SUBCHAPTER C—EXPORT ADMINISTRATION REGULATIONS

PART 730—GENERAL INFORMATION

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SOURCE: 61 FR 12734, Mar. 25, 1996, unless otherwise noted.

§ 730.1 What these regulations cover.

In this part, references to the Export Administration Regulations (EAR) are references to 15 CFR chapter VII, subchapter C. The EAR are issued by the United States Department of Commerce, Bureau of Industry and Security (BIS) under laws relating to the control of certain exports, reexports, and activities. In addition, the EAR implement antiboycott law provisions requiring regulations to prohibit specified conduct by United States persons that has the effect of furthering or supporting boycotts fostered or imposed by a country against a country friendly to United States. Supplement No. 1 to part 730 lists the control numbers assigned to information collection requirements under the EAR by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995.

§ 730.2 Statutory authority.

The EAR have been designed primarily to implement the Export Administration Act of 1979, as amended, 50 U.S.C. app. 2401–2420 (EAA). There are numerous other legal authorities underlying the EAR. These are listed in the FEDERAL REGISTER documents promulgating the EAR and at the beginning of each part of the EAR in the Code of Federal Regulations (CFR). From time to time, the President has exercised authority under the International Emergency Economic Powers Act with respect to the EAR (50 U.S.C. 1701–1706 (IEEPA)). The EAA is not permanent legislation, and when it has lapsed, Presidential executive orders under IEEPA have directed and authorized the continuation in force of the EAR.

§ 730.3 Dual use exports.

The convenient term dual use is sometimes used to distinguish the types of items covered by the EAR from those that are covered by the regulations of certain other U.S. government departments and agencies with export licensing responsibilities. In general, the term dual use serves to distinguish EAR-controlled items that can be used both in military and other strategic uses (e.g., nuclear) and commercial applications. In general, the
term dual use serves to distinguish
EAR-controlled items that can be used
both in military and other strategic
uses and in civil applications from
those that are weapons and military
related use or design and subject to the
controls of the Department of State or
subject to the nuclear related controls
of the Department of Energy or the Nu-
clear Regulatory Commission. Note,
however, that although the short-hand
term dual use may be employed to
refer to the entire scope of the EAR,
the EAR also apply to some items that
have solely civil uses.

§ 730.4 Other control agencies and de-
partments.

In addition to the departments and
agencies mentioned in § 730.3 of this
part, other departments and agencies
have jurisdiction over certain narrower
classes of exports and reexports. These
include the Department of Treasury’s
Office of Foreign Assets Control
(OFAC), which administers controls
against certain countries that are the
object of sanctions affecting not only
exports and reexports, but also imports
and financial dealings. For your con-
venience, Supplement No. 3 to part 730
identifies other departments and agen-
cies with regulatory jurisdiction over
certain types of exports and reexports.
This is not a comprehensive list, and
the brief descriptions are only gen-
erally indicative of the types of con-
trols administered and/or enforced by
each agency.

§ 730.5 Coverage of more than exports.

The core of the export control provi-
sions of the EAR concerns exports from
the United States. You will find, how-
ever, that some provisions give broad
meaning to the term “export”, apply
to transactions outside of the United
States, or apply to activities other
than exports.

(a) Reexports. Commodities, software,
and technology that have been ex-
ported from the United States are gen-
erally subject to the EAR with respect
to reexport. Many such reexports, how-
ever, may go to many destinations
without a license or will qualify for an
exception from licensing requirements.

(b) Foreign products. In some cases,
authorization to export technology
from the United States will be subject
to assurances that items produced
abroad that are the direct product of
that technology will not be exported to
certain destinations without authoriza-
tion from BIS.

(c) Scope of “exports”. Certain actions
that you might not regard as an “ex-
port” in other contexts do constitute
an export subject to the EAR. The
release of technology to a foreign na-
tional in the United States through
such means as demonstration or oral
briefing is deemed an export. Other ex-
amples of exports under the EAR in-
clude the return of foreign equipment
to its country of origin after repair in
the United States, shipments from a
U.S. foreign trade zone, and the elec-
tronic transmission of non-public data
that will be received abroad.

(d) U.S. person activities. To counter
the proliferation of weapons of mass
destruction, the EAR restrict the in-
volve of “United States persons”
anywhere in the world in exports of
foreign-origin items, or in providing
services or support, that may con-
tribute to such proliferation.

§ 730.6 Control purposes.

The export control provisions of the
EAR are intended to serve the national
security, foreign policy, nonprolifera-
tion, and short supply interests of the
United States and, in some cases, to
carry out its international obligations.
Some controls are designed to restrict
access to dual use items by countries
or persons that might apply such items
to uses inimical to U.S. interests.
These include controls designed to
stem the proliferation of weapons of
mass destruction and controls designed
to limit the military and terrorism
support capability of certain countries.
The effectiveness of many of the con-
trols under the EAR is enhanced by
their being maintained as part of mul-
tilateral control arrangements. Multi-
lateral export control cooperation is
sought through arrangements such as
the Nuclear Suppliers Group, the Aus-
tralia Group, and the Missile Tech-
nology Control Regime. The EAR also
include some export controls to protect