Washington Tariff & Trade Letter

Vol. 44, No. 20 <u>wttlonline.com</u> May 13, 2024

Sen.. Brown Calls for China EV Ban

Ohio senator Sherrod Brown (D) is calling on the Biden Administration to ban all Chinese internet-connected vehicles and smart vehicle technology that is designed, developed, manufactured or supplied by China. "Given China's civil-military fusion, it is inevitable that both finished vehicles and technology would enable the Chinese Communist Party to access sensitive personal data of Americans and of critical U.S. infrastructure," the senator wrote. ... READ MORE

Development Finance More than China, Reps. Told

U.S. International Development Finance Corp. Chief Executive Scott Natan met with the House Foreign Affairs Committee Tuesday to discuss the "DFC's Efforts to Out Compete China's Belt & Road Initiative," as the committee looks to prepare funding for FY 2025.

Rep. Kathy Manning (D-NC) cautioned members against viewing the DFC only as a tool to promote rivalry with the PRC. "We cannot be seen as a reliable partner if our motivations are viewed only through the prism of some great power competition, or if we only show up when we need something. READ MORE

GOP Lawmakers Target Georgia Tech China Ties

Congressional Republicans are demanding answers from Georgia Tech regarding its partnership with Tianjin University, a Chinese university with significant ties to the Chinese military, the People's Liberation Army (PLA). Georgia Tech is home to the Georgia Tech Research Institute, whose mission is to solve national security problems with the Department of Defense.... READ MORE

SpaceX Russian Starlink Report Stokes Sen. Warren

U.S. Senator Elizabeth Warren (D-Mass.) wrote to the Department of Defense (DoD), following a "deeply troubling" Wall Street Journal investigation revealing that Starlink, a satellite-internet service and subsidiary of DoD contractor SpaceX, is being used by Russia and other sanctioned U.S. adversaries, and concerns that the company has not taken appropriate action to stop this illicit activity.

© Copyright 2024 Gilston-Kalin Communications LLC P.O. Box 7592, Arlington, VA 22207 All rights reserved. Subscription and corporate site license information 703.283.5220

www.wttonline.com

Editor: Frank Ruffing +1.703.283.5220. fruffing@traderegs.comc

TRADE POLICY AND POLITICS

Ways & Means Chair Brays over 301 Review Delays

Ways and Means Committee Chairman Jason Smith (MO-08), joined by Trade Subcommittee Chairman Adrian Smith (NE-03), demanded the Biden Administration conclude its review of President Trump's ... READ MORE

GOP Leaders Object to French Nuclear Trade with Russia

House Foreign Affairs Committee Chairman Michael McCaul (R-TX) and Senate Foreign Relations Committee Ranking Member Jim Risch (R-ID) sent a letter to President Biden urging him to reject a proposal to waive U.S. sanctions imposed following Russia's invasion of Ukraine in order to allow a French-owned company, Électricité de France (EDF), to engage in civil nuclear projects with Rosatom, Russia's state-owned nuclear energy company. READ MORE

Chinese Organ Traders Targeted

Commissioners from the Congressional-Executive Commission on China (CECC) penned a letter to Secretarty of State Anthony Blinken asking the State Department to utilize existing rewards programs to seek information that will "deter and disrupt the market for illegally procured organs...and hold accountable those responsible for the gruesome practice" of forced organ harvesting in the People's Republic of China (PRC). READ MORE

China Biotech Bill Advances

A bipartisian group of lawmakers has introduced BIOSECURE Act, a bill to ensure American patient data and taxpayer dollars do not fall into the hands of foreign adversaries' biotechnology companies of concern by prohibiting Federal contracting with these companies.

