



Export Controls & National Security

The national security priorities and the aggressive enforcement environment of the United States continue to expand and change rapidly. US and non-US companies and organizations must adapt quickly and can no longer treat national security-related issues and their interactions with US federal government agencies as simply compliance matters.

Yormick Law's experienced Export Controls & National Security attorneys provide representation and counselling to clients by handling sensitive matters to assist businesses, organizations, investors, and individuals in the aerospace, defense, communications, energy, advanced manufacturing, space, and emerging technology sectors. The firm's attorneys regularly represent clients before federal agencies such as Bureau of Industry and Security (BIS) and the BIS Office of Export Enforcement (OEE), US Customs and Border Protection (CBP), the Homeland Security Investigations (HSI), US Department of State, Directorate of Defense Trade Controls (DDTC), and Offices of the US Attorneys.

The firm's Export Controls & National Security practice involves a broad range of matters relating to regulatory compliance, risk management, federal and state government contract regulations, internal and government investigations, and enforcement actions relating to international trade and US national security interests, including export controls, applying for and obtaining licenses and authorizations under the Export Administration Regulation (EAR) and the International Traffic in Arms Regulations (ITAR), including technology sharing and transfers, deemed export licenses, Technical Assistance Agreements (TAAs) and Manufacturing License Agreements (MLAs), as well as foreign dual-use and military control lists, the US-Canada Joint Certification Program (JCP), the BIS "Affiliates Rule" (to become effective in November 2026), and economic sanctions implemented and enforced by the Office of Foreign Assets Control (OFAC).

The firm will also conduct assessments and advise clients on mitigation under the foreign ownership, control, and influence (FOCI) regulations and, with our strategic alliances, Yormick Law advises companies on various laws and regulations governing international business transactions and relationships, including foreign direct investment into the US under the Committee on Foreign Investment in the United States (CFIUS) regulatory process, including compliance issues relating to the implementation of National Security Agreements.

In connection with Yormick Law's Government Contracts practice, the firm advises clients on cybersecurity compliance obligations for safeguarding Federal Contract Information (FCI) and Controlled Unclassified Information (CUI) under the Federal Acquisition Regulations (FAR) and Defense Federal Acquisition Regulations (DFARS), including Cybersecurity Maturity Model Certification (CMMC), as well as compliance with Section 889 of the 2019 National Defense Authorization Act (NDAA) (prohibiting the procurement of certain Chinese telecommunication and video surveillance equipment and services providers), and Section 5949 of the 2023 NDAA (prohibiting the procurement and use of semiconductor products and services from certain Chinese companies).

And as part of the firm's Customs & Import Controls practice, Yormick Law's attorneys advise on substantial transformation analyses and compliance with US Government procurement laws under the Buy American Act and Trade Agreements Act (TAA), including obtaining country of origin advisory opinions and final determination rulings from CBP.

In 2026, the firm launched a quarterly series of meetings, *Export Controls & National Security Roundtables*, in Rochester, to gather companies in the Buffalo-Rochester-Syracuse corridor to discuss developments and share best practices regarding export control and national security compliance, building on a prior series of meetings hosted at Greater Rochester Enterprise that began at the start of Export Control Reform (ECR) in 2013.

Representative Matters

EXPORT CONTROLS & NATIONAL SECURITY

Representing a Michigan manufacturer and exporter of specialized laboratory research in a BIS OEE Field Administrative Program (FAP) Detroit and HSI investigation regarding exports to China

Continuing advice to a New York precision optics manufacturer regarding export control issues under the EAR and the ITAR, including deemed export licensing requirements and developing Human Resources policy regarding the same, including a Technical Control Plan (TCP), as well as delivering export controls compliance training

Advising a Pennsylvania designer and manufacturer of optical filters, laminations, and thin film coatings for precision optics regarding an ITAR and EAR jurisdiction and classification analysis of certain short wave pass (SWP) filters for commercial and defense aviation use, and preparing a Commodity Jurisdiction (CJ) ruling request submitted to the Directorate of Defense Trade Controls (DDTC)

Continuing advice to the Michigan-based subsidiary of a global engineering services firm regarding export control issues under the EAR and the ITAR, including jurisdiction and classification analyses of controlled technology relating to support of Indian entity regarding the development of energy system for military ground vehicles, advising on deemed export licensing requirements and dual national employment issues, supporting deemed export license applications, preparing export controls compliance program documentation and processes, as well as delivering export controls compliance training

Advised and represented a neuroscience equipment and research manufacturer before BIS OEE Miami Field Office and CBP Fine, Penalties, & Forfeiture Office (FP&F) in connection with parallel export enforcement actions arising from shipments to parties identified on the Entity List, including submitting a voluntary disclosure to BIS concerning potential violations of the EAR, coordinating responses to government inquiries, developing remediation measures and delivering trade compliance training to strengthen the client's export compliance program,

successfully obtaining a release of the equipment seized by CBP with a minimal penalty assessed and securing a favorable outcome in the BIS voluntary disclosure without a civil penalty being assessed

