



EIB World Trade Headlines

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November 15, 2020 – Volume 12, Issue 20



Amendments to National Security License Review Policy Under the Export Administration Regulations

DEPARTMENT OF COMMERCE
Bureau of Industry and Security
15 CFR Part 742

AGENCY: Bureau of Industry and
Security, Commerce.

ACTION: Final rule.

SUMMARY: In this final rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to revise the license review policy for items controlled for national security reasons destined to the People's Republic of China (PRC), Venezuela, or the Russian Federation (Russia). With this revision, BIS and reviewing agencies will determine whether the export, reexport, or transfer (in-country) of items controlled for National Security (NS) reasons will make a material contribution to the "development," "production," maintenance, repair, or operation of weapons systems of the PRC, Venezuela, or the Russian Federation, as well as setting forth several factors that will be considered in reviewing license applications.

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DATES: This rule is effective October 29, 2020.

FOR FURTHER INFORMATION CONTACT:

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Division, Bureau of Industry and
Security, Email: Sharron.cook@
bis.doc.gov or Phone: 202-492-2440.

SUPPLEMENTARY INFORMATION:

Background The Bureau of Industry and Security is amending the license review policy for items that have a national security (NS) reason for control (i.e., pursuant to the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies) when destined to the People’s Republic of China (PRC), Venezuela, or the Russian Federation (Russia) (§ 742.4(b)(7)).

BIS and reviewing agencies will determine, on a case-by case basis, whether the proposed export, reexport, or in-country transfer of such items will make a material contribution to the weapons systems capability of those countries. The determination will include an illustrative list of factors that will be considered in reviewing license applications. The illustrative list of factors will provide more guidance to exporters on information to be included with their license applications and assist BIS and reviewing agencies in evaluating those applications. Provisions in other sections of part 742 continue to apply to the review of license applications for the export, reexport, or in-country transfer of NS controlled items to the PRC, Venezuela or Russia. When an export, reexport, or in-country transfer is destined for a civil end user for civil end uses in the PRC, Venezuela, or Russia, there is a presumption of approval. There is a presumption of denial for license applications to export, reexport, or transfer items that would make a material contribution to the “development,” “production,” maintenance, repair, or operation of weapons systems, subsystems, and assemblies.

As required by section 1756(d) of the Export Control Reform Act of 2018 (50 U.S.C. 4815(d)), the review will also include an assessment of the impact of a proposed export of an item on the United States defense industrial base and the denial of an application for a license that would have a significant negative impact on such defense industrial base.

§ 742.4 National security.

* * * * *

(b) * * *

(7)(i) For the People’s Republic of China (PRC), Venezuela, and the Russian Federation, all applications will be reviewed to determine the risk of diversion to a military end user or military end use.

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There is a general policy of approval for license applications to export, reexport, or transfer items determined to be for civil end users for civil end uses.

There is a presumption of denial for license applications to export, reexport, or transfer items that would make a material contribution to the “development,” “production,” maintenance, repair, or operation of weapons systems, subsystems, and assemblies, such as, but not limited to, those described in supplement no. 7 to part 742 of the EAR, of the PRC, Venezuela, or the Russian Federation.

(ii) The following factors are among those that will be considered in reviewing license applications described in paragraph (b)(7)(i) of this section:

(A) The appropriateness of the export, reexport, or transfer for the stated end use;

(B) The significance of the item for the weapons systems capabilities of the importing country;

(C) Whether any party is a ‘military end user’ as defined in § 744.21(g) of the EAR;

(D) The reliability of the parties to the transaction, including whether:

(1) An export or reexport license application has previously been denied;

(2) Any parties are or have been engaged in unlawful procurement or diversion activities;

(3) The parties are capable of securely handling and storing the items; and

(4) End-use checks have been and may be conducted by BIS or another U.S. government agency on parties to the transaction;

(E) The involvement of any party to the transaction in military activities, including activities involving the “development,” “production,” maintenance, repair, or operation of weapons systems, subsystems, and assemblies;

(F) Government strategies and policies that support the diversion of exports from their stated civil end use and redirection towards military end use; and

(G) The scope and effectiveness of the export control system in the importing country.

