



WASHINGTON MONITOR

A Weekly Review of U.S. Trade Policy Developments Affecting Japan

March 30, 2010

Volume 14 Issue 13

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Trade Briefs

Obama Makes Trade-Related Recess Appointments

On March 27, President Barack Obama made 15 recess appointments for open positions in the executive branch. A number of these appointments are for positions with the Department of Commerce and the U.S. Trade Representative, and the filling of these posts may have an effect on U.S. trade policy.

The President has the power to staff the executive branch. Some positions, however, require that the President gain the consent of the Senate. Historically, the Senate has given the President wide deference and approved his decisions. Recently, rising partisanship has created a climate in which congressmen of the opposition party have slowed or even halted the appointment process. Further complicating matters for the President is the fact that the rules of the Senate allow individual senators to place a “hold” on actions, a procedural obstacle that is difficult and time-consuming to overcome. According to reports, senators have been placing holds on many of President Obama’s nominees. The result has been that over 70 of Obama’s nominees have been waiting for approval for an average of 7 months. The President can, however, use his recess appointment power to appoint executive branch nominees without the consent of the Senate. This practice is controversial, and it does not result in permanent appointments. President Obama has chosen to use this power to appoint 15 nominees.

The recess appointments related to trade are as follows:

Eric Hirschhorn for Undersecretary of Commerce for Export Administration and head of the Bureau of Industry and Security. Hirschhorn, a partner with Winston & Strawn, has experience at the Bureau of Industry and Security, where he managed the U.S. export control system, antiboycott compliance, restraints on imports for national security reasons, and the DOC’s functions under the Exon-Florio Law. He was also a member of President Jimmy Carter’s staff, where he worked on international trade, public diplomacy, and foreign assistance mechanisms.

Michael Punke for Deputy Trade Representative – Geneva, Office of the U.S. Trade Representative (USTR). Punke served as Senior Policy Advisor to the USTR from 1995 to 1996. He has also worked at the White House as a Director for International Economic Affairs and as a member of both the National Security Council and the National Economic Council.

Frank J. Sanchez for Undersecretary for International Trade, Department of Commerce. Sanchez currently serves as Senior Advisor to Commerce Secretary Gary Locke on international trade issues. He served under President Bill Clinton as a Special Assistant, where he worked with the USTR, the State Department, and the National Security Council.

Islam A. Siddiqui for Chief Agricultural Negotiator, Office of the U.S. Trade Representative (USTR). Siddiqui served in the Clinton Administration at the Department of Agriculture. He has also recently served on the DOC’s Industry Trade Advisory Committee on Chemicals, Pharmaceuticals, and Health/Science Products & Services.

Alan D. Bersin for Commissioner, U.S. Customs and Border Protection (CBP), Department of Homeland Security. Bersin has worked most recently as Assistant

Secretary for International Affairs and Special Representative for Border Affairs in the Department of Homeland Security. He has helped develop the Department's strategy regarding trade, security, immigration, and narcotics affecting Mexico.

The fact that five out of fifteen recess appointments were for trade-related positions does not necessarily indicate the Obama Administration's intention to act more aggressively on trade policy. Indeed, these appointments may have simply been considered uncontroversial in contrast to the recess appointment of Craig Becker, a strong supporter of labor unions, to the National Labor Relations Board (NLRB). However, the Obama Administration's trade bureaucracy is now more complete, and that could mean that U.S. trade policy will be more responsive, more efficient. Also, since so many of the recess appointed officials have a Clinton Administration pedigree, it is possible that the Obama Administration's trade policy will begin to more directly reflect that of President Clinton.

Dumping Watch

Final Results of AD Review of CORE from Korea

On March 22, the Department of Commerce (DOC) gave notice of final results in its administrative review of the antidumping (AD) order on corrosion-resistant flat steel products (CORE) from Korea.

The companies subject to the AD review are LG Chem., Ltd. (LG Chem), Haewon MSC Co., Ltd. (Haewon), Dongbu Steel Co., Ltd. (Dongbu), Hyundai HYSCO Ltd. (HYSCO), Pohang Iron and Steel Co., Ltd. (POSCO) and Pohang Coated Steel Co., Ltd. (POCOS) (collectively, the POSCO Group), and Union Steel Manufacturing Co., Ltd. (Union). On September 8, 2009, the DOC gave notice that it had preliminarily determined that Union made sales below normal value, while HYSCO and POSCO have not made sales below normal value. Also, the DOC preliminarily determined margins for companies that were not selected for individual review. Based on this preliminary determination, the DOC calculated the following preliminary weighted-average dumping margins: HYSCO at 0.43% (*de minimis*); POSCO at 0.16% (*de minimis*); Union at 3.94%; and the average rate applicable to LG Chem, Haewon, and Dongbu at 3.94%.

On March 22, the DOC reached final results of this review which differ from the preliminary results. The DOC found that HYSCO, the POSCO Group, and Union made sales of CORE at less than normal value. The final weighted-average dumping margins are as follows: 3.29% for HYSCO; 0.01% (*de minimis*) for the POSCO Group; 14.01% for Union; and 8.65% for LG Chem, Haewon, and Dongbu. The DOC will issue assessment instructions reflecting these dumping margins to Customs and Border Protection (CBP) within 15 days of the final results.

Federal Register Notices

International Trade Administration

[Application No. 97-10A03] Export Trade Certificate of Review 75 FR 14567-14568, March 26, 2010.

[A-570-909] Certain Steel Nails from the People's Republic of China: Extension of Time Limit for Preliminary Results of the First Antidumping Duty Administrative Review 75 FR 14568, March 26, 2010.

