ISSN 0276-8275

WTTLonline.com

Washington Tariff & Trade Letter®

A Weekly Report for Business Executives on U.S. Trade Policies, Negotiations, Legislation, Trade Laws and Export Controls

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Vol. 33, No. 40 October 14, 2013

DDTC Returning to Normal Operations During Shutdown

Even in the midst of a government shutdown, the national security exception has led to State's Directorate of Defense Trade Controls (DDTC) resuming normal operations and not just licenses to support combat operations. The agency "continues to be open for normal operations until further notice. With the return of the Defense Technology Security Administration to normal operating status, processing of all incoming licenses has resumed, though there may be some expected delays due to adjudication of existing licenses referred during the shutdown last week," DDTC posted on its website Oct. 11.

> "Staffing shortages in other U.S. Government agencies will continue to affect requests for Commodity Jurisdiction determinations," it said. Other regular functions, such as requests for new or renewing registrations, will continue under normal conditions until further notice, it continued.

To prepare for the Oct. 15 effective date of the transfer of the first U.S. Munitions List categories to the Commerce Control List under export control reform, DDTC said DTrade "will be unavailable beginning 6:00 pm EST October 11, 2013 until 6:00 am EST October 15, 2013 due to system upgrades in support of modifications to USML Categories VIII, XVII, XIX, and XXI." Government would have been closed for Columbus Day anyway.

"License applications will not be accepted during this maintenance window and attempts to submit an application will result in the user receiving an error message," DDTC posted on its website. "Beginning October 15, 2013, DTrade users must use the newly revised DSP forms (version 7.1) to submit license applications and amendment forms, earlier versions of the forms will automatically be rejected by the system," it noted.

Separately, most Bureau of Industry and Security (BIS) licensing officers and other headquarters staff remain locked out while enforcement agents in regional offices are still on the job. BIS sources estimate that the agency normally issues an average of 100 licenses each business day and that has stopped except for emergency licensing requirements.

Froman Upholds Exclusion Order Against Samsung Smartphones

U.S. Trade Representative (USTR) Michael Froman upheld an International Trade Commission (ITC) limited Section 337 exclusion order against Samsung Electronics Co.

smartphones Oct. 9, drawing a distinction between this case and an earlier decision to overturn an ITC order against Apple smartphones. Compared to Froman's decision in the Apple case, a USTR background statement explained that the Samsung patents were not considered "standards-essential" patents (see **WTTL**, Aug. 19, page 4).

> "After carefully weighing policy considerations, including the impact on consumers and competition, advice from agencies, and information from interested parties, I have decided to allow the Commission's determination in Certain Electronic Digital Media Devices and Components Thereof, Investigation No. 337-TA-796, to become final. In so doing, I am continuing the practice of successive Administrations of exercising section 337 policy review authority with restraint," Froman said in a statement.

The ITC issued its exclusion order against Samsung smartphones that it had determined included components that infringed Apple patents. Those patents involved the phone itself, its touch screen, the audio headset plug, plug detection circuitry and other plug detection mechanisms. Froman noted objections Samsung and others had to the scope and clarity of the ITC order and how Customs and Border Protection might enforce it.

"The Office of the Intellectual Property Enforcement Coordinator (IPEC) is conducting an interagency review aimed at strengthening the procedures and practices used during the enforcement of USITC exclusion orders," he said. "USTR, the Department of Justice, the Department of Homeland Security, and several other agencies are working with IPEC in this review. I look forward to receiving recommendations to address these issues on a systemic basis," Froman added.

The USTR's background statement noted that Samsung has modified its phones to avoid infringing the Apple patents, so the order will have minimal effect on the availability of its products. It also cited Froman's earlier 337 determination blocking an order against Apple imports. That earlier case "turned on the appropriate role of exclusion orders in circumstances involving standards-essential patents," it said. "The patents at issue in this case are not standards-essential patents. The nationality of the companies involved played no role in the review process. Both Samsung and Apple are important contributors to the U.S. economy and help advance innovation and technological progress," it added.

