

Entity List FAQs

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Q.1: What is the Entity List?

A.1: The Bureau of Industry and Security (BIS) publishes the names of certain foreign persons – including businesses, research institutions, government and private organizations, individuals, and other types of legal persons - that are subject to specific license requirements for the export, reexport and/or transfer (in-country) of specified items. These persons comprise the Entity List, which is found at Supplement No. 4 to Part 744 of the Export Administration Regulations (EAR). The persons on the Entity List are subject to individual licensing requirements and policies supplemental to those found elsewhere in the EAR.

Q.2: What is the background and purpose of the Entity List?

A.2: BIS first published the Entity List in February 1997 as part of its efforts to inform the public of entities that have engaged in activities that could result in an increased risk of the diversion of exported, reexported or transferred (in-country) items to weapons of mass destruction (WMD) programs. Since its initial publication, grounds for inclusion on the Entity List have expanded to activities sanctioned by the State Department and activities contrary to U.S. national security and/or foreign policy interests.

Q.3: Where can I find the Entity List?

A.3: The Entity List is found in [Supplement no. 4 to part 744 of the EAR](#). If you would like to subscribe to BIS's e-mail notification service that will alert you when BIS publishes rules in the Federal Register, including rules implementing changes to the Entity List, please click [here](#).

Q.4: Why should I check the Entity List?

A.4: You should check the Entity List because exports, reexports, and/or transfers (in-country) to those persons named on the Entity List are subject to licensing requirements and policies in addition to those elsewhere in the EAR. Failure to adhere to EAR licensing requirements is a violation of the EAR and could result in criminal and/or civil penalties. BIS recommends that exporters screen the parties to transactions against the Entity List as a standard part of pre-transaction due diligence activities.

Q.5: Can a U.S. company have any dealings with a listed entity?

A.5: Yes. However, BIS considers that transactions of any nature with listed entities carry a "red flag" and recommends that U.S. companies proceed with caution with respect to such transactions. Note that the Entity List describes license requirements and policies for the export, reexport, and/or transfer (in-country) of items subject to the EAR only. Additionally, although many of the persons included on the Entity List are subject to policies of denial for the export, reexport, and/or transfer (in-country) of all items subject to the EAR, some are subject to policies and requirements that are narrower in scope (i.e., not all persons included on the Entity List are subject to license requirements for all items subject to the EAR, while others are subject to license requirements for all or some items listed on the Commerce Control List (CCL)). Be sure to review the licensing policy and requirements carefully.

Q.6: Are U.S. companies prohibited under the EAR from doing business with specific entities that are not included on the Entity List?

A.6: As set forth in the answer to question 28, both BIS and other agencies in the U.S. Government maintain other lists of entities for which there are restrictions on doing business. In addition, the provisions of part 744 of the EAR, including § 744.6 of the EAR, apply to transactions regardless of whether the entity in question is listed on the Entity List or not.

Additionally, BIS recommends that exporters, reexporters, or persons transferring (in-country) items subject to the EAR review the U.S. Government's list of proscribed persons to ensure that a proposed transaction does not violate other U. S. Government requirements.

Q.7: What are the different types of license requirements for listed entities?

A.7: Each entity on the Entity List is assigned a specific licensing requirement on the basis of the national security and/or foreign policy considerations associated with the entity's designation on the Entity List. Within the Entity List, the information for each listed entity includes the license requirement, license review policy, and Federal Register citation(s). License requirements vary from "all items subject to the EAR," which includes items on the CCL as well as EAR99 items, to all items on the CCL, or to all items on the CCL except for specified items.

Q.8: What is BIS's policy for reviewing license applications that include listed entities as parties to the transaction?

A.8: BIS reviews license applications that include listed entities according to the entity's role in the proposed transaction and the specific license review policy(ies) set forth for the entity(ies) on

the Entity List. Note that while transactions outside of the scope of the license review policy for a listed entity are not prohibited, BIS considers that such transactions carry a "red flag."

Q.9: Are there any license exceptions available for listed entities?

A.9: Section 744.1(c) of the EAR generally prohibits the use of license exceptions for almost all exports and reexports to listed entities. However, if one or more license exceptions are available to a listed entity, the availability will be noted in the licensing requirements information specific to that entity.

