Export Controls and Their Role in Research and Education

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Presentation Structure

I. Introduction/Refresher to Export Controls & Sanctions
II. U.S. Export Control Regime
III. Export Controls in Research and Education
IV. License Applications
V. How Deloitte Can Help
VI. Q&A
Introduction/Refresher to Export Controls & Sanctions
Introduction/Refresher to Export Controls & Sanctions

What Are Export Controls?

Export controls are restrictions imposed by governments on the movements/transfers of, and activities relating to certain listed items, software and technology (including technical assistance such as repair, maintenance, installation, etc.).

**Product Controls:**
Military and dual-use goods, services, and technology that meet defined parameters. These include both physical exports and intangible transfers of systems, equipment, components, materials, software, and technology.

**Destination Controls:**
Embargoes and Sanctions in place against specific destinations.

**End-Use Controls:**
The final end-use of items can trigger a license requirement. They apply to all items as a “catch all,” even if the items are not on the control lists.

**End-User Controls:**
Restrictions on certain entities/individuals. Companies should consider screen entities in the supply chain against applicable denied party lists.
Why Do We Have Export Controls?

Rationale for implementing export controls can vary between countries, but generally export controls are designed to meet objectives surrounding the following issues:

- Foreign Policy
- National Security
- Human Rights
- Regional Stability
- Non-Proliferation
- Qualitative Military Edge

Exporters are responsible for complying with their export control obligations in each of the countries in which they do business.
Introduction/Refresher to Export Controls & Sanctions
What is an Export?

Sending or taking an article or technical data or providing certain types of services related to controlled technology or articles outside of the U.S. in any manner including:

**Physical**
- Shipments of Hardware or data
- Hand-carry
- Handouts
- Samples

**Visual**
- Slides
- Facility Tours
- Computer Screens

**Electronic**
- Fax
- E-mail
- Shared Drive
- Cloud

**Oral**
- Telephone
- Training
- Conference

For example:
- Bringing technical specifications for controlled technology on a visit to a university in Germany.
- Uploading an export-controlled design drawing to a shared folder accessible by non-U.S. researchers.
- Showing a graduate student in China the information needed to manufacture an export-controlled item.
Introduction/Refresher to Export Controls & Sanctions

Types of Exports

**Exports (Includes Transshipments):** Transfers from the U.S. to a foreign country or foreign person*.

**Certain In-Country “Transfers:”** Transfers that occur outside the U.S. within a single foreign country (i.e. change in scope).

**Deemed Re-Exports:** Transfer of controlled U.S. technology to a foreign person overseas.

**Re-Exports:** Transfers from one foreign person to another foreign person.

**Deemed Exports:** Transfer of controlled technology to a foreign person within the U.S.

* The term “person” includes natural person, corporation, business association, partnership, organization, other entity, or government. The term “U.S. Person” varies across regulations and will be defined later in the presentation.
Each of the countries represented alongside (in green) has an export control regime in place.

Countries also have obligations to comply with multilateral agreements that they have made with other countries regarding the rigor and scope of their export control policies.
U.S. Export Control Regime
U.S. Export Control Regime
Who Governs Export Controls?

Regulating U.S. Agencies and Bureaus

Department of Commerce
Bureau of Industry and Security (“BIS”)

Department of State
Directorate of Defense Trade Controls (“DDTC”)

Department of Treasury
Office of Foreign Assets Control (“OFAC”)

Department of Commerce
Bureau of the Census (“Census”)

Export Regulations

Export Administration Regulations (“EAR”)
15 CFR Parts 730-774

International Traffic in Arms Regulations (“ITAR”)
22 CFR Parts 120-130

Foreign Assets Control Regulations (“FACR”)
31 CFR Parts 500-599

Foreign Trade Regulations (“FTR”)
15 CFR Part 30
U.S. Export Control Regime
Simplified Scope of Regulations

- U.S. Export Controls
- EAR: Dual-Use Goods and Technologies
- ITAR: Munitions, Defense Technology, Defense Services
- OFAC: Targeted Entities
The U.S. Department of the Treasury Office of Foreign Assets Control ("OFAC") administers sanctions and embargo programs.