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(iii) The review will also include an assessment of the impact of a proposed export of an item on the United States defense industrial base and the denial of an application for a license that would have a significant negative impact, as defined in section 1756(d)(3) of the Export Control Reform Act of 2018 (50 U.S.C. 4815(d)(3)), on such defense industrial base.

* * * * *

Matthew S. Borman,
Deputy Assistant Secretary for Export
Administration

SEC Charges Goldman Sachs With FCPA Violations

FOR IMMEDIATE RELEASE
2020-265

Washington D.C., Oct. 22, 2020 —

The Securities and Exchange Commission today announced charges against The Goldman Sachs Group Inc. for violations of the Foreign Corrupt Practices Act (FCPA) in connection with the 1Malaysia Development Berhad (1MDB) bribe scheme, and as part of coordinated resolutions, it has agreed to pay more than \$2.9 billion, which includes more than \$1 billion to settle the SEC's charges.

According to the SEC's order, beginning in 2012, former senior employees of Goldman Sachs used a third-party intermediary to bribe high-ranking government officials in Malaysia and the Emirate of Abu Dhabi. The order finds that these bribes enabled Goldman Sachs to obtain lucrative business from 1MDB, a Malaysian government-owned investment fund, including underwriting approximately \$6.5 billion in bond offerings.

"Corruption risks can be posed by those at all levels of a company, including in the senior ranks. This case demonstrates how important it is for companies to have controls that are tailored to the risks presented by persons employed at all levels," said Charles Cain, Chief of the SEC Enforcement Division's FCPA Unit.

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The SEC's order finds that Goldman Sachs violated the anti-bribery, internal accounting controls, and books and records provisions of the federal securities laws. Goldman Sachs agreed to a cease-and-desist order and to pay \$606.3 million in disgorgement and a \$400 million civil penalty, with the amount of disgorgement satisfied by amounts it paid to the Government of Malaysia and 1MDB in a related settlement. In December 2019, the [SEC charged former Goldman Sachs Group Inc. participating managing director Tim Leissner](#) for his role in the 1MDB bribery scheme.

The SEC's investigation was conducted by Eric Heining and Paul G. Block of the FCPA Unit and Mark Albers and Martin Healey of the Boston Regional Office. The SEC appreciates the assistance of the Board of Governors of the Federal Reserve System, the United Kingdom's Financial Conduct Authority, the United Kingdom's Prudential Regulation Authority, the Monetary Authority of Singapore, the Securities Commission of Malaysia, and the Securities and Futures Commission of Hong Kong.

Companies may be punished for paying ransoms to sanctioned hackers - U.S. Treasury

Reuters, 1 Oct 2020: Facilitating ransomware payments to sanctioned hackers may be illegal, the U.S. Treasury said on Thursday, signaling a crackdown on the fast-growing market for consultants who help organizations pay off cybercriminals. In a pair of advisories, the Treasury's Office of Foreign Assets Control and its Financial Crimes Enforcement Network warned that facilitators could be prosecuted even if they or the victims did not know that the hackers demanding the ransom were subject to U.S. sanctions. The Enforcement Network's advisory also warned that cybersecurity firms may need to register as money services businesses if they help make ransomware payments. That would impose a new reporting requirement on a previously little-regulated corner of the cybersecurity industry. Ransomware has become an increasingly visible threat in the United States and abroad. Cybercriminals have long used the software to loot their victims. Some countries, notably North Korea, are also accused of deploying ransomware to earn cash.

Cyber Security threats abound

There is so much cyber threat out there, I recently discovered this company that provides a lot of insight: <https://www.darkreading.com/>

Zoom tries to make good on security, privacy promises

SC Magazine, 4 Oct 2020: After a massive boom in use and a rocky start as the COVID-19 pandemic swept the world, Zoom has completed its ambitious 90-day security and privacy plan, most recently adding two-factor authentication (2FA) to its roster of protective measures. The 2FA, as well as the addition of former Salesforce executive Jason Lee as chief information security officer, seem to be steps by Zoom to respond to criticism piled on the teleconferencing platform for shortcoming that led to “zoom bombing,” zero day vulnerabilities being sold on the market by bug brokers, and other privacy missteps. As part of its ongoing efforts, the company has built a robust bug bounty program on the Bugcrowd platform. Bugcrowd CEO Ashish Gupta spoke with SC Media about the program and the strides he believes Zoom has made to protect data and privacy. Zoom announced enhanced two factor authentication for desktop and mobile, which adds an extra layer of protection and shields personal information.

