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Meet Christine Abely



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Traliance: Government enforcement from BIS and DDTC spans across multiple industries and companies of all sizes. At times, submission of a Voluntary Self-Disclosure (VSD) is a mitigating factor that results in reduced penalties. Yet, many organizations don't know where to start or are unsure of drawing attention from these agencies. What are some of the things companies should consider when determining next steps for a VSD?

Christine: Companies should consider their export activities over the past five years, which is generally the statute of limitations for export violations. Companies may also wish



to consider submitting an initial notice of voluntary disclosure to DDTC or BIS. During the intervening time before which a full disclosure must be submitted to the relevant agency (currently 60 days for DDTC and 180 days for BIS), a company can fully investigate and determine the details of the transactions or incidents to be disclosed while still gaining the benefit of a voluntary disclosure as of the date of the initial notification (assuming the subsequent full disclosure is complete and timely).

Traliance: We've worked with some organizations that have experienced informal outreach by the Department of Homeland Security or other government agencies. What pointers can you share about how to approach these broad visits?

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Christine: In advance of these visits, organizations can make sure they understand their recordkeeping system for import and export activities and can present their records of trade compliance going back for five years.

Organizations should also be prepared to discuss their trade compliance program in detail with the government in a clear and organized manner and should be prepared to explain how different individuals and job functions work together within their organization to cover all aspects of trade compliance.

Finally, organizations can identify high-risk areas which the government agency might be interested in discussing or focusing on, so that organizations will be prepared to speak about these areas in depth. Such a review of trade activities in advance of an agency visit can help an organization determine whether it may want to consult counsel in connection with the upcoming agency visit.

Traliance: Can you share a helpful tip for companies or universities that are considering an export license application or another type of reach out to a government agency?

“Companies should consider their export activities over the past five years, which is generally the statute of limitations for export violations.”

Christine: Organizations can maximize their efficiency in applying to the government for export licenses or commodity classifications by gathering all relevant details regarding a proposed transaction or item classification and presenting that information to the government in a clear and complete manner. Some pieces of information that are generally helpful to gather and provide to the government include the following:

- The identity of all involved parties;
- The nature of any product or item involved, including its relevant technical specifications and export control classification number (ECCN) (either determined or proposed, depending on the nature of the submission);

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Christine Abely
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Export Compliance
Conversation with
Jennifer Saak,
Managing
Director of
Traliance.

Christine (continued):

- Which export restrictions may be at issue (when the submission is an export license application).

When preparing an export license application for submission to BIS, an organization can also check whether any sanctions regulations may be relevant to a proposed transaction and concurrently submit any necessary license applications to the Office of Foreign Assets Control (OFAC) within the U.S. Department of the Treasury. ☒





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