allow for dedicated legal counsel support for the increased number of enforcement actions.

Without cutting edge analytical tools and language support, BIS cannot link sophisticated, multifaceted Chinese efforts to acquire U.S. technology. Data to support BIS enforcement actions is available on separate, delinked platforms that cannot conduct pattern analysis, resulting in potential blind spots for identifying these sophisticated efforts. BIS relies on basic, open source platforms for the majority of its language support. This method is imprecise and can prevent analysts from detecting key indicators of diversion. Without additional Export Control Officers, analysts, special agents, and attorneys, BIS will be limited in its ability to identify and exploit Chinese networks, or to mitigate their actions via end use checks, informed license reviews, proscribed party designations, and administrative and criminal enforcement sanctions.

Performance Measures:

BIS - Number of actions resulting in a deterrence or prevention of a violation, and cases resulting in a criminal or administrative charge with increase

2021	2022	2023	2024
1,500	1,500	1,650	1,650

BIS - Number of actions resulting in a deterrence or prevention of a violation, and cases resulting in a criminal or administrative charge without increase

1,200	1,200	1,200	1,200
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**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program Change Personnel Detail**

Activity: Export Enforcement
Program Change: Initiatives to Address China and Emerging Technology

<u>Title</u>	<u>Grade</u>	<u>Number</u>	<u>Annual Salary</u>	<u>Total Salaries</u>
Export Compliance Specialist	13	5	116,353	581,765
Special Agents	13	3	116,353	349,059
Total		<u>8</u>		930,824
Mission Support	3%			27,925
Plus Special Agents Availability Pay	25%			87,265
Less lapse	25%	<u>(2)</u>		<u>(261,503)</u>
Total full-time permanent (FTE)		6		784,510
FY 2021 Pay Raise	1%			<u>7,845</u>
Total				<u>792,355</u>
Personnel Data				
Full-time Equivalent Employment				
Full-time permanent		6		
Other than full-time permanent		<u>0</u>		
Total		6		
Authorized Positions:				
Full-time permanent		8		
Other than full-time permanent		<u>0</u>		
Total		8		

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program Change Detail by Object Class**

Activity: Export Enforcement

Program Change: Initiatives to Address China & Emerging Technology

Object Class	2019 Actual	2020 Enacted	2021 Base	2021 Estimate	Increase from 2021 Base
11.1 Full-time permanent (Compensation)	20,401	23,693	26,032	26,759	727
11.3 Other than full-time permanent	100	102	102	102	0
11.5 Other personnel compensation	3,511	3,536	218	283	65
11.8 Special personnel services payments	0	0	1	1	0
11.9 Total personnel compensation	24,012	27,331	26,353	27,145	792
12.1 Civilian personnel benefits	11,413	11,174	11,812	12,093	281
13 Benefits for former personnel	0	0	55	55	0
21 Travel and transportation of persons	1,240	812	814	817	3
22 Transportation of things	162	66	88	129	41
23 Rent, communications, and utilities					
23.1 Rental payments to GSA	1,223	1,304	5,125	5,242	117
23.2 Rental payments to others	0	0	1	1	0
23.3 Communications, utilities, and miscellaneous charges	486	491	1,442	1,456	14
24 Printing and reproduction	33	64	65	66	1
25 Other contractual services					
25.1 Advisory and assistance services	0	0	0	0	0
25.2 Other services from non-Federal sources	164	4,014	4,015	4,816	801
25.3 Other goods and services from Federal sources	11,143	21,158	16,048	16,570	522
25.4 Operation and maintenance of facilities	0	148	148	148	0
25.5 Research and development contracts	0	0	0	0	0
25.6 Medical care	0	0	0	0	0
25.7 Operation & maintenance of equipment	1,045	41	41	41	0

25.8	Subsistence and support of persons	0	0	0	0	0
26	Supplies and materials	222	607	609	613	4
31	Equipment	364	1,231	1,933	1,999	66
32	Lands and structures	0	0	0	0	0
33	Investments and loans	0	0	0	0	0
41	Grants, subsidies and contributions	0	0	0	0	0
42	Insurance claims and indemnities	0	0	0	0	0
43	Interest and dividends	0	0	0	0	0
44	Refunds	0	0	0	0	0
Total Obligations		51,507	68,441	68,549	71,191	2,642

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program Changes For 2021
(Dollar amounts in thousands)**

		2021 Base		2021 Estimate		Increase from 2021 Base	
		Personnel	Amount	Personnel	Amount	Personnel	Amount
Export	Pos./BA	223	68,549	226	69,861	3	1,312
Enforcement	FTE/Obl.	223	68,549	225	69,861	2	1,312

Enhanced Computer Evidence Program (+\$1,312, 2 FTE/3 Positions) The number of leads, investigations and litigations that require computer forensic specialization continues to escalate each year. BIS agents must be given the tools that provide flexibility and the agility to delve rapidly into digital evidence necessary to support search warrants, subpoenas and seizures during investigation by agents and for evidence turned over to Assistant U.S. Attorneys. In addition to staffing, BIS needs more computer forensic equipment to keep pace with technological advances in electronics and data storage. Recent investigations have revealed that foreign firms have highly developed and complex procurement systems as well as organizational structures designed to deceive or reflect falsified information during a normal audit or investigation. Successful investigators require specialized tools and expertise in forensic analysis for such things as trace evidence, photographic analysis, photographic forensic imaging, key financial records, and quality assurance, relevant phone numbers, and associated names. Acquiring staffing and equipment with these advanced and new technical capabilities allows BIS to stay ahead of our adversaries and effectively maintain U.S. national security.

OEE will use funding to keep pace with technology and properly access various technology devices including smart phones, desktop computers, laptops, tablets, smart watches, etc. Trained staff will stay up to date and OEE needs to ensure we are refreshing our talent pool with the best-fit, most-qualified agents to take on this great task. Besides the requisite skills and equipment, the funding will also allow an increase in hiring to meet resource demands of an ever-increasing case load (upward of 21% seen over the past 2.5 years). Additionally, funding will increase information sharing and data fusion as the forensic evidence production from search warrants is also used for data analysis to determine potential illegal trends.

Funding this program will support national security efforts directly and immediately. More precisely, it will enhance OEE's ability to access and analyze computer data, increase OEE's ability to interdict items or disrupt proliferation networks; and speed or enhance OEE's ability to bring criminal or administrative charges. Despite numerous documented successes in OEE's enforcement capability, the number of cases we undertake continues to outpace resources. As an example, since the start of 2017 alone, OEE has initiated 2,284 export control investigations, a 21 percent increase from the prior two and a half years in the number of cases opened. Based on these trends, BIS anticipates the number of cases to continue to grow, and in each case we open, we see the need for enhanced computer forensics, and we see the devices becoming more difficult to assess without the highest level of technological skill and tools.

