



The rules of international trade are today more numerous, more complex and more fluid than ever. National security and foreign policy considerations are increasingly influencing the regulation of international transactions and have dramatically raised the stakes for all types of cross-border dealings. In this environment of increasing regulation and enhanced enforcement and penalties, it is critical that those conducting international transactions understand how to navigate the requirements, have strong controls in place to mitigate risk, and proactively identify and address compliance concerns.

Williams Mullen’s International Team provides strategic solutions for businesses operating internationally. We assist clients in moving goods, services and information across borders; advocating in administrative and judicial proceedings under U.S. and foreign trade laws; and navigating the intricacies of import and export compliance and enforcement.

Our attorneys advise clients on the full range of U.S. export control and economic sanctions laws and regulations including the Arms Export Control Act and the International Traffic In Arms Regulations (ITAR), the Export Administration Act and the Export Administration Regulations (EAR), the U.S. sanctions regimes administered by the U.S. Treasury Department’s Office of Foreign Assets Control (OFAC) and the U.S. State Department, the munitions import control regulations administered by the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE), the U.S. antiboycott regulations, the Foreign Corrupt Practices Act (FCPA) and the regulations administered by the Committee on Foreign Investment In the United States (CFIUS).

## SERVICE AREAS

ITAR

EAR

ECONOMIC SANCTIONS

COMMITTEE ON FOREIGN INVESTMENT  
IN THE UNITED STATES (CFIUS)

CUSTOMS AND IMPORT COMPLIANCE

COMPLIANCE PROGRAMS

Our attorneys also counsel clients on virtually all customs and import compliance matters – from trade facilitation to homeland security – whether involving a policy, regulatory or litigation issue. We help clients to assess and mitigate customs duties and legal risks inherent to their cross-border supply chains, bringing to bear our extensive experience with both routine customs compliance issues and non-routine inquiries and audits by customs regulators.

Williams Mullen works with clients to help them proactively manage compliance, including preparing export compliance programs under the ITAR, EAR, U.S. sanctions laws, customs, FCPA and other international regulatory areas. We have significant experience advising on the specialized export control requirements for companies in the government contracts, defense, homeland security, intelligence and private security industries, including the overlap with regulation by the Defense Counterintelligence and Security Agency on Foreign Ownership, Control or Influence (FOCI) issues, security and facility clearances and CFIUS reviews.

We also counsel clients on the export control issues arising in merger and acquisition transactions, financings and other business transactions, including conducting specialized export control due diligence reviews, regulatory and CFIUS filings, pre-closing voluntary disclosures and strategies for reducing successor liability in acquisition transactions.



## ITAR

Williams Mullen advises clients on all aspects of munitions trade controls administered by the U.S. State Department's Directorate of Defense Trade Controls (DDTC), including:

- > Licensing requirements for defense articles, technical data, defense services and software;
- > Assistance in applying for export licenses, technical assistance agreements (TAA's), manufacturing license agreements (MLA's) and other authorizations;
- > Registration of defense manufacturers, exporters and brokers;
- > Temporary import transactions;
- > Obtaining advisory opinions from DDTC;
- > Broker regulations;
- > Conducting ITAR compliance audits, license administration, internal controls for electronic files and data systems, adoption of technology control plans, ITAR recordkeeping and reporting requirements and treatment of classified items; and
- > Developing and implementing compliance programs for ITAR compliance, including policies, procedures and training.



Our attorneys also provide analysis and advice regarding export jurisdiction and classification of items on the U.S. Munitions List and obtaining commodity jurisdiction determinations from DDTC.

Should it become necessary, we advise clients in addressing ITAR violations, including internal reviews and investigations, preparing voluntary disclosures, responding to directed disclosures, dealing with enforcement officials to resolve enforcement issues and defending export enforcement actions.

## EAR

Our attorneys counsel clients on all aspects of compliance with the controls on exports of military, dual-use, and commercial items under the EAR,

administered by the Bureau of Industry and Security (BIS) within the U.S. Commerce Department. This includes:

- > Preparing export licenses and related amendments and reexport authority, and advising on application of EAR license exceptions;
- > Addressing deemed export issues;
- > Advising on jurisdiction and classification, including identification of Export Control Classification Numbers (ECCN's) and submission of BIS classification requests (C-CATS);
- > Obtaining advisory opinions on EAR issues;
- > Screening for prohibited parties on the Denied Persons List, Entities List and Unverified List;
- > Compliance with end-use based controls, embargoes, Wassenaar Arrangement, Validated End-User Authorization, Know Your Customer due diligence requirements and de minimis requirements;
- > BIS recordkeeping and reporting requirements;
- > Export compliance procedures for data management systems; and
- > Adopting export compliance programs and export clearance requirements under the Automated Export System (AES) and Foreign Trade Regulations administered by the U.S. Census Bureau.

