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A Weekly Report for Business Executives on U.S. Trade Policies, Negotiations, Legislation, Trade Laws and Export Controls

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U.S. Warns Firms Against Exports to Crimean Projects

U.S. officials are warning American firms not to export to infrastructure projects in Crimea even though the projects and firms involved have not been blocked by either the Bureau of Industry and Security (BIS) or Treasury's Office of Foreign Assets Control (OFAC). "We have seen the U.S. essentially strong-arming companies not to engage in activity in Crimea without having a regulatory basis," Peter Lichtenbaum, a former BIS assistant secretary who is now with Covington & Burling, told the Global Trade Controls and Compliance Conference in London Nov. 18.

> U.S. firms seeking clarifications from BIS on proposed exports to road and bridge projects in Crimea have reportedly received strong warnings against such deals from top administration officials. Until recently, trade agencies have issued no public guidance on the issue.

In response to a question from WTTL, BIS Assistant Secretary Kevin Wolf sent the following statement in an email: "Companies considering participating in infrastructure projects in Crimea should carefully review current U.S. and EU sanctions. Even if sanctions do not prohibit participation, the U.S. government does not support U.S. companies' participation in such projects."

When the European Union (EU) imposed new sanctions on Russian and Ukrainian entities and individuals in July, it also banned new investment in Crimea and Sevastopol for infrastructure projects in the transport, telecommunications and energy sectors and for the exploitation of oil, gas and minerals (see **WTTL**, Aug. 4, page 5). The difference between U.S. and EU rules "is that we got our own very specific series of laws about Crimea and Sevastopol which, I'm surprised, seem to catch up a lot of people that haven't realized that these rules are there," Ross Denton, a partner with Baker & McKenzie in London, told the trade conference. "They are quite draconian. You really, really can't do business from inside the European Union to Crimea and vice versa without really, really, really going through a number of hoops," he added.

Justice Won't Prosecute for Pre-Acquisition FCPA Activity

The improper conduct of a foreign company that occurred prior to its acquisition by a U.S. firm would not warrant enforcement of the Foreign Corrupt Practices Act (FCPA),

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Justice wrote in an FCPA Advisory Opinion Nov. 7 (No. 14-02). The advice responded to a question from a U.S. company that planned to acquire a foreign company that may have paid illegal bribes. In the course of pre-acquisition due diligence, the requestor found improper payments by the foreign company to foreign government officials, "as well as substantial weaknesses in accounting and recordkeeping," Justice wrote. In its opinion, Justice said it would not have jurisdiction over the foreign company's activities.

> "Assuming the accuracy of Requestor's representations, none of the potentially improper pre-acquisition payments by Seller or the Target Company was subject to the jurisdiction of the United States. For example, none of the payments occurred in the United States, and Requestor has not identified participation by any U.S. person or issuer in the payments," it said.

A key statement in the advice notes that acquisition would include no ongoing benefits from illegal activities. "Requestor also represents that, based on its due diligence, no contracts or other assets were determined to have been acquired through bribery that would remain in operation and from which Requestor would derive financial benefit following the acquisition," Justice noted.

While Justice said it would not take enforcement action based on these facts, it warned that its opinion may not apply to other companies in the same situation. "The Department expresses no view as to the adequacy or reasonableness of Requestor's integration of the Target Company. The circumstances of each corporate merger or acquisition are unique and require specifically tailored due diligence and integration processes. Hence, the exact timeline and appropriateness of particular aspects of Requestor's integration of the Target Company are not necessarily suitable to other situations," it wrote.

Agencies Clarify Restrictions on Shale Oil Drilling in Russia

OFAC and BIS responded Nov. 18 to industry concerns that vaguely worded restrictions that were imposed on exports of goods and technology to Russia for shale oil exploration and production as of part wide-ranging sanctions on Moscow were blocking exports to existing and traditional oil drilling projects. Exporters had complained to the agencies that the restrictions were being interpreted to prevent exports to projects that drilled "through" shale to get to lower oil deposits and not just to new technology that extracts oil "from" shale, such as so-called fracking techniques.

