citba.org
Customs and International Trade Bar Association
Summer 2016
Volume 14, Issue 3

Upcoming Programs

SAVE THE DATE!
CITBA and the FCBA Presents: CBP's New Evasion and Investigation Regulations
October 11, 2016
Panel: 3:00PM - 4:30PM
Reception: 4:30PM - 6:00PM
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, DC 20005

On August 22, 2016, U.S. Customs and Border Protection ("CBP") issued landmark interim regulations on "Investigation of Claims of Evasion of Antidumping and Countervailing Duties." Come listen to prominent members of the government and private bar discuss the effect of those regulations on Customs and trade practice.

Panel:

- Alice Kipel, Executive Director, Office of Regulations and Rulings, Office of Trade, CBP
- Emily Simon, Attorney-Advisor, Office of Regulations and Rulings, Office of Trade, CBP
- Jonathan Stoel, Partner, Hogan Lovells
- Martin Schaefermeier, Of Counsel, DLA Piper

Moderator:

- Shama Patari, Associate, Barnes/Richardson

Call-In:
To be provided.
RSVP:
To be provided.

Special Session of the United States Court of International Trade

In This Issue:

Links of Interest:

CITBA Homepage

US CIT Homepage

US Court of Appeals for the Federal Circuit Homepage

US Customs and Border Protection

Bureau of Industry and Security

Office of Foreign Assets Control

International Trade Administration

November 10, 2016
2:30pm
United States Court of International Trade
One Federal Plaza
New York, New York 10278

The Court will hold a formal presentation in its ceremonial courtroom of the portrait of the Honorable Judge Evan J. Wallach. Reception to follow in the Library.

RSVP Acceptance Only By
October 27, 2016
elizabeth_cognata@cit.uscourts.gov
212-264-4484

19th Judicial Conference of the United States Court of International Trade
November 21, 2016
8:00AM - 5:00PM
Lotte New York Palace Hotel
455 Madison Avenue
New York, New York, 10022

Program details will be available soon. Please check the Court website for registration and program details at: http://www.cit.uscourts.gov/

Past CITBA Events

Celebration of the Career of the Honorable Nicholas Tsoucalas
JUNE 16
8th Floor Library
US Court of International Trade
One Federal Plaza
New York, NY

The US Court of International Trade, its judges and members of the trade bar celebrated the past half century's judicial service of the Honorable Nicholas Tsoucalas on courts of the City and State of New York, and of the United States of America.

How Customs, ICE, and DOJ Combat Evasion and the Enforce Act's Effects
JUNE 8
12:00pm-2:00pm
King & Spalding
1700 Pennsylvania Ave, NW
Suite 200

[US International Trade Commission]()

Stay Connected:

Washington DC 20006

This panel discussed how CBP and Immigration & Customs Enforcement (ICE) work with the Department of Justice (DOJ) combat duty evasion through CBP's and ICE's administrative and investigative functions with the assistance of DOJ in litigation and investigations, including False Claims Act investigations. The panel also offered insight into the Enforce Act.

Cuba Sanctions and Policy Update 2016
MAY 25
12:00-2:00pm
Troutman Sanders LLP Conference Room
401 9th Street NW
Washington DC 20004

Key U.S. government officials discussed recent U.S.-Cuba regulatory, policy and legislative developments, and what activities and trade are permissible for U.S. businesses and individuals. Private practitioners and the National Foreign Trade Council also shared insights from industry on Cuba opportunities and challenges.
http://www.dcbar.org/marketplace/event-details.cfm?productcd=121617INTC

CITBA's Young Lawyer Committee Membership

Interested in becoming more engaged with international trade?! Are you under 40 years old, feel young, or know someone that fits the bill? If so, please join or nominate someone to join the CITBA Young Lawyers Committee! We are especially looking to expand our membership outside of the DC/NY area. The Committee meets by phone once a month and seeks to create opportunities for young lawyers to create and participate in events and publications. If you or anyone you know is interested in contributing to the committee, please contact Alex Hess (alexandra.hess@hugheshubbard.com) or Shama Patari (spatari@barnesrichardson.com).