The Chinese Communist Party's (CCP) national security laws require all Chinese firms to share any requested data with the CCP, including biotechnology companies that collect, test, and store American genomic data. READ MORE

EXPORT CONTROL & LICENSING

AI Export Control Legislation Proposed

House China Hawks introduced the "Enhancing National Frameworks for Overseas Critical Exports Act" (ENFORCE Act), modifying the Export Control Reform Act of 2018 (ECRA) The ENFORCE Act amends ECRA to give BIS the authority to export control-covered AI systems. READ MORE

Bill to Include Japan in AUKUS

A bipartisan group of senators have introduced legislation aimed at expanding the Australia- United Kingdom-United States partnership to include Japan in order to combat the growing threat of China.

The Coordinating AUKUS Engagement with Japan Act directs the two AUKUS coordinators at the U.S. Departments of State and Defense to engage with Japan, and consult with counterparts in the U.K. and Australia, at technical level to better understand how Japan could augment the partnership and what steps Japan might need to take in order to engage quickly and meaningfully in AUKUS advanced technology projects. READ MORE

BIS issues Corrections to AUKUS Rules

The April 19 IFR loosening license requirements for dual-use trade is corrected to include only portions of those firearms ECCNs previously controlled for national security column 1 (NS1) or regional stability column 1 (RS1) reasons for control for the destinations of Australia and the United Kingdom will continue to require a license. The revised proposed rule conforms with the existing treatment of Canada. READ MORE

BIS Adds Chinese Nuclear, Aviation, Quantum Entities to Blacklist

The Commerce Department's Bureau of Industry and Security added 37 entities – mostly based in China – to the Entity List under the Export Administration Regulations. BIS said the action, announced Thursday, reflects the Administration's commitment to safeguarding US national security and foreign policy interests. READ MORE

BIS Publishes Conforming & Clarifying EAR Changes

BIS Publishes final rule making conforming and clarifying changes to the Export Administration Regulations (EAR).

These changes include making conforming changes to the EAR to ensure that destination names reflect the current destination names that are recognized by the United States Government, clarifying the removal of certain license requirements for exports, reexports, and transfers (in-country) to and within Australia and the United Kingdom, making a conforming change to reflect that Cyprus is no longer a Country Group D:5 country, and clarifying how Russia and the Russian Federation are referenced for consistency with the designation of Russia as a U.S. Arms Embargoed destinations. READ MORE

AI Software Export Controls Coming: Reports

Reuters reports the Commerce Department is considering a new regulatory push to restrict the export of proprietary or closed source Al models

There are currently no restrictions on the sale of AI models to foreign adversaries, presenting a potential national security risk. READ MORE

DDTC Review: Statement of Material Change

Directorate of Defense Trade Controls, Bureau of Political

Military Affairs, Department of State (T/PM/DDTC) is surveying Individuals and companies registered with DDTC and engaged in the business of manufacturing, brokering, exporting, or temporarily importing defense hardware or defense technology data.

The information collection in question is the Statement of Material Change, Merger, Acquisition, or Divestiture of a Registered Party. READ MORE

Intangible Transfers of Technology and Software

Controlling intangible transfers of technology (ITT) and software—including in the context of the Missile Technology Control Regime (MTCR)—is a known challenge, but the growth of the NewSpace industry and advances in emerging technologies make it a particularly timely topic.

This report from SIPRI explores a series of cases of export control violations and cases where the risk of a possible violation was identified involving missile-related ITT or software. The report also develops a typology of violations and identifies associated compliance challenges. **READ MORE**

OFAC Reporting Rules Change

Treasury's Office of Foreign Assets Control (OFAC) is issuing an interim final rule to amend the Reporting, Procedures and Penalties Regulations (the "Regulations"), to require ... READ MORE

SANCTIONS ACTIONS

Huawei Sanctions Increased

The Financial Times reports the Biden administration has revoked export licences that allow Intel and Qualcomm to supply Huawei with semiconductors as Washington increases the pressure on the Chinese telecoms equipment company. READ MORE

OFAC Sanctions List Service Application

OFAC has deployed its new Sanctions List Service (SLS). SLS is now the primary application OFAC will use to deliver sanctions list files and data to the public.