> The restrictions on shale-related exports were part of package of sanctions U.S. and EU imposed on Russia in September in reaction to Russia's intervention in Ukraine and annexation of Crimea. They were aimed at "new frontier" oil exploration projects for deepwater exploration, Arctic exploration and shale oil projects that could give Russia new sources of oil income.

In a new answer on its Frequently Asked Question (FAQ) page on its website, OFAC clarified that the sanctions are not intended to block exports for oil drilling projects that go "through" shale. Industry executives applauded the clarification, which will prevent extension of controls to many existing and traditional drilling methods. OFAC's FAQ said: "The prohibitions in Directive 4 under Executive Order 13662 apply to deepwater, Arctic offshore, or shale projects with the potential to produce oil in the Russian Federation, or in maritime area claimed by the Russian Federation and extending from its

territory. The term 'shale projects' applies to projects that have the potential to produce oil from resources located in shale formations. Therefore, as long as the projects in question are neither deepwater nor Arctic offshore projects, the prohibitions in Directive 4 do not apply to exploration or production through shale to locate or extract crude oil (or gas) in reservoirs."

> In coordination with OFAC, BIS posted its own FAQ to explain its policy on shale exploration and fracking, including in response to a question about projects that involve unconventional methods of extracting oil from shale, such as from shale reservoirs or oil shale processing.

"The license requirements of Section 746.5 of the EAR apply to the specified items when you know that the item will be used directly or indirectly in exploration for, or production of, oil or gas in Russian deepwater (greater than 500 feet) or Arctic offshore locations or shale formations in Russia, or are unable to determine whether the item will be used in such projects. Thus, the license requirement applies to exploration for, or production of, oil or gas from a shale formation. The license requirement does not apply to exploration or production through shale to locate or extract crude oil or gas in reservoirs," BIS explained.

Froman Tries to Explain TTIP "Fresh Start"

There is no deep conflict between the U.S. and EU in Transatlantic Trade and Investment Partnership (TTIP) negotiations, claims U.S. Trade Representative (USTR) Michael Froman in an attempt to explain U.S. and EU statements calling for a "fresh start" in the talks. The fresh start refers simply to the political transition in Brussels with the entry of new political leaders and a new EU trade commissioner, he says.

> When asked at an event in Washington Nov. 19 if TTIP talks had foundered, Froman said, "I don't actually think they've foundered, I think we've tried to use this time well, as Europe is going through a transition from European parliament elections in May to the selection of a new commission to the confirmation of that commission. And now the commission has finally been seated, three weeks ago" (see **WTTL**, Nov. 10, page 1).

In any political transition, "sometimes the most politically difficult issues are hard to deal with when those transitions happen. And that's where we'd like to get restarted now with the new commission, and start with some of the harder issues," he added.

Ahead of a meeting Froman had with new EU Trade Commissioner Cecilia Malmström in Brussels Nov. 21, Assistant USTR Dan Mullaney, who is the USTR's chief TTIP negotiator, told a separate event in Washington that Froman "is also very much looking forward to a fresh start" with Malmström. Froman is "looking forward to meeting with her in the coming days to talk about how we move that fresh start forward, how we make progress in this agreement in the year to come," Mullaney said Nov. 19. Malmström first mentioned the "fresh start" in her confirmation hearings in September and USTR statements have picked up the term.

After Froman met with Malmström, he tweeted, "Great to meet @MalmstromEU &optimistic about a fresh start for #TTIP. Looking fwd to making progress when she's in

DC." She responded in her own tweet, saying: "Good meeting with @MikeFroman. Convinced we can achieve a good agreement on TTIP, beneficial to our economies and citizens in EU and US." Froman also issued a statement saying, "The United States is committed to moving forward with TTIP as soon as we can and as fast as we're able."

> European officials privately play down the differences that have arisen in the TTIP negotiations. One official characterized the differences as "political rhetoric" that often marks the early stages of any negotiations. He said he expects Malmström to bring new idea to the talks.

