



Export Control

What is Export Control?

Federal law regulates and controls the export of certain commodities, technology, data, and software for reasons of national security, foreign policy, and competitive trade. The majority of exports do not require government licenses. Only commodities, technology, data, and software that the U.S. Government considers “subject to the EAR”, and ITAR-controlled items require licenses. Export-controlled transfers are usually required for one of the following reasons:

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

Export vs “Deemed Export”

An **Export** refers to materials, information, and technology that leave the country. A **‘Deemed Export’** refers to the release of regulated information or technology to a foreign national present in the United States. This is considered an export to the home country or countries of the foreign national.



Research With Restrictions on Personnel/Publication vs Research Without Restrictions

Export control laws do not apply to “fundamental research” projects which are ordinarily published and disseminated broadly without restrictions (such as sponsor-imposed pre-publications review requirements or nationality-based participation restrictions). However, **export control restrictions do apply** if there are restrictions on publication and/or personnel and may require implementation of various measures to adhere to their requirements.

Get in Touch!

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