Performance Measures:

	2021	2022	2023	2024
BIS - Number of actions resulting in a deterrence or prevention of a violation, and cases resulting in a criminal or administrative charge with increase	1,500	1,500	1,500	1,650
BIS - Number of actions resulting in a deterrence or prevention of a violation, and cases resulting in a criminal or administrative charge without increase	1,200	1,200	1,200	1,200

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program Change Personnel Detail**

Activity: Export Enforcement
Program Change: Enhanced Computer Evidence Program

Title	Grade	Number	Annual Salary	Total Salaries
Special Agents	13	2	116,353	232,706
Program Management Specialist	13	<u>1</u>	116,353	<u>116,353</u>
Total		3	232,706	349,059
Mission Support	3%			10,472
Plus Special Agents Availability Pay	25%			58,177
Less lapse	25%	<u>(1)</u>		<u>(104,427)</u>
Total full-time permanent (FTE)		2		313,280
FY 2021 Pay Raise	1%			<u><u>3,133</u></u>
Total				316,413

Personnel Data

Full-time Equivalent Employment	
Full-time permanent	2
Other than full-time permanent	<u>0</u>
Total	2
Authorized Positions:	
Full-time permanent	3
Other than full-time permanent	<u>0</u>
Total	3

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Program Change Detail by Object Class**

Activity: Export Enforcement

Program Change: Enhanced Computer Evidence Program

Object Class	2019 Actual	2020 Enacted	2021 Base	2021 Estimate	Increase from 2021 Base
11.1 Full-time permanent (Compensation)	20,401	23,693	26,032	26,305	273
11.3 Other than full-time permanent	100	102	102	102	0
11.5 Other personnel compensation	3,511	3,536	218	261	43
11.8 Special personnel services payments	0	0	1	1	0
11.9 Total personnel compensation	24,012	27,331	26,353	26,669	316
12.1 Civilian personnel benefits	11,413	11,174	11,812	11,940	128
13 Benefits for former personnel	0	0	55	55	0
21 Travel and transportation of persons	1,240	812	814	815	1
22 Transportation of things	162	66	88	103	15
23 Rent, communications, and utilities					
23.1 Rental payments to GSA	1,223	1,304	5,125	5,171	46
23.2 Rental payments to others	0	0	1	1	0
23.3 Communications, utilities, and miscellaneous charges	486	491	1,442	1,446	4
24 Printing and reproduction	33	64	65	66	1
25 Other contractual services					
25.1 Advisory and assistance services	0	0	0	0	0
25.2 Other services from non-Federal sources	164	4,014	4,015	4,565	550
25.3 Other goods and services from Federal sources	11,143	21,158	16,048	16,277	229
25.4 Operation and maintenance of facilities	0	148	148	148	0
25.5 Research and development contracts	0	0	0	0	0
25.6 Medical care	0	0	0	0	0
25.7 Operation & maintenance of equipment	1,045	41	41	41	0
25.8 Subsistence and support of persons	0	0	0	0	0
26 Supplies and materials	222	607	609	611	2

31	Equipment	364	1,231	1,933	1,953	20
32	Lands and structures	0	0	0	0	0
33	Investments and loans	0	0	0	0	0
41	Grants, subsidies and contributions	0	0	0	0	0
42	Insurance claims and indemnities	0	0	0	0	0
43	Interest and dividends	0	0	0	0	0
44	Refunds	0	0	0	0	0
Total Obligations		51,507	68,441	68,549	69,861	1,312

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Summary of Requirements by Object Class
(Dollar amounts in thousands)

Object Class	2019 Actual	2020 Enacted	2021 Base	2021 Estimate	Increase from 2021 Base
11.1 Full-time permanent compensation	40,461	50,579	52,216	53,703	1,487
11.3 Other than full-time permanent	100	108	108	108	0
11.5 Other personnel compensation	4,217	4,342	4,342	4,451	109
11.8 Special personal services payments	0	0	0	0	0
11.9 Total personnel compensation	44,778	55,029	56,666	58,262	1,596
12.1 Civilian personnel benefits	19,386	22,444	22,989	23,533	544
13 Benefits for former personnel	55	55	55	55	0
21 Travel and transportation of persons	1,943	1,739	1,745	1,751	6
22 Transportation of things	214	150	216	299	83
23 Rent, communications, and utilities	0	0	0	0	0
23.1 Rental payments to GSA	6,373	6,833	6,833	7,065	232
23.2 Rental payments to others	0	0	0	0	0
23.3 Communications, utilities, and miscellaneous charges	1,984	1,989	2,184	2,210	26
24 Printing and reproduction	103	135	138	141	3
25 Other contractual services	0	0	0	0	0
25.1 Advisory and assistance services	0	0	0	0	0
25.2 Other services from non-Federal sources	5,205	8,417	8,420	9,773	1,353
25.3 Other goods and services from Federal sources	35,742	30,834	28,551	29,562	1,011
25.4 Operation and maintenance of facilities	0	296	296	296	0
25.5 Research and development contracts	0	5	5	5	0
25.6 Medical care	5	0	0	0	0
25.7 Operation and maintenance of equipment	1,091	89	89	89	0
25.8 Subsistence and support of persons	0	0	0	0	0
26 Supplies and materials	910	1,268	1,274	1,283	9

31	Equipment	1,559	2,500	3,203	3,340	137
32	Lands and structures	0	0	0	0	0
33	Investments and loans	0	0	0	0	0
41	Grants, subsidies and contributions	0	0	0	0	0
42	Insurance claims and indemnities	0	0	0	0	0
43	Interest and dividends	0	0	0	0	0
44	Refunds	0	0	0	0	0
99.9	Total obligations	119,348	131,783	132,664	137,664	5,000
	Less prior year recoveries		(3,100)	0	0	0
	Less prior year unobligated balance	(1,298)	(1,031)	0	0	0
	Total Budget Authority	118,050	127,652	132,664	137,664	5,000
Personnel Data						
Full-time Equivalent Employment						
	Full-time permanent	347	445	449	461	12
	Other than full-time permanent	3	3	3	3	0
	Total	350	448	452	464	12
Authorized Positions:						
	Full-time permanent	347	443	448	464	16
	Other than full-time permanent	5	5	5	5	0
	Total	352	448	453	469	16

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Management and Policy Coordination
Select Activities by Object Class (MPC)
(Dollar amounts in thousands)

Object Class	2019 Actual	2020 Enacted	2021 Base	2021 Estimate	Increase from 2021 Base
11.1 Full-time permanent compensation	1,288	3,235	3,896	3,896	
11.3 Other than full-time permanent	0	0	0	0	
11.5 Other personnel compensation	68	74	74	74	
11.8 Special personal services payments	0	0	0	0	
11.9 Total personnel compensation	1,356	3,309	3,970	3,970	0
12.1 Civilian personnel benefits	580	1,350	1,548	1,548	
13 Benefits for former personnel	0	3	3	3	
21 Travel and transportation of persons	77	115	117	117	
22 Transportation of things	1	18	40	40	
23 Rent, communications, and utilities					
23.1 Rental payments to GSA	579	404	404	404	
23.2 Rental payments to others	0	0	1	1	
23.3 Communications, utilities, and miscellaneous charges	167	121	186	186	
24 Printing and reproduction	13	7	8	8	
25 Other contractual services					
25.1 Advisory and assistance services	0	0	0	0	
25.2 Other services from non-federal sources	94	389	390	390	
25.3 Other goods and services from federal sources	2,818	609	667	667	
25.4 Operation and maintenance of facilities	0	0	0	0	
25.5 Research and development contracts	0	5	5	5	
25.6 Medical care	5	0	0	0	
25.7 Operation and maintenance of equipment	5	7	7	7	

25.8	Subsistence and support of persons	0	0	0	0
26	Supplies and materials	140	54	56	56
31	Equipment	142	38	38	38
32	Lands and structures	0	0	0	0
33	Investments and loans	0	0	0	0
41	Grants, subsidies and contributions	0	0	0	0
42	Insurance claims and indemnities	0	0	0	0
43	Interest and dividends	0	0	0	0
44	Refunds	0	0	0	0
99.9	Total obligations	5,977	6,429	7,440	7,440
	Less prior year recoveries		(184)	0	0
	Less prior year unobligated balance	(240)	(61)	0	0
	Total Budget Authority	5,737	6,184	7,440	7,440
Personnel Data					
Full-time Equivalent Employment					
	Full-time permanent	8	27	27	27
	Other than full-time permanent	0	0	0	0
	Total	8	27	27	27
Authorized Positions:					
	Full-time permanent	5	27	27	27
	Other than full-time permanent	0	0	0	0
	Total	5	27	27	27

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Export Administration
Select Activities by Object Class (EA)
(Dollar amounts in thousands)