Q.10: How often is the Entity List updated?

A.10: The Entity List is subject to ongoing review and revision. All changes to the Entity List are published in the Federal Register. You can subscribe to a BIS e-mail notification service that will alert you when EAR rules are published in the Federal Register, including rules implementing changes to the Entity List, by clicking [here](#).

Q.11: A company that used to be on the Entity List is no longer listed. Can I ship to them now?

A.11: The removal of an entity from the Entity List removes only the additional license requirements imposed by its listing on the Entity List, and does not modify the other license requirements that may be applicable under the EAR (i.e., as a result of an item's classification on the CCL or the proposed country of destination for the export, reexport, or transfer (in-country)). Additionally, if you know or have been informed that the item proposed for export, reexport, or transfer (in-country) will be used in nuclear, missile, and/or chemical and biological weapons programs, you must seek a license pursuant to the requirements found in Part 744 of the EAR. You should also consult the other export screening lists maintained by BIS and other U.S. Government agencies to determine whether other license requirements or sanctions apply. In summary, you should conduct the same due diligence as you would for any other export, reexport, or transfer (in-country) of items subject to the EAR.

Q.12: What if a company I want to export to is at the same address as (e.g., co-located with) a listed entity?

A.12: This is a "red flag" and the exporter must undertake sufficient due diligence to verify that the company co-located with the listed entity is not, in fact, the listed entity and does not intend to transfer (in-country) the requested items to the listed entity.

Additionally, pursuant to § 744.11 of the EAR, BIS may identify certain addresses as Addresses with High Diversion Risk and add these addresses to the Entity List. When an address is listed on the Entity List as an Address with High Diversion Risk, the involvement of any party at that address performing the role of a Purchaser, Intermediate Consignee, Ultimate Consignee, or End-User in a transaction subject to the EAR would trigger a license requirement, regardless of the entity involved. The specific license requirements associated with that address will be listed in the License Requirement column on the Entity List next to that address entry on the Entity List.

Q.13: What if the name or address of the company I want to export to is a near match to a name or address on the Entity List?

A.13: As this is a "red flag," BIS recommends that detailed due diligence be undertaken. You should conduct due diligence by examining other factors to determine if any companies or other persons that are party to this transaction are the same as the listed entity. Such factors may include, but are not limited to, the company's name, address, corporate officers, business activities, contact information. You may be able to locate this information via the company's website or through internet search results.

Minor differences between a listed address and the address used on export paperwork should generally be considered immaterial, and you should accordingly consider the address a match. However, such otherwise minor differences will take on greater importance when the license requirement is based on the address itself, such as when a specific address is listed on the Entity List as an Address with High Diversion Risk. For example, BIS would consider the following scenarios to constitute a match despite certain differences:

The addresses largely match, but there is a difference in the type of roadway or room number listed; for example, "Hopewell Building, 123 Queens Road East, Hong Kong" should be considered a match for "Hopewell Building, 123 Queens Street East, Hong Kong." Similarly, "Suite 3, 4/F, 123 Main Street, Hong Kong" should be considered a match for "Room 03, 4th Floor, 123 Main Street, Hong Kong."

There are slight differences in the spacing or spelling of road names, when other relevant details of the address match. For example, "Suite 2, Commodore Building, 123 FaYuen street, Hong Kong" should be considered a match for "Suite 2, Commodore Building, 123 Fa-Yuan Street, Hong Kong."

There are details such as the building name missing, but the remainder of the address has enough detail to confirm the match. For example, "Room 4, 10/F, Commodore Building, 123 FaYuen Street, Mongkok, Hong Kong" would be considered the same as "Room 4, 10/F, 123 FaYuen Street, Mongkok, Hong Kong."

The above examples are fictitious and do not correspond to addresses that BIS has listed. The above examples are not an exhaustive list of cases in which BIS considers an address to match. If there are any variations in spelling or sub-building elements that prevent you from confidently determining that two addresses *do not match*, then you should treat them as matches. If you have difficulties making such a determination, you should seek official guidance from BIS.

Q.14: Can I export to a person on the Entity List if he/she is not located at the same address as listed in the EAR?