CBP Interim Regulations: Investigation of Claims of Evasion of Antidumping and Countervailing Duties

What is surely to be of interest to CITBA members, U.S. Customs and Border Protection ("CBP") published a landmark interim final rule on August 22, 2016, in the Federal Register, concerning investigation of claims of evasion of antidumping and countervailing duties. In accordance with section 421 of the Trade Facilitation and Trade Enforcement Act of 2015, the rule amended the U.S. Customs and Border Protection regulations to set forth procedures for CBP to investigate claims of evasion of antidumping and countervailing duty orders.

Interested parties are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the interim rule by October 21, 2016.

The interim rule can be found in the Federal Register at: https://www.federalregister.gov/documents/2016/08/22/2016-20007/investigation-of-claims-of-evasion-of-antidumping-and-countervailing-duties

81 FR 56477 (August 22, 2016)

Announcements

NEWS FROM THE CLERK OF THE COURT OF INTERNATIONAL TRADE

By Stephen Swindell & Scott Warner*

A Welcome, a Welcoming and a Save the Date!

In case you haven't heard, we are happy to announce that the Court has two new additions to the bench! Judge Jennifer Choe-Groves was sworn into office on June 9th and Judge Gary S. Katzmann will be sworn in on September 16th, bringing the total number of active judges at the Court to seven. While we have taken care of the welcoming from the Court side, you too can join in on the salutations at the upcoming 19th Judicial Conference! In fact, part of the program for the conference will be centered on introducing our new judges to the bar, so be sure to bring your hearty handshakes and welcome wagons!

For those interested in attending the Judicial Conference, it will be held at the Lotte New York Palace Hotel, located on Madison Avenue between East 50th and 51st Street in New York City on Monday, November 21st from 8:00am to 5:00pm. Stay tuned to the Court's website for more details and hope to see you there!

**Stephen Swindell is the Supervisor and Scott Warner is the Operations Manager for Case Management at the Court of International Trade.*

Federal Circuit and CIT Case Summaries

By Claudia Burke*

** Claudia Burke is an attorney with the Department of Justice, Civil Division, National Courts Section. These summaries are not a document of the U.S. Department of Justice, nor does it represent the official views of the Department of Justice.*

Customs

Federal Circuit Affirms Court of International Trade's Jurisdictional Dismissal of Importer's Challenge to CBP's Assessment of Antidumping Duties. *Hutchison Quality Furniture, Inc. v. United States* [Reyna, J., Clevenger, J., Wallach, J.]. In a precedential decision issued on July 6, 2016, the Court of Appeals for the Federal Circuit affirmed the Court of International Trade's holding that it lacked subject matter jurisdiction under 28 U.S.C. § 1581(i) to entertain Hutchison's complaint, which challenged U.S. Customs and Border Protection's (CBPs) assessment of antidumping duties (imposed by the Department of Commerce) on Hutchison's imports of Chinese-made furniture. Section 1581(i) provides the CIT with "residual jurisdiction" over civil actions that arise from import transactions, and the courts have frequently held that the CIT cannot exercise jurisdiction under that provision if jurisdiction under another subsection of section 1581 is or could have been available. In this case, the CIT held that section 1581(i) jurisdiction was not available because Hutchison's fundamental claim - that CBP should have "liquidated" Hutchison's entries earlier, and for a lesser amount of antidumping duties - was a protestable CBP decision, which, if the protest was denied, could be challenged in the CIT under 28 U.S.C. § 1581(a). The Federal Circuit affirmed that conclusion and rejected Hutchison's argument that the section 1581(a) remedy was manifestly inadequate.