"We are disappointed by the U.S. Trade Representative's decision to allow the exclusion order issued by the U.S. International Trade Commission (ITC)," a Samsung spokesperson said in an e-mail to WTTL. "It will serve only to reduce competition and limit choice for the American consumer," she added.

Lawyers' Group Seeks Changes to ITAR Brokering Rules

The potential requirement for some lawyers to register as "brokers" under the interim final brokering regulations that DDTC published in August has drawn criticism from the international law section of the American Bar Association (ABA) (see **WTTL**, Sept. 2, page 1). While lauding most of the changes to the brokering rules in the International Traffic in Arms Regulations (ITAR), the ABA group in comments to DDTC said it was concerned that the limited description of what "legal advice" would be exempt from the requirements considered brokering would restrict the ability of lawyers to perform other common legal functions that are regulated by states and for transactions that might already require a

DDTC license. "On its face, the exclusion also does not seem to extend to communications by attorneys with parties other than their clients, such as communicating with non-client parties involved with mergers and acquisitions, execution of agreements, and similar activities not exclusively involving 'advice by an attorney to a client'," the section wrote.

> "Not including these forms of assistance in the scope of the exclusion for legal services is inconsistent with the realities of practicing export compliance law," it said. "Neither the statute nor its legislative history evinces any intent to capture legal services by licensed attorneys," it argued.

Although the regulation does not explain what beyond "legal services" would trigger a registration requirement, DDTC sources have suggested that doing anything beyond merely advising a client would be considered brokering. "By specifically calling out the type of advice it considers as falling under the exclusion, the Interim Final Rule implies that other forms of advice might not fall within the exclusion," the ABA section wrote. It said its concerns could be satisfied if subsection 129.2(b)(2)(iv) of the final rule were amended to read: "*. . . or legal assistance provided by attorneys licensed to practice law by any state of the United States or before U.S. state or federal courts."*

Among other provisions, the section also found fault with the interim final rule's extra-territorial reach. The changed definition of "broker" in Section 129.2 and the requirement for approval in revised Section 129.4 "would apparently require non-U.S. subsidiaries of U.S. companies both to register and obtain prior approval from DDTC when they facilitate the manufacture, export, import, transfer, reexport or retransfer of foreign defense articles and services even when the transaction has no U.S. nexus," it noted.

"This effectively would serve to extend jurisdiction extraterritorially beyond the prior brokering regulations to reach wholly foreign conduct by non-U.S. companies solely because they are controlled by U.S. companies," it said. "Such extraterritorial brokering jurisdiction is inconsistent with the AECA [Arms Export Control Act], relevant U.S. jurisprudence interpreting the AECA, and norms of international law," the comment argued. The section said its objections could be satisfied if the exemption in the rule were revised to read: "*129.2(b)(2)(vii) Activities performed by a foreign person that is owned or controlled by a U.S. person that are not undertaken on behalf of or at the direction of any U.S. person, do not involve U.S. defense articles or services, and do not take place, in whole or in part, in the United States."*

De Gucht Proposes Transatlantic Regulatory Council

European Union (EU) Trade Commissioner Karel De Gucht called Oct. 10 for creation of a transatlantic Regulatory Cooperation Council to monitor the implementation of regulatory commitments the EU and U.S. make in a Transatlantic Trade and Investment Partnership (TTIP) agreement. The council would comprise the heads of the most important EU and U.S. regulatory agencies, De Gucht explained in a speech to a conference in Prague.

