

# Introduction to Export Controls

University of Pittsburgh

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The U.S. export controls system regulates not only the export of military items (through the ITAR<sup>1</sup>) but also the export of commercial or dual use items (through the EAR<sup>2</sup>). The term export, under those regulations, is interpreted broadly. It includes basically any action that causes a cross border movement of hardware, software and technology<sup>3</sup>, or a transfer of software or technology to foreign national in the U.S.<sup>4</sup>.

U.S. national security, economic interests and foreign policy shape the U.S. export controls regime. The U.S. export laws and regulations aim at achieving various objectives, such as preventing the proliferation of weapons of mass destruction, advancing the U.S. economic interests at home and abroad, aiding regional stability, implementing anti-terrorism and crime controls, and protecting human rights.

U.S. export controls laws restrict the export of products and services based on the type of product and activities involved, and on the people and countries involved. In both the defense and high-technology sectors, the U.S. Government tightly regulates the export not only of equipment and components, but also of technology. Technology includes technical data, such as blueprints and manuals, as well as design services (including the transfer of “knowledge”) and training. U.S. export controls laws assert jurisdiction over U.S. origin equipment and technology even after it is exported (*i.e.*, restricting the re-export or re-transfer to third parties). In addition to general export licensing, the United States maintains economic embargoes against a number of countries whose governments consistently violate human rights or act in support of global terrorism. Such embargoes bar most transactions by U.S. persons with these countries. Finally, the U.S. restricts dealings with certain individuals and entities that have violated various domestic and international laws.

Three principal agencies regulate exports and implement export controls from the United States: the U.S. Department of State Directorate of Defense Trade Controls (“DDTC”) administers export controls of defense exports; the U.S. Department of Commerce Bureau of Industry and Security (“BIS”) administers export controls of purported "dual-use" technology

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<sup>1</sup> International Traffic in Arms Regulations

[https://www.pmdtc.state.gov/regulations\\_laws/itar.html](https://www.pmdtc.state.gov/regulations_laws/itar.html)

<sup>2</sup> Export Administration Regulations

<http://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear>

<sup>3</sup> Export, Reexport. This includes standard physical movement of items across the border by truck, car, rail, hand carry, aircraft or vessel. Technology and software may be exported or reexported both physically or electronically, such as through email, FTP, IM chat, telephone discussions, posting on an intranet or the internet and a variety of other non-physical means.

<sup>4</sup> Called “Deemed Exports”, see *Key Issue in University Research: Deemed Export*

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exports; and the U.S. Department of the Treasury Office of Foreign Assets Control (“OFAC”) administers exports to embargoed countries and designated individuals/entities.

U.S. national security and economic interests are heavily dependent on technology innovation. Many of the nation's cutting-edge technologies, including defense-related technologies, are being discovered by faculty, U.S. and foreign national students, and scholars in U.S. university research and university-affiliated laboratories. U.S. policymakers recognize that foreign students and researchers have made substantial contributions to U.S. research efforts, but the potential transfer of controlled defense or dual-use technologies to their home countries could have significant consequences for U.S. national interests. The U.S. export controls agencies place the onus on universities to understand and comply with the regulations.<sup>5</sup>

Export controls present unique challenges to universities and colleges because they require balancing concerns about national security and U.S. economic vitality with traditional concepts of unrestricted academic freedom, and publication and dissemination of research findings and results. University researchers and administrators need to be aware that these laws may apply to research, whether sponsored or not.

**The Office of Export Controls Services (OEC) is available to assist the Pitt community about export controls issues. If you have any question, please contact the OEC at [EChelp@pitt.edu](mailto:EChelp@pitt.edu)**

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<sup>5</sup> See GAO Report "Export Controls: Agencies Should Assess Vulnerabilities and Improve Guidance for Protecting Export-Controlled Information at Universities," December 2006, available at <http://www.gao.gov/products/GAO-07-70>