



Thomas M. deButts

Partner

thomas.debutts@dlapiper.com

Washington, DC

T: +1 202 799 4336

F: +1 202 799 5028

Thomas deButts assists domestic and foreign companies in navigating the intricate web of US international trade and investment controls.

His practice focuses primarily on the following regulatory regimes:

- Export Administration Regulations (EAR) administered by the US Department of Commerce, Bureau of Industry and Security (BIS)
- International Traffic in Arms Regulations (ITAR) administered by the US Department of State, Directorate of Defense Trade Controls (DDTC)
- Economic sanctions regulations administered by the US Department of the Treasury, Office of Foreign Assets Control (OFAC)
- U.S. Department of the Treasury, Committee on Foreign Investment in the United States (CFIUS) regulations

Thomas also counsels companies on compliance with the Foreign Trade Regulations (FTR), Antiboycott Regulations (included in the EAR) and the application of INCOTERMS to international business transactions.

Thomas has served as a Department of Justice and BIS approved Independent Compliance Monitor in connection with a deferred prosecution agreement between a US company and the United States involving EAR violations.

EXPERIENCE

His extensive experience includes:

- Compliance reviews and internal investigations for possible violations of US export control and sanctions regulations
- Voluntary disclosure of such violations
- Obtaining export and reexport authorization for all types of commodities, software and technology, including encryption technology and software
- Preparing and implementing export compliance programs and export management systems
- Obtaining export control classification determinations, commodity jurisdiction determinations and reversal of export classification decisions by US government agencies

RELATED SERVICES

- International Trade, Regulatory and Government Affairs
- International Trade

- Obtaining authority for transactions with embargoed countries
- Preparation of and filing of antiboycott request reports with BIS's Office of Antiboycott Compliance
- Export control and sanctions due diligence reviews for potential corporate acquisitions
- Representation of companies in administrative enforcement proceedings before BIS, DDTC, OFAC and the Department of Homeland Security (DHS), Customs and Border Protection (CBP)
- Notifications to CFIUS of proposed acquisitions of strategic US entities and negotiations with relevant agencies to secure approval

CREDENTIALS

Admissions

- District of Columbia
- Virginia

Prior Experience

Thomas was Director of the Exporter Assistance Staff at BIS, where he served from 1984 to 1989.

Education

- J.D., George Mason University School of Law
- A.B., Duke University

Courts

- United States Court of Appeals for the Federal Circuit
- United States Court of International Trade

Memberships

- American Bar Association, Section of International Law, Export Controls and Economic Sanctions Committee
- Society for International Affairs

INSIGHTS

Thomas is a featured presenter on export enforcement issues at the Export Compliance Training Institute seminars on US Commercial Export Controls & Embargoes. He was a featured presenter at the American Conference Institute's Advanced Summit on Complying with Global Encryption Controls and at the Practising Law Institute's program entitled "Coping with US Export Controls."

Publications

First emerging technologies identified and controlled for export in the EAR

26 June 2020

The designation also makes these a "critical technology," giving CFIUS jurisdiction over foreign investments in US businesses that engage with these items.

BIS announces three new rules that place significant restrictions on exports to China

7 May 2020

These rules will subject many products and technologies to new US export control licensing requirements.

CFIUS filing fees effective as of May 1, 2020: What you need to know

5 May 2020

The filing fees go into effect and must be paid for transactions filed on or after May 1, 2020.

Huawei Temporary General License extended for third time

14 February 2020

The extension applies to Huawei and the 114 other non-US Huawei affiliates on the Entity List.

Long-awaited changes to export controls for firearms and ammunition have arrived

6 February 2020

This new regulatory scheme will create a transition burden on industry, but it will result in more flexible regulatory obligations overall.

Foreign ITAR cloud storage now permitted

4 February 2020

This may provide ITAR-registered companies some flexibility with the virtual storage and transmission of their technical data, but using non-US based cloud storage is still not without risk.

New regulations reinforce CFIUS's expanded role with respect to foreign investments in the United States

16 January 2020

The new CFIUS regulations become effective on February 13, 2020.

Commerce imposes export licensing requirement on geospatial imagery software

8 January 2020

Companies that produce, design, test, manufacture, fabricate, or develop a software described in the new controls may now be operating within the category of "critical technologies" as defined in CFIUS regulations.

Hikvision and other Chinese companies added to the Entity List

10 October 2019

The list includes Chinese companies in the video surveillance, artificial intelligence, voice recognition, deep learning and other technology fields.

Commerce issues Temporary General License for Huawei

22 MAY 2019

The Temporary General License is a brief reprieve.

- "United States Re-export Jurisdiction Clarified for Non-US Products," *Global Trade and Customs Journal*, Volume 6, Issue 2, February 2011
- "Export Control Reforms and Citizenship Evaluations," *International Trade Law360*, May 18, 2010
- "Overview of US Export Controls," "Department of Commerce Export Controls," and "Department of Commerce Controls on Reexports and Other Activity Abroad," by Cecil Hunt (edited 2005-2009 versions) in *Coping with US Export Controls Handbook*, Practising Law Institute

Events

- Speaker, "ITAR: Recent Reforms and Compliance Updates," Practising Law Institute conference call briefing, April 26, 2012

NEWS

DLA Piper advises CIRCOR in US\$85 million sale of Reliability Services business to Reladyne

28 JAN 2019

DLA Piper represented CIRCOR International, Inc., a provider of flow control solutions and other highly engineered products for the industrial, energy, aerospace and defense markets, in the sale of its Reliability Services business to an affiliate of Reladyne LLC for approximately US\$85 million.