"The council would monitor the implementation of commitments made and consider new priorities for regulatory cooperation – also in response to proposals from stakeholders," he explained in his prepared text. "In some cases it could also ask regulators or standards bodies to develop regulations jointly that could then have a good chance of becoming international standards," he said. The prospect of a TTIP agreement on regulatory cooperation or coherence is one of the toughest issues facing negotiators working on a deal. De Gucht and U.S. Trade Representative (USTR) Michael Froman have acknowledged this in previous statements (see **WTTL**, Oct. 7, page 9). While removing already low existing tariffs should be relatively easy, other areas such as procurement "will be any-thing but easy," De Gucht said. "Of course, the complexity of the systems, the traditions of regulators and – occasionally – the entrenched interests behind them make this very challenging," he said.

> De Gucht addressed the concerns of TTIP critics who raise concerns that a deal would lower existing standards and regulations in both the EU and U.S. "Nothing we will agree under this agreement will lower standards of protection. Removing regulatory barriers is not a race to the bottom," he asserted.

"Neither side is going to renounce the right to regulate in the future to reach the level of protection that their citizens choose. To be very clear from a European perspective: the Commission, Parliament and Member State governments will continue to set the rules. And given that the precautionary principle is enshrined in the Lisbon Treaty, nothing in the TTIP could possibly change that," De Gucht declared.

The EU's experience with a single market comprising 28 countries and different languages could be a model for TTIP, De Gucht suggested. "We should not be under any illusions: the TTIP will not create a single market between the EU and the U.S. Neither is this the objective. But we can use our experience of the Single Market to support us as we work on the TTIP," he said. Under the EU regulatory approach, once standards are developed at the European level, member states must withdraw any rules that conflict with those EU standards. "The TTIP needs to take up this effective market access approach." he stated.

EU Requests WTO Dispute Panel on Russian Vehicle Fees

The European Union (EU) Oct. 10 took its complaint against Russia's so-called 'recycling fee' on imported vehicles to the next level, requesting a dispute-settlement panel at the World Trade Organization (WTO) to rule on the fee's legality. The EU held consultations with Russia July 29-30. The talks failed to resolve the dispute and Moscow continues to apply the fees, the EU noted (see **WTTL**, July 15, page 8).

> "We've used all the possible avenues to find with Russia a mutually acceptable solution," said EU Trade Commissioner Karel De Gucht in a statement. "As the fee continues to severely hamper exports of a sector that is key for Europe's economy, we are left with no choice but to ask for a WTO ruling to ensure Russia complies with its international obligations," he said.

The WTO Dispute Settlement Body (DSB) will take up the EU's request at its next meeting Oct. 22. "At that meeting Russia has the right to object to the establishment of the panel. If the EU raises the issue again at the following DSB meeting in November, Russia will be unable to block the request for a second time," the EU noted.

Russia introduced the fee Sept. 1, 2012, just ten days after joining the WTO. For cars, the fee converts to about $550 to $3,500 for a "new" vehicle and from $3,400 to $22,400 for a vehicle older than three years, the EU complained. For some vehicles, such as certain mining trucks, the fee can rise to as high as about $193,000, it added. The Russian Duma reportedly was due to discuss a harmonization of the fee, but did not return until late September, putting any official response on hold.

Adoption of Revised WTO Procurement Pact Remains Uncertain

An agreement in December 2011 to update the WTO Government Procurement Agreement (GPA) was hailed as a significant achievement after 10 years of negotiations. But two years later, implementation of the revisions remains in doubt as many GPA participants still haven't ratified the accord or adopted required implementing legislation, an Oct. 9 meeting of the GPA Committee revealed (see **WTTL**, Dec. 19, 2011, page 2). Country representatives at the committee meeting reportedly disagreed over whether the changes could be brought into effect by the WTO ministerial conference in Bali in December.

> Of the 15 GPA members of the committee, five reportedly said they were very confident that they would be able to end the ratification process by the ministerial; two said it would be impossible to meet that deadline. Other members said they could not make any firm commitments because their status depends on legal or legislative actions. Liechtenstein is the only GPA participant that has completed the process of ratification.

The U.S., along with Norway, Canada, the EU and Hong Kong, said they would complete the process by Bali, but Japan and Switzerland said they couldn't. Two-thirds of GPA members would have to implement the new agreement for it to come into force. Canada reportedly is resisting implementation of the new rules by December.