Separately, Malmström announced new EU transparency measures Nov. 19. "Even though the TTIP talks are the most transparent and open the Commission has ever conducted, there are still a lot of doubts around what is being negotiated," she said in a statement announcing the measures.

Specifically, she outlined two main proposals: "First, to extend access to TTIP texts to all members of the European Parliament, beyond the currently limited group of members of the European Parliament's International Trade Committee. Second, to publish texts setting out the EU's specific negotiating proposals on TTIP." Malmström said she will present the transparency proposals to the Parliament's International Trade Committee Dec. 3, with the aim of implementing the measures before the end of the year.

At a Nov. 21 meeting, the European Council also backed more transparency in the talks. "The Council underlines the importance to better communicate the scope and the benefits of the agreement and to enhance transparency and dialogue with civil society in order to highlight the benefits for European citizens and the opportunities it would create for EU companies, in particular small and medium sized businesses," it said in a statement.

The council statement also reconfirmed "its strong expectation of concluding a deep, ambitious, balanced and mutually beneficial agreement on all three pillars of the negotiations as soon as feasible, according to the Council mandate. To achieve this aim, it said "it is essential to have clear and strong political support for the negotiations by both parties which will boost TTIP talks and facilitate the conclusion of the agreement according to a positive timeline."

Customs Process Weakens Section 337 Enforcement, GAO Says

Weaknesses in the way Customs and Border Protection (CBP) enforces exclusion orders that the International Trade Commission issues under Section 337 against unfair imports could open the door to products that infringe U.S. copyrights and patents, the Government Accountability Office (GAO) claimed in a report published Nov. 19 (GAO-15-78). "CBP's management of its exclusion order enforcement process at the ports contains weaknesses that result in inefficiencies and an increased risk of infringing products entering U.S. commerce," it wrote.

The GAO raised similar concerns in a 2008 report on intellectual property rights enforcement. In its new report, GAO recommended that CBP update its internal guidance with requirements to (1) routinely ensure that trade alerts are posted to the CBP intranet for each exclusion order, (2) routinely identify any orders whose changed conditions merit a CBP request that ITC rescind them, and (3) monitor timeliness of trade alert issuance,

the agency said. Customs agreed with two of three GAO recommendations, but did not concur with the suggestion to routinely identify any ITC rescission orders. "CBP noted that there is no statutory or regulatory authority mandating that it monitor the ITC's list of exclusion orders to determine if changed conditions of law or fact would warrant the rescission of any of the orders. In addition, CBP asserted that ITC, as the issuing agency of exclusion orders, and the relevant complainants, or both have responsibility for ensuring that the list of outstanding exclusion orders is current," the report noted.

> Better training would also help agents identify infringing imports, including help from complainants. "At the initiative of the complainant, CBP officials may receive training in determining how products in shipments may infringe upon the intellectual property rights of the complainant's product. For example, Electronics Center officials said that a company that produces inkjet printer cartridges contacted CBP and arranged to provide training to port officials on the features of its cartridges and how to determine if imported products violate the company's patents," the report notes.

The report notes that between fiscal year 2010 and fiscal year 2014, which ended Sept. 30, 2014, CBP excluded or seized 158 shipments subject to exclusion orders. Those imports ranged from magic cube puzzles, ink cartridges, and coaxial cable connectors to footwear, cigarettes and cell phone cases.

"As the gatekeepers of our borders, it is vital CBP work to enforce the trade laws that were designed to shield American innovators from imports that infringe their patents. But, as we learned from the GAO, there is clearly more work that needs to be done to better manage these processes and procedures," Senate Finance Committee Chairman Ron Wyden (D-Ore.) and Ranking Member Orrin Hatch (R-Utah), who requested the report, said in a joint statement Nov. 20. **"**We encourage CBP to take steps, including those recommended in this report, and look forward to working with them to make border enforcement of intellectual property rights more efficient and more effective," they said.

