

Export Control Facts

- The US Department of Commerce's Bureau of Industry and Security (BIS) administers and enforces export controls on dual-use and certain munition items through the Export Administration Regulation (EAR).
- The BIS Office Export Enforcement (OEE) protects and promotes the U.S. national security, foreign policy, and economic interests.
- Dual-use items are commodities, software, or technology that have both commercial and military or proliferation applications.
- EAR regulates goods and technology on the Commodity Control List (CCL).
- CCL categories include nuclear, electronics, chemicals, microorganisms, toxins, computers, lasers, sensors, navigation, avionics, aerospace, propulsions systems and miscellaneous items.
- The State Department implemented the International Traffic in Arms Regulations (ITAR), which controls the export of defense articles and services.
- ITAR regulates defense articles, defense services and technical data listed on the U.S. Munitions List (UMSL).
- Some USML categories are specific, such as spacecraft systems (which includes GPS with certain characteristics), but in general the UMSL lacks the specificity of the CCL.
- The Department of Energy (DoE) controls exports and re-exports of technology related the production of nuclear materials and equipment.
- The Office of Foreign Assets Control (OFAC) of the U.S. Department of Treasury administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals against targeted foreign countries and regimes, terrorists, internal narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the United States.
- Export Controls of items apply to transfers out of, as well as some transfers within the U.S.
- Export Controls apply to U.S. citizens, anywhere in the world and to anyone regardless of citizenship in the U.S.
- A claim of Fundamental Research Exclusions (FRE) cannot have publication or dissemination restrictions.
- Transfer of proprietary information to a foreign national in the U.S. may require an export control license.
- Any activity with Iran, Iraq, Libya, Pakistan, Soviet Union, China, India, Sudan, Cuba, Syria, North Korea, and the Crimea Region of the Ukraine (Embargoed Countries, Tier III, & Tier IV) must be approved by the Sr. Compliance Manager/Export Control.
- BIS has a unique range and combination of administrative enforcement authorities including, the imposition of civil penalties, denial of export privileges, and placement of individuals and entities on lists that restrict or prohibit their involvement in export and re-export transactions.
- Willful violations may be subject to both criminal fines and administrative penalties.
- Administrative penalties may also be imposed when there is no willful intent, which can be brought in a much wider variety of circumstances.



References:

Don't Let this Happen to You.

<https://www.bis.doc.gov/index.php/documents/enforcement/1005-don-t-let-this-happen-to-you-1/file>

Office of Foreign Assets Control.

[Office of Foreign Assets Control - Sanctions Programs and Information | U.S. Department of the Treasury](#)

Bureau of Industry and Security.

[Export Administration Regulations \(EAR\) \(doc.gov\)](#)

U.S. Export Regulations.

[U.S. Export Regulations \(trade.gov\)](#)