

## → Exports and Export-Related Controls

In an interdependent international economy, the movement of goods and information across borders – whether as finished products, parts and components, demonstration models, or selling aids – is a fact of life. A concomitant fact of life is the intricate web of regulations promulgated by United States agencies to oversee, control, and sometimes prohibit the movement of such products and information outside the country and to control their further movement after they have passed our borders. Sheppard Mullin advises and represents U.S. and foreign clients in connection with the wide range of compliance and enforcement issues relating to the export and re-export of products and information under regulations promulgated and administered by the Departments of Commerce and State, as well as the economic sanctions rules of the Treasury Department. We assist clients with:

- Commodity classifications and commodity jurisdiction requests
- Export license-related counseling under the International Traffic in Arms Regulations ("ITAR") and Export Administration Regulations ("EAR")
- Manufacturing License Agreements
- Technical Assistance Agreements
- Distribution Agreements
- Planning and implementing export compliance programs
- Export compliance audits and internal investigations
- Voluntary disclosures
- Enforcement proceedings
- U.S. anti-boycott laws
- Trade embargoes
- Limitations on foreign agent fees
- Foreign Military Sales
- Foreign Military Funding
- Foreign Ownership Control or Influence ("FOCI")
- Exon Florio filings
- The Foreign Corrupt Practices Act
- Bribery
- Allowability and Allocability of foreign selling costs under federal contracts

## Experience

### Representative Matters

- Obtained licenses and conducted investigations and disclosures to BIS regarding technology exports for a global satellite designers, manufacturers and operators
- Advised global semiconductor designers and manufacturers in the United States, EU, and China on compliance and licensing strategy in the face of extreme regulatory changes across all three jurisdictions
- Conducted an enterprise-wide ITAR and EAR compliance program review for a major U.S. defense contractor
- Advised the board of directors and management team of a non-U.S. public company regarding current and future risks related to the U.S.-China strategic relationship
- Designed and implemented a global export and import compliance system for a S.-based telecommunications equipment manufacturer
- Advised a global automotive company in the establishment and deployment of export compliance processes, distributor agreement language, and training to U.S. and non-U.S. personnel
- Advised a U.S. defense contractor in a voluntary disclosure of export violations to the U.S. Department of State, Department Directorate of Defense Trade Controls (DDTC) resulting in closure of the case with no penalties
- Successfully defended a U.S. high-tech manufacturer in a U.S. government export enforcement proceeding leading to the dismissal of criminal charges
- Represented multiple U.S. and non-U.S. companies in sales of medicines, medical devices, food, consumer telecom products and agricultural goods to Cuba and Iran
- Counseled a major international automaker on export, import, and sanctions compliance issues
- Represented multiple U.S. and non-U.S. research universities in developing technology export compliance procedures