We are making a lot of advances in the use of cyber technologies in our day-to-day life and Zoom has become a big part of our lives – both personally and professionally. This extra layer of security not only overcomes the strength of your passwords, it’s also easy to implement and adds another layer of security. 2FA gives nefarious actors an additional hurdle before they can access your information or Zoom meeting.

Coronavirus opens a stark divide in aerospace industry

By Aaron Gregg The Washington Post, Updated November 3, 2020, 7:30 p.m.

Third-quarter financial earnings reported in recent weeks reveal a stark economic divide in America’s aerospace industry, an export-rich sector that employs hundreds of thousands of manufacturing workers across all 50 states.

The economic crisis caused by the coronavirus has elevated those who build jets, missiles and other advanced weaponry for the US military and its allies. But companies involved in commercial aircraft production have seen their finances wrecked by a persistent global slowdown in air travel.

Analysts said the divide illustrates how the coronavirus has created unexpected winners and losers throughout the economy.

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“Companies that are largely in the defense business are doing just fine ... the impact of COVID-19 on their operations has been minimal,” said Ron Epstein, managing director for aerospace and defense at Bank of America Merrill Lynch Global Research.

U.S. Department of Commerce Issues Affirmative Preliminary Countervailing Duty Determination for Passenger Vehicles and Light Truck Tires From Vietnam

FOR IMMEDIATE RELEASE
Wednesday, November 4, 2020

News Media Contact:
Office of Public Affairs, 202-482-4883

WASHINGTON – U.S. Secretary of Commerce Wilbur Ross announced an affirmative preliminary determination in the countervailing duty (CVD) investigation of passenger vehicle and light truck (passenger tires) tires from Vietnam. The Commerce Department preliminarily determined that exporters and producers from Vietnam received counter available subsidies with rates ranging from 6.23 percent to 10.08 percent. Among the subsidies preliminarily countervailed is Vietnam’s undervalued currency – making this the first time that Commerce has ever made an affirmative CVD determination regarding a foreign currency with a unitary exchange rate.

“Today’s preliminary determination represents an important step forward for the America First trade agenda,” said Secretary Ross. “The Trump Administration remains vigilant against foreign actors that take advantage of American workers and businesses, and we will continue addressing this issue to ensure American industry competes on a level playing field.”

As a result of today’s decision, Commerce will instruct U.S. Customs and Border Protection to collect cash deposits from importers of passenger tires from Vietnam based on these preliminary rates noted above.

The petitioner is the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial, and Service Workers International Union, AFL-CIO, CLC. The company is headquartered in Pittsburgh, PA.

Commerce is scheduled to announce its final determination in this case on or about March 16, 2021. This deadline may be extended.

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Chinese National Pleads Guilty To Attempting To Illegally Export Maritime Raiding Craft And Engines To China

If Commerce makes an affirmative final determination, the U.S. International Trade Commission (ITC) will be scheduled to make its final injury determination on or about April 30, 2021. If Commerce makes an affirmative final determination in this investigation and the ITC makes an affirmative final injury determination, Commerce will issue a CVD order. If Commerce makes a negative final determination of countervailable subsidization or the ITC makes a negative final determination of injury, the investigation will be terminated and no order will be issued.

In 2019, imports of passenger tires from Vietnam were valued at approximately \$469.6 million.

Click [HERE](#) for a fact sheet on today's decision.

Commerce is also conducting concurrent antidumping duty (AD) investigations of passenger tires from Korea, Taiwan, Thailand, and Vietnam. The preliminary determinations in these investigations are scheduled to be announced on December 29, 2020.

The strict enforcement of U.S. trade law is a primary focus of the Trump Administration. Commerce currently maintains 540 AD and CVD orders, which provide relief to American companies and industries impacted by unfair trade. Since the beginning of the current administration, Commerce has initiated 297 new AD and CVD investigations – a 271 percent increase from the comparable period in the previous administration.

