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Industry Welcomes New Acting BIS Under Secretary

Without much fanfare, Cordell Hull joined the Bureau of Industry and Security (BIS) as its newest acting under secretary, a position that has become both a seat in a game of musical chairs and a bellwether for the completion of the export control reform effort started nine years ago in the previous administration.

BIS and State's Directorate of Defense Trade Controls sent Congress final rules transferring items from U.S. Munitions List (USML) categories I, II and III (firearms and ammo) to the Commerce Control List just days before Hull joined the team (see **WTTL**, Nov. 18, page 1). Former acting BIS Under Secretary Nazak Nikakhtar, who had come under fire from several directions, returned to her role at the International Trade Administration in August.

Industry groups maintained their opposition to Nikakhtar, who sources say tried to stop the publication of the final rules or slow them down. In contrast, gun industry groups welcomed Hull. "We look forward to working with Hull and his team to smoothly implement the rules for our industry members," Lawrence Keane, National Shooting Sports Foundation (NSSF) senior VP, wrote in an email to **WTTL**

Prior to his current role, Hull served as Commerce deputy general counsel for special projects since April. Before that, he was general counsel for the House Intelligence Committee and senior counsel for the House Oversight Committee. Hull was an attorney with Squire Patton Boggs from 2005-2014, according to his LinkedIn profile.

President Weighs Hong Kong Export Bills

Responding to months of protests in Hong Kong, U.S. lawmakers have approved multiple bills that would block or monitor exports of certain defense articles and services to the Chinese territory and maintain its special status under U.S. export controls. Complicating

the issue is of course ongoing trade talks between the U.S. and China. At press time, two veto-proof bills intended to test China's democracy in Hong Kong are sitting on the president's desk awaiting his signature. One, the Hong Kong Human Rights and Democracy Act of 2019 (S.1838), which the Senate passed by voice vote Nov. 19, would require the president to annually report to Congress on Hong Kong's enforcement of U.S. export controls, including whether items of U.S. origin have been used for mass surveillance in China and whether Hong Kong has been used to evade sanctions on North Korea or Iran.

Second, Sen. Jeff Merkley (D-Ore.) the same day hailed the unanimous Senate vote on his legislation (S. 2710) that would ban the U.S. export of crowd control munitions and equipment, including tear gas, rubber bullets and handcuffs, to the Hong Kong Police Force for one year. In September, a bipartisan group of 10 senators requested State and Commerce assess the adequacy of the U.S. export regime in controlling shipment of items to the territory (see **WTTL**, Sept. 16, page 2).

Foreign Ministry Spokesperson Geng Shuang Nov. 21 said that China strongly condemns and firmly opposes the passage of the act. "The U.S. should immediately stop interfering in China's internal affairs, including Hong Kong," he said. "China will have to take strong countermeasures if the U.S. is bent on having its own way. No one should underestimate China's determination to defend its national sovereignty, security and development interests, to implement the 'one country, two systems' policy, and to safeguard Hong Kong's prosperity and stability," Geng added.

Asked whether the bills could derail the ongoing trade talks, Geng said, "China's position remains clear. We hope the U.S. will work with China to meet each other halfway and find a proper settlement on the basis of mutual respect, equality and mutual benefit. This will be good for the economy of our two countries and beyond."

The Hong Kong Human Rights and Democracy Act also requires State to re-certify annually Hong Kong's autonomy in order for it to get "special treatment" by the U.S. In addition, it extends existing annual reporting requirements on matters of U.S. interest in Hong Kong through 2027 and expands such reports to include assessments of (1) limits to Hong Kong's autonomy, either self-imposed or due to China's actions; and (2) whether rescission of Hong Kong's special treatment would further erode Hong Kong's autonomy.

Among the reasons given for the bills' introduction and support, bill sponsor Rep. Chris Smith (R-N.J.) said, "It is in everyone's interest that Hong Kong remain a free and prosperous bridge between China and the world. But if Beijing intends to force Hong Kong into becoming just another mainland Chinese city under authoritarian rule, we must reevaluate whether Hong Kong warrants the special status granted under U.S. law."

The Senate bill was introduced by Marco Rubio (R-Fla.), and cosponsors Foreign Relations Committee Chair Jim Risch (R-Idaho), and Ranking Member Bob Menendez (D-N.J.). "I am proud to re-introduce legislation that places the U.S. firmly on the side of human rights and democracy and against those who would erode the freedoms and autonomy guaranteed to the people of Hong Kong, freedoms that have made the city a prosperous global commercial hub governed by the rule of law," Rubio said.

