

## Jason M. Waite

Partner

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Jason Waite concentrates his practice on the regulatory aspects of international trade and investment. He counsels clients on export controls, economic sanctions, customs and free trade agreements, and foreign investment regulations, with an emphasis on compliance, strategic transactional planning and execution, and enforcement defense.

Jason conducts internal investigations and compliance self-assessments, develops internal trade compliance and training programs, represents clients in audits and origin verifications, and guides clients through voluntary disclosures of actual and potential import and export violations. Jason has significant experience representing clients that are the subject of government investigations involving alleged violations of the export, import, and economic sanctions regulations, as well as the Foreign Corrupt Practices Act. He defends clients in administrative proceedings and in litigation concerning civil and criminal penalties, debarment, forfeiture, and liquidated damages.

In transactional and strategic planning matters, Jason conducts international trade and anticorruption compliance due diligence, negotiates trade compliance responsibilities among parties to transactions, and represents companies in foreign direct investment reviews by the Committee on Foreign Investment in the United States (CFIUS). Jason also advocates for favorable advance rulings, advisory opinions, and commodity jurisdiction and classification determinations, and handles complex export licensing matters.

He is a frequent speaker at seminars and conferences on international trade topics and has been recognized in *Chambers USA: America's Leading Lawyers for Business* and in *Chambers Global*.

### **Representative Experience**

- Assisting clients on trade regulations during the coronavirus pandemic, including U.S. border cargo operations, tariff suspensions, import and related regulatory requirements for PPE and medical devices, and critical infrastructure status for manufacturing supply chains.
- Guided clients through voluntary disclosures of violations of the export and economic sanctions regulations.
- Developed and implemented import, export, economic sanction, and FCPA compliance policies, procedures, and training programs.
- Designed and led internal trade compliance reviews and international trade due diligence efforts in significant mergers, acquisitions, and investments.
- Represented clients in CFIUS reviews and related foreign investment matters.
- Obtained numerous favorable export classifications, advisory opinions, and commodity jurisdiction determinations from the Departments of Commerce, State, and Treasury.
- Defended exporters in investigations and enforcement proceedings before the Office of Export Enforcement of the Bureau of Industry and Security (BIS), U.S. Customs and Border Protection (CBP), Immigration and Customs Enforcement, Office of Foreign Assets Control (OFAC), and Department of Justice.

- Represented clients in prior disclosures of import violations related to tariff classification, valuation, origin, and eligibility for preferential treatment.
- Secured more than 100 binding rulings and protest decisions from CBP addressing the origin, classification, marking, and value of imported products, as well as the eligibility of products for preferential treatment under NAFTA, CAFTA, GSP, HTSUS 9802, and similar programs, and helped clients recover and save tens of millions of dollars in duty.
- Represented importers in audits conducted by CBP.
- Spearheaded the resolution of complex export licensing and commodity jurisdiction matters.
- Appealed an Entity List designation and secured removal of the client from the list.
- Advised clients in security clearance matters under the National Industrial Security Program Operating Manual, including in the negotiation and implementation of agreements to mitigate Foreign Ownership, Control or Influence (FOCI).
- Represents clients in the aerospace and aviation, apparel, automotive, cosmetics, consumer products, defense, electronics, energy, financial services and insurance, food and beverage, machinery and equipment, medical products, retail, software, sporting goods, technology, telecommunications, textiles, and other industrial sectors on all aspects of international trade regulation.

## **Publications & Presentations**

### **Publications**

- “United States: International Trade & Regulatory Advisory: Opportunity for Import Duty Suspensions or Reductions Under the Miscellaneous Tariff Bill Petition Process,” *Mondaq Business Briefing*, November 11, 2019.
- “Lessons Learned and Practical Tips After Reading the CFIUS Annual Report,” *Corporate Counsel*, May 10, 2016.
- “New Export Requirements on the Horizon for Cybersecurity Products and Technologies,” *Intellectual Property & Technology Law Journal*, Vol. 27, No. 9, September 2015.
- “FCPA and OFAC Compliance Essentials,” *The FCPA Report*, Vol. 3, No. 20, October 8, 2014.
- “Customs Enforcement Trends and the Development of Customs Compliance Strategies to Mitigate Enforcement Risks,” *Customs Law Enforcement and Compliance (Inside the Minds)*, Aspatore/Thomson Reuters, 2014.
- “Feature Comment: First Set of Final Rules Makes Export Control Reform an Imminent Reality; Initial USML and CCL Revisions Affect Aircraft and Associated Equipment,” *The Government Contractor*, Vol. 55, No. 20, May 22, 2013.

### **Presentations**

- “The Effect of FIRRMA and CFIUS on Foreign Investment in the United States,” LexMundi North America Regional Conference, Atlanta, GA, March 8, 2019.

### **Professional & Community Engagement**

- Ayuda Inc., board of directors (former)
- Emory International Law Review, editor, 1997–1998

## *Education*

- Emory University (J.D., 1998)
- Middlebury College (B.A., 1995)

## *Admitted to Practice*

- District of Columbia
- Georgia

## *Related Services*

Legislative & Public Policy | Government Contracts | International Trade & Regulatory | Export Controls | Office of Foreign Assets Control (OFAC) Embargoes and Sanctions | Customs | Committee on Foreign Investment in the United States (CFIUS) | International | Corporate Social Responsibility & Sustainability | Foreign Corrupt Practices Act (FCPA) Violations | German Business Team | Japan Business Team