

→ International Trade and Investment

Sheppard Mullin's International Trade and Investment team helps clients address their most challenging sanctions, export, import, anti-bribery, and foreign investment issues. Our attorneys have extensive experience with the following:

- Risk-based compliance strategies
- Compliance policies and procedures
- Compliance training
- Counseling on day-to-day compliance questions
- Diligence on international transactions (including M&A, debt and equity capital markets, loans and other financings, project finance, joint ventures and fund formations)
- U.S. national security review of foreign direct investment in the U.S.
- Compliance audits
- Internal investigations and reviews
- Government investigations
- Civil and criminal enforcement actions
- Compliance enhancements and corrective actions
- Negotiating civil and criminal settlements
- Representing investors and sovereign states in connection with international investment arbitrations

When business goes international, the U.S. Government gets involved. We have deep experience with regulations and investigations involving the following agencies, among others:

- Department of Treasury, Office of Foreign Assets Control (OFAC)
- Department of State, Directorate of Defense Trade Controls (DDTC)
- Department of Commerce, Bureau of Industry and Security (BIS)
- Department of Homeland Security (DHS) Customs & Border Protection (CBP)
- Department of Justice (DOJ)
- U.S. International Trade Commission (ITC)
- U.S. Securities & Exchange Commission (SEC)
- Department of Defense, Criminal Investigative Service (DCIS)
- Committee on Foreign Investment in the United States (CFIUS)

Sanctions

U.S. economic sanctions and embargoes change rapidly as a reflection of U.S. foreign policy and national security goals. Our attorneys are always on top of the relevant laws. We help clients understand their

compliance obligations regarding trade in goods, services, and technology under U.S. sanctions. We also help clients understand the constantly shifting rules on indirect transactions, prohibited facilitation, and extraterritorial jurisdiction.

Export Controls

When exporting U.S.-origin products or technologies, it is essential to understand the classification of the export (whether controlled under the ITAR or the EAR), where it will be sent, its end use, and its end user. We help clients address all of these issues, as well as the corresponding issue of whether a license or other authorization is needed to make the export. Our attorneys also can assist with routine administrative export requirements, such as registering with the State Department and keeping proper records.

Anti-bribery

The FCPA prohibits U.S. companies and individuals, as well as all issuers of securities on U.S. exchanges, from making or offering bribes to non-U.S. government officials. Issuers also must abide by recordkeeping and internal controls provisions. We understand that these relatively simple concepts can be very difficult to apply in practice – whether in the case of gifts and hospitality, the hiring of third party agents and representatives, deciding whether to permit facilitating payments, or making a disclosure to the Fraud Section or the SEC.

Import

Import matters also present challenges to our clients, such as tariff classification, valuation, country of origin, marking, antidumping duties, or countervailing duties. We counsel clients on compliance in these areas and work with CBP on prior disclosures, subpoenas, seizures of goods, and other investigations.

Foreign Investment

We advise clients on bilateral investment treaties and free trade agreements, including treaty negotiation, treaty interpretation, and investor-state dispute settlement. We also counsel on U.S. inbound foreign investment matters, such as national security reviews by the Committee on Foreign Investment in the United States.

Antiboycott

We have deep experience advising clients on U.S. antiboycott regulations, including those issued by the U.S. Office of Antiboycott Compliance and by the Internal Revenue Service.