

Exporting 101— Export Regulations

U.S Export Control Laws

Any item that is sent from the U.S. to a foreign destination is considered an export, including commodities, software, and technology (such as blueprints or technical information).

All U.S. exports (goods and services) are regulated by the U.S. Federal Government. In order to comply with federal law, your company must determine which government agency has jurisdiction over its exports.

The two most important export control laws are: **Export Administration Regulations (EAR)** (U.S. Department of Commerce) and **International Traffic in Arms Regulations (ITAR)** (U.S. Department of State).

A relatively small percentage of exports require a license. License requirements are dependent upon an item's technical characteristics, the destination, the end-user, and the end-use. You, the exporter, must determine whether your export requires a license.

Which Agency Regulates Your Exports?

Your company must determine which regulations apply to its exports. **Most exports are regulated by either EAR or ITAR.** Certain exports, such as those related to nuclear technology, are regulated by other U.S. agencies.

Use the tables on the following page to see if which agency regulates your exports and which regulations apply to your product, information or technology.

Export Compliance Best Practices

- Develop a customized compliance manual for your company and ensure its adoption (Visit bis.doc.gov)
- Screen each customer and export transaction for prohibited end users (Visit Export.gov or UPS.com)
- Be aware of and report “red flags,” such as a customer’s unwillingness to disclose an item’s end use (Visit Export.gov)
- Maintain records of all export transactions and compliance efforts for 5 years ([Learn more](#))

Export Administration Regulations (EAR)

**Bureau of Industry and Security,
U.S. Department of Commerce**

EAR regulates the export of:

- Most commercial goods
- Dual use items with civilian and military applications

While some of these items require an export license, many fall under the designation EAR 99, which refers to items that can be shipped without a license to most destinations under most circumstances.

If you can't determine which agency regulates your exports, the U.S. Department of State can issue a free [Commodity Jurisdiction Determination](#) within 45 days. [Click here to access the electronic submission form \(DS-4076\)](#).

(Source: U.S. Department of Commerce)

International Traffic in Arms Regulations (ITAR)

U.S. Department of State ITAR regulates the export of:

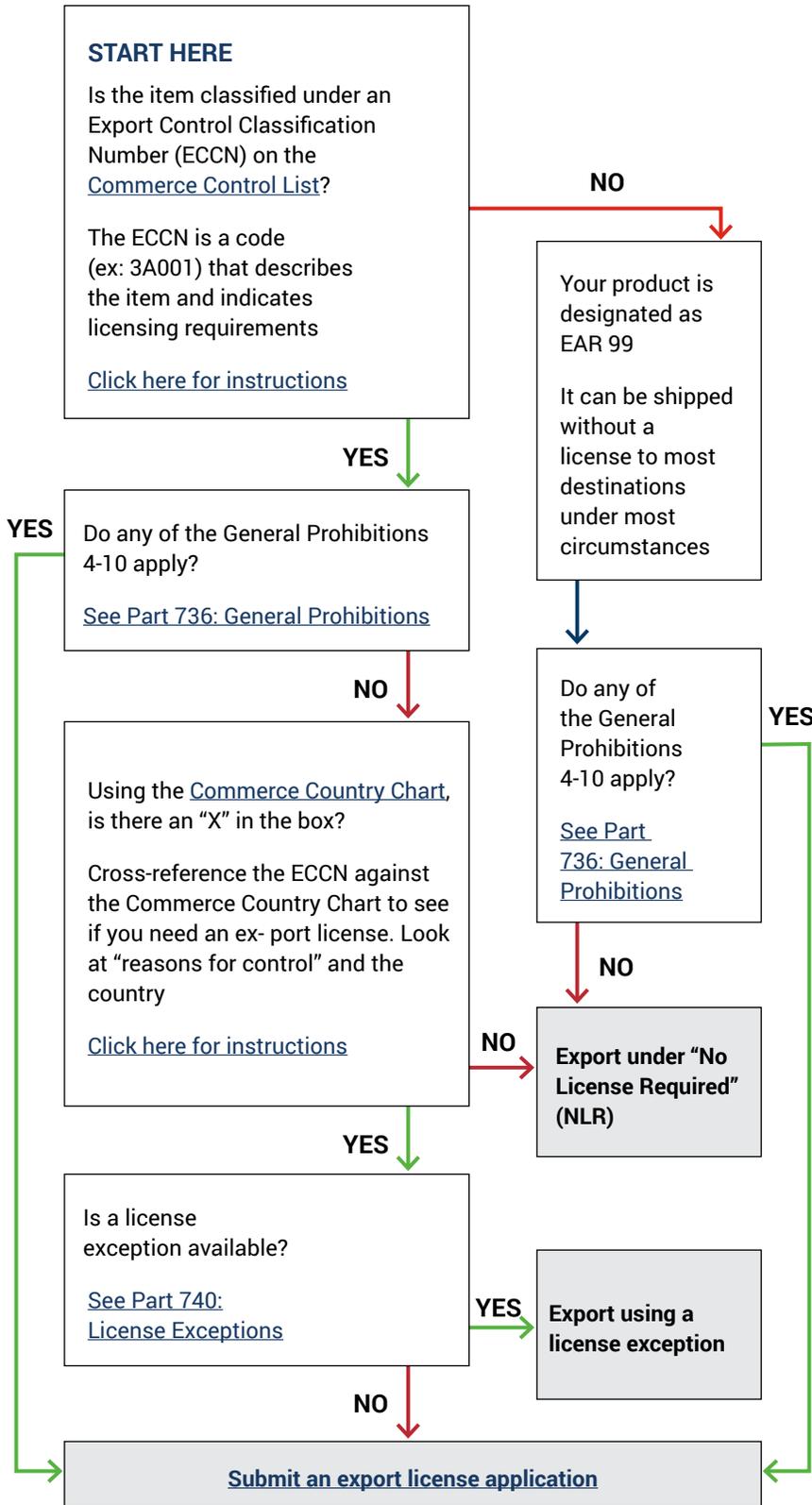
- Items specifically designed, developed, or adapted for a military application—regardless of intended use
- Technical data/software or services related to any item controlled by ITAR