A.14: Persons on the Entity List are subject to the licensing policy and requirements defined in their specific entries on the Entity List regardless of their location. BIS works to revise and correct the entries on the Entity List on a regular basis, in order to ensure that each entry reflects the most accurate and recent information for the person named in that entry. However, if your due diligence indicates that the person to whom you wish to export, reexport, or transfer (in-country) is designated on the Entity List, then, regardless of the address listed in the Entity List entry, you should follow the licensing requirements set forth in the Entity List for that person.

Q.15: Are all of the persons on the Entity List included because they violated the Export Administration Regulations (EAR) by exporting, reexporting and/or transferring items subject to the EAR?

A.15: No, not all sections of Part 744 of the EAR (which defines the criteria for possible inclusion on the Entity List) require that a person's alleged activity involve items subject to the EAR. Section 744.11, for example, requires that the person's activities be contrary to U.S. national security and/or foreign policy interests but does not require that the activities involve items subject to the EAR.

Q.16: Is there an appeals process for listed entities? If so, how does it work?

A.16: Yes; this process was articulated in BIS's August 2008 revision of the EAR titled "Authorization to Impose License Requirements for Exports or Reexports to Entities Acting Contrary to the National Security or Foreign Policy Interests of the United States."

As a result of the August 2008 rule, §744.16 of the EAR defines the procedures that allow a person listed on the Entity List to submit a written request to the End-User Review Committee (ERC) that its entry be removed or modified. The request must be made in English and the party must provide a basis for the removal or modification. After the ERC has reviewed the request and reached a decision, BIS's Deputy Assistant Secretary for Export Administration will provide the decision in a written response to the requesting party. The decision communicated to the

party by the Deputy Assistant Secretary is final. BIS will publish any modifications to, or removals from, the Entity List resulting from such appeals in the Federal Register. The timeframe for appeals is 30 calendar days after the ERC's receipt of the appeal (note that BIS conducts an internal review of all appeals prior to referral to the ERC that may add to this timeframe).

Please note that if a party on the Entity List submits an appeal, it remains subject to the Entity List's licensing requirements while the appeal is being processed. In order for a party to be released from the additional licensing requirements imposed by being on the Entity List, two actions must occur: 1) the appeal must be approved by the ERC, and 2) a formal notice of the party's removal from the Entity List must be published in the Federal Register.

Q.17: Does the Entity List include U.S. persons?

A.17: No, it does not.

Q.18: Do other U.S. Government export screening lists include U.S. persons?

A.18: Yes. See a consolidated version of all U.S. Government proscribed parties lists [here](#).

Q.19: Does BIS work with other U.S. Government agencies to administer the Entity List?

A.19: Yes. As set forth in Supplement No. 5 to Part 744 of the EAR, proposed changes to the Entity List are reviewed and approved by the interagency End-User Review Committee (ERC). Comprised of representatives from the Departments of State, Defense, and Energy, the ERC is chaired by a Commerce employee. In addition to the review of appeals, the ERC reviews the Entity List on an annual basis. Any ERC member agency may also recommend changes to the Entity List on an ad-hoc basis.

Q.20: Who should I contact if I have more questions about the Entity List?

A.20: You should call the Office of Exporter Services at 202-482-4811, or e-mail them a question via the website. Pursuant to the guidance in §748.3 of the EAR, you may also submit an advisory opinion request to the End-User Review Committee Chair at ERC@bis.doc.gov, or call the Committee Chair directly at 202-482-5991.

Q.21: Can a listed entity act as purchaser or freight forwarder to transport my shipment of items subject to the EAR to the ultimate consignee or end-user?

A.21: A BIS license is required prior to such a transaction. As stated in § 744.11(a), a license is required for the export, reexport, or transfer (in-country) of items subject to the EAR when an entity on the Entity List is a party to the transaction as described in § 748.5(c)-(f). Parties to the transaction may include purchasers, intermediate consignees (such as forwarding agents), ultimate consignees, and end-users. Any application for such a license will be reviewed in accordance with the License Review Policy associated with the listed entity on the Entity List. This policy is, most commonly, a presumption of denial. BIS also recommends consulting the other export screening lists maintained by the U.S. Government to ensure that any listed entity performing an activity (e.g., services) not subject to the EAR does not violate sanctions or restrictions administered by other U.S. Government agencies.