House Leaves Town Without USMCA Deal

Despite last-minute wrangling and meetings with U.S. Trade Representative (USTR) officials, House members left town for the holiday without formal agreement on the U.S.-Mexico-Canada trade agreement (USMCA). Despite progress, House Speaker Nancy Pelosi was skeptical about the legislative calendar for the rest of the year.

“I’m not even sure, if we came to an agreement today, that it would be enough time to finish, but it just depends on how much agreement we come to,” she told reporters Nov. 21. Pelosi emphasized the hold-up was due to enforcement. “We want to see enforceability. And the Trade Representative knows that,” she said. “For the American workers, we have to have enforceability. And I think, if we can get to that place, we can have a template for trade agreements that will serve us well in the future negotiations,” Pelosi noted.

Two days earlier, Pelosi and House Ways and Means Committee Chairman Richard Neal (D-Mass.) met with AFL-CIO President Richard Trumka and reviewed progress in the USMCA negotiations with the USTR. “We can reach an agreement on USMCA when the [USTR] makes the new NAFTA agreement enforceable for America’s workers,” the two lawmakers said in a joint statement.

The day before the meeting, Trumka told a union meeting: “We’ve been lobbying the White House specifically on NAFTA for more than two years, slowly but surely moving the ball down the field. But we are not there yet. Let me repeat: we are not there yet,” he said. “Our allies on Capitol Hill understand that getting this done right is more important than getting it done fast. So until the administration can show us in writing that the new NAFTA is truly enforceable with stronger labor standards, there is still more work to be done,” Trumka added.

Neal led a bipartisan congressional delegation to Canada Nov. 5-6 to discuss USMCA updates with Canadian Prime Minister Justin Trudeau and then-Foreign Affairs Minister Chrystia Freeland and had previously traveled to Mexico in October (see **WTTL**, Nov. 11, page 1).

Drone Manufacturer Settles DDTC Export Charges

AeroVironment, Inc., a California-based manufacturer of unmanned aircraft systems (UAS), Nov. 20 agreed to pay a \$1 million civil penalty under a consent agreement with State to settle 10 charges of violating the International Traffic in Arms Regulations (ITAR) in connection with the unauthorized export of defense articles, including technical data, from June 2014 to December 2016.

The charges fall into five general categories: (1) unauthorized UAS exports to Canada and failure to obtain end-use certifications for UAS and parts, components and accessories exported to Canada; (2) unauthorized exports of UAS user manuals to Australia, France,

Canada and Thailand; (3) unauthorized exports of Shrike UAS to the United Kingdom; (4) violations of the provisos, terms and conditions of licenses and other approvals; and (5) failure to properly maintain records involving ITAR-controlled transactions, the proposed charging letter noted.

The company “described many of these matters in voluntary disclosures submitted to the Department, and cooperated with the Department’s review of these matters,” according to the consent agreement. Under the agreement, \$500,000 of the penalty will be suspended on the condition that it will be applied to “remedial compliance costs,” State noted.

“We understand the importance of protecting our technology while making it available to help protect our allies, and therefore take United States export regulations very seriously. We will continue to enhance our export controls and appreciate ... State’s acknowledgment of the corrective actions we have already taken,” said Melissa Brown, Aero-Vironment VP and general counsel, in a statement.

CIT Section 232 Decision Could Drive White House Action

Playwright Samuel Beckett would be so proud of the trade community, as it waited so patiently for the administration’s decision on Section 232 auto tariffs, which was due Nov. 14. Unfortunately, the week came and went without a word. The Court of International Trade (CIT) stepped into the void the next day with a decision on Turkish steel duties that could tie the White House’s hands.

Within hours of the statutory deadline to impose tariffs in May, the president gave the USTR six months to reach an agreement on auto imports with the European Union (EU), Japan and “any other country the Trade Representative deems appropriate” (see **WTTL**, June 24, page 1).

The CIT Nov. 15 ruled in favor of a steel company requesting a refund of the difference between the 50% tariff imposed on certain steel products from Turkey issued in August 2018 and the 25% tariff imposed on steel articles from other countries, citing the president’s failure to follow the procedure set forth in the statute.

