



International Trade & Investment Regulation

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Overview

O'Melveny helps clients achieve global competitiveness by successfully navigating sophisticated national and international regulations governing trade policies and potential remedies, economic sanctions, anti-boycott, export controls and customs laws, and foreign direct investment. Indeed, our International Trade practice is built to help clients maximize cross-border opportunities while minimizing compliance-related risk.

We are widely recognized as a leader in providing regulatory and strategic counsel on foreign investment and trade transactions that implicate national security matters. Years in private practice and public service back our counsel to clients; our team features lawyers whose experience includes high-level positions in the White House, US Departments of Commerce, State, and Justice, the Securities and Exchange Commission, various US Attorney's offices, and the US International Trade Commission, among other organizations.

Accolades

"With its national coverage and depth of expertise, the firm's bet-the-company labor and employment litigation practice is very well known."

► Economic Sanctions and Export Controls

O'Melveny helps clients tackle proactive compliance issues as well as enforcement matters involving international trade controls. We regularly advise our clients on the Export Administration Regulations (EAR) administered by the US Department of Commerce, the International Traffic in Arms Regulations (ITAR) administered by the US Department of State, the antiboycott laws and other US export laws and regulations. Our economic sanctions experience similarly includes regular interaction with the Department of the Treasury's Office of Foreign Assets Control (OFAC) and State Department. For both export control and sanctions matters, we work with our clients both proactively—obtaining licenses, rulings, and other agency actions or advice — and defensively — representing the subjects of administrative and criminal enforcement proceedings. We also regularly advise public companies on the increasing disclosure obligations regarding business with sanctioned countries. And, our London team assists clients with the corresponding EU rules in these areas. The firm also:

- Conducts compliance audits and risk assessments
- Advises on the design, implementation, and continued operation of trade controls compliance programs tailored to clients' specific risks
- Provides comprehensive in-house compliance training
- Conducts internal investigations
- Assists with voluntary disclosures
- Represents companies and individuals in connection with civil, administrative, and criminal trade controls enforcement proceedings
- Conducts due diligence of trade controls issues arising in the context of prospective transactions and assisting our clients to address such issues through transactional structuring and documentation

► National Security Reviews of Foreign Investments

In recent years, the US Government has implemented an increasingly rigorous process for assessing national security issues arising from foreign investment transactions. Our lawyers offer extraordinarily deep experience providing regulatory and strategic counsel on foreign investment matters. They've served both as counsel to parties to transactions considered by the Committee on Foreign Investment in the United States (CFIUS) and the Defense Security Service or Department of Energy, and as senior government officials participating in CFIUS deliberations. When called for by the circumstances of particular transactions, we collaborate with our clients to manage teams of public affairs and government relations advisers. Members of

our CFIUS team include partners who formerly served as National Security Advisor, Counsel to the President, and Deputy Secretary of Commerce. As counsel to parties or in government service, our lawyers have been directly involved in the national security reviews of many of the most high-profile foreign investment transactions in recent years.

► **International Trade Policy**

We provide strategic counsel to clients who wish to understand more deeply or to advocate for change in international trade and investment policies or rules that are critical to their businesses. We use our expertise in regulatory, policy, and public affairs work to represent clients in their advocacy efforts. For example, we have worked closely with US companies that are at the forefront of efforts to address foreign technology market access barriers, and other that seek changes in the long-standing ban on crude oil exports.

► **Customs and Trade Remedies**

We have broad experience handling a variety of trade and customs administrative and enforcement matters. Our lawyers bring both private practice and agency experience to representations of clients in various trade remedy proceedings, including antidumping and countervailing duty investigations, safeguard, and “Section 301” cases. Our customs experience includes compliance advice on complex issues relating to country-of-origin and valuation, and assisting clients to respond to subpoenas and submit prior disclosures of apparent violations of the Customs laws.

Clients

- IBM Corporation
- Pioneer National Resources Company
- Numerous confidential representations in a wide number of business sectors, including the financial, energy, high-tech and engineering sectors

[Related Practices](#)

- [Regulatory & Government Affairs](#)