



EIB World Trade Headlines

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Why Fish in Florida Are Affecting the Marathon Bombing Cases

That's the question the Supreme Court is angling to answer. And its pending decision is already having ripple effects on two Boston Marathon bombing related cases: On Thursday, sentencing was delayed for two men convicted of impeding the investigation.

What's this Yates case about?

On Wednesday, the Supreme Court heard oral arguments in the case of John Yates, a Florida commercial fisherman. In 2007, state officials boarded Yates' boat at sea and found he had caught 72 red groupers that were smaller than the federal legal minimum. They gave Yates a citation and told him to return to land with the fish. But when he returned, officials found only 69 undersized grouper; three had been thrown overboard under Yates's orders, a crewman admitted.

All right, so he threw away three fish? They're just fish.

Not quite. The Sarbanes-Oxley Act of 2002 makes a criminal out of anyone who "destroys ... any record, document, or tangible object [emphasis added] with the intent to impede, obstruct, or influence the investigation." The act was a response to the Enron scandal, when officials at the energy company embezzled shareholders and shredded internal documents before filing for bankruptcy in 2001. Violators of the act can be sentenced to up to 20 years in prison.

(*Continued On The Following Page)

NEWSLETTER NOTES

- Why Fish in Florida ...
- Montgomery (LCS 8) Christened
- The Rosetta Comet Landing
- Remarks by Deputy Secretary Bruce Andrews
- U.S. Added 214,000 Jobs in October
- Export Documentation Basics
- Export Documentation Basics with Export Compliance
- International Trade Finance
- Export Workshop: Selling to the Canadian Government
- Clarifications and Corrections to the EAR

That white-collar crime doesn't seem to include Yates and his fish, though.

Well, prosecutors said that the three fish he threw overboard were "tangible objects" and so charged him under this statute. In 2011, he was found guilty and sentenced to 30 days in prison and three years of supervised release.

Whoa, he got prison time for this?

Yeah. Yates's defense argued that while a fish is, technically, a "tangible object," the statute itself is in the context of paperwork and documents, not animals. They argued that "tangible object" was overly broad and not the intention of the law's wording.

Hm. What do judges think of the case so far?

They seem to be having a good time making fishy jokes about it, if Wednesday's oral arguments are to be judged.

Ok, so what does this have to do with the Boston Marathon bombing cases?

While accused bomber Dzhokhar Tsarnaev has not yet faced trial, two of his friends have been convicted or pled guilty to obstruction of justice charges related to the investigation of the bombing. They were both charged under the Sarbanes-Oxley Act of 2002.

Azamat Tazhayakov was found guilty of obstruction of justice and conspiracy for removing a backpack full of fireworks from Tsarnaev's dorm room. Another friend, Dias Kadyrbayev, pleaded guilty to obstruction of justice and conspiracy in August for the same accusation.

They were charged under the same law that the fisherman violated?

Exactly. Their lawyers said there were no paper documents or computer records involved in their case, only the "tangible objects" of the backpack and fireworks. If the Supreme Court were to clarify the "tangible object" part of the law for Yates, that could have an impact on their cases.

What's happening with those cases now?

US District Judge Douglas P. Woodlock delayed the sentencing of Tazhayakov and Kadyrbayev on Thursday, The Boston Globe reports, because "it is conceivable" the Supreme Court's decision on Yates could change Tazhayakov's guilty finding and Kadyrbayev's plea deal.

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They were originally scheduled to be sentenced next week. The delay will last "at least until the Supreme Court has resolved (the case) and the parties have had an adequate opportunity to consider the implications of that resolution," Woodlock wrote.

How are those two reacting to the delay?

Their lawyers are certainly pleased.

What about Tsarnaev? Could this Supreme Court case affect him at all?

No. Tsarnaev faces 30 terrorism-related counts for allegedly setting the bombs that injured about 260 and killed 3 people, as well as a murder charge for the death of an MIT police officer. His trial remains set for January.

Montgomery (LCS 8) Christened

Austal and the Navy celebrated the christening of the future USS Montgomery (LCS 8) this morning as ship sponsor, Mary Blackshear Sessions, broke the ceremonial champagne bottle on the bow of the ship in Austal's shipyard in Mobile, Ala. Montgomery was the second Independence-variant Littoral Combat Ship (LCS) christened at Austal this year and the second ship named for Montgomery, Ala.

The Independence-variant LCS are 127-meter (419-foot) aluminium trimarans, capable of being outfitted with reconfigurable payloads (mission packages) which can be changed to support mine countermeasure, anti-submarine and surface warfare missions. The vessel has a maximum speed of more than 40 knots. Montgomery was launched in August and is making preparations for trials and delivery late next summer. "I was extremely excited and proud to represent Austal as the future USS Montgomery was christened today" said Craig Perciavalle, Austal USA President. "This ship will play an important role in our Nation's defense and we are proud to christen her."



