

Violations and Penalties

The Export Administration Regulations (EAR)

Criminal and civil penalties exist for violations of the Export Administration Regulations. Criminal penalties apply to “knowing” or “willful” violations and civil penalties apply to non-willful violations.

For each criminal violation of the EAR, the institution involved can be subject to a fine that is the greater of \$1 million or five times the value of the exports for each violation. The individuals involved can be fined up to \$250,000 and/or imprisoned for up to 10 years for each violation.

For each civil violation of the EAR, the institution as well as the individuals involved can be subject to a \$12,000 fine for each violation. However, if the violation involves any item that is subject to national security controls, the fine is \$120,000 per violation.

Other penalties for violations of the EAR include:

- The denial of export privileges and/or
- Seizure/forfeiture of the goods involved.

The International Traffic in Arms Regulations (ITAR)

Penalties for violations of the ITAR are similar to those under the EAR. Criminal and civil penalties exist and can be levied against the institution as well as the individuals involved.

Criminal penalties include a fine of up to \$1 million and/or up to 10 years in prison for each violation.

Civil penalties include a fine of up to \$500,000 for each violation.

Other penalties for violations of the ITAR include:

- The denial of export privileges and/or
- Seizure/forfeiture of the goods involved.

The Office of Foreign Assets Control (OFAC)

Penalties for violations of any regulations administered by OFAC are similar to those under the EAR.

Criminal and civil penalties exist and can be levied against the institution as well as the individuals involved.

Criminal penalties include a fine of up to \$1 million and/or up to 20 years in prison for each violation.

Civil penalties include a fine of up to \$55,000 for each violation.

Other penalties for violations of OFAC regulations include seizure/forfeiture of the goods involved.