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Export Control

Legal Regulatory Framework

Comprehensive export control laws and regulations that control transfers of items, technology, and related services.

Laws and regulations that control technology in both tangible (blueprints, for example) and intangible (e-mails and verbal communications, for example) forms.

Controls that extend to items that are transiting or being transshipped through an economy's waters, airspace, or territory, including free ports.

Controls on foreign-origin items re-exported from an economy.

Controls on items temporarily transferred to another economy — including commercial trade show demonstrations and equipment transfers to foreign-owned holdings.

Controls on arms brokering and other intermediary activities.

Comprehensive control lists and practices in harmony with the guidelines and control lists of the multilateral nonproliferation regimes and arrangements (Nuclear Suppliers Group, Missile Technology Control Regime, Australia Group, and Wassenaar Arrangement).

Controls on transfers of unlisted items, services, and technologies of potential concern, if the transfers are intended for programs involved in weapons of mass destruction, their delivery systems, or conventional weapons ("catch-all" controls).

Legal authorities that permit denial of licenses for nonproliferation, foreign policy, and national security reasons without excessive threat of appeal or demand for compensation by trade companies.

Criminal and civil penalties, including imprisonment, fines, and restriction or denial of trading privileges, and publicity of such actions, to deter and prevent future violations.

Provisions that protect the confidentiality of commercial information, while permitting information-sharing with other governments to enhance international efforts against proliferation.

Licensing Procedures and Practices

Effective and transparent licensing organizations and processes to ensure adequate review of license applications for nonproliferation reasons.

Procedures, databases, and watch lists for evaluating parties involved in transfers, paying particular attention to those considered to be suspicious, unreliable, or presenting a high risk of diversion.

Processes to ensure that technical experts, intelligence experts, and policy officials from all legally entitled government agencies have the knowledge and opportunity to evaluate license applications for proliferation concerns.

Procedures to confirm, as appropriate, the legitimacy of stated end-users and end-uses.

Procedures to confirm, as appropriate, that licensed items have reached their stated end-users and are being used for their stated end-use.

Enforcement, Investigation, and Prosecution

Policies, laws, and regulations to provide enforcement agencies the mission, authority, training, and resources necessary to detect, identify, and stop transfers that violate export control laws and regulations, as well as to investigate and prosecute export control violators.

Legal authorities to permit routine, advance review of detailed manifest data to analyze for suspicious transfers.

Procedures, databases, and watch lists for evaluating parties involved in transfers, paying particular attention to those considered to be suspicious, unreliable, or presenting a high risk of diversion.

Procedures to apply risk management and targeting strategies, using trade information and intelligence, to detect suspect transfers and to minimize impediments to legitimate trade.

Effective cooperation among policy officials, enforcement agencies, licensing officials, technical experts, and intelligence agencies to establish whether specific transfers involve items or transactions that are controlled or are contrary to national security or other interests.

Cooperation among agencies responsible for export controls, including those responsible for licensing, investigation, and prosecution to ensure that laws are enforced effectively.

Use of inspection techniques and equipment to identify potential transfers of proliferation concern.

Industry Outreach

Effective outreach to raise the awareness of companies and commercial individuals, universities, and centers of research and development — including conventions and trade shows -- about their responsibilities under the economy's export control system, including penalties for violations.

Strong relationships with industry to identify suspect sales and deliveries.

Efforts to encourage industry to develop internal compliance practices that incorporate checks on end-users and end-uses of concern.

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