The Rosetta Comet Landing has Made History

After 10 years of hard work and one nerve-wracking night, the Rosetta mission has made history by landing on the surface of a comet.

The lander Philae was confirmed to touch down on the surface of the comet more than 300 million miles away at 11:03 a.m. Eastern. Now, scientists expect it to send a panoramic image home and begin analyzing the comet for scientists back on Earth.

Philae is already transmitting scientific data back home, but we're still waiting to see whether the probe is in a stable position. Until we know it's anchored tight, it could roll onto its back and never get back up.

Tensions were high in the European Space Agency's German mission control center, especially as the landing window approached. Because the comet that Philae landed on is so far from Earth, there's a communications delay of 28 minutes. So as the minutes ticked by, the Rosetta team knew that Philae had already either landed or failed — and there was nothing they could do but wait for the data to reach them. Those following the video online were nearly as desperate for news, and Twitter became a sounding chamber of anticipation and excitement.

But a few minutes after 11 a.m., the stern, cautious expressions of the mission control team melted into smiles. And just like that, the world swiveled from anxiety to elation: Philae was on the surface of the comet and ready to do some science.

The comet contains the materials that originally formed our solar system, frozen in time. By digging them out, we can learn more about the origins of our planet. The Rosetta spacecraft has made invaluable observations about the comet's attributes, and it will continue to do so as it follows it around the sun for the next year. But Philae will be able to look more closely at the comet's physical and molecular composition.

"It's a look at the basic building blocks of our solar system, the ancient materials from which life emerged," said [Kathrin Altwegg](#) of the University of Bern in Switzerland, one of the Rosetta project's lead researchers. "It's like doing archaeology, but instead of going back 1,000 years, we can go back 4.6 billion."

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It's no easy thing to land on a comet's surface: These chunks of rock and ice are constantly spinning, and Comet 67P/Churyumov-Gerasimenko, which was discovered in 1969, orbits the sun at a speed of about 85,000 mph. It's irregularly shaped — like a toddler's play-dough impression of a duck, or something — and its surface is uneven and pitted. And in a universe of unimaginable proportion, Rosetta's target is just 2.5 miles in diameter — smaller than Northwest Washington's Columbia Heights neighborhood.

So Rosetta has taken an onerous journey to get in sync with the comet's orbit, which would allow it to drop down a lander. In 2004, the spacecraft began what would be three looping orbits around the sun, altering its trajectory as it skimmed Mars, just 150 miles from the surface, and enduring 24 minutes in the planet's shadow to align with Churyumov-Gerasimenko. The cumulative distance traveled by the craft — with all its looping and gravity assists — is a stunning [4 billion miles](#). "When the Rosetta signal reappeared after the passage behind Mars, shortly after the end of the 'shadow' period, there was a collective sigh of relief," ESA said.

At one point in 2011, the spacecraft even had to hibernate for nearly three years. It flew so far from the sun — nearly 500 million miles — that its solar panels couldn't leech enough energy to keep the spacecraft operational. But in January of this year, Rosetta woke up, and quickly approached its target.

The last leg of this landing has not been without its bumps. Even as the mission approached its most critical moment, controllers at the European Space Agency on Tuesday night reported a problem with the thruster on the lander that could make for a rough landing. The gravity of the problem — and the extent to which it threatened the mission — remained unknown. "We'll need some luck not to land on a boulder or a steep slope," blogged Stephan Ulamec, lander manager for the project.

Following its separation early Wednesday morning, Philae made a seven-hour-long drop to the surface. After successfully making a satellite connection with Rosetta (without which the probe would have been functionally lost), Philae sent home a goodbye picture of its mother-ship.

Then, we watched and waited. We worried we'd have to watch mission control experience the agony of an upside-down rover, lost forever. If the surface of the comet was too hard, the probe might have bounced on impact and landed badly.

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"We're looking at the pictures of this comet and interpreting them the way we would somewhere on Earth, because we're just not tuned to understand what they mean for comet geology yet," said Claudia Alexander, the project scientist who's overseeing NASA's many contributions to the effort.

Luckily, the probe's sensors detected a soft landing. But mission control hasn't gotten confirmation that the probe's harpoons deployed — let alone that they stuck. The Rosetta team is concerned that the probe might roll out of place, but they're considering re-firing the harpoons to try again. If the surface is too soft, it's possible that the probe won't be able to anchor itself at all — which would make it hard to stay upright. And if the team refires the harpoons, it's possible that the probe will actually just get knocked into a bad position.

If Philae flips over, it has no way to right itself.