Elections in Japan Could Delay Talks on TPP Issues

Japanese Prime Minister Shinzo Abe's call Nov. 18 for early elections to bolster his faltering economic plans could further delay already slow progress toward a U.S.-Japan deal on opening the Japanese markets as part of an agreement to have Japan join the Trans-Pacific Partnership (TPP). While Japanese government sources say they are confident that Abe will prevail in the vote, which is likely to be held Dec. 14, they also say they expect changes to be made after the election in top government posts, including those involved in trade and TPP talks (see **WTTL**, Nov. 17, page 4).

> The call for elections was reportedly prompted by news that Japan had fallen back into recession earlier this year and the decision to postpone a planned sales tax increase. The impact of the election on TPP talks may depend on what promises Abe's Liberal Democratic Party (LDP) will have to make to farmers, a strong LDP constituency, to maintain their support.

In addition to the weak results from what has been called Abenomics, Abe has faced public criticism about his decision to revise Japan's 45-year old policy against arms exports. In April, the Japanese Cabinet approved three new principles governing military

sales to clarify the policy but also to permit exports of defense products and technology to allow Japan to support international peacekeeping, cooperate with close allies and enhance Japanese security.

> Since April, Japanese export authorities have approved two export licenses under the new policy, Jun Kazeki, director of Japan's security export control policy division, told the Global Trade Controls and Compliance Conference in London Nov. 19. One license was issued in July to permit exports to the U.S. of Patriot missile parts. A second license in July allowed the export of seeker missile technology to the United Kingdom. He said the average processing time for the licenses is about three months.

Kazeki also said Japan has become the top destination for licenses that BIS has issued for former defense items transferred to the 600 series on the Commerce Control List in the past year. Japan has also been the top destination for 600-series exports under license exceptions, including license exception Strategic Trade Authorization. "Japanese companies are used to the comprehensive license system of the United States," he said.

Sugar Proposals with Mexico Not as Sweet as Pumpkin Pie

Proposed suspension agreements between Commerce and Mexican sugar producers to put aside the antidumping and countervailing duty (CVD) cases against imports from Mexico have made no one happy. As expected, U.S. companies that depend on Mexican imports dislike the deals, but even supporters of the agreements urged changes in comments Commerce posted Nov. 18 (see **WTTL**, Nov. 3, page 5).

> The agreements that would suspend ongoing investigations were announced Oct. 27 at the same time Commerce released its preliminary dumping margins. The suspension agreements would reimpose quotas on Mexican sugar during parts of the year and set minimum prices for the imports.

The American Sugar Coalition, which filed the antidumping and countervailing duty petitions on behalf of U.S. sugar producers, said the deals could form the basic structure of an arrangement that could eliminate completely the injurious effects of Mexican sugar on U.S. growers. "Unfortunately, the agreements, as drafted, would create a powerful incentive to circumvent the purpose of the agreements to eliminate the injurious effect by permitting Mexican exporters to fill the entire Export Limit with high polarity sugar that is subject to the lower reference price for 'other sugar'," the coalition argued.

It suggested lowering the threshold for "refined sugar" to capture that "other" sugar. "If the definition of refined sugar is limited to sugar with a polarity of 99.90 and above, then it will treat as 'other sugar' sugar that is refined to essentially the same degree as fully refined sugar produced in the United States," it wrote.

In its comments, the Sweetener Users Association (SUA), which represents the sugar-consuming industry, opposed the deals. "This managed trade structure will limit the quantity of Mexican sugar that may be imported into the United States and establish reference (or floor) prices below which such sugar may not be sold. For this reason, the draft suspension agreements represent a significant step backwards in the trade in sugar between the United States and Mexico," SUA wrote. Other opponents of the agreements

also urged the administration to continue the antidumping and countervailing investigations even if the deals were adopted. "If adopted, the agreements would mean that the International Trade Commission (lTC) would not be allowed to make a determination on whether U.S. sugar companies have actually been injured by Mexican imports," the American Bakers Association (ABA) wrote. "Yet a large body of evidence exists that clearly demonstrates that no injury has occurred. Thus, the agreements reward petitioners who likely would not have prevailed had the simple requirements of longstanding U.S. AD/CVD law been permitted to take their normal course," the ABA contended.

