

POSITION STATEMENT

Reforming ITAR Technology Export/Import Controls

*Adopted by the IEEE-USA
Board of Directors, 12 February 2010*

Technology export controls are vital to U.S. security and competitiveness to prevent other nations from exploiting and unfairly competing with the United States, and to prevent technology from falling into the hands of terrorists. Hence, the International Traffic in Arms Regulations (ITAR) promulgates the Arms Export Control Act (AECA), and governs the export of defense articles from the United States, as detailed in the U.S. Munitions List. The State Department's Directorate of Defense Trade Controls administers ITAR. ITAR's purpose is to control the export and import of defense articles and services vital to our national security and other national interests.

As currently structured, implementation of ITAR, designed for the Cold War period, is too convoluted, and mandates unnecessary restrictions on the flow of commercially relevant science, technology, engineering systems and information in areas that are already well known to our adversaries. The involved federal agencies' varied interpretations and inconsistent enforcement of ITAR is impeding U.S. competitiveness in key technology areas. The regulations on the international flow of science, technology and engineering are fundamentally broken and obsolete. An updated regulation for export controls must be put in place, such that the nation's advanced technology and manufacturing sector is not compromised in the global competitive markets. Currently, ITAR retards the United States and its allies from sharing access to military technology, and handicaps American business from competing globally.

IEEE-USA endorses the following recommendations in the areas of reforming the export control process and ensuring scientific and technological competitiveness:

- The export control process should be restructured within the federal government to balance economic interests and promote U.S. economic competitiveness more efficiently, without harming the nation's security and technology base. In addition, it should promote U.S. economic competitiveness.¹

- Under the *Arms Export Control Act and the Export Administration Act*, expert authorities should be directed to administer the regulations, while assuring the scientific and technological competitiveness of the United States, which is a prerequisite for both national security and economic prosperity.²
- The restructured export/import control processes should mandate that a federal organization, agency or department with sufficient and appropriate scientific, technical, and engineering expertise handle and interpret the restructured regulations for licensing applications.

This statement was developed by the IEEE-USA Committee on Transportation and Aerospace and represents the considered judgment of a group of U.S. IEEE members with expertise in the subject field. IEEE-USA advances the public good and promotes the careers and public policy interests of more than 210,000 engineers, scientists and allied professionals who are U.S. members of IEEE. The positions taken by IEEE-USA do not necessarily reflect the views of IEEE or its other organizational units.

Notes:

1. See "Beyond 'Fortress America': National Security Controls on Science and Technology in a Globalized World," National Academies Press, 2009, p. 6.
2. See "Beyond 'Fortress America': National Security Controls on Science and Technology in a Globalized World," National Academies Press, 2009, p. 10.