Sanctions and embargoes are restrictions against trade with countries, groups, companies, industries, or individuals to further U.S. foreign policy and national security priorities and to address perceived threats to international peace and security.

OFAC regulates transactions involving U.S. persons and entities including:

- U.S.-origin items or non-U.S. items with more than a certain level of U.S. content, or
- U.S. persons operating anywhere in the world, even if they are employed by a non-U.S. person outside the geographical boundaries of the United States.

Overseas branches of U.S. companies may be subject to U.S. extraterritoriality.

The list of sanctioned or embargoed countries, individuals, and entities changes often and without advanced notice.

OFAC issues licenses for transactions with sanctioned or embargoed countries in rare circumstances.
# U.S. Sanctions & Embargoes
## Types of Sanctions

<table>
<thead>
<tr>
<th><strong>Arms Embargo</strong></th>
<th><strong>Export/Import</strong></th>
<th><strong>Financial/Economic</strong></th>
<th><strong>Travel</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Prohibit weapons and military equipment from leaving or reaching a targeted country or entity</td>
<td>• Prohibit buying, selling, or shipping identified goods</td>
<td>• Prohibitions against financial transactions with designated individuals, organizations, or governments</td>
<td>• Prohibition from entering country</td>
</tr>
<tr>
<td>• Prohibitions may include exporting goods listed on military control lists including military ammunition, training, and technical assistance</td>
<td>• Prohibit provision of technical data, training, or other technical assistance</td>
<td>• Asset freezes aim to prevent an individual or entity from gaining access to property or other assets</td>
<td>• In-transit prohibitions</td>
</tr>
<tr>
<td></td>
<td>• May include industry-specific prohibitions such as on oil and petroleum products</td>
<td>• Blocking transactions of and with particular businesses, groups, or individuals</td>
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</tbody>
</table>
Introduction to U.S. Sanctions and Embargoes
Consequences of Non-Compliance

Fine and Penalties (Civil and Criminal)
- Fines often hundreds of thousands of dollars and can reach millions; even greater for financial sanctions violations
- Loss of export privileges/licenses and associated research
- Significant costs associated with settling an export or sanctions violation
- Prison sentences or deferred prosecution agreement
- Can be deemed a sanctioned/designated entity

Reputational Risk & Damage
- Export control and sanctions violations are widely publicized due to national security implications
- Can lead to loss of contracts with governments and OEM’s that require compliance with export controls
- Restriction of financial services and increased costs of raising finance, or bank’s exiting relationships

Operational Threats
- Mismanagement of export controls can create delays in projects and introduce risk to the supply chain

Shareholder Visibility
- Can affect share value
Consequences of Non-Compliance
Issues Universities Have Faced

Consequences of Non-Compliance: Issues Universities have Faced

• Professors should be aware of hiring foreign nationals, sharing research activities, and lecturing on sensitive material to foreign nationals, or when outside the U.S., to avoid the unauthorized export of U.S. controlled materials. Previous cases involving the unauthorized export by university professors have resulted in imprisonment and fines.

• Universities exporting materials to institutions abroad face the risk of exporting without the required licenses if the proper screenings, such as the Restricted Party Screening (RPL) tool, are not used. The unauthorized export can result in a civil penalty.

• Universities should be aware of hiring foreign nationals for research positions to ensure that research activities have no link or sponsorship from a foreign government. Research that is funded, or have links to foreign governments, could result in incarceration and deportation.

• Universities should institute an employee screening tool to check the activities of its researchers and employees who have access to U.S.-controlled material, and ensure that an unauthorized export to an embargoed destination is not permitted.

• Universities should monitor the access, acquirement and inventory of its U.S.-controlled items to regulate and protect the whereabouts of controlled goods and technology to avoid the mismanagement and illegal export of controlled material.
U.S. exporters have responsibilities outside of the United States.

As it applies to U.S. export controls, “extraterritoriality” means some U.S. export laws and regulations apply to persons who are U.S. nationals and to certain products, wherever they are in the world.