Court of International Trade Grants United States' Motion for Summary Judgment Regarding Tariff Classification of Imported Chemical Compound. *Chemtall Inc. v. United States* [Gordon, J.]. On May 25, 2016, the Court of International Trade issued an order granting the government's motion for summary judgment and denying plaintiff's motion for summary judgment concerning the classification of an organic, amide-function compound pursuant to the Harmonized Tariff Schedule of the United States (HTSUS). The compound at issue is acrylamide tertiary butyl sulfonic acid (ATBS), which is commonly used to enhance water-solubility in detergents, adhesives, and industrial coatings. Plaintiff claimed that the United States improperly classified ATBS as a "derivative of an amide," which carries a 6.5 percent duty rate, and alleged that ATBS should be classified as an "amide," which carries a 3.7 percent duty rate. Although both parties agreed that ATBS contains a parent amide structure, the government contended that ATBS was a derivative of an amide, and not an amide itself. Plaintiff argued that ATBS was not a derivative because it is not physically derived from an amide by a chemical process. The court rejected plaintiff's position and agreed with the government that ATBS is a derivative of an amide for purposes of HTSUS.

AD/CVD

Court of International Trade Sustains Department of Commerce's Selection of Indonesia as Primary Surrogate Country in Antidumping Review of Catfish Fillets from Vietnam. *Vinh Hoan Corp. et. al. v. United States* [Kelly, J.]. On May 26, 2016, the Court of International Trade sustained in part and remanded in part Commerce's redetermination in the eighth administrative review of the antidumping order on catfish fillets from Vietnam. In cases involving imports from a non-market economy country (such as Vietnam), Commerce determines antidumping margins by comparing U.S. prices to a normal value derived from the factors of production calculated in a surrogate, market-economy country or countries that are at a level of economic development comparable to that of the non-market economy country. Commerce's regulatory preference is to value all factors in a single "primary" surrogate country. Plaintiffs, who are Vietnamese catfish farmers and processors, challenged Commerce's selection of Indonesia as the primary surrogate country, and also challenged various surrogate value determinations relating to individual inputs. In a prior order, the court had remanded for Commerce to consider, among other things, certain evidence that plaintiffs argued demonstrated that Indonesia is not economically comparable to Vietnam. On remand, Commerce again determined that Vietnam and Indonesia are at comparable levels of economic development and the court sustained that determination as reasonable. Although it sustained Commerce's determination of the primary surrogate country, the court again remanded the case to Commerce for further consideration of issues relating to certain surrogate value data selections.

Court of International Trade Confirms Commerce's Broad Discretion in Determining Potential Surrogate Countries for Non-Market Economy Countries in Antidumping Proceedings. *An Giang Fisheries et al. v. United States* [Kelly, J.]. On June 6, 2016, the Court of International Trade sustained the majority of Commerce's final results in the ninth administrative review of the antidumping order covering frozen fish fillets from the Socialist Republic of Vietnam. Plaintiffs, Vietnamese catfish farmers and processors, challenged Commerce's selection of Indonesia as the primary surrogate country, and also challenged various surrogate value determinations relating to individual inputs. Notably, the court found reasonable Commerce's decision to consider countries as the primary surrogate even if they are not included in the list generated by the agency's Office of Policy, so long as they satisfy Commerce's statutory mandate to select a country economically comparable to Vietnam. The court sustained Commerce's selection of Indonesia as the primary surrogate country and its findings that Indonesian data was superior for valuing the respondents' factors of production. Additionally, the court sustained Commerce's surrogate value selections for 11 factors of production, but remanded Commerce's surrogate values for rice husk and fish oil for further consideration.

Court of International Trade Sustains Assessment of $100 Million in Antidumping Duties to Address Fraud by German Paper Exporter. *Papierfabrik August Koehler AG v. United States* [Stanceu, C.J.] On July 6, 2016, the Court of International Trade sustained the Commerce's determination that a German paper manufacturer had engaged in a fraudulent scheme by shipping home market sales through third countries so that they would not appear to be pertinent for purposes of Commerce's antidumping duty calculations. To address the fraud, Commerce applied adverse inferences in making its calculations, which the court also sustained, resulting in the assessment of approximately $100 million in antidumping duties. This case concerned Commerce's second annual administrative review of its antidumping duty order covering lightweight thermal paper from Germany, and is one of two cases affected by the fraudulent scheme. (The court also sustained Commerce's determination in the other case, and that matter is currently pending on appeal to the Federal Circuit.) The majority of the concealed shipments occurred during the time period covered by the third administrative review. Nevertheless, the court in this case held that the allegedly minimal overlap between the fraud and the second review period, and hence the fraud's allegedly minimal effect on Koehler's second review period reporting, did not make Commerce's adverse determination improper. The court partially disagreed with Commerce's analysis to corroborate the adverse duty rate that it used, but the court concluded that, under the circumstances, the record contained sufficient data to support Commerce's use of the adverse rate that it chose.