Our attorneys perform risk assessments, compliance program gap assessments, and develop specialized strategies to help reduce liability in high risk countries and safeguard against illegal diversion.

We also assist clients in dealing with EAR violations, including internal investigations, and voluntary self-disclosures, and responding to agency subpoenas and defense of enforcement actions.

## ECONOMIC SANCTIONS

We advise clients on the full range of trade and economic sanctions imposed under various U.S. statutes, executive orders and regulations

administered by OFAC and the U.S. State Department, including:

- > Restrictions on targeted financial transactions;
- > Export and import embargoes;
- > Dealings with blocked funds and other blocked property interests, and with parties designated under the sanctions programs against Iran, Syria, N. Korea, Cuba, Ukraine/Russia, Venezuela, Sudan, and other OFAC programs;
- > Corporate procedures for screening for parties listed on the Specially Designated Nationals and Blocked Persons List (SDN's);
- > Applications for specific and general licenses and license exclusions;
- > OFAC reporting and recordkeeping requirements;
- > Special rules regarding agricultural commodities, food, medicine and medical devices;
- > Application of the Berman amendment and special rules related to information materials;
- > Obtaining interpretative rulings from OFAC; and
- > Restrictions on reexports, retransfers, illegal diversion, transshipment, facilitation and evasion and penalties and enforcement matters.

Our team advises clients on sanctions requirements on foreign operations of U.S. companies. In addition, we advise on the application of the U.S. sanctions laws to foreign companies including under "secondary sanctions." We also advise on the special securities reporting obligations under the Iran Threat Reduction and Syria Human Rights Act of 2012.

## COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES (CFIUS)

We advise clients on all CFIUS matters, including evaluating CFIUS risks in acquisition, joint venture and other transactions, advising on the requirement for submitting mandatory declarations and the advisability of submitting voluntary declarations and notices, preparing CFIUS declarations and notices, and dealing with CFIUS staff in CFIUS filings and negotiation of mitigation agreements.

## CUSTOMS AND IMPORT COMPLIANCE

Williams Mullen helps clients to mitigate the legal risks that accompany supply chain management



from trade compliance to import safety to homeland security. Williams Mullen works with clients to help them proactively manage their compliance efforts, developing and improving their internal controls, recordkeeping and customs-compliance programs. We also counsel them during customs requests for information, audits and Focused Assessments or when participating in self-policing import compliance programs such as the Importer Self Assessment (ISA). When more defensive action is needed, our team aggressively represents clients in civil administrative penalty and criminal proceedings.

Our team obtains rulings, files protests and litigates customs decisions in the courts. We also help clients to dispute the assessment of duties, including vessel repair duties, to obtain duty drawback or take the benefit of other duty deferral programs, and to obtain exemptions from supplemental duties imposed against targeted products and countries (such as under section 232 of the Trade Expansion Act and section 301 of the Trade Act). Our attorneys assist clients to establish (or to oppose their competitors' establishment of) Free Trade Zones and also to comply with pertinent regulatory requirements.

Clients rely on our team to keep them up-to-date with regulatory changes in Homeland Security, especially related to supply chain and port security, as well as the rules of other agencies (e.g., the Food and Drug Administration's regulations implementing the Bioterrorism Act). Through our guidance, clients have partnered with U.S. Customs and Border Protection to enhance supply-chain security through the Customs-Trade Partnership Against Terrorism (C-TPAT).



In addition to representation and advice on U.S. Customs Law matters, our team has advanced and defended our clients' customs-related interests in the context of multilateral and bilateral trade negotiations, including free trade agreements. We have also represented clients before foreign customs authorities concerning tariff and non-tariff restrictions placed on U.S. exports.

## COMPLIANCE PROGRAMS

We assist clients to develop and implement import, export and anti-corruption compliance programs tailored to their unique business profiles and risks. Our attorneys perform risk assessments and develop strategies to reduce potential liability in high risk countries and transactions. We provide export compliance strategies for multinational

companies, including advising on requirements applicable to foreign parent and other affiliates, joint ventures, teaming arrangements and subcontracting arrangements. Such activities include adopting technology control plans, obtaining authorizations for reexports and retransfers and controls for dual, and third-country nationals.

In addition, the firm has substantial experience advising on export control issues in universities, including requirements regarding university sponsored research programs (and the exemption for fundamental research), technology transfer activities, foreign students, foreign faculty, overseas travel by university personnel, joint programs with foreign universities and procurement issues.



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Chris focuses his practice on international trade, including export controls, customs regulation, economic sanctions programs, trade remedy actions, anticorruption and trade compliance programs and counselling. He currently serves as co-chair of the American Bar Association (ABA) International Law Section's Customs Law Committee. He previously served as a co-chair of the ABA's Export Controls and Economic Sanctions Committee and National Security Law Committee.