Thus, some U.S. export laws and regulations may apply to items that:

- Contain at least a minimum amount of U.S.-origin components
- Were trans-shipped through the U.S., regardless of their origin
- Were manufactured to U.S. origin specifications
U.S. Export Control Regime
Scope & Applicability

For U.S. export controls to apply, the transaction generally must include a “U.S. element.”

- U.S. Origin Items
- “U.S. Persons”
- Non-U.S. Items with certain U.S. Content
- In certain cases, non-U.S. made items based on U.S. technology

U.S. regulations also apply to:
- U.S. person developing technology while abroad
- U.S. technology used in offshore production
- U.S. software development with foreign collaboration
- Training on the use and troubleshooting of U.S. technology
U.S. Export Control Regime

U.S. Persons vs. Foreign Persons

**U.S. Persons**

- U.S. citizens
- U.S. Lawful Permanent Residents (valid “green card” holders)
- Individuals with protected status (e.g., refugees)

**Foreign Persons**

- Corporations, business associations, partnerships, societies, trusts
- Other entities, organizations or groups incorporated to do business in the United States

**Treated as Foreign Persons**

- People without proper identification
- U.S. Persons representing a foreign business or organization
- U.S. subsidiaries of non-U.S. corporations

**Non-U.S. Persons**

- Even if located in the U.S.
- Even if studying in the U.S.
- Even if employed by a U.S. Person
- Foreign embassies and their personnel (even in the U.S.)
U.S. Export Control Regime
Technology

Generally, Technology associated with the Development, Production, or Use of export-controlled hardware is similarly export-controlled.

**Development**: Related to all stages prior to serial production, such as: design, design research, design analyses, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design, layouts.

**Production**: All production stages, such as: product engineering, manufacture, integration, assembly (mounting), inspection, testing, quality assurance.

**Use**: Operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.
What are deemed exports?

• Release of export-controlled technology to a foreign national in the United States that is controlled under the ITAR or EAR

• “Deemed” to be an export to the home country or countries of the foreign national and may require a license

• A “deemed re-export” is a re-export of U.S.-origin technology or source code that was previously imported into a foreign country and released in that country to a foreign national of a third country

• Technology can be released through visual inspection, oral exchanges of information or the application to situations abroad of personal knowledge or technical experience acquired in the United States

Example

• A researcher who is a foreign national with a U.S. visa reviews export controlled technology as part of a larger team of U.S. researchers.
  
  − An export license may be required because the release of the technology to the employee could be considered a “deemed export”
Export Controls in Research and Education
Institutions of education and research also participate in international trade and are required to comply with the export control regulations.

Some of the activities undertaken by education and research professionals can raise export control considerations. These activities include:

- Research in export restricted areas, especially if involving a foreign person
- Overseas travel
- Applicability of the Fundamental Research Exclusion
- Providing financial support/international financial transactions
- International activities and collaborations

Source: Ohio State University, Office of Research Compliance
Export Controls in Research and Education
Common Exports

Some exports will take place when a customer places an order with and ships the requested item to the customer.

Other forms of exports include:

- Exporting a sample
- Exporting a prototype
- Technical discussion with a colleague overseas or foreign national in the U.S.
- Exporting machine parts to test, fix, calibrate, etc. components
- Storing export-controlled drawings or blueprints to a location accessible by non-U.S. persons
- Bringing samples or prototypes to conferences or trade shows
Export Controls in Research and Education

Export Controlled Areas of Science and Engineering

Research conducted in areas which are considered sensitive for national security concerns may be subject to export controls which may limit the ability of the institution to share its information.