Feature Article

New U.S. Trade Remedies Legislation Renders Academic the Issue of China's Transition to a Market Economy Status

By Dharmendra Choudhary*

A fervent debate has been raging on for quite some time as to whether China would be allowed to graduate from a non-market economy ("NME") to a market economy ("ME") country status in US Anti-dumping ("AD) and Countervailing duty ("CVD") proceedings beginning Dec. 11, 2016, when the 15 year transition period stipulated under paragraph 15(a)(ii) of China's WTO Accession Protocol expires.

Briefly, paragraph 15(a)(i) of the said Protocol provides that if Chinese producers can demonstrate prevalence of market economy conditions in a given industry, the dumping calculations for all producers of that industry must be made based on Chinese prices or costs. Conversely, paragraph 15(a)(ii) states that if that showing is not made, importing members may use alternative methodologies for the entire industry under investigation. Further, paragraph 15(d) enables individual WTO members to grant market economy status to China or specific Chinese industries pursuant to their individual national laws, at any time. Notably, paragraph 15(d) declares that "{i}n any event, the provisions of subparagraph (a)(ii) shall expire 15 years after the date of accession." Since China joined the WTO on Dec. 11, 2001, paragraph 15(a)(ii) will terminate as of Dec. 11, 2016. That is why this date has assumed such significance.

However, there is much dispute among the legal community whether the expiration of this provision requires countries to automatically grant China ME status in all future proceedings or whether countries can nevertheless continue to apply the NME methodology to China. Several U.S. industries have formed a coalition to oppose any change to China's NME status, and several petitioner law firms have published papers, citing the ambiguous drafting of paragraph 15 and arguing that Commerce can continue to consider China a NME even after the expiration of paragraph 15(a)(ii). Commerce will likely take a decision on this issue in the context of an actual AD proceeding.

This article focuses upon a related but different issue. Recent amendments to US trade laws under Trade Preferences Extension Act ("Trade Remedies Act"), enacted on June 29, 2015, afford the Department of Commerce ("Commerce") and International Trade Commission ("ITC") with a vast array of new tools that could be applied against a country otherwise designated as ME. The new law provides an option to the agencies to replace the current methodology being applied in ME AD cases with a set of tools that are potentially punitive and could yield uncertain outcomes. Some of these trade remedy amendments simply codify Commerce's practice, while few others have been included pursuant to vigorous and sustained lobbying efforts by the US industries. Based on the timing, it is widely believed that the real target of these amendments is China, whenever it is permitted to transition to ME status. There is an overarching concern that these amendments could potentially nullify the gains of fair treatment and predictability that would have otherwise ensued to Chinese exporters under a ME legal regime.

The amendments generally afford Commerce more discretion and leverage over certain key issues that are determiners of margins in AD/CVD cases.
While the Trade Remedies Act has spawned a new set of laws, such as relating to material injury, adverse facts, limiting the number of voluntary respondents, that equally impacts ME and NME countries, we discuss below only such provisions that seem to be especially designed in order to counter a ME China in future.

A. Widened Ambit of a Particular Market Situation

At the heart of an AD investigation lies a comparison between the price at which a product is sold in the United States ("export price") and the normal value of goods. In case of NME countries, Commerce determines the normal value of goods based on the price data obtained from a surrogate country. This methodology often yields a skewed and distorted normal value of goods and is generally detrimental to NME exporters. That is why Chinese exporters have been eagerly waiting for Dec. 11, 2016, when they'd presumably obtain the first opportunity to stake a claim for ME treatment in AD/CVD proceedings.