Object Class	2019 Actual	2020 Enacted	2021 Base	2021 Estimate	Increase from 2021 Base
11.1 Full-time permanent compensation	18,772	23,651	24,139	24,626	487
11.3 Other than full-time permanent	0	6	6	6	0
11.5 Other personnel compensation	638	732	732	732	0
11.8 Special personal services payments	0	0	0	0	0
11.9 Total personnel compensation	19,410	24,389	24,877	25,364	487
12.1 Civilian personnel benefits	7,393	9,920	10,093	10,229	136
13 Benefits for former personnel	55	52	52	52	0
21 Travel and transportation of persons	626	812	814	816	2
22 Transportation of things	51	66	88	115	27
23 Rent, communications, and utilities					
23.1 Rental payments to GSA	4,571	5,125	5,125	5,194	69
23.2 Rental payments to others	0	0	1	2	1
23.3 Communications, utilities, and miscellaneous charges	1,331	1,377	1,442	1,450	8
24 Printing and reproduction	57	64	65	66	1
25 Other contractual services			0	0	
25.1 Advisory and assistance services	0	0	0	0	0
25.2 Other services from non-federal sources	4,947	4,014	4,015	4,016	1
25.3 Other goods and services from federal sources	21,781	9,067	8,074	8,334	260
25.4 Operation and maintenance of facilities	0	148	148	148	0
25.5 Research and development contracts	0	0	0	0	0
25.6 Medical care	0	0	0	0	0
25.7 Operation and maintenance of equipment	41	41	41	41	0
25.8 Subsistence and support of persons	0	0	0	0	0

26	Supplies and materials	548	607	609	612	3
31	Equipment	1,053	1,231	1,231	1,282	51
32	Lands and structures	0	0	0	0	0
33	Investments and loans	0	0	0	0	0
41	Grants, subsidies and contributions	0	0	0	0	0
42	Insurance claims and indemnities	0	0	0	0	0
43	Interest and dividends	0	0	0	0	0
44	Refunds	0	0	0	0	0
99.9	Total obligations	61,864	56,913	56,675	57,721	1,046
	Less prior year recoveries		(1,393)	0	0	0
	Less prior year unobligated balance	(764)	(463)	0	0	0
	Total Budget Authority	61,100	55,057	56,675	57,721	1,046
Personnel Data						
Full-time Equivalent Employment						
	Full-time permanent	170	196	200	204	4
	Other than full-time permanent	2	2	2	2	0
	Total	172	198	202	206	4
Authorized Positions:						
	Full-time permanent	172	195	200	205	5
	Other than full-time permanent	3	3	3	3	0
	Total	175	198	203	208	5

Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Export Enforcement
Select Activities by Object Class (EE)
(Dollar amounts in thousands)

Object Class	2019 Actual	2020 Enacted	2021 Base	2021 Estimate	Increase from 2021 Base
11 Full-time permanent compensation	20,401	23,693	24,181	25,181	1,000
11 Other than full-time permanent	100	102	102	102	0
12 Other personnel compensation	3,511	3,536	3,536	3,645	109
12 Special personal services payments	0	0	0	0	0
12 Total personnel compensation	24,012	27,331	27,819	28,928	1,109
12 Civilian personnel benefits	11,413	11,174	11,347	11,755	408
13 Benefits for former personnel	0	0	0	0	0
21 Travel and transportation of persons	1,240	812	814	818	4
22 Transportation of things	162	66	88	144	56
23 Rent, communications, and utilities					
23 Rental payments to GSA	1,223	1,304	1,304	1,467	163
23 Rental payments to others	0	0	1	2	1
23 Communications, utilities, and miscellaneous charges	486	491	556	574	18
24 Printing and reproduction	33	64	65	67	2
25 Other contractual services					
25 Advisory and assistance services	0	0	0	0	0
25 Other services from non-federal sources	164	4,014	4,015	5,367	1,352
25 Other goods and services from federal sources	11,143	21,158	19,809	20,558	749
25 Operation and maintenance of facilities	0	148	148	148	0
26 Research and development contracts	0	0	0	0	0
26 Medical care	0	0	0	0	0
26 Operation and maintenance of equipment	1,045	41	41	41	0
26 Subsistence and support of persons	0	0	0	0	0

26	Supplies and materials	222	607	609	615	6
31	Equipment	364	1,231	1,933	2,019	86
32	Lands and structures	0	0	0	0	0
33	Investments and loans	0	0	0	0	0
41	Grants, subsidies and contributions	0	0	0	0	0
42	Insurance claims and indemnities	0	0	0	0	0
43	Interest and dividends	0	0	0	0	0
44	Refunds	0	0	0	0	0
100	Total obligations	51,507	68,441	68,549	72,503	3,954
	Less prior year recoveries		(1,523)	0	0	0
	Less prior year unobligated balance	(294)	(507)	0	0	0
	Total Budget Authority	51,213	66,411	68,549	72,503	3,954
Personnel Data						
Full-time Equivalent Employment						
	Full-time permanent	169	222	222	230	8
	Other than full-time permanent	1	1	1	1	0
	Total	170	223	223	231	8
Authorized Positions:						
	Full-time permanent	170	221	221	232	11
	Other than full-time permanent	2	2	2	2	0
	Total	172	223	223	234	11

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Appropriation Language and Code Citations**

**1. "For necessary expense for export administration and national security activities of the Department of Commerce"
A. Export Administration**

50 U.S.C. 4801-4852
50 U.S.C. 4601 et seq.
10 U.S.C. 7430(e)
22 U.S.C. 2778
22 U.S.C. 2799aa-1(b)
22 U.S.C. 6001-6005
22 U.S.C. 7201-7211
22 U.S.C. 8544
22 U.S.C. 8551(c)(2)
42 U.S.C. 2139a
15 U.S.C. 1824a
50 U.S.C. 1701 et seq.

50 U.S.C. 4801-4852, et. seq., is the Export Control Reform Act of 2018 (ECRA), which provides authority for the regulation of exports of dual-use items for reasons of national security, foreign policy, or short supply. ECRA also authorizes implementation of restrictions on compliance with foreign boycotts and other restrictive trade practices.

Prior to August 13, 2018 and the President signing ECRA into law, the Export Administration Act of 1979, as amended, 50 U.S.C. Sections 4601-4623 (Supp. III 2015) (EAA) provided the above-mentioned legal authorities. The EAA lapsed on August 20, 2001, but was continued in effect by the President through Executive Order 13,222 of August 17, 2001 (3 C.F.R., 2001 Comp. p. 783 (2002)), as amended by Executive Order 13,637 of March 8, 2013, 78 FR 16129 (March 13, 2013), and as extended by successive Presidential Notices, most recently by the Notice of August 8, 2018 (83 Fed. Reg. 39,871 (Aug. 13, 2018)), under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA).

Section 1766 of ECRA (which will be included as notes to 50 U.S.C. 4601-4610, 4614-4623) repealed the provisions of the EAA, except Sections 11A, 11B, and 11C, for which the EAA and the president's actions to continue its provisions in effect still provide the authority. 50 U.S.C. 4826 provided, in pertinent part, that all rules and regulations made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA.

10 U.S.C. 7430(e) is a provision related to the export of oil and gas.

22 U.S.C. 2778 (note) was amended by Section 1261 of the National Defense Authorization Act for Fiscal Year 2013, which repealed previous legislation that had placed satellites and related items on the United States Munitions List. Section 1261 permits the President to remove these items from the United States Munitions List and place them on the Commerce Control List.

22 U.S.C. 2799aa-1(b) requires the President to impose sanctions, including prohibiting exports of specific goods and technologies, pursuant to the requirements of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), on a non-nuclear-weapon state that receives or detonates a nuclear explosive device.

22 U.S.C. 6001-6010 set forth provisions of the Cuban Democracy Act, as amended by the Cuban Liberty and Democratic Solidarity (Libertad) Act, 22 U.S.C. 6021-6091, related to certain exports to Cuba.