The CVD law provides American businesses and workers with an internationally accepted mechanism to seek relief from the harmful effects of unfair subsidization of imports into the United States. In February 2020, Commerce published a final regulation explaining how Commerce will apply the CVD law to subsidies associated with the undervaluation of foreign currencies.

Foreign companies that receive financial assistance from foreign governments that benefit those companies' production of goods and are limited to specific enterprises or industries, or are contingent upon export performance or upon the use of domestic goods over imported goods, are subject to countervailing duties.

The U.S. Department of Commerce's Enforcement and Compliance unit within the International Trade Administration is responsible for vigorously enforcing U.S. trade laws and does so through an impartial, transparent process consistent with international rules and based on factual evidence provided on the record.

Jacksonville, Florida – Ge Songtao (50, Nanjing, People's Republic of China) has pleaded guilty to conspiring to submit false export information through the federal government's Automated Export System and to fraudulently export to China maritime raiding craft and engines, and attempting to fraudulently export that equipment in violation of U.S. law. Ge Songtao faces a maximum penalty of 15 years in federal prison. A sentencing date has not yet been set.

According to the plea agreement, Ge Songtao was the chairman of Shanghai Breeze Technology Co. Ltd., a company headquartered in Shanghai, China. Beginning in 2018, he was interested in identifying a source of supply of U.S.-manufactured combat rubber raiding craft equipped with engines that can operate using gasoline, diesel fuel, or jet fuel. These vessels and multi-fuel engines are used by the U.S. military and can be operated after being launched from a submerged submarine or dropped into the ocean by an aircraft. No comparable engine is manufactured in China.

One of Ge Songtao's U.S.-based employees, co-defendant Yang Yang, attempted to order seven of the raiding craft equipped with these engines from a U.S. manufacturer. When the U.S. manufacturer suggested that Yang Yang purchase cheaper gasoline-fueled engines, she insisted that she wanted to purchase the military-model multi-fuel engines. To induce the manufacturer to sell this equipment, Yang falsely represented that her customer was an entity called United Vision Limited in Hong Kong, rather than Shanghai Breeze Technology Co. in Shanghai. One of Yang's Chinese co-workers had told her that American manufacturers would be more likely to sell to an entity in Hong Kong rather than one in mainland China. By misrepresenting what company was buying the equipment, and where it was located, Yang caused the entry of false information in the Department of Commerce's Automated Export System in violation of federal law.

To facilitate the purchase of the raiding craft and engines, Ge Songtao arranged for the wire transfers to a separate company in Hong Kong, Belt Consulting Company Limited, which in turn wired over \$110,000 to the U.S. manufacturer. He also coordinated plans to send an employee to Hong Kong to receive the raiding craft and engines and transship them to mainland China.

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On September 15, 2020, Yang Yang pleaded guilty to the same two charges to which Ge Songtao has pleaded guilty. On August 13, 2020, co-defendant Zheng Yan pleaded guilty to conspiring to submit false export information and to fraudulently export the raiding craft and engines in violation of U.S. law. The trial of remaining co-defendant Fan Yang, is scheduled to begin on February 1, 2021.

“As FBI Director Christopher Wray has stated previously, we will not tolerate it when China violates our criminal laws and international norms, much less enable it,” said Rachel L. Rojas, Special Agent in Charge of the FBI Jacksonville Division. “FBI Jacksonville and our partners throughout the U.S. government will continue working to hold China accountable and protect our nation’s innovation, ideas, and way of life.”

“Ge Songtao’s attempts to illegally acquire sensitive U.S. technology for illicit purposes threatened the operational readiness and safety of our nation’s military,” said Special Agent in Charge Thomas Cannizzo of the NCIS Southeast Field Office. “NCIS and our law enforcement partners remain committed to preserving Department of the Navy warfighter superiority by protecting our nation’s critical technologies and infrastructure from theft or compromise at home and abroad.”