For ME countries, Commerce generally calculates normal value based on an exporter's sales prices in the home market (i.e., country of manufacture and export). Prior to the amendment, an exporter's home market sales prices could be disregarded only absent a "viable" home market (i.e., home market sales that constitute five percent or more of its sales to the United States), or in case a "particular market situation" prevailed in the home market.

The US law does not identify these "particular market situations," but several are set forth in the Statement of Administrative Action ("SAA") accompanying the Uruguay Round Agreement Act ("URAA") of 1994, by which the US government introduced several changes pursuant to the multi-national WTO agreement on trade issues including AD and CVD. As per SAA, "particular market situations" include: (1) where a single sale in a foreign market constitutes five percent of sales to the United States; (2) where there are such extensive government controls over pricing in a foreign market that prices in that market cannot be considered competitively set; and (3) where there are differing patterns of demand in the United States and a foreign market. For example, if significant price changes are closely correlated with holidays which occur at different times of the year in the two markets, the prices in the foreign market may not be suitable for comparison to prices to the United States. These instances are mere illustrations and it is fair to presume that Commerce has enough discretion to further expand the contours of "particular market situation", so as to even encompass situations of general subsidies provided by the Chinese government.

Amendments in this regard encompass changes to the definition of "Ordinary Course of Trade" (19 USCS § 1677 (15)), "Normal Value" (19 USCS § 1677b(a)(1)(B)(ii)(III)) and "Constructed Value" (19 USCS § 1677b(e)).

As set forth below, given a high degree of fluidity surrounding the concept of a "particular market situation", the ramifications of its recent expansion could be staggering and a potential game changer for China when it becomes a ME country, as follows.

1. The recent amendments confirm that in ME AD cases, Commerce retains the ability to reject home market sale prices, its default choice for normal value, by invoking a "particular market situation".
2. The amendment also enables Commerce to reject a normal value based on the third country price, if the agency simply determines that a "particular market situation" exists, which also covers instances of "particular market situation" in the home country. Prior to this amendment, a third country price could be rejected on this ground only if a "particular market situation" existed in such third country.
3. The amendment expands the role of "particular market situation", enabling Commerce to disregard not only sales prices of finished goods, but also costs of production in a country if a particular market situation exists such that "the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade." In order to effectuate its widened power, Commerce would need to examine broader economic considerations, including government's role in allocating resources and granting subsidy to material inputs and other non-material inputs like energy, instead of focusing solely on the facts surrounding the sale of the merchandise under consideration.

As such, in ME AD cases, the mischief of a "particular market situation" in the home country has been unduly widened, enabling Commerce to reject not only the home market sale price of merchandise under consideration but also two additional metrics of normal value - third country sale price of merchandise under consideration and constructed cost value of such merchandise.

Read in concert, the above amendments result in a legal framework, where Commerce could conveniently deny the substantive benefits of a ME country status to China in AD/CVD proceedings. All Commerce would need to do is to establish that a "particular market situation" obtains either in China or even within the specific industrial sector. Given the undefined nature of this term, Commerce could easily claim prevalence of "particular market situation" in China, on grounds of government subsidies or even alleged pervasive government controls. Armed with this threshold finding, Commerce could then proceed to reject not only the home market prices but also third country prices as well as constructed cost of production. Consequently, in the event the agency were to make a determination of a "particular market situation" in China, it would resort to the familiar FOP and surrogate country price data methodology for determining normal value of goods in China.

At this point, Commerce is yet to make a determination invoking the amended law regarding "particular market situation" anywhere. However, it is feared that the widened ambit of "particular market situation" portends ill for China, whenever the country succeeds in ascending to the ME status.

Likewise, Commerce could extend the application of other NME tools also to a ME China, upon invoking the mischief of a "particular market situation". As such, it is pertinent to analyze the recent amendments that affect NME AD cases.