Meanwhile, China is expected to submit its fourth revised offer for entering the GPA. The U.S. told the committee that Beijing still needs to make significant improvements in its offer for it to be acceptable, according to sources in Geneva. Other members also said China needs to improve its offer to accede to the agreement.

New Zealand is also seeking to join the accord and has made a new offer that doubled from its initial offer the number of sectors it would open as a member. Nonetheless, members said New Zealand needed to make further improvements in its offer.

Ukraine is also trying to become a GPA member and submitted two offers for opening its markets last year. It is expected to submit a revised offer in mid-December. Montenegro, which made its first application the week of Sept. 30, is expected to meet GPA requirements quickly because it has already adopted legislation as part of its negotiations to join the EU. Panama, which is a GPA observer, had been trying to join since 1996, but withdrew its membership application in July after its offers were found unsatisfactory.

China to Offer New Proposal for Information Technology Talks

As expected, China informed trade ministers at the Asia-Pacific Economic Cooperation forum (APEC) Oct. 5 that it is ready to come back to negotiations on an Information Technology Agreement (ITA) with a new, much smaller list of items that it wants taken out of a potential tariff-cutting deal (see **WTTL**, Oct. 7, page 1). The Chinese will probably submit their new list the week of Oct. 14 to be ready for the restart of ITA talks the week of Oct. 21. The ITA talks have been suspended since July when other countries balked at China's long list of demands. With China's return to the talks, industry sources say they think a final deal could be reached in time for the WTO's ministerial conference in Bali, Indonesia, Dec. 3-6. Whether that goal could be reached will depend on how much the Chinese are actually willing to cut their demands.

> China originally asked for 150 IT items to be taken off the list of some 250 items on which negotiators had reached preliminary agreement. It wanted about 100 totally removed from the list and the rest placed on the "sensitive" list of items that would have tariffs phased out over time rather than all at once when the deal went into place. The prospect of cutting that many articles from an agreement to expand the coverage of the existing ITA accord led to the decision of negotiators to suspend talks.

How much less China will demand exactly won't be known until it submits its offer, but sources say they expect Beijing to prune its demands by more than 20%. That would still significantly reduce a new ITA package and is likely to face objections from other ITA negotiating countries.

At the end of their meeting in Bali Oct. 5, APEC ministers issued a statement strongly endorsing conclusion of an ITA. "We encouraged the swift conclusion of negotiations to expand product coverage of the WTO Information Technology Agreement (ITA) before MC9, and also seek expanded membership of the ITA," they said in their final statement.

"A final ITA expansion outcome should be commercially significant, credible, pragmatic, balanced, and reflective of the dynamic technological developments in the information technology sector over the last 16 years. Such an outcome would strengthen the multilateral trading system, promote connectivity, support regional economic integration, and drive economic development throughout APEC economies and beyond," they declared.

ITA "Sensitivities" Still Need to Be Resolved in Talks

News that China is returning to the Information Technology Agreement (ITA) talks with a shorter list of products it wants excluded from an accord will still leave tough negotiations on exactly what will be covered in an expansion of the agreement (see story above). The list of potential new products to be added to the ITA was already reduced significantly before talks were suspended in July, but many areas of disagreement remain. Nonetheless, the mood in Geneva is better, one source said.

> In the talks, countries have proposed products they want "removed" entirely from the expanded list and those that they consider "sensitive," requiring a phase-out of tariffs over time. Negotiators also have been able to offer proposals to "x-out" or delete certain 8-digit tariff lines on the Harmonized Tariff Schedule (HTS) that fall under the broader 6-digit tariff lines that would be covered by a final deal.