“Although the statute grants the President great discretion in deciding what action to take, it cabins the President’s power both substantively, by requiring the action to eliminate threats to national security caused by imports, and procedurally, by setting the time in which to act,” CIT Judge Claire R. Kelly wrote for a three-judge panel in *Transpacific Steel LLC v. U.S. et al* (Slip Op. 19-142).

“The time limits, in particular, compel the President to do all that he can do immediately, and tie presidential action to the investigative and consultative safeguards. If the President could act beyond the prescribed time limits, the investigative and consultative provisions would become mere formalities detached from Presidential action,” she added.

Trade observers quickly tied the CIT case to the still-missing decision on Section 232 auto tariffs. Jennifer Hillman, a Georgetown University Law School professor and a former World Trade Organization (WTO) judge, tweeted Nov. 18: “Recent decision of CIT confirms my contention that by missing the 180-day deadline on autos, President has lost power to impose tariffs under Sec. 232. CIT case said President could not raise tariffs on Turkish steel from 25% to 50% because decision fell outside of time frames.”

“The CIT held that Transpacific has advanced plausible claims based on equal protection and procedural violations, such that Transpacific may proceed with its refund claim against the government. In reaching that conclusion in this rather narrow dispute, the CIT included direct and firm statements on the limits of Section 232 that have the potential to broadly impact how this and future presidents administer Section 232,” law firm Akin Gump argued in a client alert.

Senators Urge End to Huawei Export Licenses

Just days after BIS extended a narrow and temporary General License (GL) authorizing some transactions with Huawei through February, the agency began approving export licenses to the Chinese firm after months of delay and handwringing.

In response to the new licenses, a bipartisan group of 15 senators, including Sens. Chuck Schumer (D-N.Y.) and Tom Cotton (R-Ark.) urged the president to suspend the licenses and notify Congress of any future approvals. “Given the security risks posed by Huawei’s operations in the U.S., we request that you take immediate action to suspend the approval of such licenses and ensure Congress is appropriately informed about the license approval process and related national security implications going forward,” they wrote Nov. 21.

BIS previously extended the GL in August (see **WTTL**, Sept. 2, page 4). At the same time, the agency added 46 additional non-U.S. Huawei affiliates to its Entity List because “they also pose a significant risk of involvement in activities contrary to the national security or foreign policy interests” of the U.S.

While the lawmakers disagree with the decision to extend the GL, they “are even more concerned that the approval of additional, more permanent licenses will allow Huawei to fully resume its engagement with certain U.S. firms without an adequate assessment of the risks to national security,” the senators wrote.

In contrast, the tech industry, especially semiconductor firms, applauded the news. “We welcome the administration’s approval of export licenses for commercial semiconductor technologies that do not pose national security concerns. Sales of these non-sensitive commercial products help ensure the competitiveness of the U.S. semiconductor industry, which is essential to national security. We hope license approvals continue to proceed in an appropriate and timely manner,” Semiconductor Industry Association (SIA) CEO John Neuffer said in a statement.

The 90-day GL extension “will allow carriers to continue to service customers in some of the most remote areas of the United States who would otherwise be left in the dark,” said Commerce Secretary Wilbur Ross Nov. 18. “The department will continue to rigorously monitor sensitive technology exports to ensure that our innovations are not harnessed by those who would threaten our national security.”

In a roundtable with German reporters Nov. 6, Huawei CEO Ren Zhengfei showed little concern about any export ban. “I can tell you for sure that Huawei will continue its rapid growth even without U.S. supplies. But Huawei will always be willing to work with U.S. companies. We will always embrace globalization. We will never close ourselves off from the rest of the world and seek independent innovation or self-reliance,” he said.

WTO Members Seek Compensation from Brexit Uncertainty

It was all fine and good until the Christmas beef shipments suffered. At a meeting of the WTO Council for Trade in Goods Nov. 14, Australia asked for “compensatory concessions” due to the uncertainty surrounding the United Kingdom’s (UK) exit from the European Union (EU), which was first scheduled to happen at the end of October.

“With uncertainty around quota allocations in the event of a no-deal Brexit on 31 October, many Australian businesses ceased exports of commercially valuable beef and sheepmeat in the lead up to Christmas,” Australia said at the WTO meeting. In advance of that date without a Brexit deal, the EU agreed to an extension until Jan. 31, 2020, but a general election in the UK, currently scheduled for Dec. 12, could change that.