22 U.S.C. 7201-7211 (Trade Sanctions Reform and Export Enhancement Act of 2000, as amended) sets forth a licensing regime for the export of agricultural commodities, medicines, and medical devices to designated terrorism-supporting countries.

22 U.S.C. 8544 authorizes the Secretary of Commerce to designate any employee of the Office of Export Enforcement of the Department of Commerce to conduct certain activities specified under the Export Administration Act of 1979, 50 U.S.C. 4614(a)(3)(B), when the employee is carrying out activities to enforce:

- (1) the provisions of the Export Administration Act of 1979;
- (2) Accountability, and Divestment Act of 2010, a provision of Title III of the Comprehensive Iran Sanctions, or any other provision of law relating to export controls with respect to which the Secretary of Commerce has enforcement responsibility; or
- (3) any license, order, or regulation issued under the Export Administration Act of 1979 or any other provision of law relating to export controls with respect to which the Secretary of Commerce has enforcement responsibility.

22 U.S.C. 8551(c)(2) authorizes the appropriation of sums to carry out the Office of Export Enforcement's law enforcement activities under 22 U.S.C 8544.

42 U.S.C. 2139a sets forth the Commerce Department's responsibility for controlling the export of dual-use items of significance for nuclear explosive purposes.

15 U.S.C. 1824a prohibits the export of horses by sea for purposes of slaughter.

50 U.S.C. 1701 et seq. (International Emergency Economic Powers Act, as amended) provides that the President may declare a national emergency to deal with an extraordinary threat to the U.S. national security, foreign policy, or economy. Sanctions statutes, including the Iran Sanctions Act and the Iran-Iraq Arms Non-Proliferation Act, are codified as notes to this section.

B. National Security

10 U.S.C. 2531-2532
 19 U.S.C. 1862
 22 U.S.C. 6701 et seq.
 22 U.S.C. 8101 et seq.
 42 U.S.C. 300j
 42 U.S.C. 5195
 50 U.S.C. 82
 50 U.S.C. 98-98h
 50 U.S.C. 3816
 50 U.S.C. 4501 et seq.

10 U.S.C. 2531-2532 authorizes the Secretary of Commerce to review memoranda of understanding and related agreements pertaining to research, development, or production of defense equipment between the Secretary of Defense and one or more foreign countries.

19 U.S.C. 1862 authorizes investigations of the effects on national security of imports of a particular article, and a report of the results of the investigations to the President with a recommendation for action or inaction.

22 U.S.C. 6701 et seq. (Chemical Weapons Convention Implementation Act of 1998) authorizes the President to implement U.S. obligations under the Chemical Weapons Convention (CWC), including requiring reporting by chemical production, processing, and consumption facilities and inspection of such facilities by the Organization for the Prohibition of Chemical Weapons (OPCW) (functions delegated to the Secretary of Commerce in Executive Order 13128, June 25, 1999).

22 U.S.C. 8101 et seq. (United States Additional Protocol Implementation Act) authorizes the President to carry out U.S. obligations under the "Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in the United States of America" signed in Vienna, Austria, on June 12, 1998.

- These obligations include reporting requirements of facilities engaged in nuclear activities and inspections of such facilities by members of the IAEA accompanied by U.S. government representatives;
- All are functions delegated to the Secretary of Commerce in Executive Order 13458, February 4, 2008.

42 U.S.C. 300j authorizes the issuance of orders requiring the delivery of chemicals or substances necessary for treatment of water (function delegated to the Secretary of Commerce in Executive Order 11879, September 17, 1975).

42 U.S.C. 5195 provides for the development of national emergency plans and preparedness programs to anticipate and minimize the effects of hazards (natural disasters and accidental or man-caused events) on the civilian population (functions delegated to the Secretary of Commerce in Executive Order 12656, November 18, 1988).

50 U.S.C. 82 provides for U.S. Government procurement of ships and material during war (functions delegated to the Secretary of Commerce in Executive Order 12742, January 8, 1991).

50 U.S.C. 98-98h et seq. (Strategic and Critical Materials Stock Piling Act) authorizes the acquisition and retention of stocks of certain strategic and critical materials.

50 U.S.C. 3816 provides for U.S. Government procurement of any articles or materials authorized by Congress (responsibility for all articles and materials except food, energy, and civil transportation delegated to the Secretary of Commerce in Executive Order 12742, January 8, 1991).

50 U.S.C. 4501 et seq. (Defense Production Act of 1950, as amended) authorizes the Bureau of Industry and Security (BIS) to set priorities for performance of defense and energy-related contracts and to allocate materials and supplies that are essential for national defense purposes and for maximization of domestic energy supplies, including the following:

1. 50 U.S.C. 4511 provides for U.S. Government priority rating of contracts and orders necessary to promote the national defense;
2. 50 U.S.C. 4568 authorizes the Secretary of Commerce to produce the Annual Report on Offsets;
3. 50 U.S.C. 4554 authorizes the President to prescribe such regulations and issue orders appropriate to carry out the Defense Priorities and Allocations System;
4. 50 U.S.C. 4555 authorizes the conduct of investigations and production of records and other documents;
5. The Department of Commerce also is authorized to conduct studies and assessments of the health and competitiveness of the U.S. defense industrial base; and
6. Executive Order 13603, March 16, 2012, delegates to the Secretary of Commerce, in whole or part, authorities one through five, above, as functions of that cabinet post.
7. 50 U.S.C. 4565 provides for an interagency committee to determine the effects on national security of mergers, acquisitions, and takeovers that would result in foreign control of persons engaged in interstate commerce in the United States.

8. The Department of Commerce—via BIS and the International Trade Administration (ITA)—participates as a member of the Committee on Foreign Investment in the United States (CFIUS).

C. Other

15 U.S.C. 1501 et seq.

15 U.S.C. 1501 et seq. provides the basic authority for BIS performance of functions and activities that foster, promote, and develop foreign and domestic commerce.

2. Including costs associated with the performance of export administration field activities both domestically and abroad;

15 U.S.C. 1531
22 U.S.C. 3922

15 U.S.C. 1531 authorizes the Secretary of Commerce to establish a Buying Power Maintenance account for BIS. This fund is to be used to maintain overseas program activity at the appropriated program levels.

22 U.S.C. 3922 permits the Secretary of Commerce access through the U.S. Foreign Service personnel system to human resources capable of performing international trade functions, and having those resources transferred to Commerce.

- Authority for transfer rests in Reorganization Plan No. 3 of 1979 (5 U.S.C. 903 note);
- Plan No. 3 also provides for reallocation of other Commerce Department human resources, to the extent the President determines to be necessary for the Department to perform functions that require service abroad.

3. Full medical coverage for dependent members of immediate families of employees stationed overseas;

No Specific Authority

This language permits BIS to extend to certain of its overseas employees the same benefits afforded domestically employed Federal employees and employees of ITA's Foreign Commercial Service in equivalent positions overseas.

4. Employment of Americans and aliens by contract for services abroad;

No Specific Authority

See 44 Comp. Gen. 761 (1965); H.R. Rep. No. 188, 89th Cong., 1st Sess. 5-13 (June 1, 1965).

- Federal agencies must have specific legislative authority to procure personal services by contract.
- This appropriation language gives BIS the flexibility to procure, by contract, services of U.S. citizens or aliens as appropriate.
- In some cases, it is advantageous to employ aliens who are fluent in the native language of the host country; who are familiar with local practices and procedures; or who only need to be employed for a short period of time.
- In other cases, it is advantageous to employ U.S. citizens in the host country (generally members of an employee's family) who have greater familiarity with American methods and may require less effort to train.

5. Payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. §2672 when such claims arise in foreign countries;

No Specific Authority

- 28 U.S.C. 2672 provides for settlement of tort claims for money damages of \$25,000 or less against the U.S.
- The head of each Federal agency retains that authority for loss of property, personal injury, or death caused by a negligent or wrongful act or omission of any employee of the Government while acting within the scope of his employment;
- The provision applies in circumstances where the United States, if it were a private person, would be liable under local law.
- However, 28 U.S.C. 2680(k) exempts the settlement of tort claims that arise abroad from the provisions of 28 U.S.C. 2672.
- The language requested would exempt BIS from 28 U.S.C. 2680 and would authorize the settlement of tort claims against the United States that arise in connection with its activities abroad.

6. Not to exceed \$13,500 for official representation expense abroad;

No Specific Authority

- See, e.g., 43 Comp. Gen. 305 (1963).
- This ruling provides specific authority for BIS to expend up to \$13,500 for entertainment and similar expenses related to its official activities abroad.
- Appropriated funds may not be expended for entertainment except when specifically authorized by law, such as in this Comptroller's General determination.

7. Awards of compensation to informers under the Export Control Reform Act of 2018 (replacing the Export Administration Act of 1979), and authorized by 22 U.S.C. §401(b);

50 U.S.C. 4820
22 U.S.C. 401(b)

22 U.S.C. 401(b)50 U.S.C. 4820 provides the authority to conduct investigations and obtain information in order to enforce the provisions of the Export Control Reform Act of 2018.

22 U.S.C. 401(b) provides for awards of compensation to informers providing information concerning illegal exports of war materials or other articles in violation of the law, when funds are specifically provided therefor.

8. Purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law;

No Specific Authority

31 U.S.C. 1343 prohibits the purchase of passenger motor vehicles unless specifically authorized by appropriation or other law with the exception of those vehicles purchased for the use of the President of the United States, the secretaries to the President, or specified heads of executive departments.

9. ... To remain available until expended,

No Specific Authority

31 U.S.C. 1301(c) provides that "[a]n appropriation in a regular, annual appropriation law may be construed to be permanent or available continuously only if the appropriation ... expressly provides it is available after the fiscal year covered by the law in which it appears." The statement, "to remain available until expended," constitutes such express language.

10. Authority for BIS to conduct activities under the Mutual Educational and Cultural Exchange Act of 1961 (MECEA).

22 U.S.C. 2455(f)
22 U.S.C. 2458(c)

That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

22 U.S.C. 2455(f) provides authority to accept contributions of funds, property, and services from foreign governments, international organizations, private individuals, firms, associations, agencies, and other groups in carrying out activities pursuant to the Mutual Educational and Cultural Exchange Act of 1961.

22 U.S.C. 2458(c) provides authorization for all necessary expenditures involved in the selection, purchase, rental, construction, or other acquisition of exhibits and the necessary supplies therefor.

The above-quoted appropriations language makes clear that the Mutual Educational and Cultural Exchange Act of 1961 (MECEA) applies to the activities of BIS. The language also authorizes BIS to apply contributions received under MECEA toward the cost of activities conducted under MECEA.

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Advisory and Assistance Services**

	2019 Actual	2020 Enacted	2021 Estimate
Consulting Services	5,205	5,309	5,413
Management and Professional Services	0	0	0
Special Studies and Analyses	0	0	0
Management and Support Services for Research and Development	0	0	0
Total	5,205	5,309	5,413

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Periodicals, Pamphlets and Audiovisual Materials**

	2019 Actual	2020 Enacted	2021 Estimate
Periodicals	17	18	18
Pamphlets	8	8	8
Audiovisuals	0	0	0
Total	25	26	26

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Average Grade and Salaries**

	2019 Actual	2020 Enacted	2021 Estimate
Average ES Grade	3	3	3
Average GS/GM Grade	13-08	13-08	13-08
Average GS/GM Salary	124	124	124

**Department of Commerce
BUREAU OF INDUSTRY AND SECURITY
Operations and Administration
Implementation Status of GAO and OIG Recommendations**

31 U.S.C. 720, as amended January 3, 2019, requires the head of a federal agency to submit a written statement of the actions taken or planned on Government Accountability Office (GAO) recommendations to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 180 calendar days after the date of the report.

The Good Accounting Obligation in Government Act (GAO-IG Act), passed on January 3, 2019, (P.L. 115-414) requires each agency to include, in its annual budget justification, a report that identifies each public recommendation issued by GAO and the agency's office of the inspector general (OIG) which has remained unimplemented for one year or more from the annual budget justification submission date. In addition, the Act requires a reconciliation between the agency records and the IGs' Semiannual Report to Congress (SAR).

Section 1. Recommendations for which action plans were finalized since the last appropriations request.

Include information on recommendations for which an action plan has been completed since the last budget report. If you have nothing to report, state Nothing to Report."

The Bureau of Industry and Security (BIS) has nothing to report.

Section 2. Implementation of GAO public recommendations issued no less than one year ago that are designated by GAO as 'Open' or 'Closed-Unimplemented.'

Open Recommendation(s) the Department has decided not to implement.

Include information on all open recommendations made one year or more ago that the Department / bureau do not plan to implement. GAO recommendations are open until officially closed by GAO.

The Bureau of Industry and Security (BIS) has nothing to report.

Open Recommendation(s) the Department plans to implement.

Include information on all open recommendations made one year or more ago that the Department / bureau plans to implement. GAO recommendations are open until officially closed by GAO.

Report Number	GAO-15-288 (Job Code 121225)
Report Title	Critical Technologies: Agency Initiatives Address Some Weaknesses, but Additional Interagency Collaboration Is Needed
Issue Date	February 10, 2015
Recommendation Number	2
Recommendation	To ensure a consistent and more collaborative approach to the protection of critical technologies, the Secretaries of Commerce, Defense, Homeland Security, State, and the Treasury; as well as the Attorney General of the United States, who have lead and stakeholder responsibilities for the eight programs within the critical technologies portfolio, should take steps to promote and strengthen collaboration mechanisms among their respective programs while ongoing initiatives are implemented and assessed.
Target Implementation Date	None
Closure Request Pending with GAO (Yes/No)	No
Clear Budget Implications (Yes/No)	Decision deferred to Senior Management.

Report Number	GAO-19-307 (Job Code 102600)
Report Title	Export Controls: State and Commerce Should Share Watch List Information If Proposed Rules to Transfer Firearms are Finalized
Issue Date	March 1, 2019
Recommendation Number	2
Recommendation	If responsibility for controlling the exports of certain firearms, artillery, and ammunition is transferred from State to Commerce, the Secretary of Commerce should ensure that the Under Secretary of Commerce for Industry and Security develops a process for receiving State's internal watch list and integrating it into Commerce's licensing review process to enhance oversight of these items.
Target Implementation Date	12/31/2020
Closure Request Pending with GAO (Yes/No)	No
Clear Budget Implications (Yes/No)	Decision deferred to Senior Management.

Recommendations designated by GAO as “Closed-Unimplemented for the past 5 years (2015-2019). Future reports will cover a one-year period.

Report Number	Report Title	Issue Date	Recommendation Number	Recommendation	Reason Not Implemented
GAO-11-354 (Job Code 320826)	Export Controls: Improvements Needed to Prevent Unauthorized Technology Releases to Foreign Nationals in the United States	2/2/2011	1	To better direct its efforts to detect possible unauthorized deemed exports and conduct outreach, in consultation with the U.S. Attorney General and the Secretary of Homeland Security, the Secretary of Commerce should assess the extent to which foreign nationals from countries of concern who were issued specialty occupation visas also should have been covered by deemed export license applications. This assessment, using all available data from the three agencies, might involve reviewing a sample of H-1B specialty visas for employment in particular technologies, such as computers, electronics, or biotechnology, to determine whether employers of the applicants should have applied for deemed export licenses. The Secretary should use the results of this assessment to identify the vulnerabilities in the deemed export control system; plan to better target and inform companies, universities, and agencies about deemed export licensing requirements; and develop and implement procedures for incorporating DHS immigration data into its enforcement screening activities.	Commerce has not conducted the assessment we recommended, nor has it attempted to identify any vulnerabilities in the deemed export control system. Commerce has taken action to target and inform companies, universities, and agencies about deemed export licensing requirements. Commerce has also taken action to implement procedures for incorporating DHS immigration data into its enforcement screening activities. However, these actions are not informed by any assessment of risk. As a result, Commerce may not be targeting and informing all of the right companies, universities, and agencies about deemed export licensing requirements. Commerce may also not be incorporating all of the right DHS immigration data into its enforcement screening activities.