Q.22: Can a listed entity act as my company's purchasing agent for items subject to the EAR?

A.22: A BIS license is required prior to such a transaction. As stated in § 744.11(a), a license is required for the export, reexport, or transfer (in-country) of items subject to the EAR when an entity on the Entity List is a party to the transaction as described in § 748.5(c)-(f). Parties to the transaction may include purchasers, intermediate consignees (such as forwarding agents), ultimate consignees, and end-users. Any application for such a license will be reviewed in accordance with the License Review Policy associated with the listed entity on the Entity List. This policy is, most commonly, a presumption of denial. BIS also recommends consulting the other export screening lists maintained by the U.S. Government to ensure that any listed entity performing an activity (e.g., services) not subject to the EAR does not violate sanctions or restrictions administered by other U.S. Government agencies.

Q.23: Do the license requirements and policies of the Entity List apply to separately incorporated subsidiaries, partially owned subsidiaries, or sister companies of a listed entity?

A.23: Subsidiaries, parent companies, and sister companies are legally distinct from listed entities. Therefore, the licensing and other obligations imposed on a listed entity by virtue of its being listed do not *per se* apply to its subsidiaries, parent companies, sister companies, or other legally distinct affiliates that are not listed on the Entity List. If, however, such a company, or even an unaffiliated company, acts as an agent, a front, or a shell company for the listed entity in order to facilitate transactions that would not otherwise be permissible with the listed entity, then the company is likely violating, *inter alia*, General Prohibition 10, EAR section 764.2(b) (causing, aiding, or abetting a violation) and possibly other subsections of 764.2 as well.

Those who export, reexport, or transfer items subject to the EAR with knowledge that the items are destined to a subsidiary, sister, parent, or other affiliate of a listed entity are encouraged to take extra due diligence steps to ensure that (i) the items are not ultimately destined for the listed entity and (ii) the affiliate is a separate legal entity (as opposed to a branch or operating division of the listed entity). If one is uncertain whether a planned transaction involving an actor with some relationship to a listed entity would be affected by the obligations pertaining to the listed entity, one may seek an advisory opinion from BIS pursuant to section 748.3.

Q.24: Do the license requirements and policies of the Entity List apply to the branch offices and operating divisions of a company, organization, or other entity that is a listed entity?

A.24: Branches and operating divisions of a listed entity are, by definition, part of the listed entity. They are not legally distinct entities. Therefore, with one exception pertaining to hospitals and medical centers of the Department of Atomic Energy entities in India (see FAQ #39), the licensing and other obligations imposed on a listed entity also apply to its branches and operating divisions.

Q.25: Do the license requirements and policies in the Entity List also apply to the parent company if a subsidiary is a listed entity?

A.25: The Entity List license requirements do not extend to parent companies unless the applicable listing for the company so states. Exporters, reexporters, and transferors are reminded that the EAR imposes licensing requirements, such as end-user and end-use based restrictions in Part 744 of the EAR, that could apply to such companies even if they are legally separate from the listed entity.

Q.26: Do the restrictions for a listed alias differ from the main entry?

A.26: No. All persons named in Entity List entries are subject to the main entry's licensing requirements and policy.

Q.27: If a person on the Entity List enters the United States, can I do business with that person?

A.27: BIS does not prohibit the sale or transfer of commodities subject to the EAR to persons on the Entity List if those persons are in the United States. However, the release of software source code or technology in the United States to a person on the Entity List or a person employed by or representing an organization on the Entity List may require a license as a “deemed

export.” Should such a person depart the United States, a license will be required for the export of commodities and software (other than software source code) consistent with the entity’s listing on the Entity List. In addition, if at the time of the domestic sale or transfer in the United States, the transferor or seller had “knowledge” that the person on the Entity List or the person employed by or representing the organization on the Entity List intended to export the item(s) out of the United States without obtaining BIS authorization, a violation of the EAR under §736.2(b)(10) (General Prohibition Ten) and §764.2(e) may occur. BIS recommends that exporters exercise a high level of due diligence prior to entering into a transaction with any person on the Entity List, regardless of where that person is located. Note also that the release outside of the United States of software source code or technology subject to the EAR to a person on the Entity List or a person employed by or representing an organization on the Entity List may require a license or other EAR authorization prior to the “deemed reexport” of that software source code or technology.

