



## P. Lee Smith

Of Counsel

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Lee Smith, leader of Baker Donelson's International Trade and National Security practice, advises clients on matters involving export controls, customs compliance, trade remedy investigations, trade policy, market access, and free trade agreement interpretation.

Lee Smith calls upon his nearly 20 years of experience handling international trade and national security matters to guide clients through the complex regulations, policy, and compliance issues encountered by global businesses.

He assists clients with antidumping and countervailing duty (AD/CVD) investigations, export controls administered by the Departments of Commerce and State; supply chain, country of origin, and duty issues; and CFIUS analysis and filings.

Prior to joining Baker Donelson, Mr. Smith served as the Acting Assistant Secretary for Export Enforcement in the Bureau of Industry and Security (BIS) at the Department of Commerce. While there, he implemented and enforced U.S. national security regulations and policy related to dual-use commodities and technology controlled by Commerce. He was responsible for more than 115 federal agents in 23 field offices across the U.S., export control officers in foreign countries, and numerous analysts located in Washington, D.C. Mr. Smith oversaw one of the most prolific policy change periods in the BIS's history. He assisted in the preparation and implementation of policy, regulations, and enforcement strategies to support the policy changes, including the Military End User rule and entity listings related to the South China Sea, forced labor in Xinjiang, and intellectual property theft. He worked with interagency colleagues at the Departments of Treasury, State, Defense, and Homeland Security through the National Security Council to guide and implement these policies. He assisted this interagency group on Committee on Foreign Investment in the United States (CFIUS) issues. He also helped update the enforcement portion of the Export Administration Regulations (EAR) pursuant to the 2018 Export Control Reform Act. In private practice, he has advised numerous clients on International Traffic in Arms Regulations (ITAR) and EAR issues, including commodity classification, manufacturing license agreements, and licensing issues. He has similarly advised numerous clients on CFIUS issues and worked with clients through the CFIUS process to achieve positive CFIUS outcomes.

Prior to his role at BIS, Mr. Smith served as the Deputy Assistant Secretary for Policy and Negotiations in Enforcement and Compliance with the International Trade Administration (ITA) at the Department of Commerce. In this role, he managed the Commerce's policy decisions in antidumping and countervailing duty (AD/CVD) investigations. He also led and participated in a variety of negotiations, including United States-Mexico-Canada Agreement (USMCA) and other free trade agreements as well as AD/CVD suspension agreements. He led the Commerce team in multilateral engagement on steel issues at the Organisation for Economic Co-operation and Development (OCED) Steel Committee, Global Forum on Steel Excess Capacity, and the North American Steel Trade Committee. Mr. Smith assisted in the preparation and promulgation of numerous international trade regulations.

Mr. Smith worked closely with colleagues at the Office of the U.S. Trade Representative (USTR) on steel, World Trade Organization (WTO), market access, and AD/CVD investigations in foreign jurisdictions against U.S. companies. He also managed the ITA portion of the 232 Steel and Aluminum exclusion process and assisted in Commerce's work on Section 301 duties. During his government service, Mr. Smith briefed Congressional staff on several trade remedy and export control issues and provided comments on numerous

pieces of draft legislation. His work was recognized multiple times by Commerce with [Gold Medal](#) Honor Awards, the highest honorary award granted by the Secretary for distinguished and exceptional performance.

Prior to his government service, Mr. Smith was in private practice for ten years at an AmLaw 100 international law firm where he managed AD/CVD investigations from petitions to appeals, including appeals to the Court of International Trade, U.S. Court of Appeals for the Federal Circuit, and WTO. Similarly, he assisted clients in AD/CVD investigations in foreign jurisdictions. He also assisted clients on customs compliance issues and, in response to client concerns, assisted in drafting and working toward the passage of the Enforce and Protect Act.