Some areas of research that can fall under export controls are:

<table>
<thead>
<tr>
<th>Research Area</th>
<th>Associated USML and CCL Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missiles and Missile Technology</td>
<td>USML Category IV: <em>Guided Missiles, Ballistic Missiles, etc.</em> CCL Category 7: <em>Navigation and Avionics</em></td>
</tr>
<tr>
<td>Chemical/Biological Weapons</td>
<td>USML Category XIV: <em>Toxicological Agents, Biological Agents, etc.</em> CCL Category 1: <em>Materials Chemicals Microorganisms and Toxins</em></td>
</tr>
<tr>
<td>High Performance Computing</td>
<td>CCL Category 4: <em>Computers</em></td>
</tr>
<tr>
<td>Medical Lasers</td>
<td>CCL Category 6: <em>Sensors and Lasers</em></td>
</tr>
<tr>
<td>Space Technology &amp; Satellites</td>
<td>USML Category XV: <em>Spacecraft and Related Articles</em> CCL Category 9: <em>Aerospace and Propulsion</em></td>
</tr>
<tr>
<td>Nuclear Technology</td>
<td>USML Category XVI: <em>Nuclear Weapons and Related Articles</em> CCL Category 0: <em>Nuclear Materials Facilities &amp; Equipment</em></td>
</tr>
</tbody>
</table>

Source: Ohio State University, Office of Research Compliance
Export Controls in Research and Education
International Activities and Collaborations

International operations and collaborations of the institution may be required to comply with export control regulations. The types of activities in the international sphere that may fall under export controls are:

<table>
<thead>
<tr>
<th>International Collaborations and Presentations</th>
<th>International Field Work</th>
<th>International Consulting</th>
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<tr>
<td>Many academic and research institutions have foreign national staff, faculty, students and collaborators. Research can involve international travel to present unpublished results, which may be subject to export controls, particularly if nationals of sanctioned or embargoed countries are involved.</td>
<td>Projects where any part of the research has been conducted outside the United States may not fall under the Fundamental Research Exclusion and hence may be subject to export controls. This does not mean that licenses are required, but rather that export control determination must be made prior to the project.</td>
<td>It is prohibited in most cases to provide professional consulting services overseas to embargoed or sanctioned countries. Research and educational institutions may impose their own restrictions on international consulting.</td>
</tr>
</tbody>
</table>

Source: Ohio State University, Office of Research Compliance
Export Controls in Research and Education

Overseas Travel

Traveling overseas with high-tech equipment, confidential, unpublished, or proprietary information or data

An export license may be required when traveling with certain types of high tech equipment which includes scientific equipment or controlled proprietary or unpublished data.

The export license determination would depend on the nature of the data and the materials being carried as well as the destination for travel.

Traveling with laptop computers, web-enabled cell-phones and other personal equipment

Certain destinations may require an export license for electronics containing encryption hardware or software.

The level of clearances required is higher for countries that are sanctioned by the United States.

Source: Ohio State University, Office of Research Compliance; American University (Washington), Export Controls; University of Michigan, Export Controls
International payments to and from non-U.S. persons abroad should be examined to make sure that the academic or research institutions does not receive funds from or give funds to blocked or sanctioned entities. This applies to all parties, including students and donors, regardless of the purpose of the transfer.

Failure to comply with OFAC guidelines could impact the activities of the institution through penalties imposed by the U.S. authorities.

The above map shows international transfers, highlighting the global interconnected nature of transactions.

Source: Ohio State University, Office of Research Compliance; American University (Washington), Export Controls
Export Controls in Research and Education
Contractual Obligation to Comply

Handling Contracts with Export Controls and Sanctions Compliance Clauses

Legal agreements with other parties may contain clauses regarding compliance with export controls and sanctions. Such language may resemble the following examples:

- “[Party] hereby gives written assurance that it will comply with, and will cause its Affiliates and Sublicensees to comply with, all United States export control laws and regulations, that it bears sole responsibility for any violation of such laws and regulations by itself.”
- “Licensee certifies that it will not, directly or indirectly, export (including any deemed export), nor re-export (including any deemed re-export) the licensed [research] in violation of the applicable U.S. laws and regulations.”
- “If subject to U.S. export law jurisdiction, [Party] agrees not to re-export...technical data without first obtaining any required license or other approval from the U.S. Department of Commerce.”

When such clauses are part of a contract to which the research institution is a party, the institution is required to comply with U.S. export controls and sanctions. Contract personnel should notify trade compliance personnel of their compliance obligation, so that researchers may be trained accordingly and internal controls can be established.