Q.28: Can a U.S. company import items from listed entities?

A.28: BIS does not have jurisdiction over the import of items into the United States. However, you should consult other lists maintained by the U.S. Government, as sanctions or other restrictions may apply to import transactions with the particular listed entity or from that particular country of import. BIS publishes a consolidated version of all of the U.S. Government lists that may be relevant to your transaction.

Q.29: Can I purchase items from a company that is listed on the Entity List?

A.29: The Bureau of Industry & Security’s jurisdiction is limited to the export, reexport and transfer (in-country) of items subject to the Export Administration Regulations (EAR) and the placement of a person on the Entity List imposes supplemental license requirements and license application review policies on the shipment of items subject to the EAR to that person. Although a person’s inclusion on the Entity List does not create a prohibition on purchases from that person, companies contemplating such purchases should note that BIS suggests that there are red flags on the purchase of U.S.-origin items and other items subject to the EAR from Entity List persons. Companies need to exercise additional due diligence to ensure that the items desired for purchase, should they be U.S. origin or otherwise subject to the EAR, were sent to the company listed on the Entity List with the appropriate authorization. Anyone seeking to purchase items from a company listed on the Entity List should note that the Entity List is made up of entities about whom the United States Government found there to be reasonable cause to believe that the entity has been involved, is involved, or poses a significant risk of being or becoming involved in activities that are contrary to the national security or foreign policy interests of the U.S. government, and those acting on behalf of such entities.

Q.30: Can a student at a university listed on the Entity List intern at my company?

A.30: A student's enrollment at a university included on the Entity List is a "red flag" which requires exporters undertake an additional level of due diligence before proceeding with any such transaction. However, a student is not an integral part of the university (e.g., does not have fiduciary duty to from the university in the same manner that as an employee, officer, trustee, or person in a similar position in the university would) in which he/she is enrolled and therefore BIS does not include them in the licensing requirements and policy specific to the university. With the caveat of the red flag mentioned above, BIS advises exporters to treat exports, reexports, and transfers (in country) to students as shipments to the country of which the student is a citizen.

Q.31: Can my company enter into collaborative research projects with universities on the Entity List?

A.31: Pursuant to §734.8 of the EAR, information resulting from fundamental research is not subject to the EAR. Therefore, given that the collaboration remains limited to fundamental research, it cannot be subject to the Entity List's licensing requirements and policies. Any research undertaken that involves the export, reexport, or transfer of an item subject to the EAR and that does not conform to the requirements of § 734.8 of the EAR may, depending on the licensing requirements and policies specified in the Entity List entry, require a license from BIS.

Q.32: Can my company hire an individual employed by a university on the Entity List while he/she continues to work at the university?

A.32: Employees of persons on the Entity List are subject to the licensing requirements and policies specific to their employer. Therefore, in the case of universities on the Entity List, employees of the universities are subject to the same licensing policy and requirements that the universities are. This also applies to officers, trustees, and other persons in a similar position with the university.

Q.33: Can my company hire an individual who used to be employed by a university on the Entity List?

A.33: Yes. However, previous employment at any organization on the Entity List carries a "red flag" which requires an additional level of due diligence before proceeding with the hiring process.

Q.34: Can my company donate items subject to the EAR to a university on the Entity List?

A.34: It depends on what your company wants to donate, whether BIS requires a license for the export, reexport, or transfer of that item to the university (as specified in the Entity List entry for the university), and, given that a license is required, whether BIS approves your license application.

Q.35: What is the relationship of the Entity List to other lists maintained by the U.S. Government?

A.35: The Departments of Commerce, State, and the Treasury maintain separate lists for the programs each agency administers because these programs have different purposes and are regulated under different authorities.

BIS maintains three lists: the Denied Persons List (DPL); the Unverified List; and the Entity List. The Entity List is described in detail in these FAQs and can be found [here](#).

The DPL lists persons that have been denied export privileges; any dealings with persons listed on the DPL that violate the terms of their denial order would be a violation of the EAR. The DPL can be found [here](#).

