



Strengthening U.S. Economic and National Security

Office of Export Enforcement
Bureau of Industry and Security



Criminal & Administrative Penalties

Criminal Penalty

- Up to **\$1,000,000 and 20-years imprisonment** per violation.

Administrative Penalties

- Warning Letter
- Fines up to **\$364,992 per violation** or twice the value of the transaction (whichever is greater) *
- Denial of Export Privileges

Violations of the Export Control Reform Act of 2018, 50 U.S.C. 4801-4852 (ECRA) and the Export Administration Regulations, 15 C.F.R. Parts 730-774 (EAR) may be subject to both criminal and administrative penalties. The criminal penalty can be found in ECRA Section 4819(b) and civil penalties can be found in ECRA Section 4819(c).

Penalty guidance for the settlement of administrative enforcement cases under the EAR can be found at 15 C.F.R. Part 766, Supplement No. 1. The guidance identifies both general factors, such as commercial sophistication of operations, volume and value of transactions, regulatory history, illegal conduct in connection with export, criminal convictions, and specific mitigating and aggravating factors that BIS typically takes into account in determining an appropriate penalty.

Under the penalty guidance, the impact of voluntary self-disclosures on potential penalties is specifically addressed. In a non-egregious case, if the apparent violation is disclosed through a voluntary self-disclosure, the base penalty amount shall be up to one-half of the transaction value. In an egregious case, if the apparent violation is disclosed through a voluntary self-disclosure, the base penalty amount shall be an amount up to one-half of the statutory maximum penalty applicable to the violation. Information on voluntary self-disclosures can be found in 15 C.F.R. Part 764.5.



Report Export Violations
1-800-424-2980 or EELead@bis.doc.gov

* The amount of the maximum civil penalty per violation under ECRA is subject to adjustment under the Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461) and is currently \$364,992.