“A top priority of the Bureau of Industry and Security, Office of Export Enforcement, is ensuring that the United States military always maintains its qualitative edge on the battlefield by preventing circumvention of U.S. export controls and export filing requirements,” said Acting Agent in Charge Alan Berkowitz. “In working with our law enforcement partners we disrupted Chinese illicit procurement of U.S. military combat raiding craft and protected our strategic commodities from falling into the wrong hands.”

This case was investigated by the FBI, the U.S. Naval Criminal Investigative Service, the U.S. Department of Commerce – Bureau of Industry and Security, and the Bureau of Alcohol, Tobacco, Firearms and Explosives. It is being prosecuted by Assistant United States Attorney Michael J. Coolican and Heather Schmidt, Senior Trial Attorney, Counterintelligence and Export Section, U.S. Department of Justice.

Ten Individuals Charged in \$50 Million Russian Smuggling Scheme

Department of Justice
U.S. Attorney’s Office
Eastern District of New York

FOR IMMEDIATE RELEASE
Monday, October 19, 2020

An indictment and a complaint were unsealed today in federal court in Brooklyn variously charging 10 defendants with transportation of stolen property, failure to file export information, illegal exportation of electronic devices and conspiracy to commit these offenses. The defendants allegedly participated in the illegal smuggling of electronic devices, particularly Apple products, from the United States to Russia using couriers, many of whom were current and former employees of Aeroflot Airlines.

Akmal Asadov, Sayuz Daibagya, Anton Perevoznikov, Shohruh Saidov, Marat Shadkhin, Kirill Sokhonchuk and Zokir Iskanderov were arrested today and will be arraigned this afternoon via teleconference before United States Magistrate Judge Vera M. Scanlon. Azamat Bobomurodov was arrested in the Northern District of Illinois and will be arraigned in that district later today. Two additional defendants are fugitives.

Seth D. DuCharme, Acting United States Attorney for the Eastern District of New York; Keith Byrne, Special Agent-in-Charge, U.S. Department of State’s Diplomatic Security Service, New York Field Office; William F. Sweeney, Jr., Assistant Director-in-Charge, Federal Bureau of Investigation, New York Field Office (FBI); Troy Miller, Director of Field Operations, Customs and Border Protection, New York Field Office (CBP); Jonathan Carson, Special Agent-in-Charge, U.S. Department of Commerce, Bureau of Industry and Security, Office of Export Enforcement, New York Field Office (Commerce); Peter C. Fitzhugh, Special Agent-in-Charge, Homeland Security Investigations, New York Office (HSI); and Dermot F. Shea, Commissioner, New York City Police Department (NYPD), announced the arrests and charges.

“As alleged, the defendants were members of an international smuggling ring that used a network of operators here and in Russia to circumvent U.S. export laws and regulations,” stated Acting United States Attorney DuCharme. “With today’s arrests, the network has been disabled thanks to the outstanding work of the Eastern District of New York prosecutors who worked tirelessly alongside our agency partners to closely scrutinize the goods and individuals that transit our international borders.”

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"If you believe it is acceptable to exploit positions with a foreign airline to smuggle millions of dollars in illegal goods back to Russia as we allege, the answer is Nyet. While this international smuggling ring's activities demonstrate vulnerabilities exist, it also highlights that the combined efforts of federal agents, detectives, analysts and prosecutors are a powerful counter to any threat. The FBI New York office and our inter-agency partners are on watch, and we all take our obligation to enforce our laws and protect the United States seriously," stated FBI Assistant Director-in-Charge Sweeney.

"This case represents the finest efforts of cooperative law enforcement," stated Diplomatic Security Service Special Agent-in-Charge Byrne. "If criminal enterprises manipulate the instruments of international travel for profitable gain, then we are all at risk on the national security level. The federal agencies, police, and the United States Attorney's Office deserve high praise for vigorously defending the interests and security of the United States of America."

"CBP takes a comprehensive approach to border security and control, combining customs, and immigration, into one coordinated and supportive activity by leveraging our unique authorities to enhance criminal investigations. This indictment serves as a direct message that no matter how complex the criminal scheme, crimes occurring at our border will be stopped," stated CBP Director Miller.

