

# Washington Tariff & Trade Letter

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## EXIM: Proposed Guarantee for GE Turbines in Iraq

The Export-Import Bank of the United States ("EXIM") has received an application for final commitment for a long-term loan or financial guarantee in excess of \$100 million, for the The Export-Import Bank of the United States ("EXIM") has received an application for final commitment for a long-term loan or financial guarantee in excess of \$100 million, for the maintenance and upgrade of 44 General Electric Frame 9E.03 gas turbines at 10 locations in Iraq.

According to the company, since 2015 GE has secured over US \$2.4 billion in financing for energy sector projects across the Iraq. Once completed, this project will help maintain an estimated 4.3 GW of power across the grid, sufficient to power approximately 1.4 million Iraqi homes. Since 2011, GE has helped bring more than 14,000 MW of power online across Iraq. [... READ MORE](#)

## Build/Buy American Guidance Issued

Monday, the White House released final guidance to boost the use of American-made goods in infrastructure projects. The final guidance will support implementation of the Bipartisan Infrastructure Law's (BIL) statutory requirements that manufactured products, construction materials, and iron and steel used in federally funded infrastructure projects are Made in America.

Several trade groups expressed reservations about the effectiveness of the BABA Rules, noting the demands are more rigorous than those found in federal contracting, and do not take in account construction supply chains.

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## USMCA Corn Dispute Panel Request

The Administration Thursday pulled the trigger on establishing a dispute settlement panel under the US-Mexico-Canada Agreement challenging Mexico's ban on biotech corn.

At issue is Mexico's February 13, 2023 decree, banning the use of biotech corn in tortillas or dough, and the instruction to Mexican government agencies to gradually substitute the use of biotech corn in all products for human consumption and for animal feed. [READ MORE](#)

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## National Intel Strategy: No Mention of Commerce Role

Despite its emphasis on control of emerging technologies and climate resilience, the Administration's National Intelligence Strategy makes no mention of the role of the Commerce Department in its formulation or execution.

Director of National Intelligence Avril D. Haines last week released the 2023 National Intelligence Strategy (NIS), which provides strategic direction for the Intelligence Community (IC) over the next four years, calling for redoubled efforts in economic statecraft, industrial actions and climate analysis.

"The NIS is a foundational document for the IC and reflects the input of leaders from each of the 18 intelligence elements, as it directs the operations, investments, and priorities of the collective," said Ms. Haines. No Commerce Department elements are included in the definition of "Intelligence Community," according to the report. [READ MORE](#)

## WTO Win for US in Steel Spat with China

A World Trade Organization (WTO) dispute settlement panel has ruled that China acted inconsistently with its WTO obligations by imposing additional duties on specific imports from the United States (US). These duties were in response to the Section 232 duties that the US adopted in 2018 for steel and aluminum products.

"China's use of the WTO dispute settlement system to challenge the U.S. Section 232 national security actions has caused grave systemic damage to the WTO, said Sam Michael of the US Trade Representative's Office. [READ MORE](#)

## China Stirs Pot at WTO

China has accused the United States of transforming from a defender to a "destroyer" of the multilateral trading system in a report on US compliance with its World Trade Organization commitments.

In the report, Beijing laments Washington's continued resort to "unilateralism, protectionism and bullying hegemonism, which has brought severe shocks to the multilateral trading system," destabilizing the global economy. [READ MORE](#)

## USTR Call for Input on China's WTO Compliance

The interagency Trade Policy Staff Committee (TPSC) is seeking public comment to assist the Office of the United States Trade Representative (USTR) in the preparation of its annual report to Congress on China's compliance with its obligations as a Member of the World Trade Organization (WTO).

China became a Member of the WTO on December 11, 2001. USTR is required to submit, on or about December 11 of each

year, a report to Congress on China's compliance with commitments made in connection with its accession to the WTO, including both multilateral commitments and any bilateral commitments made to the United States. [READ MORE](#)

## China Hawks Squawk at Raimondo Talk Talk

Republican leaders from the House and Senate wrote Commerce Secretary Gina Raimondo urging her to resume negotiations with the PRC on Export Controls before her trip to the country later this month.

Rep. Mike Gallagher (R-WI) Chair of the House Select Committee on the Chinese Communist Party, Rep. Michael McCaul (R-TX) Chair of the House Foreign Affairs Committee, Senator Bill Hagerty (R-TN), Ranking Member of the Senate Banking Subcommittee on National Security International Trade and Finance, and Rep. Young Kim (R-CA) Chair of the House Foreign Affairs Subcommittee on Indo-Pacific wrote a letter to Ms. Raimondo after press reports indicated she is considering joining the Chinese government in a "working group" on the topic after her trip to China later this month. [READ MORE](#)

## China Trade Hearing Monday 21 August

While staffers from the other China Committee recover from their CoDel to New Guinea, the U.S.-China Economic and Security Review Commission will hold a hearing Monday, August 21, on "China's Current Economy: Implications for Investors and Supply Chains" starting at 9:30 a.m. ET.

Agenda indicates the first two hours will address China's Economy, with the trade discussion beginning at 11:20 A Livestream on the commission's web page. [READ MORE](#)

## Sen. Brown: Don't Politicize AD/CVD

Sen. Sherrod Brown (D-Ohio) yesterday urged Commerce Secretary Gina Raimondo to continue guarding against political and foreign interference in the trade enforcement process.

The senator's letter to Secretary Raimondo follows on an earlier, bipartisan letter sent in February, which urged Commerce to investigate the antidumping and countervailing duty petitions filed by Cleveland-Cliffs and the United Steelworkers on imports of tin and chromium coated sheet steel products.