The number of items on China's original list of sensitive products isn't the only important element of the assessment of its offer, one source said. The most important element is how many of those products are proposed for exclusion. Sources said another measure is the quality of products proposed for exclusion. No big categories should be excluded, one source argued. If heavily traded goods are excluded, this also may be a problem, the source said. If half the countries or more have a problem with the inclusion of certain products, that would be significant, one source said. But if only one or two countries are requesting exclusion of those products, that would create other problems, he added. In addition, the length of the demanded transition period for the phase-out of tariff cuts on sensitive products would be an important element to assess, sources said.

> In addition to China, Thailand is preparing to shorten its long list of sensitive products. Not much is expected on that though, the source conceded. The European Union (EU) has about 10 sensitive products it doesn't want to include on the list, while Japan has no sensitivities, the source said. TVs will be a big sticking point in the ITA talks. Japan and the U.S. want them in; the EU wants them out. China has "one foot in the door and the other out," wanting some devices in and others out, the source said.

Meanwhile, India and Brazil remain outside the ITA talks. While industry would like to see those two countries become part of a deal, some sources say they are not worried that they would become "free riders," getting the benefits of tariff cuts in ITA signatory countries without having to eliminate their tariffs on ITA products.

Although India and Brazil believe that keeping tariffs on ITA products would protect their emerging industries, U.S. sources say that policy would likely discourage foreign investment in the IT industries in those countries, while also raising the cost of components and parts Indian and Brazilian manufacturers would have to buy.

Without Obama at APEC, Chances Dimmer for TPP This Year

A statement from leaders of the 12 countries participating in Trans-Pacific Partnership (TPP) negotiations Oct. 8 sounded less optimistic than some had hoped, perhaps because President Obama cancelled plans to attend the annual Asia-Pacific Economic Cooperation (APEC) summit due to the shutdown of the U.S. government (see **WTTL**, Oct. 7, page 4). While the leaders reaffirmed the objective of completing the talks this year, a look at the calendar might make even the most fervent cheerleaders for a deal a bit pessimistic about reaching that goal.

> Obama acknowledged his absence may have caused the Bali meeting to produce less on TPP than expected. "It didn't help that I wasn't there to make sure that we went ahead and closed a trade deal that would open up markets and create jobs for the United States, and make sure that countries were trading fairly with us in the most dynamic, fastest-growing market in the world. I should have been there," he told an Oct. 8 press conference in D.C.

While TPP negotiators have moved into almost full-time intersessional negotiations on the details of a pact, industry sources say they are still concerned that too many major decisions and concessions are being left for the last minute. Business community representatives also question whether a TPP deal can be concluded without congressional approval of new "fast-track" negotiating authority, also known as Trade Promotion Authority (TPA). Some doubt that Congress can enact new TPA legislation by the end of the year given the current gridlock in Congress. Congressional sources have a more optimistic view of the chances for a fast-track bill this year. House Ways and Means Committee and Senate Finance Committee staffers are continuing to negotiate a bipartisan bill, working without pay during the government shutdown. If the attention of lawmakers could return to other legislative matters not connected to the budget or the debt ceiling, sources say a bill could be ready for action by December.

> At a briefing in Bali, a senior administration official who asked not to be named admitted the end of the year was ambitious, but possible. "The leaders reaffirmed that the objective is to complete the negotiations this year. As always, the substance drives the timetable. None of us are going to agree to a bad agreement simply to meet a deadline. I think the collective view is it is ambitious, but it's doable," the official said Oct. 8.

"In any trade negotiation, the hardest issues are always left to the end, and I think countries are beginning to understand the complexity of the issues that remain in this endgame, and now the negotiators are coming together to try and find creative solutions for dealing with them," the official said.

In their official statement, the 12 TPP leaders said they were "pleased to announce today that our countries are on track" to complete negotiations. "We have agreed that negotiators should now proceed to resolve all outstanding issues with the objective of completing this year a comprehensive and balanced, regional agreement," they declared. Not unexpectedly, the leaders revealed no specific guidance they gave to negotiators on any of the stickiest issues in the talks.