"Today's action is the result of the outstanding effort and collaboration among law enforcement agencies. The illicit smuggling of goods on commercial aircraft is a serious violation of export control and public safety laws that we take very seriously. We will continue to pursue violators wherever they are, worldwide," stated Commerce Special Agent-in-Charge Carson.

"Those charged today are alleged to have taken full advantage of their position with the airline to smuggle more than \$50 million in stolen electronics to Russia," stated HSI Special Agent-in-Charge Fitzhugh. "It is with the continued collaboration between federal, state and local law enforcement agencies that we are able to put an end to schemes like these that rob U.S. businesses of millions while funding illicit organizations overseas that threaten our national security."

"As alleged, these defendants used commercial air travel in furtherance of their illegal smuggling scheme, a staggeringly dangerous circumstance that this investigation uncovered and grounded. I thank our dedicated NYPD detectives and all of our law enforcement partners for their work in this case," stated NYPD Commissioner Shea.

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As set forth in the government's court filings, the defendants allegedly engaged in a scheme to export over \$50 million worth of electronic devices, including Apple iPhones, iPads and Apple Watches, from the United States to Russia. The defendants allegedly carried out this scheme by smuggling cash and merchandise via airline passengers, including current and former Aeroflot Airlines employees. Upon receiving instructions from defendant Daibagya, a resident of Russia, Aeroflot Airlines crew members and others travelled to the United States to pick up the electronic devices. Defendants Asadov, Sokhonchuk, Perevoznikov and Shadkhin, together with others in the United States, had obtained the devices, many of which had been stolen, to be sent to Russia without the required export authorizations. During the investigation, searches of luggage belonging to various Aeroflot crew members and other couriers revealed millions of dollars of electronic devices. Occasionally, defendants Daibagya and Saidov smuggled the devices themselves. For example, between August 2019 and December 2019, Daibagya took four trips from the United States transporting over 1,000 Apple products valued at over \$1 million, and on October 5, 2019, Saidov carried nine suitcases containing 235 Apple products with an estimated value of about \$250,000.

As a result of the investigation, the Department of State has revoked approximately 113 visas of Aeroflot employees for their participation in their scheme.

Search warrants executed at the time of the defendants' arrest revealed over \$600,000 in cash, including some hidden in the crawl space of Shadkhin's residence, and large amounts of electronic devices.

The charges in the indictment and complaint are allegations, and the defendants are presumed innocent unless and until proven guilty.

The government's case is being handled by the Office's Organized Crime and Gangs Section. Assistant United States Attorneys Keith D. Edelman, Andrey Spektor and Dana Rehnquist are in charge of the prosecution.

The Defendants:

E.D.N.Y. Docket No. 20-CR-415 (ARR)

AKMAL ASADOV
Age: 38
Brooklyn, New York

SAYUZ DAIBAGYA
Age: 46
Moscow, Russia

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ANTON PEREVOZNIKOV

Age: 34

Brooklyn, New York

SHOHRUH SAIDOV

Age: 31

Brooklyn, New York

MARAT SHADKHIN

Age: 40

Brooklyn, New York

KIRILL SOKHONCHUK

Age: 37

Brooklyn, New York

E.D.N.Y. Docket No. 20-MJ-884 (LB)

AZAMAT BOBOMURODOV

Age: 31

Brooklyn, New York

ZOKIR ISKANDEROV

Age: 30

Brooklyn, New York

EIB CUSTOMER WINS AWARD

Acumentrics, Inc. Wins 5th Annual Manufacturing Award

Nov. 3, 2020 / PRZen / WALPOLE, Mass. -- On October 7, 2020, Senator Paul Feeney, representing the Bristol District, selected Acumentrics, Inc. as the Manufacturer of the Year in his district. The 5th Annual Manufacturing Awards, hosted by the Commonwealth's Legislative Manufacturing Caucus, recognize outstanding leadership in Massachusetts manufacturing while rising to the challenges created by the COVID-19 pandemic. John Cerulli, Chief Executive Officer of Acumentrics, received the honor on behalf of the company.

"This year, more than ever before, "Made in Massachusetts" has taken on new meaning for manufacturers dealing with the COVID-19 pandemic. This award showcases the hard work and dedication of our incredible team members as well as our clients. 2020 has been a trying year but our teams have persevered and found a way to navigate all of the obstacles, remaining focused and stronger than ever! It is an honor to be part of the Acumentrics family and a privilege to receive such a prestigious award." – John Cerulli, CEO of Acumentrics.