An export is regulated by ITAR if it is listed on the [U.S. Munitions List](#), or if it is technical data/software or a service related to an item on the [U.S. Munitions List](#).

Departments and Agencies with Export Control Responsibilities

Defense Technology Security Administration	Administers the export of defense-related goods, services and technologies
Department of Agriculture	Guides exports of meat, poultry, and egg products
Department of Energy	Licenses nuclear technology, natural gas, and electric power
Department of State	Licenses defense services and defense (munitions) articles (ITAR)
Department of the Treasury	Oversees economic and trade sanctions against, terrorism sponsoring organizations, and international narcotics traffickers
Drug Enforcement Administration	Oversees the export of controlled substances and chemicals
Environmental Protection Agency	Regulates hazardous waste exports
Food and Drug Administration	Controls the export of unapproved medical devices and licenses drugs for export
Nuclear Regulatory Commission	Licenses nuclear material and equipment
Patent and Trademark Office	Oversees patent filing data sent abroad
U.S. Fish and Wildlife Service	Controls the import and export of wildlife and endangered species
U.S. Department of Commerce	Licenses “dual use” items and most commercial goods (EAR)

Exporting Under EAR



Exporting Under ITAR



Additional Export Compliance Considerations

Anti-Boycott Compliance

U.S. exporters may not participate in international boycotts not sanctioned by the U.S., such as boycotts against Israeli goods and ports. All U.S. export documents should be examined to make certain that boycott language is not included in any correspondences, purchase orders, letters of credit or sales contract terms. [Click here for more information.](#)

Embargoes

U.S. exporters must comply with [foreign trade embargoes](#). Depending on your product, you may be able to obtain an export license, but be aware of export sanctions and other market risks associated with shipping. [Click here for more information.](#)

Re-Exports and Deemed Exports

Exporters should be aware of restrictions on “re-exports” and “deemed exports”, as defined in the EAR. A “re-export” occurs if the final destination of your product is in a country beyond where you shipped it. A “deemed export” occurs when information is shared with a foreign national within the U.S. If a U.S. company has a product or technology that is controlled by the EAR’s Commerce Control List and it wants to hire or offer a tour of their facility to a foreign national, an export license could be required.

Virginia Economic Development Partnership - International Trade offers a number of export-related services to Virginia businesses, including trade missions and market research by our Global Network of in-country consultants. These services are available to all Virginia exporters.

For more information, please visit our website, [ExportVirginia.org](https://www.ExportVirginia.org).

Additional Resources

FAQs on Export Licensing

[U.S. Department of Commerce](#)

How to Determine If You Need an Export License

[U.S. Department of Commerce](#)

Export Administration Regulations (EAR)

[U.S. Department of Commerce](#)

International Traffic in Arms Regulations (ITAR)

[U.S. Department of State](#)

Consolidated Screening List for Denied Parties

[U.S. Commercial Service](#)

Screen for Denied Parties

[UPS.com](https://www.ups.com)

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Certain products are subject to export controls under the U.S. Export Administration Regulations (EAR) and the International Traffic In Arms Regulations (ITAR). If a product is subject to export controls, disclosure of technical data related to that product to a foreign national is also subject to export control, even if the disclosure occurs in the U.S. Technical data includes information for the design, manufacture or use of the product, including technical drawings, instruction manuals, training materials, etc. It is the company's responsibility to determine if products that it is promoting through VEDP trade promotion programs are subject to export restrictions. All responsibility for compliance to U.S. export control regulations rests with the company. The VEDP bears no liability for obtaining nor complying with a company's applicable export controls. It is further the company's responsibility to determine if disclosure of technology, software, or other information to VEDP's foreign national representatives or contractors is subject to export controls, and if so, to obtain the requisite export license authority.