

OUR PRACTICE

International Trade and National Security

Baker Donelson's International Trade and National Security Practice assists U.S. and foreign-based companies with issues that arise when conducting business within the U.S. or seeking to conduct business abroad.

Our team has decades of combined international trade and national security experience in essentially every aspect of practice, policy, and trade-related national security issues. Our lawyers and advisors have held leadership roles within the federal government and worked within the halls of Congress for Members of Congress and in Congressional committees. This experience gives the Baker Donelson team unique insight about the government, as well as professional contacts, which allow us to keep our fingers on the pulse of the evolving trade policy and national security landscape, for the benefit of our clients.

Our clients operate in a wide variety of industries, from automotive and advanced machinery manufacturing to energy resources, medical devices and information services. We represent entities of all sizes, from single individuals seeking opportunities for investment abroad to major multinational corporations. Our approach is to provide our clients with the knowledge, training and internal compliance mechanisms to minimize the risk and potential for violations before a violation actually occurs.

Baker Donelson's International Trade and National Security attorneys work with companies to design global export strategies through agents, distribution networks or wholly-owned foreign companies. We consider tax and holding company structure issues and explain local legal considerations one country at a time. Our global planning includes assisting our clients in how to take advantage of free trade agreements and off-shore ventures to minimize customs duties, and we help analyze potential benefits to sourcing and logistic supply chain structures, as well as incorporating Environmental, Social, Governance (ESG) considerations and compliance into such decisions.

Whether you are a U.S.-based company wishing to do business abroad or a foreign-based company looking to do business here, Baker Donelson has the knowledge and experience to help you achieve your goals.

Export Controls, Sanctions and CFIUS

Baker's International Trade and National Security group has significant experience navigating export control and sanctions issues, including a lawyer who held leadership roles in the Bureau of Industry and Security (BIS). We advise clients on the BIS's Export Administration Regulations (EAR) covering dual-use commodities; sanctions implemented by the U.S. Department of the Treasury's Office of Foreign Asset Control (OFAC); and trade in munitions governed by the U.S. State Department's International Trade in Arms Regulations (ITAR). We also assist clients with the Committee on Foreign Investment in the United States (CFIUS) review process.

Tariff and Customs Issues

Our team has deep experience with tariff-related matters, including normal customs duties and special duties implemented under Section 232, Section 301 and Section 201. In particular, our team has worked on a number of tariff exclusion issues. We've also worked closely with colleagues at the Office of the U.S. Trade Representative (USTR) on Section 232 steel and aluminum issues, Section 301, and other issues.

Clients also benefit from our experience before U.S. Customs and Border Protection. We assist clients with customs compliance issues, penalty mitigation, country of origin issues and harmonized tariff schedule classification. We assist clients with a variety of issues that arise related to the Uyghur Forced Labor Prevention Act (UFLPA) including compliance, risk mitigation and supply chain strategies.

Antidumping and Countervailing Duties

Antidumping and countervailing duty (AD/CVD) investigations are brought by injured U.S. manufacturers to combat unfair trade practices by a foreign industry or government. Antidumping duty investigations address unfairly low-priced imports. Countervailing duty investigations address unfair subsidies provided by a foreign government to its industry. Such cases are brought by U.S. manufacturers in this country or against U.S. manufacturers in foreign jurisdictions. Successful investigations must show that the like-product imports are causing injury and result in company-specific duties on the investigated product.

Our team has significant experience in AD/CVD investigations, including bringing affirmative cases in the U.S., assisting U.S. manufacturers in foreign investigations and helping U.S. importers minimize their exposure to duties. In fact, a team member formerly managed AD/CVD policy decisions as the Deputy Assistant Secretary for Policy and Negotiations for Enforcement and Compliance.

Build America, Buy America (BABA) and Buy American Act (BAA) – Compliance with Domestic Manufacturing Preference Laws

Our trade attorneys work with manufacturers regarding their compliance with domestic manufacturing laws, specifically, Build America, Buy America (BABA) and Buy American Act (BA) which has requirements for U.S. manufactured goods for infrastructure and government procurement contracts.

We work with our clients to understand how the requirements impact them as well as how to meet the U.S. content requirements that are applicable to direct suppliers and subcontractors who must comply with these laws.

Bilateral and Multilateral Free Trade Agreements, Market Access and World Trade Organization Issues

During the negotiation of free trade agreements, the U.S. and its negotiation partner develop relationship-specific requirements on issues including country of origin, tariff rates, quotas and market access. Such agreements – bilateral agreements in particular – encompass issues such as trade and environment, national security/export controls, and labor issues. Our lawyers frequently counsel clients in negotiating and interpreting free trade agreements. We have extensive experience with the World Trade Organization (WTO) and multilateral agreements (such as United States-Mexico-Canada Agreement "USMCA"), including team members who assisted during the negotiation and subsequent interpretation of such agreements.

International Trade Policy and Legislative Issues

With our congressional and government experience, Baker Donelson understands how international trade policy is crafted both on the Hill and within government agencies. We maintain strong connections with our contacts, and we monitor developments within Congress to ensure clients have the most up-to-date information. Similarly, we monitor and work with the U.S. Trade Representatives, U.S. Department of Commerce, U.S. Department of the Treasury, U.S. Department of State and U.S. Department of Defense so our clients understand where policy is headed and we can help them meet their goals.

Whether you are an entrepreneur, a large corporation, a software service company or a manufacturer, we can ensure your business stays in compliance with U.S. and foreign legal requirements to protect you and your company from fines, penalties and violations around the globe.