This year the awards were presented virtually during a live Zoom webinar meeting which went off without a hitch. A presentation of all of the nominees was played along with live feedback from the government officials.

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In addition to thanking Senator Feeney and the Caucus for being selected as a recipient of the 5th Annual Massachusetts "Reimagined" Manufacturing Award, I would like to thank the Entire Acumentrics Team who "Make It In Massachusetts" every day, especially the Acumentrics Manufacturing Team who's hard work and dedication kept an uninterrupted supply of Acumentrics "essential" power systems shipping out to our DOD and commercial customers during the pandemic." -Steve Corbesero, Senior Vice President of Sales and Marketing, Acumentrics.

Since 1994 Acumentrics, Inc., has been a trusted market leader in RUPS™ (Rugged AC and DC Uninterruptible Power Supplies.) RUPS™ provide clean power and battery backup when reliability is critical. RUPS™ keeps this critical equipment online by addressing inevitable electrical variances, surges, spikes, sags, and interruptions. To learn more about Acumentrics, please visit: <https://www.acumentrics.com/>

Follow the full story here: <https://przen.com/pr/33368014>

Read more:

<http://www.digitaljournal.com/pr/4864967#ixzz6cquCNU7h>

Lawsuit filed against Trump's new H-1B visa rules

By Lalit K Jha

Several individuals and organisations, including the US Chambers of Commerce and the National Association of Manufacturers, have filed a lawsuit against the Trump administration's recent rules related to the H-1B visa, terming them "arbitrary" and "haphazard" regulations that will undermine high skilled immigration into America.

Early this month, the Trump administration announced new restrictions on H-1B non-immigrant visa programme which it said is aimed at protecting American workers, restoring integrity and to better guarantee that H-1B petitions are approved only for qualified beneficiaries and petitioners, a move which is likely to affect thousands of Indian IT professionals.

The interim final rule announced by the Department of Homeland Security will narrow the definition of "speciality occupation" as Congress intended by closing the overbroad definition that allowed companies to game the system.

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It will also require companies to make "real" offers to "real employees," by closing loopholes and preventing the displacement of the American workers. And finally, the new rules would enhance the department's ability to enforce compliance through worksite inspections and monitor compliance before, during and after an H1-B petition is approved.

The lawsuit filed by the US Chambers of Commerce, the National Association of Manufacturers (NAM) and several other organisations in the Northern District of Columbia on Monday alleges that "harmful and haphazard rules on H-1B visas" if left in place, would affect hundreds of thousands of American-based workers and disrupt manufacturers' ability to hire and retain critical high-skilled talent.

"The rules being implemented by the Department of Homeland Security and the Department of Labor undermine high-skilled immigration in the US and a company's ability to retain and recruit the very best talent," said US Chamber CEO Thomas J Donohue.

If these rules are allowed to stand, they will devastate companies across various industries, he said.

The H-1B visa is a non-immigrant visa that allows US companies to employ foreign workers in speciality occupations that require theoretical or technical expertise. It is most sought-after among Indian IT professionals.

"We need high-skilled innovators now more than ever, and the administration's attempt to rush these rules forward without properly considering their impact on thousands of people on the front lines of developing vaccines and treatments and making critical supplies, as well as saving lives in our hospitals, could have devastating consequences at a critical moment in our history," said NAM senior vice president and general counsel Linda Kelly.

Rewriting laws through a "dark-of-night-style" rulemaking leads to dangerous policy outcomes, and this pair of interim final rules is an illegal attempt to dismantle legal immigration by rendering the H-1B visa programme unworkable for hundreds of thousands of American-based workers who are essential to the recovery and renewal of the industry and the economy, Kelly said.

Seventeen individuals and organisations, including universities and businesses, in their lawsuit, have challenged the US Department of Labour's recent rule on wages related to H-1B visas.

The lawsuit filed in the US District Court for the District of Columbia on Monday alleged that the poorly-drafted and improperly-issued rule did not comply with the procedural rules for rule-making and is substantively "arbitrary", incorrect and irrational.