## Publications

- "Final Build America, Buy America Act Guidance Released, Tightening U.S. Content Requirements For Federally Funded Infrastructure Projects" (August 2023)
- "Impact of New IRS Guidance for the Domestic Content Bonus in the Inflation Reduction Act" (May 2023)
- "Treasury's Proposed Guidance Released on 30D Tax Credit for Electric Vehicles (EV): What EV Manufacturers and Suppliers Need to Know " (April 2023)
- "Certain Health Care Products Could Have Section 301 Duties Reinstated" (February 2023)
- "New CFIUS Executive Order Clarifies Review Factors for Evolving National Security Landscape" (September 2022)
- "Significant Due Diligence Needed To Rebut Forced Labor Presumption in New Prevention Act," *Supply & Demand Chain Executive* (June 2022)
- "Uyghur Forced Labor Prevention Act Effective June 21 – Per Customs, Due Diligence and Supply Chain Tracing Needed" (June 2022)
- "Update on Escalation of Sanctions on Russia" (March 2022)
- "U.S. Sanctions on Russia and Belarus Increase" (March 2022)
- "U.S. Implementation of Significant Sanctions and Export Controls on Russia Will Severely Impact Business Transactions With Russian Entities" (February 2022)
- "Supply Chain Predictions for 2022," *Global Trade Magazine* (February 2022)
- "Uyghur Forced Labor Bill Signed – Companies Should Conduct Supply Chain Due Diligence" (December 2021)
- "Commerce Seeks Comments By November 12 On Rare-Earth Magnet Section 232 Investigation" (October 2021)
- "Ambassador Tai States Section 301 Tariff Exclusion Process to Re-Open," republished in *Global Trade Magazine* (October 2021)

## Speaking Engagements

- "NAITA Trade Compliance Roundtable: ITAR Empowered Officials | Best Practices & Responsibilities " (April 2024)
- Panelist – "Empowered Officials Best Practices & Responsibilities," NAITA Trade Compliance Roundtable (March 2024)
- "North Alabama International Trade Association Roundtable: Weaponizing Cyber: How China, Russia and other Nation States Are Undermining Our Democracy and National Security" (August 2023)
- "Sanctions & Trade: Impact of the Ukraine-Russia Conflict," CreditSights (March 2022)
- Panelist – "Sanctions Enforcement: How Agencies Work Together on Enforcement Investigations," 11th Annual New York Forum on Economic Sanctions (December 2020)
- "Sanctions and Anti-Money Laundering Compliance: Virtual Roundtable," Cambridge Forum (November 17, 2020)

- Keynote Speaker – BIS 2020 Export Controls Policy and Regulatory Update Virtual Conference (September 2020)
- Keynote Speaker – Export Enforcement's 4th Biannual Targeting Proliferation Networks Conference (March 2020)
- Regulations and Procedures Technical Advisory Committee (RPTAC) (2020)
- "USMCA: Modernizing NAFTA into a 21st Century Trade Agreement," Midwest International Trade Association 2019 World Trade Conference (May 2019)
- Panelist – "Commerce Year Ahead," Georgetown International Trade Update (March 2019)
- Government Panelist – "21st Century Customs Framework," Public Meeting of Customs (March 2019)
- Panelist – "What's Old is New Again: How to Use Past Tools in Today's Trade Environment," Georgetown International Trade Update (March 2018)
- "Enforcing AD/CVD Orders," Annual Summit of the Industrial & Manufacturing Materials Center of Excellence and Expertise, Port of Buffalo, Customs (September 2016)
- "How Customs, ICE, and DOJ Combat Evasion and the Enforce Act's Effects, Organizer and Moderator," The District of Columbia Bar (June 8, 2016)
- "Minimizing Risks When Importing Goods Subject to AD/CVDs: Leveraging Trade Remedies, Recent CIT Decisions and Significant Rules Changes," Strafford Continuing Education Webinars (September 2015)
- "Enforcement of AD/CVD Measures," Consejo Consultivo de Practicas Comerciales Internacionales, Secretaría De Economía, México (August 2015)



## Education

- Boston College Law School, J.D., 2004
- University of Mississippi, B.B.A., 2001, magna cum laude



## Admissions

- District of Columbia, 2007
- New York, 2005
- International Court of Trade
- Court of Appeals for the Federal Circuit