Report Number	Report Title	Issue Date	Recommendation Number	Recommendation	Reason Not Implemented
GAO-11-354 (Job Code 320826)	Export Controls: Improvements Needed to Prevent Unauthorized Technology Releases to Foreign Nationals in the United States	2/2/2011	2	To ensure that Commerce takes actions to more fully address the deficiencies identified in this and prior reports as part of any export control reform effort, the Secretary of Commerce should report to Congress the specific steps being taken to implement past GAO and Commerce IG recommendations in the context of the current Export Control Reform Initiative. These recommendations relate to (1) improving outreach; (2) implementing a program to monitor compliance with deemed export license security conditions; (3) screening foreign nationals who change their immigration status in the United States for deemed export requirements; and (4) improving coordination among the law enforcement agencies responsible for enforcing deemed export license regulations.	Commerce has taken action to (1) improve outreach, (2) implement a program to monitor compliance with deemed export license security conditions, and (3) screen foreign nationals who change their immigration status in the United States for deemed export requirements. Also, as part of the Export Control Reform Initiative, Commerce is now part of an Export Enforcement Coordination Center that works to coordinate the activities of the various agencies with export control enforcement responsibilities. The Center was founded in November 2010. However, Commerce has not reported to Congress on the steps it has taken to implement past GAO and Commerce IG recommendations.

Section 3. Implementation of OIG public recommendations issued no less than one year for which Final Action has not been Taken or Action Not Recommended has been Taken

Include information on all OIG recommendations that are still officially open. Commerce OIG recommendations are open until closed by the Department OIG Liaison.

The Bureau of Industry and Security (BIS) has nothing to report.

Section 4. Discrepancies between this report and the semiannual reports submitted by the Commerce Office of Inspector General or reports

The Bureau of Industry and Security (BIS) has nothing to report.

BUREAU OF INDUSTRY AND SECURITY (BIS)
ANNUAL PERFORMANCE PLAN/ REPORT BACKUP

Overview of Bureau Accomplishments

SO 2.3: In FY 2019, BIS conducted four section 232 related industrial base surveys, including the development and deployment of two surveys to aid in the titanium sponge Section 232 investigation and the two surveys related to the uranium Section 232 investigation. For the titanium sponge Section 232 investigation, one survey targeted producers and melters of titanium sponge, and the other captured select end users of melted titanium products. For the uranium Section 232 investigation, one survey was sent to companies representing all phases of uranium production, and one was sent to all nuclear power electric utilities. All four surveys were completed and incorporated in the final investigation reports.

Also in FY 2019, BIS provided data cuts and analysis based on previous BIS surveys. Below are examples of BIS targeted data cuts and analysis provided to various U.S. agencies:

- U.S. Department of Defense regarding the product and service areas, financial viability, and employment of critical suppliers.
- U.S. Department of Justice related to foreign investment, foreign sourcing, and cyber security.

U.S. Department of Health and Human Services (medical devices and pharmaceuticals), Department of the U.S. Army (ground vehicles and related systems) and Department of the Navy (aircraft) to support their ongoing industrial supply chain, foreign sourcing and dependency, and emergency production surge activities.

SO 3.1: In FY 2019, BIS published several significant export control regulations to protect U.S. national security and support foreign policy objectives. Examples of such regulatory actions include the Wassenaar Arrangement 2018 Additions of Emerging Technologies, Revisions to Country Group Designations for Venezuela, Restricting the Temporary Sojourn of Aircraft and Vessels to Cuba, and several Entity List additions (e.g. Huawei and affiliates, Sugon/Higon).

SO 3.1: For FY 19, using the codified authorities under the Export Control Reform Act (ECRA), BIS has levied more than \$1.7 million in criminal fines and forfeitures, \$17 million in administrative penalties, and over 33 years in federal imprisonment. New provisions have allowed for successful wiretap and undercover operations to bring lawbreakers to justice.

Planned Actions for FY 2021

BIS is expanding export control mission activities associated with protecting sensitive American technology by increasing our efforts to identify sensitive items, including emerging and foundational technologies, to prevent the export and subsequent use of U.S. technologies contrary to U.S. national security and foreign policy objectives. It is imperative that BIS maintain, and increase, the technical skills to define and evaluate these technologies. Due to the rapid pace of technological advancement and globally integrated markets and supply chains, and adversarial threats against the U.S. economy and national security are taking new form.

Enforcement efforts continuously encourages compliance, prevent and deter violators, disrupt illicit activities, and bring violators to justice. A critical part of enforcement is investigations that include forensic analysis for such things as trace evidence, forensic imaging and photographic analysis, and quality assurance. BIS is assessing how to keep pace with technology to properly assess various technology devices including smart phones, desktops computers, laptops, tablets, smart watches, etc.

Analysis of Performance Indicators

Overall, BIS continues to meet or exceed performance indicators targets. FY 2020 and FY 2021 targets are set based on the ability to meet the foreseeable shifts in export administration and enforcement, such as new opportunities within Export Control Reform Act (ECRA). BIS anticipates incremental increases in its targets related to national security activities and funding levels appropriate for success in meeting such increases.