Commerce has initiated the investigations, but Sen. Brown expressed concern that the cases are receiving "politicized media attention," along with a circumvention case dealing with solar panels. [READ MORE](#)

## Section 232 Reform Bill Offered

House Select Committee on the Chinese Communist Party Chairman Mike Gallagher (R-Wisc) and Rep. Don Beyer (Va) introduced legislation giving Congress a say in the use of the Section 232 national security law.

The bill (HR 5188) would require the President to submit Congress any proposal to adjust imports in the interest of national security under Section 232. The two lawmakers previously introduced the measure in the last Congress. [READ MORE](#)

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## Commerce Finds Circumvention in Solar Cell Supply.

After a investigation of eight companies across the four countries, Commerce found that five of the eight companies investigated are attempting to bypass U.S. duties by doing minor processing in one of the Southeast Asian countries before shipping to the United States.

Commerce announced Friday that certain Chinese producers are shipping their solar products through Cambodia, Malaysia, Thailand, and/or Vietnam for minor processing in an attempt to avoid paying antidumping and countervailing duties (AD/CVD). [READ MORE](#)

## Commerce Preliminary Determination on Tin Mill Products

The Department of Commerce has announced that imports of tin mill products from the People's Republic of China, Canada, and Germany are being unfairly priced, i.e., dumped, into the U.S. market as part of its antidumping duty (AD) investigations. Commerce also preliminarily finds that imports from the Republic of Korea, the Netherlands, Taiwan, Turkey, and the United Kingdom are not being dumped.

This represents a modest win for petitioner Cleveland Cliffs, which has enjoyed an increasing market share and pricing power as domestic competitors have either shuttered or been rolled into Cliff's operations.. [READ MORE](#)

## CBP: Drawback: Instructional Video for Filing a Claim in ACE

The Office of Trade, Trade Policy and Programs, has developed a brief instructional video for first-time drawback filers on how to file a claim in ACE. [READ MORE](#)

## BIS: SNAP form Comments Extended

For Review and Approval; Comment Request; Simple Network Application Process and Form Number(s): BIS-7 BIS-748P-A, BIS-748P-B.

Public comments were previously requested via the Fede Register on June 12, 2023, during a 60-day comment per This notice allows for an additional 30 days for public comments [READ MORE](#)

## BIS Deemed Exports Advisory Opinion

The Bureau of Industry & Security published an advisory opinion on the release of licensed technology to employe of the foreign subsidiary while on temporary work assign at the home office.

No additional deemed export license is required for these employees, while any new "technology" or "software" that is either "released" to those employees in the United States or cre in the United States that is not authorized by the existing license would require a new export license or other authorization from BIS. [READ MORE](#)

## BIS, NRC Tighten Nuclear Exports to China

Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) by adding additional nuclear nonproliferation controls on China and Macau, effective August 11, 2023.

This change specifically applies to items controlled for Nuclear Nonproliferation (NP) column 2 reasons for control. These controls enhance U.S. Government efforts to monitor the export of these items and to ensure they are only being used in peaceful activities such as commercial nuclear power generation, medical developments, production of or use in medicine, and non-military industries.

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## Commerce Control List: Nuclear Suppliers Group Update

Consistent with U.S. commitments as a participating country in the Nuclear Suppliers Group, this rule revises five existing Export Control Classification Numbers (ECCNs) under the Commerce Control List (CCL). These changes protect U.S. nuclear nonproliferation interests, while aligning the EAR with the control text agreed to by participating governments (PGs). [READ MORE](#)

## OFAC Sanctions Construction Supply Firm for Iran Sales

Treasury's Office of Foreign Assets Control (OFAC) today announced a \$660,594 settlement with Construction Specialties Inc, a Lebanon, New Jersey manufacturer and distributor of specialty architectural products.

CS has agreed to settle its potential civil liability for three apparent violations of OFAC sanctions on Iran that arose from its United Arab Emirates subsidiary's, Construction Specialties, Middle East L.L.C. ("CSME"), exportation of origin goods to Iran. [READ MORE](#)

## Solar Panel Maker Self-Discloses Labor Lapses

Arizona-based First Solar released findings from a third party audit of their Malaysia facility, highlighting unethical practices involving foreign migrant workers. The report details the actions taken by First Solar to address the issues, emphasizing the company's commitment to transparency and responsible solar energy development.

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## OFAC/State Further Sanction Russians in Navalny Poisoning

Treasury's Office of Foreign Assets Control (OFAC) is taking further action related to the Government of Russia's poisoning of Russian opposition politician Aleksey Navalny three years ago on August 20, 2020. The State Department is also announcing related sanctions.

Today, OFAC sanctioned four Russian nationals, all of whom were involved in the poisoning of Navalny. They were designated pursuant to the Sergei Magnitsky Rule of Law Accountability Act of

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2012 for having acted as agents of or on behalf of a person in a matter relating to extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals seeking to expose illegal activity carried out by officials of the Government of the Russian Federation. [READ MORE](#)

## State Sanctions More Russians

Wednesday August 16, the State Department announced sanctions on a number of Russian and Russian-related individuals and entities, including:

75 individuals and 44 entities as well as identified 22 ves as blocked property, the Deputy Minister of Justice and t others, and 24 Individuals and companies linked to Toba Magnate Igor Kaseyev. [READ MORE](#)

## BIS Orders Denying Export Privileges

On August 16, 2023 the Bureau of Industry and Security (BIS) published orders denying export privileges to the following four individuals: [READ MORE](#)

## South Sudan Business Advisory Issued

he Departments of Commerce, State and Labor have iss a Business Advisory highlighting the growing reputational financial risks to American businesses and individuals conducting business with companies that have significant to South Sudan's extended transitional government or ar controlled by family members of government officials. [READ MORE](#)