China Following Old Path, Not Reforms, Report Contends

China is continuing to use a low-value renminbi to boost exports rather than increasing domestic consumption as Chinese President Xi Jinping had advocated when he took office, the U.S.-China Economic and Security Commission (USCC) said in its annual report to Congress Nov. 20. "Rather than moving forward with the broad reform agenda pro-posed by General Secretary Xi when he first took office a year ago — by allowing market forces and financial liberalization to play a 'decisive role' in the economy — the government continued to subsidize favored industries and maintain an artificially low value of the renminbi in order to boost exports and inhibit imports," the report contends.

> The report reiterates complaints about how it is getting harder to operate in China. "During the course of 2014, foreign companies investing in China faced increased regulatory burdens and barriers to business dealings that do not similarly encumber China's highly favored 'national champions.' China's anti-monopoly laws, in particular, appear to be focused on disadvantaging foreign invested companies rather than being applied equitably," it notes.

The report also points out that for the first time, in 2014, foreign direct investment (FDI) from China into the U.S. exceeded FDI from the U.S. to China. "While this may spur job growth in the United States, investment by Chinese state-owned or state-controlled companies in the United States risks creating a hybrid economy where privately owned U.S.-based business must compete with Chinese state-financed companies motivated more by Beijing's policy directives than profit. Moreover, there are potential national security concerns associated with investments by Chinese state-owned or state-controlled companies in U.S. critical infrastructure," it argues.

The USCC repeats concerns it has raised before about China's cyber espionage, which it says continued unabated in 2014, "despite a concerted U.S. effort since 2013 to expose and stigmatize Chinese economic espionage." It notes charges filed in May against five Chinese military officers with cyber-theft from five U.S.-based corporations and a union. "China's material incentives for continuing this activity are immense and unlikely to be altered by small-scale U.S. actions," the report contends.

Satellite Controls Still Need Clarity, Industry Comments Suggest

As the transition of commercial satellites from the U.S. Munitions List (USML) to the Commerce Control List (CCL) went into effect, some specific controls still need clarification, according to industry comments BIS posted Nov. 17. BIS and Directorate of Defense Trade Controls (DDTC) officials have said they will update the regulations to

address these comments along with industry concerns about controls on remote sensing and commercial spaceflight (see **WTTL**, Nov. 17, page 1). Most of the comments asked for clarification of the controls or pointed to language that seemed to broaden control of commercial products. "Commercial space manufacturers have raised concerns that the overreach of [paragraph] (a)(12) could be construed to capture all commercial satellites with engines that raise the satellite to its orbital slot and which are not used for attitude control," the Aerospace Industries Association (AIA) wrote.

> "Most commercial satellites have such engines. A note that the controls were not intended to control commercial/civil/scientific satellites would likely be sufficient to address such concerns," AIA suggested.

The Satellite Industry Association highlighted Supplement 2 to Part 748, which implements "special export controls" (SECs) that apply to exports of EAR-controlled satellites. "Because the proposed Supplement No. 2 would apparently apply SECs to exports of all satellites controlled under ECCN 9A515.a, rather than to launch, it would dramatically expand the scope of satellite exports to which these controls would apply. It would also run counter to both BIS's suggestion that Supplement 2(y) 'mirror[s]' the revised ITAR Section 124.15, 6 and Export Control Reform's goals of harmonization and high walls around a smaller yard," SIA wrote.

United Technologies requested clarification on the treatment of equipment for the International Space Station (ISS), including what it believes is "an unintended ITAR jurisdiction for ISS equipment development and production technology." The company also pointed out a "conflict" in controls on telemetry/housekeeping data between the BIS and DDTC rules. In its comment, Boeing also asked for clarity on controls relating to "satellite processing activities at the launch site," technology related to "transfer orbit operation, deployments and in-orbit test," and source code.

