



Jeffrey Orenstein

Counsel

Washington DC
+1.202.778.9465

Jeffrey.Orenstein@klgates.com

OVERVIEW

Jeffrey Orenstein has over 14 years of experience handling international trade and transportation matters. He specializes in providing strategic counsel in the areas of U.S. sanctions, export controls, customs, maritime, and railroad regulation. He is a trusted advisor for trade-related compliance, investigations, due diligence, training programs, and representation in enforcement actions, including matters before the Office of Foreign Assets Control (OFAC), the Bureau of Industry and Security (BIS), the Directorate of Defense Trade Controls (DDTC), Customs and Border Protection (CBP), and the Committee on Foreign Investment in the United States (CFIUS).

Jeffrey advises multinational corporations on trade regulations in an array of regulatory contexts, including compliance with the Export Administration Regulations (EAR), the International Traffic in Arms Regulations (ITAR), U.S. sanctions and embargoes, import regulations, free trade agreements, and remedial tariffs and duties implemented by the Department of Commerce, CBP, and the U.S. Trade Representative (USTR). He also routinely counsels corporations on anti-boycott laws, the Foreign Corrupt Practices Act (FCPA), and national security reviews by CFIUS.

SPEAKING ENGAGEMENTS

- *Tariffs & Trade Issues*, International Titanium Association Conference (Oct. 9, 2018).
- *Compliance with U.S. Sanctions against Russia*, CLE/CPD Webinar (Aug. 27, 2018).
- *Checking All the Required Boxes*, ACI's ITAR Bootcamp (June 7, 2018).
- *The Trump Tariffs & Their Impact*, CLE/CPD Webinar (May 3, 2018).
- *Country of Origin Requirements*, 6th Annual Medical Device & Diagnostic Labeling Conference (Apr. 27, 2018).
- *Country of Origin Requirements*, 4th Annual Medical Device & Diagnostic Labeling Conference (Apr. 25, 2016).
- *Crude by Rail: Understanding the Amended Regulations for Rail Transport*, Webinar (June 3, 2015).
- *Crude Oil Exports*, U.S. Energy and Commodities Conference (Sept. 17, 2015).

- *Panel Discussion on Maritime Law*, Georgetown Law Center (Nov. 28, 2011).
- *Federal Preemption of State Shipping Regulation*, Green Pacific Conference (Sept. 22, 2010).

EDUCATION

- J.D., George Mason University School of Law, 2006 (*cum laude*)
- M.A., The University of Chicago, 1999
- B.A., Boston University, 1996 (*magna cum laude*)

ADMISSIONS

- Bar of District of Columbia
- District of Columbia Court of Appeals
- United States Court of Appeals for the First Circuit
- United States Court of International Trade

THOUGHT LEADERSHIP POWERED BY HUB

- 4 September 2020, Trump Administration Significantly Enhances Export Control Supply Chain Restrictions on Huawei (*Alerts/Updates*)
- 20 May 2020, U.S. Raises Bar for Sanctions Compliance in Maritime, Energy, and Metals Sectors (*Alerts/Updates*)
- 15 April 2020, COVID-19: New FEMA Rule Limits U.S. Export of Personal Protective Equipment (*Alerts/Updates*)
- 20 March 2020, Recent Actions By CFIUS Underscore Importance of Review Process (*Alerts/Updates*)
- 24 January 2020, Treasury Issues Final Regulations Revamping CFIUS Authority (*Alerts/Updates*)
- 3 December 2019, Commerce Proposes Process to Evaluate Transactions Involving Information and Communications Technology and Services for National Security Concerns (*Alerts/Updates*)
- 27 September 2019, Treasury Proposes Regulations Implementing Nearly All of FIRRMA's Provisions (*Alerts/Updates*)
- 14 August 2019, New U.S. Sanctions on the Government of Venezuela (*Alerts/Updates*)
- 7 May 2019, Prominent Divestiture Orders Demonstrate CFIUS's Focus on Access to Sensitive Personal Data as a National Security Concern (*Alerts/Updates*)

- 5 February 2019, Trump Administration Sanctions Venezuela's State-Owned Oil Company PdVSA (*Alerts/Updates*)
- 17 January 2019, OFAC Announces Intent to Remove Sanctions on UC Rusal plc, En+ Group plc, and JSC EuroSibEnergo (*Alerts/Updates*)