In an Oct. 8 report to the leaders, TPP trade ministers highlighted specific progress to date. "Ministers have agreed that negotiators will construct a single tariff schedule and have common rules of origin. In a difficult and time-consuming exercise, the 12 negotiating teams have agreed on a significant share of these rules and are intensifying their engagement to ensure they complete the remaining work," they said.

"The goal of Ministers and negotiators is to develop trade-facilitating rules of origin that encourage cumulation across the region, which will promote production and supply chains between the TPP countries and make it much easier for businesses, both large and small, to take advantage of the agreement. In addition, to support the development of value chains among TPP members, negotiators are far along toward agreement on such issues as customs, express delivery, e-commerce, and standards," the ministers reported.

Whether or not there will be a deal this year, TPP critics tried to find language in the leaders' statement to show that the talks are in trouble. "That the leaders have admitted that there is no deal nor a clear path to obtaining one this year, despite the hype built up pre-summit, reveals the growing domestic political blowback against the TPP that the leaders are now trying to manage," said a statement by Lori Wallach, director of Public Citizen's Global Trade Watch.

While business groups are reportedly frustrated about the lack of progress, they say they are still hopeful. The Emergency Committee on American Trade (ECAT) is "very pleased TPP Leaders announced they are on track to complete a TPP agreement," said an Oct. 8 statement by its chairman, Terry McGraw, who is president of McGraw-Hill Financial. "Political leadership is, of course, essential, and the direction and impetus provided by TPP Leaders today will prove key to achieving expeditious and commercially meaningful outcomes that are within reach in each area of the negotiations," he added.

China Joining Trade in Services Negotiations

After indicating its interest in joining talks on a Trade in Services Agreement (TISA), China formally notified the chairman of those negotiations Sept. 29 that it is ready to participate (see **WTTL**, Sept. 23, page 9). "Given that the ultimate goal of the TISA negotiations is in line with the overall direction of developing and opening of China's services sector, the Chinese government has decided to participate in the TISA negotiations," wrote Zhu Hong, charge d'affairs of China's mission to the WTO.

> USTR Michael Froman is expected to give Congress 90-days advance notification of Beijing's plans for entering the talks before agreeing to allow China to join negotiations formally. He will also ask for public comment on China's participation.

Zhu said China wants to participate in the Nov. 4 session of TISA negotiations in Geneva, but sources say it is not yet clear what its status would be at that meeting. It may only be granted observer status then, with its full participation delayed until after the U.S. congressional notification period has lapsed, one source suggested. At the November sessions, TISA countries are expected to submit their market access offers in services. Whether China would be ready to make an offer by then is uncertain.

If China's entry into the negotiations is delayed until after the new year, that is unlikely to slowdown the talks, which probably would take until the end of 2014 to complete anyway, one source said. Previous rounds of talks have "stabilized" the general text of an agreement, although the document is not finished, the source added.

For now, it appears negotiators have compromised on a hybrid approach to market access in services: providing for a "positive list" of service sectors that would be open to TISA signatories, but a "negative list" of sectors open on the basis of "national treatment." This, for example, might open a country's insurance sector in general, but exclude certain types of insurance.

While applauding China's decision to join the TISA talks, negotiators are also viewing its entry with caution based on their experience dealing with the Chinese in negotiations on an expansion of the Information Technology Agreement (ITA) (see related story, page 5). How China participates in the resumed ITA talks may dictate whether it is allowed into the TISA negotiations, one source said.

"You have to look at what they are doing in China," another source noted. While the Chinese are opening some sectors, U.S. services firms are still having problems in many areas, he said. Nonetheless, given the size of the potential Chinese services market, having China in the talks is seen as positive.

"As an important driving force of global growth, the services industry and services trade play an indispensable role in the economic development of all countries," Zhu wrote in his letter. "The Chinese government fully recognizes the importance of trade in services to its economic growth and social development, and is committed to continue developing the domestic services industry and promoting the transformation of China's economy through further opening up services sectors and ensuring a level playing field," he stated.