“Australia recognizes the legal rights of both the EU and UK to modify their existing schedules under Article XXVIII. However, compensatory concessions should be provided to affected WTO members for the loss of market access. Australia cannot, however, accept the assertion by both the EU and UK that no compensation is required as there has been no loss in value of the concessions,” the head of the country delegation noted.

At issue are the tariff-rate quotas (TRQs) that will change when the two trading partners divorce. “Currently other WTO members have the opportunity to export the full TRQ quantity into either the UK or EU-27. But if the UK and the EU-27 are subject to the same TRQs the rest of us face, then we will be quickly crowded out and face a loss of access to both markets,” the U.S. said, citing pork and wine as examples. “This is unjustifiable, and clearly an unacceptable outcome for other WTO members.”

“It is clear the proposed modifications to TRQs will lead to significant economic loss, by not only removing flexibility in where product is sent year-to-year, but by also rendering some TRQ allocations too small to be commercially viable,” Australia said. “We believe both the EU and UK must proceed with compensatory adjustments, that factor in the significant commercial losses, and to maintain a general level of reciprocal and mutually advantageous concessions,” the country delegation added.

Comprehensive Japan Trade Deal Looks Difficult

If a House subcommittee holds a hearing in the forest, but no government official is there to testify, did it happen? The House Ways and Means trade subcommittee held a hearing Nov. 20 on U.S.-Japan trade agreements, the day after a mini-trade deal passed the lower House of the Japanese parliament, but USTR officials declined the subcommittee's invitation to appear.

U.S. and Japanese officials Oct. 7 at the White House signed two deals on reducing agriculture tariffs and setting digital trade rules (see **WTTL**, Oct. 14, page 3). Just two weeks prior, under the spotlight of the United Nations (UN) General Assembly, the U.S. and Japan signed the same limited agreements in principle.

Not only did USTR officials not show at the hearing, but subcommittee chair Earl Blumenauer (D-Ore.) denounced the lack of congressional consultation, despite administration promises and the requirements under Trade Promotion Authority (TPA). "Sadly USTR ignored our repeated request for meaningful consultation while negotiations with Japan were ongoing. Consultation that did occur was perfunctory and after the fact," he said in his opening statement.

In any case, the four stalwart witnesses gave it their best shot, providing a range of opinions about the "mini" or stage 1 deals. Former USTR chief agriculture negotiator Darci Vetter, now at Edelman U.S. Public Affairs, argued that U.S. agriculture is struggling and that a comprehensive agreement could not come soon enough. Moreover, she argued that the Trans-Pacific Partnership (TPP) framework that she negotiated is superior to the "one-off" bilateral talks the administration is pursuing.

Matthew Goodman, senior VP of Center for Strategic & International Studies, said the deals were a "step in the right direction but only a step." The minideal "leaves a lot on the table." However, it will be "very difficult" to reach the second stage at this point, and this was a "suboptimal approach."

Josh Nassar, legislative director at United Automobile Workers (UAW), called the stage 1 deal a "mistake," saying that the U.S. traded industrial goods for agriculture access. However, he acknowledged that Japan has had a "closed market for a long time and continues to do so," citing policies such as discriminatory taxes and a dealership network.

The day before the hearing, one house of the Japanese Diet approved the deal. "Congrats to Japan for getting the mini U.S.-Japan trade deal through the Lower House of the Diet. The Lower House has now passed Japan's Agricultural market opening 3 times, first in TPP 12, then in CPTPP, and now for the U.S. Wish Congress could vote yes on trade agreements!" Asia Society VP and former acting Deputy USTR Wendy Cutler tweeted Nov. 19.

EU Fires First Shot on Conformity Assessment

The EU Nov. 22 took the first pass at a proposal for “conformity assessment,” which would allow the EU and the U.S. to accept the results of each other’s assessment bodies and enable exporters to seek certification of their products in their originating country, taking into account specific sectors that face regulatory hurdles.

Joint work on conformity assessment was one of the actions agreed under the July 2018 EU-U.S. Joint Statement. The work topics “range from regulatory cooperation on standards and in sectors such as energy, pharmaceuticals, medical devices and soybeans to the possibility of concluding new bilateral agreements on conformity assessment and on industrial tariffs,” the EU noted (see **WTTL**, July 29, page 4).

