The Boeing Company
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Arlington, VA 22209-1989

June 4, 2014

Ms. Hillary Hess
Director, Regulations and Policy Division
Bureau of Industry and Security
U.S. Department of Commerce
14th Street and Pennsylvania Avenue NW
Washington, DC 20230

Subject: **Proposed Revision to the Support Document Requirements of the Export Administration Regulations in Response to Executive Order 13563 Retrospective Regulatory Review**

Reference: **RIN 0694-AG00**
Federal Register/Vol. 79, No 68/Wednesday, April 9, 2014

Dear Ms. Hess,

The Boeing Company ("Boeing") welcomes the opportunity to comment on the referenced Proposed Rule from the Bureau of Industry and Security ("BIS"). The proposed revision to the Export Administration Regulations ("EAR") is clearer, provides needed flexibility, and updates the values that trigger the need for support documents.

Boeing would like to address the proposal to cease issuing International Import Certificates ("IC") and/or Delivery Verifications ("DV"). Boeing supports eliminating IC and DV requirements in connection with license applications for U.S. exports. We agree these processes are both outmoded and burdensome and of limited usefulness. We are concerned, however, with the proposal to no longer issue U.S. ICs or DVs for imports into the United States. As noted in the Proposed Rule, the IC/DV system remains in place under the Wassenaar Arrangement and we are occasionally required to provide them to non-U.S. suppliers. Over the last several years, Boeing received requests from German, United Kingdom, and Czech regulators to provide ICs to import commodities considered defense articles under their respective export regulations. While the United States has reduced the scope of commodities considered defense articles under U.S. regulations, other Wassenaar members have not made corresponding changes.

Accordingly, we expect certain countries to continue to require ICs which U.S. companies will no longer be able to obtain from BIS under the proposed change.

The Proposed Rule explained that the United States has to date been unable to reach consensus at Wassenaar in its attempt to implement the streamlining of required support documents. Boeing is supportive of the Administration's actions to continue to press for multilateral changes to the IC/DV system. In the interim, we request that BIS continue to provide ICs for imports into the U.S. of items deemed defense articles under foreign country regulations, whether or not the items are listed on the United States Munitions List. BIS could issue stand-alone guidance on obtaining ICs/DVs if requested by a non-U.S. regulator until agreement on these issues is reached at Wassenaar. This would provide a "bridge mechanism" for U.S. exporters and eliminate the need to revisit the regulations again in the future.

From a drafting perspective, our only comment relates to Part 748.11, Statement by Ultimate Consignee and Purchaser. Boeing recommends that additional clarity could be achieved by moving subsection (a)(2) *Permissive substitute of Statement by Ultimate Consignee and Purchaser in place of in place of PRC End-User Statement* to Part 748.10. This change would result in all processes for exports to China residing in one section.

Thank you for the opportunity to provide comments. Please do not hesitate to contact me if you have any questions or need additional information. I can be reached at 703-465-3505 or at christopher.e.haave@boeing.com.

Sincerely,

Christopher E. Haave
Director, Global Trade Controls