Continuing advice to a Michigan non-profit 500+ member defense industrial base (DIB) consortium, operating under a Department of Defense (DoD) Other Transaction Agreement (OTA) in drafting, reviewing, and negotiating Technical Assistance Agreements (TAAs) with various US and foreign counterparties and Prototype Project Agreements (PPAs), ensuring full compliance with the ITAR and DFARS, and delivering annual ITAR compliance training

Continuing advice to a New York leading satellite communications company regarding EAR and ITAR jurisdiction and classification analyses, including the AUKUS exemption under the ITAR, preparing and obtaining BIS export license to UAE satellite company, as well as a CCATS ruling regarding mobile satellite communications equipment

Represented New York metrology equipment manufacturer in BIS OEE New York Field Office investigation of apparent diversion of equipment by former European distributor in violation of the EAR and OFAC's Russian Harmful Foreign Activities Sanctions Regulations (RuHSR)

Developed and delivered client-specific training sessions on US export control regulations, including the ITAR, the EAR, and OFAC regulations for several clients, including an Ohio-based global distributor and provider of networking solutions, a New York precision optics manufacturer, an advanced materials company in Massachusetts, and a New York-based oil/gas and mining equipment manufacturer

Advised a Pennsylvania sensors manufacturer and distributor regarding compliance with the BIS Affiliates Rule, including conducting a diversion risk assessment, analyzing ownership and control structures of potential counterparties, providing strategic guidance on compliance obligations under the EAR, and recommending enhancements to the client's trade compliance program, including screening and due diligence procedures, to mitigate diversion risks and ensure ongoing compliance with the Affiliates Rule and related export control requirements

In close cooperation with an independent investigator and retired Homeland Security Investigations (HSI) Special Agent, advised and represented a former non-US military member, foreign businessman, and owner of US entities regarding apparent violations of the ITAR brokering regulations and potential other violations of US laws and regulations

Advised and represented a European defense contractor before the Directorate of Defense Trade Controls (DDTC) in a voluntary disclosure regarding a violation of a TAA with a US prime contractor concerning the export of technical data and defense services to an unauthorized foreign person involved in producing assemblies for a US Navy submarine program, closing the matter without any adverse action taken against the client or US signatory

Advised a New York medical treatment software company on sales to a Russian distributor, analyzing OFAC's Determination on Management Consulting Services and potential application of OFAC RuHSR General License 6D, as well as obtaining Russia analysis and obtained CCATS rulings on six (6) software packages from BIS confirming EAR99 classification of the software

Represented a New York precision components supplier to the aerospace, automotive, electronics, and medical/dental sectors in submitting voluntary disclosures to DDTC and the BIS OEE New York Filed Office regarding unauthorized exports of technical data related to defense articles controlled under the ITAR and the EAR to Swiss manufacturers and failing to maintain DDTC registration, obtaining successful resolutions, without any adverse actions taken

Continuing advice to a New York manufacturer of specialty equipment used in one of the Section 1758 Technologies (formerly known as “emerging and foundational technologies”) on compliance with a CFIUS National Security Agreement (NSA) and a BIS “Is Informed” Letter, including preparing and submitting required Export Notices to the CFIUS Monitoring Agencies (CMAs) and export license applications, and representing the client before CMAs and BIS, including negotiating modifications of the NSA and “Is Informed” Letter

Represented an Ohio industrial induction heating and melting equipment manufacturer in a BIS OEE FAP Cincinnati investigation regarding multiple unlicensed exports of products to China, Germany, Taiwan, and Thailand, responding to requests for export documentation and demonstrating misclassification of items, resulting in no adverse action being taken

Represented an Ohio equipment recycling company in a BIS OEE Atlanta Resident Office investigation of export control violations involving shipments of preowned computer numerical control (CNC) and other machines to an ultimate consignee in Pakistan, including participation in client interviews by OEE Special Agents, obtaining a successful resolution with no adverse action taken

Represented a New York-based optics company in a BIS OEE New York Field Office investigation of an apparent reexport violation relating to a European counterparty’s hand-carry of a high-definition digital weapon sight/observation monocular controlled under the EAR to a Middle Eastern country, obtaining a favorable resolution with no adverse action taken

Represented a New York specialty manufacturer and subcontractor to a US defense prime contractor in voluntary disclosures to DDTC and BIS OEE New York Field Office regarding the export of technical data to the client’s Chinese subsidiary for the production of a minor component of the Javelin Launch Tube Assembly, including performing internal investigation interviews, providing export control training to senior leadership and staff, and preparing a Technology Control Plan (TCP) and other compliance documents, obtaining successful resolutions with no adverse actions taken

IF YOU REQUIRE GUIDANCE ON EXPORT CONTROLS, ECONOMIC SANCTIONS, NATIONAL SECURITY REGULATIONS, LICENSING, COMPLIANCE, OR GOVERNMENT INVESTIGATIONS, PLEASE CONTACT US AT INFO@YORMICKLAW.COM