Source: LawInsider
Fundamental Research Exclusion (“FRE”)

Fundamental Research is defined by the Department of Defense’s National Security Decision Directive 189 (“NSDD189”) as:

“Any basic or applied research in science and engineering, the results of which are ordinarily published and shared broadly within the scientific community.”

Fundamental research is not subject to export controls. Universities and research institutions can export fundamental research without approval from the relevant U.S. government authorities. Some universities conduct only fundamental research in order to allow researchers to participate regardless of national origin.

It is advisable to evaluate material and determine whether it meets the definition of “fundamental research” per the regulations before exporting it.

If the FRE does not apply, then a license for export may be required. Researchers should consult the trade compliance point of contact at their institution for further guidance.

When does the FRE NOT apply?

- When the use of the third-party export-controlled technology or information is not protected under the FRE and thus all the research that develops from the use of the export controlled technology or information is subject to export controls.
- When the academic or research institution places restricts the publication, dissemination, or access to the research by foreign nationals, it also loses the protections granted by the Fundamental Research Exclusion.
- When fundamental research moves to industry for the development, production, and/or use of a controlled item, it is no longer exempt from export controls.
Demonstrated Control Measures

As the diversity of research teams increases, so do the export control considerations. Institutions can effectively mitigate the risk of unauthorized exports by implementing the following processes and procedures*:

- Denied and Restricted Party Screening
- End-Use Screening
- Diversion Risk Screening
- Risk assessments for international shipments
- Risk assessments for international travel including laptop hand-carries
- Recordkeeping
- Escalation and corrective action procedures
- Physical and IT security measures
- Personnel training
- Internal audits

*Note: This list is not exhaustive. The type of controls required may vary from case to case.
Technology Control Plans ("TCPs")

- Technology Control Plans are a common method of mitigating compliance risks when dealing with export-controlled technology and information.
- TCPs are formal, documented plans establishing processes and procedures, such as those on the previous slide, to prevent unauthorized exports of technology and information.
- TCPs are most robust when they are the product of collaboration between all relevant parties, including project leadership, trade compliance personnel, and legal personnel.
- The plans should be distributed prior to beginning work on a given project to make sure that the prescribed controls are socialized and understood among stakeholders.
- As individuals will likely have questions, a compliance point of contact and/or compliance governance structure should be clearly designated in the TCP.

Not everyone is a trade person! TCPs should be communicated in plain language, “translated” from regulatory vernacular, to avoid ambiguity or confusion among individuals with different specializations.
License Applications
BIS (Commerce) License Applications
Overview of Submission Process

Once it is determined that a license is required for an export under the EAR, the exporter must apply for a license from the Bureau of Industry and Security (“BIS”).

BIS license applications are made through the SNAP-R system on the BIS website. Exporters must register in SNAP-R in order to create and file a license application.

Source: https://snapr.bis.doc.gov/snapr/
A complete application requires detailed knowledge of the following:

**Who** – Parties involved in the transaction and their roles (e.g., end-user)

**What** – Items and technology to be exported, including models, quantities, and Export Control Classification Numbers ("ECCNs")*

**When** – Timing of export; *license approval can take over thirty (30) days*

**Where** – Intermediate and ultimate destinations of the export

**Why** – Detailed purpose of transaction and end-use of the export (e.g., testing of controlled technology for quality assurance)

License applications should contain **supporting documentation** such as end-user assurances, brochures, parts lists, etc. Information should be communicated in plain language, not specialist vernacular.

*ECCNs are determined through the jurisdiction and classification ("J/C") process, which is out of scope of this presentation. Consult your trade compliance point of contact for more information.
**Post-Submission:** Application status can be monitored on SNAP-R. Cases may be staffed by additional BIS or other government agency (e.g., Department of Defense) personnel for review. BIS may contact the exporter for further information. Exporters should be prepared to discuss their application with BIS and to provide additional detail as requested.

**Turnaround Time:** The approximate turnaround time for an EAR license is (30) days if the information is complete and sufficient for BIS review.