B. Commerce's Discretion to Reject Cost/Prices due to Subsidy or Antidumping Order

This is the only amendment in Trade Remedies Act that pertains exclusively to NME countries. Pursuant to 19 USCS § 1677b(c)(5), Commerce has been granted wide discretion to disregard price or cost values without any further investigation once the agency determines that either broadly available export subsidies existed or particular instances of subsidization occurred with respect to those price or cost values or if those price or cost values were subject to an antidumping order.

While codifying Commerce's existing practice on this issue, these changes unduly expand the boundaries of agency's discretion. While determining the surrogate values of factors of production ("FOP"), in NME AD proceedings, Commerce has had a longstanding policy to disregard the price/cost data that were suspected to be distorted by either subsidy considerations or linked to an antidumping Order. For instance, while deriving surrogate values based on import data reported under a HTS heading, Commerce excluded import data reported from generally subsidized countries - India, Thailand, Indonesia and South Korea - and if the imported goods were subject to an AD Order in the surrogate country. The amendment maintains this policy.

The real intent of this amendment seems to cover the price/cost of inputs purchased by NME producers from certain market economy countries. The portion of inputs purchased from a market economy country ("ME inputs") is valued based on the actual price data, provided the input was produced in a market economy country and the payment was made in a market economy currency. However, when such market economy country happened to be one of the generally subsidized countries such as Thailand, India, Indonesia or South Korea, Commerce did a further analysis based on the 3-part test enunciated by the US Court of International Trade in *Fuyao Glass Indus. Grp. v. United States*, 29 CIT 109, 114 (2005) ("*Fuyao Glass*"). In *Fuyao Glass*, the court held that Commerce must justify its belief or suspicion of price subsidization with specific and objective evidence. Under the standard applied in that case, Commerce was required to show that " (1) subsidies of the industry in question existed in the supplier countries during the POI; (2) the supplier in question is a member of the subsidized industry or otherwise could have taken advantage of any available subsidies; and (3) it would have been unnatural for a supplier not to have taken advantage of such subsidies."

As such, in analyzing the viability of price of ME inputs, Commerce and Court had to adhere to this 3-part test protocol in order to determine as to whether the supplier producing such inputs in the generally subsidized country could have benefited from subsidies. This analysis required Petitioners to present specific evidence of subsidies and link it with the supplier industries. As such, *Fuyao Glass* test did not always yield a favorable outcome for Petitioners. Even though the two Court opinions on this issue issued in 2014 - *Gold East Paper (Jiangsu) Co. v. United States*, 991 F. Supp. 2d 1357, 1367 (Ct. Int'l Trade 2014) and *CS Wind Vietnam Co. v. United States*, 971 F. Supp. 2d 1271, 1294 (Ct. Int'l Trade 2014) - ultimately resulted in the same outcome (i.e. rejection of price data of inputs purchased from Thailand and South Korea), US domestic industry was less than happy with the two remands on this issue by J. Musgrave, asking the agency to do a more thorough analysis consistent with *Fuyao Glass*. If knowledgeable sources are to be believed, this particular amendment was brought in to present Commerce and Court with a *fait accompli* as soon as the existence of broadly available export subsidies in the supplier country was established as a fact. Consequently, Commerce and Court shall have no discretion on this issue.

By enabling Commerce to reject the ME input prices based merely on the existence of broadly available export subsidies, this issue has now been settled with respect to those NME exporters who may be procuring their inputs from a ME country where broadly available subsidies or specific instances of subsidy benefits could be demonstrated. In such instances, pursuant to the new per se general subsidy rule, Commerce will simply disregard the market economy price and value inputs by applying a surrogate value data.

However, the scope of price/cost values "subject to an antidumping order" are not quite clear. For instance, it is unclear whether Commerce could reject the market economy price of an input if such input were subject to an antidumping order in a third country. While such an expansive interpretation may appear illusory and illogical to even pursue, it has posed a real conundrum for NME exporters, who are ensnared in US AD/CVD proceedings. There are good reasons to be worried on this score. Article VI:6(b) and (c) of GATT 1994 provides for imposition of AD/CV duties based on material injury to the industry in a third country. This provision could be cited in support of unreasonably stretching out the scope of "subject to an antidumping order" to include an AD Order operative in a third country as well.

