Export Control Overview

Export Control regulations are federal laws that prohibit the unlicensed export of certain commodities or information for reasons of national security or protections of trade. Export controls usually arise for one or more of the following reasons:

- The nature of the export has actual or potential military applications or economic protection issues;
- Government concerns about the destination country, organization, or individual, and
- Government concerns about the declared or suspected end use or the end user of the export

What is an Export?

An export is any oral, written, electronic or visual disclosure, shipment, transfer or transmission of commodities, technology, information, technical data, assistance or software codes to

- anyone outside the U.S. including a U.S. citizen
- a "foreign national" wherever they are (deemed export)
- a foreign embassy or affiliate

Who is a Foreign National?

A "Foreign National" is any person who is **NOT** a:

- U.S. Citizen or National
- U.S. Lawful Permanent Resident
- Person Granted Asylum
- Person Granted Refugee Status
- Temporary Resident

"Foreign Nationals" include:

- Persons in the U.S. in non-immigrant status (for example, H-1B, H-3, L-1, J-1, F-1 Practical Training, L-1)
- Persons unlawfully in the U.S.

Why are Certain Exports Controlled?

Exports may be controlled due to any of the following factors:

- National Security

- Proliferation of chemical and biological weapons
- Nuclear Nonproliferation
- Missile Technology
- Anti-Terrorism (*Cuba, Iran, North Korea, Libya, Sudan and Syria*)
- Crime Control
- High Performance Computer
- Regional Stability
- Short Supply
- U.N. Sanctions

How are Exports Disclosed?

Exports can be disclosed via the following actions:

- Fax
- Telephone discussions
- E-mail communications
- Computer data
- Face-to-face discussions
- Training sessions
- Tours which involve visual inspections

Who Governs Export Control Regualtions?

The following U.S. governmental agencies determine the polices regarding export control:

- The Department of Commerce's Export Administration Regulations (EAR)
- The Department of State's International Traffic In Arms Regulations (ITAR)
- The Treasury Department's Office of Foreign Assets Control (OFAC)