**Outcomes:** Applications are either approved, returned without action ("RWA"), or denied. Approved licenses generally come with provisos, or conditions under which the export is approved. The validity of the license is dependent on the classification of the export.

**Expiration:** Licenses expire either in four years or when the dollar value of the license reaches zero, whichever comes first.
The licensing process for DDTC is similar to that of BIS. Once it is determined that a license is required for an export under the ITAR, the exporter must apply for a license from DDTC.

DDTC license applications are made through the D-Trade system on the DDTC website. As with BIS, license applications should contain **supporting documentation** in addition to the bare minimum of information.
DDTC (State) License Applications
Overview of Submission Process

**Post-Submission:** Application status can be monitored on D-Trade. Cases may be staffed by additional DDTC or other government agency (e.g., Department of Defense) personnel for review. DDTC may contact the exporter for further information. Exporters should be prepared to discuss their application with DDTC and to provide additional detail as requested.

**Turnaround Time:** The approximate turnaround time for an ITAR license is one to two months at a minimum, if the information is complete and sufficient for DDTC review. Applicants should plan accordingly.

**Outcomes:** Applications are either approved, returned without action (“RWA”), or denied. Approved licenses generally come with provisos, or conditions under which the export is approved. The validity of the license is dependent on the classification of the export.

**Expiration:** Licenses expire either in four years or when the dollar value of the license reaches zero, whichever comes first.
The licensing process for OFAC differs from that of BIS. The procedure for license application varies with the specific sanctions program (e.g., Iran, Cuba, Specially Designated Nationals).

There is no specific form to use for license applications. However, similar to BIS licenses, it is advisable to have all necessary information required by the application guidelines or regulations relevant to the specific sanctions or embargo program. Who, what, when, where, and why are appropriate questions to address in an application.

**Example: Academic Exchanges with Iran**

OFAC has issued specific guidance pursuant to the Iranian Transaction Regulations regarding the support of academic exchange programs in Iran. “Certain targeted educational…exchange programs” may be eligible for a license. Here, licensing application guidance is provided in the document itself.

OFAC licenses often come with conditions; licenses for academic exchanges do not allow the export of any technologies controlled by the EAR.

Denial of OFAC license applications are considered a final ruling. However, if the applicant can reasonably demonstrate that a material change in circumstances has occurred, they may request OFAC to reconsider.
The application for an OFAC license varies based on the sanctions program restricted the transaction. The OFAC licensing portal provides options depending on the nature of the activity:

**Post-Submission:** OFAC will notify applicants in writing as soon as a decision has been made. Applicants should wait at least 2 weeks before contacting the Licensing Division of OFAC.

**Turnaround Time:** Turnaround depends on the complexity of the transaction, the scope and detail of interagency coordination, and the volume of similar applications.

**Outcomes:** Applications are either approved or denied.

**Expiration:** Licenses expire on the date specified by OFAC, and are often non-transferable.
How Deloitte Can Help
How Deloitte Can Help
Services for Universities

The increasing complexity of U.S. trade controls, influenced by a volatile geopolitical climate, presents a compliance challenge for academic institutions with global networks of academics, students and researchers.

Below is an illustration of elements that Deloitte GTA can help support to create and maintain effective compliance program.

- Identify nexuses with embargoed countries
- Accurate classification and licensing
- Training and reporting

- Identify screen all parties (e.g., beneficial owners)
- Maintain compliance and reporting structure
- Self-assessments

- Consider secondary sanctions
- Leverage IT for effective compliance
- Voluntary disclosures