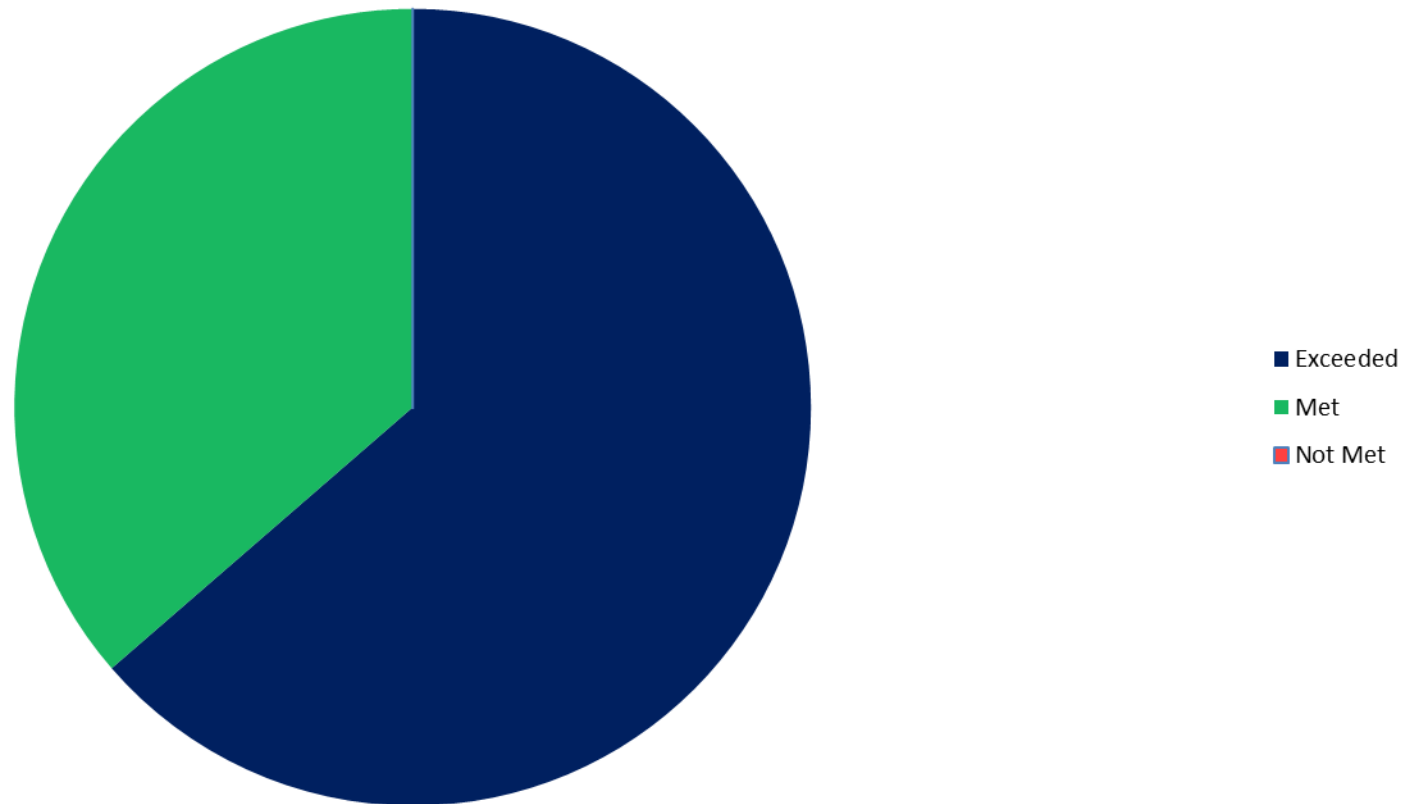
BIS uses systems, work logs, and management reviews to track, verify, and assess performance across the Bureau. Currently, efforts are underway to improve data entry of End-Use Checks (EUCs), including changes to the computer system, which will allow for better monitoring of EUCs being conducted and assessment of performance or effectiveness. BIS is committed to ensuring accuracy and reliability of the data used to measure progress toward achieving Department of Commerce Strategic Goals and Objectives. BIS performs two audits per year, and extra diligence is applied at year end to support year-end congressional reports.

Performance Indicators

Summary of Performance Indicators

In FY 2019, BIS reported results on 11 of 11 performance indicators. Of those indicators, BIS exceeded seven targets (64%), met four targets (36%).

Status of FY 2019 Indicators



Strategic Objective	Indicator	FY 2019 Target	FY 2019 Actual	Status
2.3	Number of industrial base surveys, data, and analysis distributed to federal agencies and critical sectors	2	2	Met
3.1	Number of actions resulting in a deterrence or prevention of a violation, and cases resulting in a criminal or administrative charge	1,200	1,802	Exceeded
3.1	Number of export transactions completed under the new authority of Commerce export licenses and license exceptions	150,000	161,425	Exceeded
3.1	Percent of licenses requiring interagency referral, referred within nine days	98%	90%	Met
3.1	Percent of attendees rating seminars highly	93%	96%	Exceeded
3.1	Median processing time for new regime regulations (months)	2	1	Exceeded
3.1	Percent of declarations received from U.S. industry in accordance with Chemical Weapons Convention (CWC) time lines that are processed in time for the U.S. to meet treaty obligations	100%	100%	Met
3.1	Percent of electronic export information (EEI) transactions reported in the Automated Export System (AES) in compliance with the Export Administration Regulations (EAR)	99%	99%	Met
3.1	Number of exporters educated and trained through outreach activities related to 500 and 600 series ECCNs	25,000	36,325	Exceeded
3.1	Percent of licenses requiring an Information Triage Unit (ITU) report, required by executive order (EO) to be completed by Export Enforcement (EE), within 10 days of referral	90%	94%	Exceeded
3.1	Number of end-use checks (EUC) completed	1,020	1,171	Exceeded

All Performance Indicators

Indicator	Number of industrial base surveys, data, and analysis distributed to federal agencies and critical sectors						
Strategic Goal	Goal 2 – Enhance Job Creation						
Objective	2.3 – Strengthen Domestic Commerce and the U.S. Industrial Base						
Program Activity Name	Export Administration						
Indicator Class	Current/Recurring						
Type	Efficiency						
Source	Interest in the use of such surveys and data.						
Description	Work with the Department of Defense and other agencies to measure the health and competitiveness of the U.S. Defense Industrial Base by conducting at least two industry sector assessments per year, as well as additional Section 232 import investigations. These assessments and investigations allow BIS to provide stakeholders with a single, consistent source of information, and highlight interdependencies between agencies and programs. This includes working with the Bureau of International Trade Administration (ITA) to gather information regarding the U.S. industries at issue, trade statistics, and technical information on the products being investigated as well as the possibility of implementing any recommended measures.						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Target					2	2	2
Actual					2		
Status*					Met		

Indicator	Number of actions resulting in a deterrence or prevention of a violation, and cases resulting in a criminal or administrative charge						
Strategic Goal	Goal 3 – Strengthen U.S. Economic and National Security						
Objective	3.1 – Enforce the Nation’s Trade Laws and Security Laws						
Program Activity Name	Export Enforcement						
Indicator Class	Current/Recurring						
Type	Outcome						
Source	Tracking actions related to national security objectives including countering WMD proliferation, countering support to terrorism, and preventing unauthorized military end-use of U.S. items.						
Description	This performance indicator captures the number of Export Enforcement deterrence actions, cases resulting in a prevention of a violation, criminal or administrative actions, and administrative settlement orders. The number will reflect the actual number and type of preventive enforcement actions conducted, including: detentions of suspect exports, seizures of unauthorized shipments, industry outreach, issuance of warning letters, recommended denials of license applications based on enforcement concerns, and recommendations for parties to be added to the Entity List and Unverified List.						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Target	1,000	1,000	1,200	1,200	1,200	1,200	1,200
Actual	1,442	1,717	1,832	1,777	1,802		
Status*	Exceeded	Exceeded	Exceeded	Exceeded	Exceeded		

Indicator	Number of export transactions completed under the new authority of Commerce export licenses and license exceptions						
Strategic Goal	Goal 3 – Strengthen U.S. Economic and National Security						
Objective	3.1 – Enforce the Nation’s Trade Laws and Security Laws						
Program Activity Name	Export Administration						
Indicator Class	Current/Recurring						
Type	Output						
Source	Tracking exported transactions.						
Description	A key element of an up-to-date and effective export control system is ensuring that less sensitive military items -- mostly parts and components -- from the U.S. Munitions List are transferred to the more flexible Commerce Control List. The movement of these items onto the Export Administration Regulations (EAR) enables more nuanced distinctions among technologies, destinations, and end users than under the State Department's International Traffic in Arms Regulations.						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Target	80,000	100,000	150,000	150,000	150,000	160,000	165,000
Actual	126,798	144,888	137,281	164,385	161,425		
Status*	Exceeded	Exceeded	Met	Exceeded	Exceeded		

Indicator	Percent of licenses requiring interagency referral, referred within nine days						
Strategic Goal	Goal 3 – Strengthen U.S. Economic and National Security						
Objective	3.1 – Enforce the Nation’s Trade Laws and Security Laws						
Program Activity Name	Export Administration						
Indicator Class	Current/Recurring						
Type	Process						
Source	Tracking licenses requiring a recommendation from another agency also known as "Referred Licenses."						
Description	Generally, export license applications for dual-use items (products that may have both civilian and military applications) and munitions items transferred from the United States Munitions List (USML) to the new 600-Series Commerce Control List (CCL) fall into two categories: 1) referred licenses, including those licenses requiring a recommendation from another agency e.g., Departments of Defense, State, and Energy, and where appropriate other U.S. government departments or agencies) thus the name “referred licenses;” and 2) non-referred licenses, which are those license requests BIS may review or approve without being referred to any other federal agency.						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Target	98%	98%	98%	98%	98%	98%	98%
Actual	92%	93%	94%	93%	90%		
Status*	Met	Met	Met	Met	Met		