[A-570-908] First Antidumping Duty Administrative Review of Sodium Hexametaphosphate from the People's Republic of China: Extension of Time Limit for the Preliminary Results 75 FR 14568-14569, March 26, 2010.

[A-583-843] Polyethylene Retail Carrier Bags from Taiwan: Final Determination of Sales at Less Than Fair Value 75 FR 14569-14571, March 26, 2010.

[A-570-920] Lightweight Thermal Paper From the People's Republic of China: Rescission of the 2008-2009 Administrative Review 75 FR 14574, March 26, 2010.

[A-583-837] Polyethylene Terephthalate Film, Sheet and Strip from Taiwan: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review 75 FR 14423, March 25, 2010.

[A-201-834] Purified Carboxymethylcellulose from Mexico: Extension of Time Limits for Preliminary Results of Antidumping Duty Administrative Review 75 FR 14422-14423, March 25, 2010.

[A-570-909] Certain Steel Nails From the People's Republic of China: Extension of Time Limit for the Final Results of the First New Shipper Review 75 FR 14423-14424, March 25, 2010.

[A-580-855] Amended Final Determination of Sales at Less Than Fair Value: Diamond Sawblades and Parts Thereof From the Republic of Korea 75 FR 14126-14127, March 24, 2010.

Effect on Propane Consumers of the Propane Education and Research Council's Operations, Market Changes and Federal Programs 75 FR 14131-14132, March 24, 2010.

U.S. Travel And Tourism Advisory Board: Meeting of the U.S. Travel and Tourism Advisory Board 75 FR 14135, March 24, 2010.

Notice of Scope Rulings 75 FR 14138-14140, March 24, 2010.

[A-580-809] Circular Welded Non-Alloy Steel Pipe from the Republic of Korea: Extension of Time Limit for the Final Results and Rescission in Part of the Antidumping Duty Administrative Review 75 FR 13729-13730, March 23, 2010.

Application(s) for Duty-Free Entry of Scientific Instruments 75 FR 13486, March 22, 2010.

[A-570-896] Magnesium Metal from the People's Republic of China: Extension of Time for the Preliminary Results of the Antidumping Duty Administrative Review 75 FR 13489, March 22, 2010.

[A-570-501] Natural Bristle Paint Brushes and Brush Heads from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order 75 FR 13489-13490, March 22, 2010.

[A-580-816] Certain Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Notice of Final Results of the Fifteenth Administrative Review 75 FR 13490-13492, March 22, 2010.

[A-533-840] Certain Frozen Warmwater Shrimp From India: Initiation of Antidumping Duty Changed-Circumstances Review 75 FR 13492-13494, March 22, 2010.

North American Free-Trade Agreement, Article 1904; NAFTA Panel Reviews; Request for Panel Review 75 FR 13494-13495, March 22, 2010.

[A-570-878] Saccharin from the People's Republic of China: Preliminary Results of the 2008-2009 Antidumping Duty Administrative Review 75 FR 13495-13497, March 22, 2010.

[A-570-848] Freshwater Crawfish Tail Meat from the People's Republic of China: Rescission of Antidumping Duty Administrative Review in Part 75 FR 13497-13498, March 22, 2010.

International Trade Commission

[Investigation No. AA1921-167 (Third Review)] Pressure Sensitive Plastic Tape From Italy; Determination 75 FR 14628, March 26, 2010.

[Investigation No. 337-TA-648] Notice of Commission Decision 75 FR 14628-14628, March 26, 2010.

[Investigation Nos. 701-TA-437 and 731-TA-1060-1061 (Review)] Carbazole Violet Pigment 23 From China and India 75 FR 14468-14469, March 25, 2010.

[Inv. No. 337-TA-707] In the Matter of: Certain Dynamic Random Access Memory Semiconductors and Products Containing Same, Including Memory Modules; Notice of Investigation 75 FR 14467-14468, March 25, 2010.

[Investigation No. 731-TA-1058 (Review)] Wooden Bedroom Furniture From China 75 FR 14469-14470, March 25, 2010.

[Investigation No. 337-TA-631] Enforcement Proceeding; In the Matter of Certain Liquid Crystal Display Devices and Products Containing the Same; Notice of a Commission

Determination Not To Review an Initial Determination Terminating the Enforcement Proceeding; Termination of the Enforcement Proceeding 75 FR 14470, March 25, 2010.

[Investigation No. 337-TA-702] In the Matter of: Certain Liquid Crystal Display Modules and Products Containing the Same, and Methods for Making the Same; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation; Termination of the Investigation 75 FR 14470-14471, March 25, 2010.

[Investigation No. 337-TA-699] In the Matter of Certain Liquid Crystal Display Devices and Products Containing the Same; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation; Termination of the Investigation 75 FR 13780-13781, March 23, 2010.

[Investigation No. 731-TA-1070A (Review)] Crepe Paper Products From China 75 FR 13779-13780, March 23, 2010.

[USITC SE-10-004] Government in the Sunshine Act Meeting Notice 75 FR 13573, March 22, 2010.

Office of the U.S. Trade Representative

Reallocation of Unused Fiscal Year 2010 Tariff-Rate Quota Volume for Raw Cane Sugar 75 FR 14479, March 25, 2010.

Request for Comments Concerning an Environmental Review of the Proposed Trans-Pacific Partnership Trade Agreement 75 FR 14479-14481, March 25, 2010.

The Week Ahead

- On March 31, the ITC will hold a vote on the five-year sunset review regarding hand trucks and certain parts thereof from China.