OTHER PUBLICATIONS

- "Pharma Ruling Broadens Gov't Drug Procurement Options," *Law360*, 24 February 2020
- *Sanctions compliance and enforcement – a global update*, FINANCIER WORLDWIDE (May 2017).
- *Supply chain risks under US and EU sanctions and export controls*, FINANCIER WORLDWIDE (April 2017).
- *VA Now Open To Non-Trade Agreements Act Compliant Drugs*, LAW360 (May 3, 2016).
- *Veterans Affairs to Permit Acquisition of Non-TAA-Compliant Drugs*, LEXOLOGY (April 22, 2016).
- *U.S. Government Repeals Crude Oil Export Ban*, PRATT'S ENERGY LAW REPORT (April 2016).
- *10 Things To Know About Crude Oil Swap Licenses*, LAW360 (October 22 2015).
- *Medical Device Companies Face Increased TAA Scrutiny*, LAW360 (March 20, 2015).
- *BIS Explains 'Commingling' and Scope of Crude Oil Export Controls*, DOWNSTREAMTODAY (January 13, 2015).
- *Country of Origin' Compliance: The Top 10 Things Pharmaceutical Companies Need to Know* (February 6, 2014).
- *Origin of the Pieces: How to Determine a Pharmaceutical Product's 'Country of Origin'*, 43 PUB. L. J 489 (2014).
- *Joseph Almeida: Portrait of a Privateer, Pirate and Plaintiff, Part II*, 12 GREEN BAG 2D. 35 (2008).
- *Joseph Almeida: Portrait of a Privateer, Pirate & Plaintiff, Part I*, 10 GREEN BAG 2D. 307 (2007).
- *Show Me the Monet: The Suitability of Product Disparagement to Art Experts*, 13 GEO. MASON L. REV. 905 (2005).

AREAS OF FOCUS

- Antitrust, Competition, and Trade Regulation
- International Trade: CFIUS, Sanctions, and Export Controls
- Investigations, Enforcement, and White Collar
- Maritime
- Maritime Regulatory

- U.S. National Security Law and Policy

EMERGING ISSUES

- Hydrogen

REPRESENTATIVE EXPERIENCE

- Served as trusted advisor for multi-national corporations regarding U.S. sanctions, Export Administration Regulations (EAR), and International Traffic in Arms Regulations (ITAR), including advising on compliance, defending enforcement actions, preparing voluntary disclosures, obtaining licenses and commodity jurisdiction rulings, developing policies and procedures, and training personnel.
- Obtained a portfolio of commercially valuable export licenses from the Bureau of Industry and Security (BIS), enabling U.S. technology and commodity companies to reach new markets and engage in strategic partnerships with counterparties in China, South America, and the Middle East.
- Successfully petitioned the Office of Foreign Assets Control (OFAC) to remove numerous foreign companies and vessels from the Specially Designated Nationals and Blocked Person List, obtaining the fastest delistings on record, according to OFAC.
- Provided transactional counsel on U.S. export controls, sanctions, customs, anti-corruption, and anti-boycott laws for a broad variety of commercial transactions, performing due diligence and drafting contractual terms that mitigate regulatory risks and clearly assign liabilities.
- Advised numerous U.S. technology companies and foreign investors on Committee on Foreign Investment in the United States (CFIUS) regulations, including assessment of CFIUS risks, preparation of mandatory and voluntary notices, drafting of contract representations, and implementation of mitigation measures.
- Designed comprehensive international trade compliance policies, procedures, and training programs for multinational corporations operating in numerous jurisdictions with differing regulatory regimes for export controls, sanctions, customs, and other trade laws.
- Obtained valuable product exclusions from Section 232 and Section 301 tariffs on behalf of numerous U.S. manufacturers importing steel, aluminum, and Chinese-origin goods into the United States.
- Represented U.S. manufacturer before Customs and Border Protection (CBP) in disclosure of fraudulent invoicing scheme, obtaining a favorable civil settlement with no CBP investigation or criminal referral.
- Provided foreign embassy of major U.S. trading partner with weekly guidance on U.S. trade and industry developments, including advice on trade negotiations, import tariffs, export controls, sanctions, trade remedies, and regulation of foreign investment.
- Represented pharmaceutical manufacturer before OFAC in voluntary disclosure of multiple violations of Iran sanctions, obtaining a final resolution with no civil penalty or enforcement action.

- Represented dozens of U.S. importers in legal challenge of Section 301 tariffs before the Court of International Trade (CIT), preserving the right to seek multi-million dollar duty refunds.