Compliance with U.S. Trade Controls
### How Deloitte Can Help

#### Our Breadth of Service Offerings

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<th>Our Services</th>
<th>What we do</th>
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<tbody>
<tr>
<td><strong>Compliance Assessments</strong></td>
<td>• Develop effective export control and economic sanctions compliance assessment programs  &lt;br&gt;• Perform broad export and import compliance assessments  &lt;br&gt;• Conduct export and import control investigations  &lt;br&gt;• Develop trade compliance improvement roadmaps</td>
</tr>
<tr>
<td><strong>Merger &amp; Acquisition Due Diligence / PMI</strong></td>
<td>• Conduct global export controls and customs compliance pre- and post merger/acquisition due diligence  &lt;br&gt;• Provide support with post merger/acquisition disclosures and remediation activities  &lt;br&gt;• Provide post merger/acquisition integration support</td>
</tr>
<tr>
<td><strong>Internal Compliance Program Review</strong></td>
<td>• Internal compliance program design support  &lt;br&gt;• Global trade compliance organizational structure advisory  &lt;br&gt;• Review of global trade compliance programs  &lt;br&gt;• Global customs and export control regulations technical manuals  &lt;br&gt;• Tailored standard operation procedures development</td>
</tr>
<tr>
<td><strong>Trade Automation</strong></td>
<td>• Trade management solution vendor selection support  &lt;br&gt;• Implementation support of automated trade solutions  &lt;br&gt;• Global trade software functionality audits</td>
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<tr>
<td><strong>Export &amp; Customs Classification</strong></td>
<td>• Mass export control classification support services focused on relevant jurisdictions  &lt;br&gt;• Develop and implement export compliance and customs classification policies, procedures and governance  &lt;br&gt;• Mass global customs classification support</td>
</tr>
<tr>
<td><strong>Government Relations Support</strong></td>
<td>• Support clients with engaging/liaising with export control government authorities (BIS, DDTC, OFAC)  &lt;br&gt;• Support clients with government regulatory audits</td>
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<tr>
<td><strong>Customs Valuation</strong></td>
<td>• Develop and implement processes for capturing additions to value  &lt;br&gt;• Develop transfer pricing documentation applicable to customs valuation requirements  &lt;br&gt;• Analyze and plan for customs implications of transfer pricing adjustments and royalty streams</td>
</tr>
<tr>
<td><strong>Trade Compliance Function Design / Transformation</strong></td>
<td>• Global trade compliance program design support and implementation  &lt;br&gt;• Global trade compliance organizational structuring design and implementation  &lt;br&gt;• Review of global trade compliance programs  &lt;br&gt;• Global import/export regulatory technical manuals  &lt;br&gt;• Tailored standard operational procedures development/RACI charts/process mapping</td>
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</table>
Michelle has over a decade’s worth of practical international trade compliance experience. At Deloitte, Michelle advises US and non-US clients daily on compliance with international trade regulations with a focus on civilian and military export controls and economic sanctions. She has experience in various industries including, aerospace, space, defense, arms, telecommunications, electronics, information technology, chemicals, life sciences, industrial manufacturing, and higher education.

Prior to joining Deloitte, Michelle was an Attorney within the International Trade practice group of a large law firm in Washington, DC. Michelle also worked in the Office of General Counsel and Corporate departments of large aerospace and defense companies. In private practice as well as in industry, Michelle provided strategic regulatory trade control guidance on licensing and compliance. She interfaced with US government agencies on behalf of clients and companies.

Additionally, Michelle was the Empowered Official and subject matter expert at a major University where she spent much time developing and implementing an internal compliance program throughout the University including the main, medical, and marine campuses, rendering advice and training to approximately 15,000 faculty and staff in all trade control matters. She reviewed research proposals, contracts, and grants with significant expenditures. Michelle advised on trade control terms and conditions as well as on any exceptions/exemptions/ exclusions available such as the Fundamental Research exclusion. She conducted Deemed Export assessments and implemented Technology Control Plans. She also advised on OFAC sanction regulations and prepared, submitted, and monitored all authorizations/licenses obtained from various government agencies including OFAC, BIS, and DDTC. Michelle conducted internal audits and assessments to identify gaps in the trade compliance program and implemented plans to address gaps. She aligned with functional teams such as Human Resources, Information Technology, Travel, and Procurement to ensure adequate trade control policies and procedures in place. Further, Michelle conducted investigations and created corrective action plans as necessary.

Michelle received her Juris Doctorate from Syracuse University College of Law and her Bachelor of Arts degree in Political Science from the University of Virginia. She is a member of the state bars of Virginia, the District of Columbia, and New Jersey.