The EU proposal “aims at enabling exporters to seek certification of products they want to export, in the country from which they want to export them, to prove their compliance with the applicable rules in the destination country,” the EU said in a fact sheet on the proposal. “This can facilitate trade while ensuring that a high level of protection is fully preserved. Nothing in the agreement will limit the ability of each party to regulate and set its own level of protection in technical regulations. U.S. exports, whether certified in the U.S. or in the EU, shall continue to be subject to the EU technical regulations,” it added.

The EU proposal “sets out an obligation for each Party to consider systematically in the context of reviews or drafting of new legislation the use of first-party conformity assessment (self-certification by the manufacturer) in low-risk areas where the other Party uses such lighter form of conformity assessment. It is important to emphasize however, that this obligation does not interfere with the right to regulate and each Party remains free to set the level of protection it deems appropriate,” the EU said.

Orchids, Plywood, Eyeglasses on GSP Annual Review List

While two country-specific decisions got all the attention, the USTR’s office Nov. 20 published the product-specific results of its 2019 annual Generalized System of Preferences (GSP) review. In October, the White House restored some of Ukraine’s GSP benefits and suspended \$1.3 billion in trade preferences for Thailand for “not taking steps to afford to workers in Thailand internationally recognized worker rights,” it said (see **WTTL**, Nov. 4, page 3).

In addition to the broader country designations, the president denied two petitions to remove the GSP eligibility of polyethylene terephthalate (PET) resin from Pakistan; and granted three petitions to redesignate products previously excluded from GSP eligibility: fresh-cut orchids from Thailand and bamboo plywood and certain tropical hardwood plywood from Indonesia.

The president granted a petition for a competitive need limitation (CNL) waiver for plastic spectacle lenses from Thailand and denied a petition for a CNL waiver for stearic acid

from Indonesia. The president granted one-year de minimis waivers to 27 products that exceeded the 50% import-share CNL but for which the aggregate value of all U.S. imports of that article was below the 2018 de minimis level of \$24 million. One product for which no petition was received -- motor vehicles with diesel engine for 16 or more passengers -- from North Macedonia exceeded the CNLs, and now enters the U.S at the normal trade relations (NTR) duty rate.

*** * * Briefs * * ***

TOMATOES: In 4-0 final vote Nov. 22, ITC found U.S. industry is materially injured by dumped imports of fresh tomatoes from Mexico. Chairman David Johanson did not participate in vote. Commerce suspension agreement will remain in effect (see **WTTL**, Oct. 28, page 2). “This action cements the strong suspension agreement that Commerce recently negotiated that protects the U.S. tomato industry from the damaging effects of unfair trade and provides certainty for the market,” Commerce Secretary Wilbur Ross said in statement.

STEEL KEGS: In 3-0 final vote Nov. 22, ITC found U.S. industry is materially injured by dumped imports of refillable stainless steel kegs from China and Germany and subsidized imports from China. Commission also made negative finding on critical circumstances for imports from China. Commissioners Randolph Stayin and Amy Karpel did not participate in these votes.

MATTRESSES: In 4-0 final vote Nov. 19, ITC found U.S. industry is materially injured by dumped imports of mattresses from China. Commission also made negative finding on critical circumstances for these imports. Commissioner Jason Kearns did not participate in vote.

ALUMINUM WIRE: In 5-0 final vote Nov. 20, ITC found U.S. industry is materially injured by dumped and subsidized imports of aluminum wire and cable from China.

CANADA: Newly reelected Canadian Prime Minister Justin Trudeau shuffled his cabinet Nov. 20. Foreign Affairs Minister Chrystia Freeland became deputy prime minister and intergovernmental affairs minister, replaced by François-Philippe Champagne, who was minister of infrastructure and communities. At same time, Mary Ng was named minister of small business, export promotion and international trade.

TRADE PEOPLE: Former BIS Under Secretary Mira Ricardel was named principal at global security advisory firm The Chertoff Group, firm announced Nov. 21. Ricardel in April 2018 was named to NSC senior staff as deputy national security advisor (see **WTTL**, April 23, 2018, page 9).

NOMINATION: Senate Nov. 21 confirmed by voice vote Ian Paul Steff to be assistant Commerce secretary and director general of U.S. and Foreign Commercial Service. Senate Banking Committee approved Steff by voice vote in June (see **WTTL**, June 24, page 6).

