



## Jeffrey Orenstein

### Partner

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## OVERVIEW

Jeffrey Orenstein is a partner in the firm's Washington, D.C., office where he focuses his practice on international trade and transportation matters. He is a trusted advisor in the areas of economic sanctions, export controls, customs, national security reviews, and transportation regulations.

Jeffrey has significant experience in regulatory compliance, investigations, due diligence, training, and enforcement matters involving:

- Sanctions and embargos, administered by the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC).
- Export controls, including the Export Administration Regulations (EAR), administered by the U.S. Department of Commerce's Bureau of Industry and Security (BIS) and the International Traffic in Arms Regulations (ITAR), administered by the U.S. Department of State's Directorate of Defense Trade Controls (DDTC).
- National security reviews, conducted by the Committee on Foreign Investment in the United States (CFIUS).
- Customs regulations, administered by U.S. Customs and Border Protection (CBP) and trade remedies imposed by the U.S. Trade Representative (USTR) and U.S. Department of Commerce.

Jeffrey provides strategic counsel that is tailored to the specific needs of his clients and the unique challenges of their industry. Going beyond compliance, he seeks creative ways to turn regulatory requirements to his clients' advantage. Ranging from multinational corporations to start-ups, the clients Jeffrey advises operate in such sectors as shipping and maritime, energy, manufacturing, technology, financial services, fine arts, consumer products, defense, aerospace, and life sciences.

## SPEAKING ENGAGEMENTS

- *Legal Risks of Russia-Ukraine Crisis*, Zhong Lun Law Firm Webinar, Beijing China (Mar. 2, 2022).
- *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

- 21 March 2024, President Biden Issues Executive Order Restricting Bulk Transfers of Sensitive Personal and US Government-Related Data
- 15 December 2023, US Government Highlights Sanctions and Export Control Obligations to Improve Compliance and Prevent Evasion
- 27 October 2023, US Government Revises Comprehensive Export Controls on Semiconductors and Semiconductor Manufacturing Equipment
- 19 October 2023, OFAC Imposes First Sanctions for Russian Oil Price Cap Violations
- 19 October 2023, United States Eases Sanctions on Venezuela

- 21 October 2022, U.S. Government Imposes Significant New Export Controls on Semiconductor, Semiconductor Manufacturing Equipment, and Supercomputer-Related Transactions Involving China and Chinese Entities
- 13 May 2022, United States Restricts Accounting, Corporate Formation, and Management Consulting Services to Russia
- 27 April 2022, United States Bans Russian-Affiliated Vessels From U.S. Ports
- 19 April 2022, Between a Rock and a Hard Place: The Sanctions Climate for Foreign Investment in Russia - Part I of II
- 7 April 2022, New U.S. Sanctions Restrict Investment and Services in Russia and Block Major Russian Banks
- 25 March 2022, U.S. Imposes Further Rounds of Sanctions on Russia
- 15 March 2022, New U.S. Sanctions on Russia and Belarus Impose Trade and Investment Restrictions on Luxury Goods and Russia's Energy Sector
- 25 February 2022, U.S. Imposes Additional, "Severe" Sanctions on Russia in Response to Russia's Military Advance into Ukraine
- 24 February 2022, U.S. Imposes Initial Sanctions in Response to Russia's Threat to Undermine Ukraine's Sovereignty
- 4 September 2020, Trump Administration Significantly Enhances Export Control Supply Chain Restrictions on Huawei
- 20 May 2020, U.S. Raises Bar for Sanctions Compliance in Maritime, Energy, and Metals Sectors
- 15 April 2020, COVID-19: New FEMA Rule Limits U.S. Export of Personal Protective Equipment
- 20 March 2020, Recent Actions By CFIUS Underscore Importance of Review Process
- 24 January 2020, Treasury Issues Final Regulations Revamping CFIUS Authority
- 3 December 2019, Commerce Proposes Process to Evaluate Transactions Involving Information and Communications Technology and Services for National Security Concerns
- 27 September 2019, Treasury Proposes Regulations Implementing Nearly All of FIRRMA's Provisions
- 14 August 2019, New U.S. Sanctions on the Government of Venezuela
- 7 May 2019, Prominent Divestiture Orders Demonstrate CFIUS's Focus on Access to Sensitive Personal Data as a National Security Concern
- 5 February 2019, Trump Administration Sanctions Venezuela's State-Owned Oil Company PdVSA
- 17 January 2019, OFAC Announces Intent to Remove Sanctions on UC Rusal plc, En+ Group plc, and JSC EuroSibEnerg

## OTHER PUBLICATIONS

- “US Government Revises Comprehensive Export Controls on Semiconductors and Semiconductor Manufacturing Equipment,” *The Global Trade Law Journal*, March-April 2024
- “5 Ways Maritime Cos. Can Enhance Sanctions Compliance,” *Law360*, 23 October 2023
- “Complying With The US Ban On Russian-Affiliated Vessels,” *Law360*, 3 May 2022
- “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).

## NEWS & EVENTS

- 1 March 2022, K&L Gates Names Nearly 40 New Partners, Of Counsel, and Government Affairs Advisors Across Firm

## AREAS OF FOCUS

- Antitrust, Competition, and Trade Regulation

- International Trade: CFIUS, Sanctions, and Export Controls
- Maritime
- Maritime Regulatory
- U.S. National Security Law and Policy
- White Collar Defense and Investigations

## EMERGING ISSUES

- Hydrogen

## REPRESENTATIVE EXPERIENCE

- 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.
- Successfully obtained an OFAC license for a major electronics company that discovered Cuban-origin materials in its supply chain. The license unblocked the affected products and authorized the sale of affected products in the company's inventory, preventing an international supply chain disruption.
- Negotiated a settlement with OFAC involving over 200 violations for processing gift cards redeemed in embargoed countries. OFAC's proposed penalty of US\$6.8 million was negotiated down to US\$200,000.
- Successfully obtained OFAC licenses for vessel owners after the vessel's cargo became blocked property. The licenses authorized all transactions necessary for the safety and maintenance of the vessel and authorized the sale and discharge of the blocked cargo.
- Provided transactional counsel on US 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.
- Served as trusted advisor for multi-national corporations regarding US 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 US technology and commodity companies to reach new markets and engage in strategic partnerships with counterparties in China, South America, and the Middle East.
- Advised numerous US 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 US manufacturers importing steel, aluminum, and Chinese-origin goods into the United States.
- Represented US 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 US trading partner with weekly guidance on US 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 US 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.