Airbus asked for clarification on *de minimis* for the new 500-series satellites. "Please confirm that if the corresponding 500 series item is integrated, in a foreign country, into a foreign-higher assembly and meets the *De Minimis* threshold criteria, then Part 750.7(i) is applicable, the license conditions are terminated, and the *De Minimized* item may be re-exported or retransferred without prior U.S. Government authorization in the form of a re-export license," it wrote.

WTO Panel Issues Mixed Findings on Vietnam Shrimp Case

Changes Commerce made to its use of "simple zeroing" in antidumping investigations and reviews led a World Trade Organization (WTO) dispute-settlement panel Nov. 17 to reject at least one of the complaints Vietnam raised against the department's rulings against dumped shrimp imports. In its mixed ruling, however, the panel found Commerce decisions in three administrative reviews to have violated WTO rules but other U.S. laws and policies to be in compliance. As a result of the divided decision, both the U.S. and Vietnam are likely to appeal the ruling to the WTO Appellate Body.

Among U.S. practices the panel found inconsistent with WTO requirements was the presumption that all exporters from non-market economies (NMEs) belong to a single, NME-wide entity and assigning a single rate to all of them. It also ruled the U.S. acted inconsistent with WTO rules when Commerce relied on "WTO-inconsistent margins of

dumping or rates in its likelihood-of-dumping determination in the first sunset review." The panel ruled that Vietnam had failed "to establish the existence of a measure with respect to the manner in which the USDOC determines the NME-wide entity rate, in particular concerning the use of facts available." It said Vietnam did not establish that the alleged measure is "as such" inconsistent with the WTO Anti-Dumping Agreement.

It rejected Vietnam's challenge of Section 129 of the Uruguay Round Agreements Act, which applies WTO panel rulings only prospectively. "We find that Viet Nam has not established that Section 129(c)(1) is 'as such' inconsistent with Articles 1, 9.2, 9.3, 11.1 and 18.1 of the Anti-Dumping Agreement," the panel concluded. While the panel recommended that the U.S. bring its practices into conformity with its findings, it declined Vietnam's request that it also offer suggestions on how to implement them.

* * * Briefs * * *

TRADE PEOPLE: Two former House Republicans who were staunch free-trade supporters while serving on House Ways and Means Committee have died. Former Rep. Phillip Crane (R-Ill.) died Nov. 15. Former Rep. Bill Frenzel (R-Minn.) died Nov. 17. "Phil was a leading reformer on free-market policies, pioneering significant efforts like legislation to liberalize trade and create U.S. jobs during his ten years as chairman of the trade subcommittee," Ways and Means Chairman Dave Camp (R-Mich.) said in statement about Crane. In separate statement, Camp said Frenzel's legacy "will continue to benefit American families for years to come."

HOUSE: Republican Conference Nov. 19 selected Rep. Paul Ryan (R-Wis.) to be next chairman of Ways and Means Committee, succeeding Dave Camp, who is retiring. GOP also tapped Rep. Mac Thornberry (R-Texas) to head Armed Services Committee and Rep. Mike Conoway (R-Texas) to lead Agriculture panel. Ex-Im Bank critic Jeb Hensarling (R-Texas) will remain Financial Services chairman. Ryan said he will aim to "fix the tax code, hold the IRS accountable, strengthen Medicare and Social Security, repair the safety net, promote job-creating trade agreements, and determine how best to repeal and replace Obamacare with patient-centered solutions."

INDIA: Commerce licenses were required for only 0.3% of U.S. exports to India in 2013, compared to 24% of exports to India 15 years ago, BIS Under Secretary Eric Hirschhorn told U.S.-India High Technology Cooperation Group in New Delhi Nov. 20. "Very few license applications for items under Commerce Control are denied," he said. "The transfer of certain aerospace items from the licensing jurisdiction of State to Commerce already has resulted in the timely approval of licenses to India valued at more than $70 million," Hirschhorn noted. U.S. reportedly is helping India prepare requests to join Wassenaar Arrangement, Nuclear Suppliers Group, Australia Group and Missile Technology Control Regime.