MORE NOMINATIONS: Senate Banking Committee held hearing Nov. 20 on two “non-controversial” nominations: Peter Coniglio to be Ex-Im Bank inspector general and Mitchell Silk to be assistant Treasury secretary for international markets and development. President nominated Silk, who is currently acting assistant secretary, in September and Coniglio in October (see **WTTL**, Oct. 21, page 7). Committee ranking member Sherrod Brown (D-Ohio) cited other waiting Ex-Im nominees in opening statement. “The full Senate needs to vote on the nominations of Paul Shmotolokha and Claudia Slacik whom our Committee previously reported with strong bipartisan

support. We need a full Ex-Im board and a qualified inspector general to provide oversight and guidance as EXIM approves deals,” he said.

FCPA: Indictment against Jose Carlos Grubisich, former CEO of Brazilian petrochemical company Braskem S.A., was unsealed Nov. 20 in Brooklyn U.S. District Court on charges of conspiracy to violate Foreign Corrupt Practices Act (FCPA) and money laundering. Braskem and parent company Odebrecht agreed in December 2016 to pay combined penalty of \$3.5 billion to settle FCPA charges with U.S., Brazilian and Swiss authorities related to schemes to pay hundreds of millions of dollars in bribes to government officials in 12 countries. Miami financial advisor Frank Roberto Chatburn Ripalda, dual U.S. and Ecuadorian citizen, pleaded guilty in October in Miami U.S. District Court to conspiring with foreign official to conceal bribe payments from Odebrecht (see **WTTL**, Oct. 21, page 7).

MORE FCPA: Jeffery Chow, former senior member of Keppel Offshore & Marine Ltd. (KOM) legal department, was sentenced Nov. 15 in Brooklyn U.S. District Court to one-year probation and \$75,000 fine. Chow pleaded guilty to conspiracy to violate the FCPA in August 2017. Charges against Chow were unsealed in December 2017 when KOM, Singapore-based company that operates shipyards and repairs and upgrades shipping vessels, and its wholly owned U.S. subsidiary, Keppel Offshore & Marine USA Inc. (KOM USA), agreed to pay more than \$422 million in total penalties to U.S., Brazilian and Singaporean authorities for decade-long scheme to pay millions of dollars in bribes to Brazilian officials (see **WTTL**, Jan. 1, 2018, page 1).

RICE: U.S., Korea reached agreement on market access for U.S. rice, USTR and Agriculture announced Nov. 19. Under agreement, Korea will provide access for 132,304 tons of U.S. rice annually, with annual value of approximately \$110 million. “Korea also agreed to important disciplines to ensure transparency and predictability around the tendering and auctioning for U.S. rice,” departments said in joint statement. Agreement will enter into force Jan. 1, 2020.

WTO: India Nov. 19 appealed WTO dispute panel that upheld U.S. claims that five Indian government schemes provided prohibited export subsidies, giving thousands of companies benefits totaling more than \$7 billion annually from subsidy programs that provide exemptions from certain duties, taxes and fees. Panel announced decision Oct. 31 (see **WTTL**, Nov. 4, page 6).

IMPORT ENFORCEMENT: Customs and Border Protection (CBP) collected \$3.3 million from Swiss machinery importer Satisloh for customs violations, agency announced Nov. 19. Company “provided false descriptions, tariff classification numbers, and/or duty rates to CBP for the entries of certain machinery and repair parts. The matter was resolved when CBP accepted an offer in compromise submitted by the importer,” CBP said.

IRAN: Treasury’s Office of Foreign Assets Control (OFAC) Nov. 22 designated Javad Azari Jahromi, Iranian minister of information and communications technology, for his role in regime’s “widescale internet censorship.” Jahromi, former employee of country’s Ministry of Intelligence, has “repeatedly justified the increasingly restrictive measures of his ministry as necessary to maintain national security,” OFAC said.

VENEZUELA: OFAC Nov. 22 updated its Venezuela Sanctions Regulations to incorporate multiple executive orders and add general license that authorizes U.S. government to engage in certain activities related to Venezuela. In addition, agency added new interpretative provision “regarding settlement agreements and the enforcement of liens, judgments, arbitral awards, decrees, or other orders through execution, garnishment, or other judicial process” Federal Register notice said.