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"The increase to the prevailing wages will manifestly not benefit US economic growth or any workers; study after study has shown that H-1B visa holders create American jobs," said Jesse Bless, director of federal litigation at the American Immigration Lawyers Association (AILA).

The regulation has caused immediate and unnecessary harm in every corner of the economy, including academic institutions, non-profits, hospitals, start-ups and small businesses, he said.

Early this month, the Department of Labour published a rule to appropriately identify wage levels for H-1B holders and other foreign labour programmes.

The rule will limit an employer's ability to replace workers with cheap foreign labour and help ensure wages are not suppressed by the presence of low-cost foreign workers, the White House argued.

Among those who have filed the lawsuit are Purdue University, University of Michigan, University of Denver, Chapman University, Bard College, International Institute of New England, Information Technology Industry Council, Arizona State University, Scripps College, Northern Arizona University, Indiana University, Study Mississippi, Dentists for America, Physicians for American Healthcare and Hodges Bonded Warehouse.

Jeff Joseph, senior partner of Joseph and Hall, in a statement alleged that dealing with the Department of Labour often feels like "The Hunger Games".

"Everyone is required to play the game, but no one knows the rules and the rules are constantly changing. This is not a game.

"The fact that the rule was made effective without thinking about the destructive impact it would have on industries and the economy illustrates how out of touch this administration is regarding the symbiotic relationship between legal immigration and the economy," he said.

The days when the federal government blatantly ignores the law in its rule-making are over, said Charles Kuck, managing partner of Kuck Baxter Immigration.

Trump bans investments in firms controlled by China's military

By Justin Sink Bloomberg, Updated November 12, 2020, 5:46 p.m

(Bloomberg) -- Donald Trump signed an order prohibiting U.S. investments in Chinese firms determined to be owned or controlled by the country's military, the latest bid by the White House to pressure Beijing over what the president has described as abusive business practices. China is "increasingly exploiting" U.S. capital for "the development and modernization of its military, intelligence, and other security apparatuses," posing a threat to the U.S., according to the executive order, signed on Thursday.

Relations between the U.S. and China have deteriorated following the signing of a trade deal early in the year. Trump also has repeatedly vowed to punish Beijing over the coronavirus pandemic, its treatment of Muslim minorities and the crackdown on protesters in Hong Kong. Chinese officials have threatened to retaliate with their own blacklist of U.S. companies. Top Chinese firms -- including China Mobile Ltd and China Telecom Corp Ltd. -- fell on reports of the impending executive order, which will prohibit U.S. investment firms and pension funds from buying and selling shares of 20 Chinese companies designated by the Pentagon as having military ties in June, as well as an additional 11 companies added in late August.

The prohibition will go into effect on January 11, and allows U.S. investment firms and pension funds to divest their holdings in companies linked to the Chinese military over the next year. If the U.S. determines additional companies have military ties in the future, American investors will be given 60 days from that determination to divest.

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"Nothing worth having comes easy."

U.S. National Security Advisor Robert O'Brien said in a statement that many of the companies at issue are traded on exchanges around the world. U.S. investors can unknowingly provide funds through passive investments such as mutual funds and retirement plans, he said.

The order "serves to protect American investors from unintentionally providing capital that goes to enhancing the capabilities of the People's Liberation Army and People's Republic of China intelligence services," O'Brien said.

Separately, O'Brien on Wednesday said China's latest clampdown in Hong Kong shows that the one country, two systems arrangement for the territory amounts to a "fig leaf" for dictatorship, and warned of new sanctions.

The warning came after China's top legislative body on Wednesday passed a resolution allowing for the disqualification of any Hong Kong lawmakers who were not deemed sufficiently loyal. Chief Executive Carrie Lam's government immediately banished four legislators, prompting the remaining 15 in the 70-seat Legislative Council to resign en masse hours later at a joint press briefing.

While the U.S. has imposed sanctions against Lam and some officials in Beijing, it has so far held off punishing the country's senior hierarchy. Such a move would infuriate Beijing and accelerate a deterioration in relations between the two nations on a variety of issues.

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