OFAC's Sanctions List ... READ MORE

UK-US Sanctions Dialoque Held

On Wednesday 8 May 2024, the UK government hosted a senior US government delegation for the second US-UK Strategic Sanctions Dialogue.

The United States and the United Kingdom reaffirmed that sanctions and export controls are essential tools of national security policy. The delegations discussed the uses of targeted, coordinated sanctions and export control measures to deter and disrupt malign activity and to defend international norms. READ MORE

Venezuela Oil Sector Maintenance GL Extended

OFAC has extended the General License 8M issued last November through November 2024. The GL authorizes certain disbursements necessary for the maintenance and security of operations, but not the drilling, lifting or transportation of petroleum for PDVSA, the Venezuelan state-owned oil company. READ MORE

French firm gets OK for Venezuela Oil

Etablissements Maurel & Prom S.A. (Paris:MAU) ("M&P", "the Group") announces it has received a specific license it had applied for on 1 September 2023 from the U.S. ... READ MORE

OFAC Removes Executive Jet Operator from Sanctions

OFAC announced it has removed Russo-Maltese executive jet operator Emperor Aviation and its fleet from the list of Specially Designated Nationals. No explanation was provided for the change.

The company and aircraft had been added to OFAC's Specially Designated Nationals (SDN) list for conducting travel for the family of Suleiman Kerimov. READ MORE

MONEY LAUNDERING

Andrea Gacki Recaps FinCEN Progress

FinCEN Director Andrea Gacki delivered the keynote at the SIFMA/AML conference in New York this week, highlighting the contribution of her team's efforts, as well as coming milestones. **READ MORE**

FinCEN Publishes Iran Finance Advisory

U.S. Department of the Treasury's Financial Crimes Enforcement Network (FinCEN) issued an Advisory to assist financial institutions in detecting potentially illicit transactions related to ... READ MORE

ENFORCEMENT FOCUS

DoD Contractor Guilty in Turkish Bogus Parts Scheme

A Florida woman pleaded guilty to 25 felony counts in Florida federal court, related to a scheme to falsely represent parts manufactured by a debarred Turkish fabricator were of American Origin.

Among violations were the export of sensitive military drawings and specifications, despite the clear warnings on the face of each drawing that it could not be exported without obtaining a license. **READ MORE**

TRADE DIPLOMACY

USMCA Canada Softwood Determination

Canadian officials applauded Monday's decision by the North American Free Trade Agreement (NAFTA) Chapter 19 panel on U.S. countervailing duties on Canadian softwood lumber:

"Canada welcomes the panel's decision that U.S. duties on Canadian softwood lumber are inconsistent with U.S. law.

"The Canadian softwood lumber industry is a critical and reliable partner to the United States, creating jobs and making valuable contributions to our deeply integrated North American supply chains," said foreign minister Mary Ng in a statement. READ MORE

State Dept Endorses Congo Mining Agreement

The United States, as Chair of the Minerals Security Partnership (MSP), and MSP partners welcome the new deal finalized between STL, a subsidiary of La Générale des Carrières et des Mines (Gécamines) in the Democratic Republic of the Congo (DRC), and Belgian company Umicore that advances cooperation on germanium offtake and processing. READ MORE

Clash at WTO on Consensus

A clash of perspectives on the continuation of "consensus-based decision-making" surfaced at the World Trade Organization, after a group of countries floated a proposal on "responsible consensus," which was earlier echoed by the United States, said people familiar with the development. READ MORE

USTR Names Neil Beck WTO & Multilateral Rep.

The Office of the United States Trade Representative (USTR) announced that Neil Beck will serve as Acting Assistant U.S. Trade Representative for World Trade Organization (WTO) and Multilateral Affairs. Mr. Beck previously served as Deputy Assistant U.S. Trade Representative in the same office. READ MORE