



EXPORT CONTROLS

Far And Wide

U.S. export controls and economic sanctions regulations are administered by more than a dozen federal agencies and are far-reaching, often having extraterritorial effect. Compliance can be a challenge for any company operating globally, whether through M&A activity, interaction with foreign nationals, or moving goods, services, technology or capital across borders. Violations can lead to severe consequences, including corporate and individual criminal liability, significant monetary penalties, and administrative sanctions such as suspension of export and federal government contracting privileges. In particular, transmissions of technical data to foreign national employees, visitors and others raise a risk of violation.

Barnes & Thornburg's seasoned export controls attorneys provide comprehensive compliance, licensing, enforcement and policy counsel on export control and sanctions matters to a wide range of clients: early-stage companies, small to medium-sized companies, large multinational corporations, and universities. The industries we serve range from defense and high-tech to consumer goods.

We teach courses on the subject through Federal Publications Seminar and our focus on education carries through to our clients. We help companies learn to manage export control and sanctions compliance and reduce their compliance risks. To that end, we offer services in:

- Developing and implementing export compliance programs designed to facilitate export transactions that withstand government scrutiny
- Drafting contractual assurances, technology control plans, and transaction and customer screening procedures
- Providing in-house training
- Performing or directing internal compliance reviews

A 2018 Law360 International Trade Practice Group of the Year

International trade was the big news story of 2018. We were all in, assisting companies on everything from tariffs to export controls and dumping duties to foreign investment in the U.S. Our role in a number of high-profile matters, significant achievements and general excellence garnered selection as a 2018 Law360 Practice Group of the Year.

RELATED PRACTICES

International Services

International Trade

- Assessing export jurisdiction and classification, and drafting commodity jurisdiction (CJ) and commodity classification requests
- Assisting with license and agreement applications

When necessary, our lawyers conduct or direct routine audits and internal investigations of suspected non-compliance, and draft and manage voluntary disclosures. We frequently advise clients on matters involving voluntary self-disclosures of export or sanctions violations. When compliance issues arise during a corporate transaction, we advise clients on the potential impact on the transaction and on the allocation of risks and liabilities.

Should an investigation or charges result, our lawyers bring extensive experience in administrative enforcement and defensive litigation in federal courts. We also partner with our White Collar and Investigations and Government Services practice groups in high-stakes, high-profile matters. We have broad substantive experience in virtually all export control areas, including:

- Exports of defense-related (ITAR) and dual-use Export Administration Regulations (EAR) products, services and technology
- Exports and re-exports to sensitive countries and regions, such as China and the Middle East
- Foreign assets, anti-terrorism and other foreign policy controls on certain countries, such as Iran, Syria, Sudan, Cuba and Russia
- -Deemed export- issues arising from the hiring of foreign nationals and related certification requirements in USCIS Form I-129 Petition for H-1B visas
- ITAR Registration empowered officials- responsibilities and notification of material changes
- Acquisition by foreign purchasers, which may require:
 - o Directorate of Defense Trade Controls (DDTC) 60-day advanced notice of intent to transfer ownership and control
 - o Voluntary notice to the Committee on Foreign Investment in the United States (CFIUS)
- Acquisition of domestic or foreign targets, including conduct of due diligence to assess the risk of successor liability for past violations
- Anti-boycott compliance
- End-use/end-user controls, such as use by or for foreign military, nuclear weapon, missile or chemical/biological weapons programs
- Patriot Act, anti-money laundering and Foreign Corrupt Practices Act