Indicator	Percent of attendees rating seminars highly						
Strategic Goal	Goal 3 – Strengthen U.S. Economic and National Security						
Objective	3.1 – Enforce the Nation’s Trade Laws and Security Laws						
Program Activity Name	Export Administration						
Indicator Class	Current/Recurring						
Type	Process						
Source	Surveys administered after each seminar.						
Description	This metric is designed to measure the overall effectiveness of the entire export control outreach seminar program. Given the volume of trade from the United States, informing U.S. and foreign businesses of the requirements of the EAR is a critical component of our export control system. The target is for at least 93% of the seminar attendees to give the seminar an overall rating of at least 4 (out of a 5 level scale).						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Target	93%	93%	93%	93%	93%	93%	93%
Actual	90%	93%	94%	89%	96%		
Status*	Met	Met	Exceeded	Met	Exceeded		

Indicator	Median processing time for new regime regulations (months)						
Strategic Goal	Goal 3 – Strengthen U.S. Economic and National Security						
Objective	3.1 – Enforce the Nation’s Trade Laws and Security Laws						
Program Activity Name	Export Administration						
Indicator Class	Current/Recurring						
Type	Process						
Source	Tracking the number of months before draft multilateral changes are referred for interagency review.						
Description	Regulatory changes resulting from multilateral regime plenary meetings have been agreed to by our export control partners and are an essential component of an effective export control system. If the changes result in tighter controls, they must be implemented to address national security or proliferation concerns, and if they result in liberalizations, they must be implemented to ensure that U.S. industry is not disadvantaged vis-à-vis our allies. Therefore, it is important to refer the draft multilateral changes for interagency review in three months or less in order to meet our multilateral obligations, maximize U.S. competitiveness, and enable economic growth for American industries, workers, and consumers. Effective and efficient adaptation of export controls advances responsible economic growth and trade while protecting American security.						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Target	2	2	2	2	2	2	2
Actual	2	3	1	1	1		
Status*	Met	Not Met	Exceeded	Exceeded	Exceeded		

Indicator	Percent of declarations received from U.S. industry in accordance with Chemical Weapons Convention (CWC) time lines that are processed in time for the U.S. to meet treaty obligations						
Strategic Goal	Goal 3 – Strengthen U.S. Economic and National Security						
Objective	3.1 – Enforce the Nation’s Trade Laws and Security Laws						
Program Activity Name	Export Administration						
Indicator Class	Current/Recurring						
Type	Output						
Source	Tracking the number of declarations and reports BIS processes, validates, and aggregates to develop the U.S. CWC Industrial Declaration.						
Description	The CWC establishes a verification regime (e.g., declaration requirements, on-site inspections, and trade restrictions) for weapons-related toxic chemicals and precursors that have peaceful applications. BIS CWC regulations require a U.S. industry exceeding certain chemical activity thresholds to submit declarations and reports. BIS processes, validates, and aggregates the declarations and reports, to develop the U.S. CWC Industrial Declaration, which is forwarded to the State Department, within time frames mandated under the CWC, and to submit it to the Organization for the Prohibition of Chemical Weapons (OPCW).						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Target	100%	100%	100%	100%	100%	100%	100%
Actual	100%	100%	100%	100%	100%		
Status*	Met	Met	Met	Met	Met		

Indicator	Percent of electronic export information (EEI) transactions reported in the Automated Export System (AES) in compliance with the Export Administration Regulations (EAR)						
Strategic Goal	Goal 3 – Strengthen U.S. Economic and National Security						
Objective	3.1 – Enforce the Nation’s Trade Laws and Security Laws						
Program Activity Name	Export Administration						
Indicator Class	Current/Recurring						
Type	Output						
Source	Tracking the number of electronic export information (EEI) transactions reported in the Automated Export System (AES) in compliance with the Export Administration Regulations (EAR)						
Description	This indicator evaluates how effective the BIS export control system is in ensuring items exported and reported as electronic export information transactions in the AES comply with the EAR. BIS will measure exporter EAR compliance by reviewing, on a quarterly and annual basis, the entire compilation of export transactions under BIS jurisdiction (i.e., BIS licensed, license exception and No License Required Shipments), and determine their EAR compliance percentage following any BIS intervention, as necessary.						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Target	99%	99%	99%	99%	99%	99%	99%
Actual	99%	99%	99%	99%	99%		
Status*	Met	Met	Met	Met	Met		

Indicator	Number of exporters educated and trained through outreach activities related to 500 and 600 series ECCNs						
Strategic Goal	Goal 3 – Strengthen U.S. Economic and National Security						
Objective	3.1 – Enforce the Nation’s Trade Laws and Security Laws						
Program Activity Name	Export Administration						
Indicator Class	Current/Recurring						
Type	Outcome						
Source	Tracking the number of exporters educated and trained through outreach activities.						
Description	This metric is designed to measure the overall effectiveness of the entire export control outreach seminar program. Given the volume of trade from the United States, informing U.S. and foreign businesses of the requirements of the EAR is a critical component of our export control system. The target is for at least 93% of the seminar attendees to give the seminar an overall rating of at least 4 (out of a 5 level scale).						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Target	48,000	48,000	48,000	25,000	25,000	25,000	25,000
Actual	50,830	46,633	28,000	27,997	36,325		
Status*	Exceeded	Met	Not Met	Exceeded	Exceeded		

Indicator	Percent of licenses requiring an Information Triage Unit (ITU) report, required by executive order (EO) to be completed by Export Enforcement (EE), within 10 days of referral.						
Strategic Goal	Goal 3 – Strengthen U.S. Economic and National Security						
Objective	3.1 – Enforce the Nation’s Trade Laws and Security Laws						
Program Activity Name	Export Enforcement						
Indicator Class	Current/Recurring						
Type	Process						
Source	Tracking the number of licenses requiring an Information Triage Unit (ITU) report.						
Description	The ITU, for which EE provides the majority of intelligence product outputs, drafts bona fides information reports on foreign transaction parties to license applications. The reports are requested at the direction of a licensing officer or may be self-selected by EE. EE must, within the established EO timeframe, complete such reports in 10 days from referral to enable timely interagency review of license applications. This metric is designed to measure the effectiveness of BIS in meeting the target of completing 90% of ITU reports produced by EE within 10 days of referral.						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Target	90%	90%	90%	90%	90%	90%	90%
Actual	93%	93%	96%	88%	94%		
Status*	Exceeded	Exceeded	Exceeded	Met	Exceeded		

Indicator	Number of end-use checks (EUC) completed						
Strategic Goal	Goal 3 – Strengthen U.S. Economic and National Security						
Objective	3.1 – Enforce the Nation’s Trade Laws and Security Laws						
Program Activity Name	Export Enforcement						
Indicator Class	Current/Recurring						
Type	Output						
Source	Tracking the number of end-use checks (EUC) completed.						
Description	A key element of BIS policy formulation and implementation toward other key countries is conducting EUCs to verify that targeted dual-use exports will be or have been used properly by the appropriate end-users. End-use checks consist of both pre-license checks (PLC) and post shipment verifications (PSVs). PLCs are used to determine if an overseas person or firm is a suitable party to a transaction involving controlled U.S. origin goods or technical data. A PSV confirms whether goods exported from the United States actually were received by the party named on the license or other export documentation, and whether the goods are being used consistent with the provisions of that license.						
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Target	850	850	850	850	1,020	1,020	1,020
Actual	1,031	985	1,089	1,042	1,171		
Status*	Exceeded	Exceeded	Exceeded	Exceeded	Exceeded		