

Trade & Manufacturing Alert

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Export-Import Bank Is Reauthorized Through June 2015

Lauren M. Donoghue

Congress passed a short-term extension of the U.S. Export-Import Bank's (Ex-Im Bank's) charter last month, setting up a battle over the Bank's existence in the 114th Congress. The nine-month renewal plan was placed into a larger "must-pass" continuing resolution bill to fund the federal government, but when renewal comes up again in June 2015 it is likely to move forward as a stand-alone bill. [More »](#)

Roadblocks to Bali Package Implementation Remain As Summer Deadline Passes Without A Clear Path Forward

Joseph Laroski

The spirit of compromise and political will that yielded the first multilateral trade agreement under the World Trade Organization (WTO) has proven insufficient to see the so-called "Bali Package" through to formal adoption and implementation. The December 2013 Bali Package is a three-part "early harvest" of the Doha Development Agenda (DDA) covering trade facilitation, agriculture, and development issues. The Trade Facilitation Agreement (TFA), which aims to cut red tape on international transit of goods, is the key element of the Bali Package. The TFA alone promises to eliminate some \$1 trillion in trade friction that remains in the global trading system today. [More »](#)

Customs Litigation: Federal Circuit Decision In United States v. Trek Leather Broadens Personal Liability For Penalties Under 19 U.S.C. §1592

J. Michael Taylor, Stephen A. Jones, & P. Lee Smith

On September 16, 2014, the U.S. Court of Appeals for the Federal Circuit issued its *en banc* decision in *United States v. Trek Leather, Inc.* No. 2011-1527, 2014 U.S. App. LEXIS 17746 (Fed. Cir. Sept. 16, 2014). The decision is noteworthy for confirming that individuals who help introduce imported merchandise into the commerce of the United States personally may be liable for customs penalties even when those individuals are not the "importer of record" and even when there has not

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Recent False Claims Act Decision Provides Important Guidance To Manufacturers And Resellers About Trade Agreements Act Compliance

J. Michael Taylor, Christopher C. Burris, John M. Shakow, Patrick J. Togni, & Elizabeth F. Lindquist

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Contacts

The United States Court of Appeals for the District of Columbia Circuit recently upheld a District Court's dismissal of a False Claims Act (FCA) complaint against a federal government contractor in a case that will be of interest to companies in a variety of industries, including pharmaceuticals, medical devices, and construction. The Court upheld the dismissal—which occurred at Summary Judgment—when the Relator was unable to point to any evidence contradicting the contractor's evidence that it reasonably had relied upon supplier certifications that the products sold to the government complied with the origin requirements of the Trade Agreements Act of 1979 (TAA), 19 U.S.C. §§ 2501-2581. [More »](#)

News Of Note

- **Department Of Energy Issues Final Approvals For LNG Exports To Non-FTA Countries From Two Terminals** – *Cole Pfeiffer & Clint Long* – On September 10, 2014, the U.S. Department of Energy (DOE) issued licenses to Cameron LNG and Carib LNG to export natural gas to countries without Free Trade Agreements with the United States, including Japan and Taiwan. [More »](#)
- **21st Round Of Trans-Pacific Partnership Negotiations Completed In Hanoi** – *Szymon Maziakowski & Shannon Doyle Barna* – The 21st round of talks toward a Trans-Pacific Partnership (TPP) agreement took place September 1–10 in Hanoi, with twelve Pacific Rim countries making progress on issues of state-owned enterprises, intellectual property, investment, rules of origin, transparency, anti-corruption, and labor. [More »](#)
- **The Federal Circuit Again Restricts The Scope Of Trade Relief** – *Brian E. McGill* – The U.S. Court of Appeals for the Federal Circuit recently reversed both the Department of Commerce's (Commerce) scope decision involving certain steel threaded rod from China and the Court of International Trade's affirmance of Commerce's decision. [More »](#)
- **U.S. Department Of Commerce Seeks Applicants For Manufacturing Council By October 14, 2014** – *Erienne Kilgore & Patrick J. Togni* – The U.S. Department of Commerce announced the renewal of the Manufacturing Council on April 5, and it is currently seeking applications for the appointment of 30 new members to serve two-year terms beginning in December 2014. [More »](#)

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

Contacts

<u>Gilbert B. Kaplan</u>	<u>Jeffrey M. Telep</u>	<u>Stephen A. Jones</u>	<u>P. Lee Smith</u>	<u>Joshua M. Snead</u>
gkaplan@kslaw.com	jtelep@kslaw.com	sajones@kslaw.com	lsmith@kslaw.com	jsnead@kslaw.com
+1 202 661 7981	+1 202 626 2390	+1 202 626 2950	+1 202 626 2940	+1 202 626 2919

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