* * * Briefs * * *

EXPORT ENFORCEMENT: Aeronet Inc. of Irvine, Calif., Oct. 9 agreed to pay BIS $27,000 civil penalty to settle one charge of violating terms of denial order. In February 2009, Aeronet allegedly facilitated Mahan Airways' acquisition of approximately 2,300 computer motherboards designated as EAR99 and valued at approximately $130,000. Boards were being shipped to Mahan Airways in UAE. Mahan was named as Denied Person in Temporary Denial Order (TDO) in March 2008. Aeronet neither admitted nor denied charge.

MORE EXPORT ENFORCEMENT: Total Cargo Logistics Inc. (TCL) of Elizabeth N.J., Sept. 30 agreed to pay BIS $27,000 civil penalty in four installments over next nine months to settle charge of facilitating exports of PVC cement and primer cleaners to Syria in March 2010 without required licenses. Items were designated EAR99 and worth approximately $57,000. TCL neither admitted nor denied charge.

TRADE FIGURES: Due to government shutdown, Census did not release August trade figures as scheduled Oct. 8. "Due to the lapse in government funding, census.gov sites, services, and all online survey collection requests will be unavailable until further notice," Census.gov noted.

EX-IM BANK: During government shutdown, Ex-Im has posted notice saying: "all new obligations as well as delegated authority to exporters and/or banks under insurance and guarantee programs (such as the Working Capital Delegated Authority Program) will be suspended." Nonetheless, it will "continue to process and deposit funds received" and pay "claims under its guarantee and insurance programs, which carry the full faith and credit of the U.S. government," it said "This plan does not account for the activities of the Office of the Inspector General (OIG)," Ex-Im advised.

ALUMINUM: U.S. aluminum producers failed to exhaust their administrative remedies by not filing comments on Commerce's preliminary scope determination on aluminum extrusion from China, CIT Judge Gregory W. Carman ruled Oct. 9 (slip op. 13-128). In rejecting suit by Aluminum Extrusions Fair Trade Committee, Carman drew distinction between this case and CAFC ruling in August in *Itochu*, where appellate court found filing of comments would have been futile (see **WTTL**, Sept. 2, page 2). "First, this case involves a scope ruling challenge while *Itochu* involved a changed circumstance challenge," Carman said. "Distinguishable from *Itochu*, where Commerce had no power of discretion over the effect of a statutory mandate, here, Commerce was clearly exercising its power of discretion on a policy question," he added. Carman said he agreed with Commerce that there can be no allegation that department would have been unreceptive to comments or arguments submitted by group.

TRADE PEOPLE: President Obama sent two nominations to Senate Oct. 7: Arun Madhavan Kumar to be assistant secretary of Commerce and director general of U.S. and Foreign Commercial Service and Kelly R. Welsh to be Commerce General Counsel, replacing Cameron F. Kerry. Kumar was partner and member of board of directors at KPMG LLP and previously founder of software and minisupercomputer companies. He received B.Sc. in Physics from University of Kerala, India, and S.M. in Management from MIT Sloan School of Management. Welsh has been executive VP and general counsel for Northern Trust Corporation since 2000. He received A.B. from Harvard, M.A. from Sussex University, UK and J.D. from Harvard Law School... Robert B. Zoellick, former World Bank president and USTR, will serve as chairman of Goldman Sachs' international advisors, company announced Oct. 7.

EDITOR'S NOTE: ***WTTL*** and sister publication, ***The Export Practitioner***, are sponsoring audio-conference briefing on **"Technology Transfer after Export Control Reforms"** Nov. 5. Our speakers are: Thomas DeFee, Branch Head, Munitions Licensing, Munitions Control Division, Bureau of Industry and Security (BIS), and Steven Brotherton, Partner, Export Controls Practice Group, Fragomen Worldwide. Go to "Briefings" at www.WTTLonline.com for more details.