

## NASA Advisory Council Recommendation

### Export Control Reform – Avoiding Unilateral Export Controls in Support of Space Policy Directive 2 and the 2018 National Defense Authorization Act 2018-03-02 (RPC-02)

#### **Recommendation:**

Per the 2018 National Defense Authorization Act <sup>[1]</sup>, when asked to review export control licenses or Commodity Jurisdiction Requests, NASA should strive to avoid unilateral controls whenever possible.

#### **Major Reasons for the Recommendation:**

Unilateral export controls hurt both the economy and national security. Per Space Policy Directive 2 (SPD 2), NASA should eliminate counterproductive regulatory burdens. Moreover, the 2018 National Defense Authorization Act requires that the application of unilateral controls should be limited to protecting specific national security and foreign policy interests.

#### **Consequences of No Action on the Recommendation:**

Failing to act on this recommendation will perpetuate obsolete export control policies that will raise NASA's costs while reducing the Agency's capabilities.

#### **NASA Response:**

NASA concurs, but notes that the Agency has a limited role in reviewing export license applications or Commodity Jurisdiction requests. NASA favors multilateral controls on sensitive technologies as these are a more effective means of limiting the spread of these technologies as the controls would be enforced by all supplying countries. Foreign availability of a product and the lack of multilateral controls on a specific commodity are always relevant factors and are taken into consideration before NASA issues a recommendation to State Department and Commerce Department decision-makers.

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[1] *Export Control Reform Act as P.L. 115-232 §1752(6): "Export controls applied unilaterally to items widely available from foreign sources generally are less effective in preventing end-users from acquiring those items. Application of unilateral export controls should be limited for purposes of protecting specific United States national security and foreign policy interests."*