

Department of Homeland Security
DHS Directives System
Directive Number: 078-02
Revision Number: 00
Issue Date: 10/23/2015
**EXPORT CONTROLS
COMPLIANCE**

I. Purpose

This Directive establishes the authorities, responsibilities, and policy for Department of Homeland Security (DHS) compliance with United States export control laws and regulations.

II. Scope

A. This Directive applies to all activities of DHS Components related to the export of items, software, or technical information. It further applies to all DHS federal employees and embedded contract personnel working under direct contracts between their employer and DHS.

B. This Directive does not affect export controls administration or enforcement actions by Customs and Border Protection or Immigration and Customs Enforcement.

III. Authorities

A. 40 Stat. 411, "Trading with the Enemy Act of 1917," codified at Title 12 U.S.C. §§ 95a and 95b.

B. Public Law 94-329, "Arms Export Control Act of 1976," codified at Title 22 U.S.C. § 2778.

C. Public Law 96-72, "Export Administration Act of 1979," codified at Title 50 U.S.C. §§ 2401-2420.

D. Public Law 95-223, "International Emergency Economic Powers Act," codified at Title 50 U.S.C. §§ 1701-1706.

E. Title 15 C.F.R. Part 30, "Foreign Trade Regulations."

F. Title 15 C.F.R. Parts 730–774, "Export Administration Regulations."

G. Title 22 C.F.R. Parts 120-130, "International Traffic in Arms Regulations."

- H. Title 31 C.F.R. Parts 501-598, “Foreign Assets Control Regulations.”
- I. National Security Presidential Directive 56, “Defense Trade Reform.”
- J. Presidential Study Directive 8, “Export Control Reform.”

IV. Responsibilities

- A. The **Science and Technology Directorate**:
 - 1. Provides leadership to the Department’s export controls compliance program.
 - 2. Implements this Directive.
 - 3. Coordinates with DHS Components to incorporate the provisions of this Directive into their policies, procedures, and programs that are subject to export control laws and regulations.
- B. The **DHS Export Controls Group (ECG)** within the Science and Technology Directorate:
 - 1. Serves as the primary unit responsible for developing, maintaining, and implementing the Department’s export controls compliance program.
 - 2. Promotes awareness of export controls compliance obligations within the Department through the maintenance of an export controls compliance outreach and training program for DHS Components.
 - 3. Provides technical, scientific, and regulatory expertise to DHS’s export control-related interagency and international activities.
- C. The **Office of the General Counsel**: Provides counsel on all legal matters concerning the Department’s compliance with United States export control laws and regulations. This includes advising the ECG in their interactions with DHS Components; other federal agencies; and DHS programs.
- D. The **Office of the Chief Security Officer (OCSO)**:
 - 1. Provides foreign national screening support to the ECG.
 - 2. Reports foreign access security trends and specific incidents of potential interest to the ECG.

E. The **DHS Components**:

1. Ensure compliance within their respective DHS Component with United States export control laws and regulations.
2. Coordinate with the ECG to obtain export control training for Component staff as needed and ensure that all export controls compliance obligations are met.

F. **DHS Federal Employees and Embedded Contract Personnel Working with External Performers**:

1. Are not responsible for ensuring that external performers comply with export control compliance regulations when the external performer effects the export. External performers are responsible for performing their own export control compliance evaluations and their own due diligence.
2. Are responsible for reporting any export control violations to the ECG immediately once knowledge is attained of their existence as required by Authorities in Section III F, G, and H.

V. Policy and Requirements


A. All DHS federal employees and embedded contract personnel working under direct contracts between their employer and DHS must comply with United States export control laws and regulations.

B. Upon request, the ECG shall provide support to DHS Components to facilitate their compliance with United States export control laws and regulations:

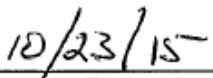
1. Prior to the export activity,
2. Whenever there is a project change involving the participation of foreign nationals, and
3. Whenever, in the course of program execution, an issue otherwise implicates export controls.

VI. Questions

Please address any questions or concerns regarding this Directive to the Export Controls Group within the Science and Technology Directorate.



Russell C. Devo
Under Secretary for Management



Date