

Trade & Manufacturing Alert

April 2013 | [Print Issue](#) 

President Announces Trade Policy Agenda

President Obama delivered to Congress his 2013 Trade Policy Agenda (“TPA”) and the [2012 Annual Report](#) of United States trade activities on March 1, 2013. The TPA’s overarching goal is “supporting jobs and economic growth through trade.” This goal is pursued by a number of trade policy priorities including (1) expanding U.S. jobs, (2) enforcing trade rules, (3) enhancing economic relationships worldwide, (4) fighting poverty and fostering global economic growth, and (5) developing balanced trade policy. With this ambitious policy agenda, the President and relevant agencies aim to enhance market access and to enforce international rules to create opportunities for “American businesses, workers, farmers, ranchers, manufacturers, service providers, creators, and innovators.” [More »](#)

Commerce Takes A More Aggressive Stance On Fraud

In the [March 2011 edition](#) of the Trade and Manufacturing Alert, we reported on the decision by the United States Court of Appeals for the Federal Circuit in *Home Products Int’l v. United States*, 633 F.3d 1369 (2011), which held that the Department of Commerce must, when reviewing imports covered by antidumping duty orders, consider newly discovered evidence of material fraud even if the evidence is first presented after the official administrative record is closed or if the matter is on appeal in a federal court. Although credible evidence of fraud typically is difficult to obtain and often is not discovered until late in a case, the *Home Products* decision has had a major positive effect on U.S. producers’ efforts to combat fraud in trade cases. Two recent cases illustrate this point. [More »](#)

Companies Seek Approval To Expand Manufacturing In U.S. Foreign Trade Zones

At least 15 applications have been submitted during 2013 for permission from the Foreign Trade Zones (“FTZ”) Board to commence or expand manufacturing activities in U.S. FTZs. Several such applications have been approved. The companies recently obtaining or applying for authorization to expand their manufacturing activities in existing FTZs include Mitsubishi Power Systems Americas Inc. (“Mitsubishi”) and General Electric Company (“GE”). [More »](#)

In This Issue

President Announces Trade Policy Agenda

Commerce Takes A More Aggressive Stance On Fraud

Companies Seek Approval To Expand Manufacturing In U.S. Foreign Trade Zones

U.S. Customs Officials Sour On Honey Fraud Organization

News Of Note

- 29 States Hit Record Export Levels In 2012
- Hatch Bill To Create USTR Position Focused On Protecting IP
- EU Imposes Dumping Duties On U.S. Bioethanol
- Buy America Bill Introduced Requirement For Solar Panels
- U.S. Calls For Arbitration In WTO Grain-Oriented Flat Rolled Electrical Steel Dispute With China
- Commerce Changes Targeted Dumping Analysis

Contacts

U.S. Customs Officials Sour On Honey Fraud Organization

On February 20, 2013, U.S. Immigration and Customs Enforcement (“ICE”), CBP, and the U.S. Attorney’s Office for the Northern District of Illinois jointly announced federal criminal charges against five individuals and two honey-processing companies for illegally importing dumped honey from China. The government alleges that the scheme evaded more than \$180 million in antidumping duties. The two companies have concluded deferred prosecution agreements, with one agreeing to pay a \$1 million fine, and the other agreeing to a \$2 million fine. [More »](#)

News Of Note

- **29 States Hit Record Export Levels In 2012** – According to a recently released report from Commerce, 35 states experienced export growth in 2012. Of these states, 29 set new records for export sales. As a result, total exports of U.S. goods and services reached a record \$2.2 trillion. The report shows that exports now support 9.8 million American jobs, an increase of 1.3 million (13.3 percent) from 2009. [More »](#)
- **Hatch Bill To Create USTR Position Focused On Protecting IP** – On March 22, 2013, Senator Orrin Hatch (R-UT), Ranking Member of the Senate Finance Committee, introduced legislation which aims to ensure that intellectual property (“IP”) protection and enforcement are at the forefront of every trade debate by creating a Chief Innovation and Intellectual Property Negotiator at USTR. [More »](#)
- **EU Imposes Dumping Duties On U.S. Bioethanol** – On February 22, 2013, the European Union announced imposition of a 9.5 percent dumping duty on imports of bioethanol from the United States. In reaction, the U.S. government expressed serious concerns regarding the methodologies and irregularities of the investigation. [More »](#)
- **Buy America Bill Introduced** – A group of House Democrats introduced the “Invest in American Jobs Act of 2013” on March 5, 2013, which bill is intended to strengthen current “Buy America” preferences by ensuring that money spent on infrastructure projects benefits U.S. suppliers. The Buy America Act is legislation that gives preference to U.S. firms when awarding federally funded contracts for transportation infrastructure projects like highways, bridges, airports, and public transportation. [More »](#)
- **U.S. Calls For Arbitration In WTO Grain-Oriented Flat Rolled Electrical Steel Dispute With China** – The WTO appointed Mr. Claus-Dieter Ehlermann on February 28th to act as arbitrator to determine a reasonable time period for China to implement the WTO dispute settlement body’s rulings concerning Chinese duties on grain-oriented flat-rolled electrical steel products (“GOES”) from the United States [More »](#)
- **Commerce Changes Targeted Dumping Analysis** – Commerce announced a new targeted dumping methodology on March 4, 2013. [More »](#)

If you have any questions or comments about any of the articles, please click [here](#).

Contacts

Gilbert B. Kaplan
gkaplan@kslaw.com
+1 202 661 7981

Jeffrey M. Telep
jtelep@kslaw.com
+1 202 626 2390

Taryn Koball Williams
taryn_williams@kslaw.com
+1 202 661 7895

P. Lee Smith
lsmith@kslaw.com
+1 202 626 2940

About King & Spalding

Celebrating more than 125 years of service, King & Spalding is an international law firm that represents a broad array of clients, including half of the Fortune Global 100, with 800 lawyers in 17 offices in the United States, Europe, the Middle East and Asia. The

firm has handled matters in over 160 countries on six continents and is consistently recognized for the results it obtains, uncompromising commitment to quality and dedication to understanding the business and culture of its clients. More information is available at www.kslaw.com.

The content of this publication and any attachments are not intended to be and should not be relied upon as legal advice. If you are not currently on our International Trade Practice Group mailing list under your own name, and you would like to join to receive our monthly *Trade & Manufacturing Alert* publication and to receive notices of future programs and occasional commentaries on new legal developments in the industry, you can make that request by submitting your full contact information to manufacture@kslaw.com.