



Thomas M. deButts

Partner

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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

RELATED SECTORS

- Government Contracting

- 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

Subject to the EAR: When is a non-US product free from the EAR?

25 August 2021

When does a non-US-made product incorporating US-origin components or technology escape the technical jurisdiction of the EAR? This article outlines the exemptions possible, and explains the application of the second incorporation rule.

When are non-US products incorporating US products free from US jurisdiction?

25 August 2021
DLA Piper Trade Truths

This summary article provides key points to consider as well exemptions possible if your non-US manufactured products are subject to US reexport authorization requirements.

US government announces sweeping sanctions against Russia

16 April 2021
The newly imposed sanctions represent a significant escalation and addition to the sanctions architecture put in place by the Obama and Trump Administrations.

Latest regulatory changes reduce burden for software and technology companies under US export controls

6 April 2021
Revisions to the US Export Administration Regulations implement changes to Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

United States imposes significant new export controls and sanctions on Russia and China

23 March 2021
Reflecting a further hardening of US foreign policy and national security policy positions with those two countries.

US national security review of the semiconductor manufacturing supply chain presents critical opportunities for industry

15 March 2021
The review supports the CHIPS for America Act.

New CFIUS regulations change mandatory filing requirements and increase the importance of US export controls

30 September 2020
The new rule modifies the criteria that trigger a mandatory filing with CFIUS, potentially subjecting more transactions to mandatory CFIUS review.

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.

US Department of Commerce clears Huawei to participate in international standards organizations

18 June 2020

BIS noted it is important to US technological leadership that US companies be able to work in these standards bodies to ensure US standards proposals are fully considered.

Commerce Department targets Huawei with additional export control restrictions

26 May 2020

The restrictions are another step in a series of US government measures to limit Huawei's access to US technology.

CFIUS proposes export control-based reforms to its mandatory filing program

22 May 2020

Details of the proposed modifications and their practical impact.

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.

- "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

Previous

Recent developments in US export controls and doing business in China

11 June 2020 | 3:00 - 4:00 ET

Webinar

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

DLA Piper advises FullStory in its US\$103 million Series D financing

23 August 2021

DLA Piper represented FullStory in its recent oversubscribed US\$103 million Series D financing.

DLA Piper advises Parsec in its US\$320 million sale to Unity

12 August 2021

DLA Piper is representing Parsec in its sale to Unity (NYSE: U) for US\$320 million.

DLA Piper advises 4G Clinical in US\$230 million growth equity investment from Goldman Sachs Asset Management

19 July 2021

DLA Piper represented 4G Clinical in a growth equity investment of over US\$230 million from Goldman Sachs Asset Management.

DLA Piper advises Sawafi in its acquisitions of Newsco International Energy Services USA and Telemetrix USA Inc.

23 February 2021

DLA Piper represented Sawafi Al-Jazeera Oilfield Products and Services Co. Ltd. in its simultaneous acquisitions of Newsco International Energy Services USA Inc. and Telemetrix USA Inc.