The Unverified List is a list of parties that have not cooperated with BIS during post-shipment verification checks. The presence of a party on the Unverified List in a transaction is a “red flag” that must be resolved before proceeding with the transaction. The Unverified List can be found [here](#).

The Departments of the Treasury and State maintain other lists that should be consulted before exporting, reexporting, or transferring item(s). These lists include the Specially Designated Nationals and Blocked Persons (SDN) List, the Debarred List, and the lists of persons subject to Nonproliferation Sanctions. You can find links to these lists [here](#).

A consolidated version of all of the U.S. Government proscribed parties lists is available [here](#).

Q.36: What does it mean when BIS incorporates entities into the Entity List by reference?

A.36: The Entity List includes restrictions on exports, reexports, or transfers (in-country) to certain persons by reference, meaning that the EAR defines the licensing policy and requirements specific to such persons but does not necessarily include them as individual entries on the Entity List. These persons are designated in or pursuant to Executive Orders or other legal mechanisms. Examples of such persons include but are not limited to Specially Designated Global Terrorists (SDGTs), as referenced in §744.12 of the EAR, and Specially Designated Terrorists (SDTs), as referenced in §744.13 of the EAR.

In incorporating the lists maintained by other U.S. Government (USG) agencies by reference, BIS is clarifying the EAR licensing requirements and policies applicable to the entities on the other USG lists. BIS recommends that exporters, reexporters, or transferors in-country consult the other lists maintained by the USG when exporting, reexporting, and/or transferring (in-country) items since, in many cases, they will not be required to also seek separate authorization from BIS. Note, however, that in some cases an EAR authorization may still be required. See §§ 744.8, 744.12, 744.13, 744.14, 744.18, and 744.22 of the EAR for additional details. In other words, EAR license requirements supplement those of the other USG agencies.

Q.37: Is the Entity list the same as the Specially Designated Nationals and Blocked Persons (SDN) List?

A.37: No. The SDN List is published by the U.S. Department of the Treasury, Office of Foreign Assets Control (OFAC). The SDN List has different foreign policy objectives and legal requirements than the Entity List.

Q.38: Is the Entity List the same as the Denied Persons List?

A.38: No. Although both the Denied Persons List (DPL) and the Entity List are administered by the Department of Commerce, they are separate and distinct lists. The DPL includes parties that have been denied export and reexport privileges. In contrast, the Entity List imposes specific license requirements for the export, reexport, or transfer (in-country) of specified items to the persons named on it.

Q.39: Are hospitals and medical centers of Indian Department of Atomic Energy entities that are on the Entity List included in the entries for those entities?

A.39: No. Hospitals and medical centers of Indian Department of Atomic Energy (DAE) entities are not—and were never intended to be—captured by the Entity List. Consequently, hospitals and medical centers of DAE entities are not subject to the Entity List’s licensing requirements. Note that the licensing requirements found elsewhere in the EAR may be applicable to such hospitals and medical centers. Such hospitals and medical centers would also be generally subject to destination-based licensing requirements that apply to India.

Q.40: Where can I locate the list of Indian nuclear reactors (including power plants) and other nuclear facilities under International Atomic Energy Agency (IAEA) safeguards?

A.40: This list is published in the IAEA's Information Circular titled "Agreement between the Government of India and the International Atomic Energy Agency for the Application of Safeguards to Civilian Nuclear Facilities" (INFCIRC/754), which is available at the IAEA's website (www.iaea.org). In this document there is an annex (the "List of Facilities Subject to Safeguards Under the Agreement Between the Government of India and The International Atomic Energy Agency for the Application of Safeguards to Civilian Nuclear Facilities") that contains the list of nuclear reactors (including power plants) and fuel fabrication facilities under IAEA safeguards. Please note that this list is updated regularly with the publication of documents titled "Agreement between the Government of India and the International Atomic Energy Agency for the Application of Safeguards to Civilian Nuclear Facilities: Addition to the List of Facilities Subject to Safeguards Under the Agreement" and that these updates are numbered as follows: INFCIRC/754/Add.1, INFCIRC/754/Add.2, INFCIRC/754/Add.3, etc. BIS recommends that exporters check the most recent version of the list on a regular basis by searching the IAEA's website for "INFCIRC/754". As of November 18, 2013, the most recent version of this document is INFCIRC/754/Add.4.