Consequently, before procuring a market economy input, a NME producer would first be required to engage a consultant to thoroughly examine as to whether the input in question is subject to or could potentially be subjected to an AD Order in any country around the world. While this issue will be settled in course of an actual AD proceeding, for now, NME producers and exporters are already struggling to find a probative answer to this question, before consummating their raw material purchase transactions with other countries.

At this point, the above amendments are either directly adverse to the NME respondents or, at the least, render their situation even more uncertain. However, as noted above, these provisions arm Commerce with additional set of punitive tools to deny substantive benefits of a market price based determination of normal value.

Conclusion

The amendments to US trade law through the Trade Remedies Act, 2015 could potentially be applied to keep China perpetually as a de facto NME country, even if the country eventually acquires ME status. This specter renders the current debate surrounding proper interpretation of paragraph 15 of WTO-China Accession Protocol mostly academic and mooted.

** Dharmendra Choudhary is a Foreign Trade Counsel at the Washington D.C. office of international trade law firm Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt LLP in Washington, D.C. His practice area is focused on defending NME respondents in U.S. antidumping and countervailing duty cases.*

CITBA Letter Celebrating the ITC's Centennial Anniversary

The Honorable Irving A. Williamson, Chairman
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

September 8, 2016

Dear Chairman Williamson,

On behalf of the Customs and International Trade Bar Association, it is my pleasure to extend our congratulations to you and the entire U.S. International Trade Commission on the occasion of the Commission's centennial. CITBA was founded in 1917, making it almost equal in age to the Commission. Through the entire history of our Association, CITBA members have relied on the expertise and objectivity of the Commission in administration of U.S. trade remedy laws, its production of economic reports, and its management of the tariff schedules. CITBA recognizes the Commission's critical role in safeguarding fair trade and, therefore, supporting the U.S. global economy.

CITBA thanks you and the Commission for its continuing efforts and looks forward to continuing our close working relationship.

Very sincerely,

Lawrence M. Friedman
President

Job Postings

U.S. Department of Commerce, Office of the Chief Counsel for Trade Enforcement & Compliance

Attorney Positions

CC-TEC is seeking attorneys for permanent positions. Candidates should have a background in international trade, administrative law or litigation and, ideally, some knowledge of or demonstrated interest in antidumping and/or countervailing duty law. Applicants for permanent positions must be barred in at least one state or the District of Columbia and must be U.S. citizens. Applications should include a cover letter explaining their interest in CC-TEC, a resume, law school transcript, and writing sample (litigation sample if possible). Applications are accepted on a rolling basis and should be sent to CC-TEC's Hiring Attorney at "hiringattorney@trade.gov." NOTE: In the subject line of the e-mail, please state "Staff Attorney Position." E-mails that do not use this language may not be opened or considered in a timely manner. If an electronic version of one of these documents is unavailable, you may fax these items to the attention of the Hiring Attorney at (202) 482-4912 or (202) 501-8045.

For more information, visit the CC-TEC website at: http://www.commerce.gov/os/ogc/trade-enforcement-and-compliance

CITBA ONLINE

Please look for further announcements and copies of past newsletters at: http://www.citba.org/

MEMBERSHIP

CITBA now allows dues payment through PayPal. PayPal allows members to send money without sharing financial information, with the flexibility to pay for membership using their account balances, bank accounts or credit cards. PayPal is an eBay company and is made up of three leading online payment services. More information about Pay Pal can be found at: https://www.paypal.com/home.

Not a CITBA member? Apply for membership now! CITBA offers different membership levels - active, associate and retired/student. For additional information, check out the CITBA website: Join CITBA or Renew.

Are you already a member, but late in paying your dues? Need to update your contact information? Get current today and enjoy the benefits of membership. Contact William J. Maloney at wmaloney@rode-qualey.com for details.