FCPA: Bernd Kowalewski, former president and CEO of BizJet, U.S.-based subsidiary of Lufthansa Technik AG, was sentenced Nov. 18 to time served in Tulsa U.S. District Court for conspiracy to violate FCPA and substantive violation of FCPA. He pleaded guilty in July to paying bribes to officials in Mexico and Panama in exchange for their assistance in securing contracts for BizJet to perform aircraft maintenance, repair and overhaul services, and he has been in custody since then (see **WTTL**, July 28, page 19). Bizjet entered into DPA with Justice March 2012 and paid $11.8 million to resolve related charges.

MORE FCPA: Two ex-employees in Dubai office of Oregon-based defense contractor FLIR Systems agreed to pay SEC penalties to settle charges of violating FCPA by taking Saudi government officials on "world tour" to secure business and then falsifying records. Stephen Timms, U.S. citizen who resides in Thailand, and Yasser Ramahi, U.S. citizen who lives in

UAE, agreed to pay $50,000 and $20,000, respectively. FLIR "self-disclosed the matter to the SEC and terminated the employees when we discovered the issues," said Shane Harrison, FLIR VP for corporate development and investor relations, in email to WTTL. "The information in the SEC's release is consistent with the information we provided to the SEC. We have cooperated with the SEC investigation and the DOJ closed its investigation without action against FLIR. We had a full FCPA policy in-place and these former employees had formal FCPA training. The former employees actively circumvented FLIR's policies and controls, and produced fraudulent documents to attempt to cover-up their actions. Our internal controls discovered the issues and we took action. We have been working to resolve this matter with the SEC to avoid any material impact to FLIR and expect that resolution to happen in the near future," he wrote.

CHEMICAL WEAPONS: In Federal Register Nov. 19, BIS requested comments on "any effects that implementation of the Chemical Weapons Convention, through the Chemical Weapons Convention Implementation Act and the Chemical Weapons Convention Regulations, has had on commercial activities involving 'Schedule 1' chemicals during calendar year 2014." Comments are due Dec. 19.

SCREENING: Commerce Nov. 20 launched new web search tool to help U.S. companies search government's Consolidated Screening List (CSL). CSL API consolidates nine export screening lists of Commerce, State and Treasury into one spreadsheet. List includes Denied Persons List, Entity List, Foreign Sanctions Evaders, ITAR Debarred, Palestinian Legislative Council List, Sectoral Sanctions Identifications List, Specially Designated Nationals (SDN) and Unverified List. Access developer tools at: http://developer.trade.gov/consolidated-screening-list.html

SURVEILLANCE: Multinational companies, including some in U.S., Israel, Italy, Germany, UK and Russia, have provided surveillance technology to Central Asian authoritarian governments implicated in human rights abuses, says Privacy International in report published Nov. 20. Among companies cited in report are Verint Israel and NICE Systems in Israel and Germany-based Trovicor and Utimaco, "The electronic surveillance capabilities of various Central Asian regimes have been provided by a range of commercial actors, including manufacturers of telecommunications equipment, communications service providers (CSPs), and surveillance companies that directly market and sell products and services to the region's law enforcement and intelligence agencies," report claims.

ITC: Commission has named Eric Mozie to be director of human resources. He has been senior human resources specialist since February 2010 and previously worked for DC government. It also appointed John M. Ascienzo to be chief financial officer. Since January 2011, he has served as director of office of finance and acting chief finance officer since March.

MISCELLANEOUS TARIFF BILL: National Association of Manufacturers (NAM) Nov. 19 urged Congress to renew Miscellaneous Tariff Bill (MTB), which expired in 2012. "Congressional inaction on MTB legislation is hurting our ability to compete globally and create jobs. Manufacturers need Congress to end the gridlock and act immediately to pass this bipartisan, job-creating legislation," NAM Vice President of International Economic Affairs Linda Dempsey said in statement.

TRADE ADJUSTMENT ASSISTANT: Democrats urged Congress Nov. 20 to renew TAA, which provides training and aid to workers dislocated because of trade, before it expires Dec. 31. Action on TAA would likely be required to get any Democratic support for approving fast-track trade promotion authority legislation.