But even if the morning ends with disappointment, Rosetta has been — and will continue to be — a resounding success, researchers say.

"The lander would be the icing on the cake," Altwegg said. "But we've been receiving data on the atmosphere of the comet since August."

Alexander agreed. "Even during the descent itself, we'll be taking readings that will move our understanding of the comet forward leaps and bounds," she said.

And no matter what, Rosetta will continue to trail the targeted comet as it orbits the sun this year, no doubt giving scientists unprecedented insight into its composition.

But whether or not Philae lives up to its full potential as a scientific instrument, it has landed on a moving comet and shown us that humanity is capable of incredible things.



Remarks by Deputy Secretary Bruce Andrews at the BIS Update Conference

Thank you, Eric. Good afternoon. It's great to be here. I would like to join Eric in welcoming all of you today.

I also want to thank the entire team at the Bureau of Industry and Security (BIS) for organizing this Update Conference. It has become a must-attend event for many in our exporting community. And the reason is simple: as Secretary Pritzker said, export control reform is essential to our national security, which includes our economic security.

To be honest, when I first joined the Department of Commerce as the Secretary's Chief of Staff, I did not have a full appreciation for the importance of BIS and its work. That changed quickly.

Around the time I started, I traveled to my home town of Syracuse to speak at an event organized by the International Trade Administration. During a roundtable with roughly 25 business leaders, I was surprised to hear them repeatedly raise the issue of the export control system.

This sentiment — this focus on export controls — was almost unanimous around the table; it was a real moment of epiphany for me. I never would have expected so many companies to raise this as one of their top issues.

From that experience, it became clear why, shortly after taking office, President Obama ordered a broad-based review of our export control system—a system that too often reflected assumptions of the Cold War era. We needed a system that addressed contemporary threats and realities. We needed a system that was more reliable and predictable so that U.S. exporters could be more reliable and predictable suppliers. We needed a system that was nuanced so that less sensitive items destined to countries and end uses of less concern could be controlled more flexibly. The Commerce Department system and regulations are designed to address all these concerns, which is why we have taken on the burden of implementing many of the reforms.

To get to the point where we are today, a massive amount of work was needed over the course of the last five years. The Departments of Defense, State, and Commerce, supported by multiple other agencies and laboratories, reviewed every control for every military and space-related item. They had the difficult job of identifying which were the items that continued to warrant the worldwide controls of the ITAR and which were the military and space items that would still require control, but could be exported more flexibly to close allies. This was a massive exercise. And every one of the proposed changes went through multiple rounds of industry and public comment and congressional notification.

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Assembling, devising, and executing this strategy has been considered one of the most difficult jobs in government. But the truth is, government can't do this job alone, which is why, at this conference and year-round, we seek out and appreciate the cooperation and participation of all of you – our nation's exporting community.

Now that the regulations are starting to come on line and grand policy plans are being put to the test in actual implementation, we need to hear from you whether they work and whether we are accomplishing the national security objectives that then-Secretary of Defense Gates set out in 2010.

Are the reforms allowing for greater interoperability with our close allies? Are the reforms reducing the incentive for foreign companies to design out or avoid U.S.-origin content or services? Are the reforms allowing the government to focus its resources on transactions of greater concern? We are looking to you to let us know whether we are failing or succeeding in each of these objectives.

Based on a review of the data since the first set of rules became effective last October, the new system seems to be working as intended. Exports of parts and components in the supply chain to our close allies are occurring more quickly and efficiently. Non-U.S. companies are more willing to buy items from U.S. companies without fear of an "ITAR taint" to what they build. The ability of companies in allied countries to engage in joint production and development projects is becoming easier. Once companies get comfortable with the new system, the paperwork and licensing burden is being reduced. Companies are able to determine more clearly when items are and are not ITAR controlled. The Administration is becoming able to spend more time investigating exports and reexports to destinations and end uses of more concern.

All told, here's the bottom line: export control reform maintains effective safeguards, brings transparency to our system, and ensures efficiency in a field of regulation that has long lacked it.

And for those aspects that are not yet as efficient as they could or should be, the heart of the reform effort includes a spirit of transparency and regular interaction with industry and national security stakeholders to continually improve and streamline the system.

As we work to make our reform initiative a source of even greater strength for the security of our country and the competitiveness of key industries, BIS and the Department of Commerce are here to help.

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BIS provides a wide range of services to ensure companies can navigate the export control process easily and efficiently. Among these are: counselling; training seminars; Web-based interactive tools; compliance assistance; and, technical support to register and use the simplified network application process.

BIS has held more than 200 outreach activities to educate companies on the nuances of export control reform. Tomorrow, for example, the Bureau is hosting a large number of subject matter expert roundtables, including representatives from the Small Business Administration and Commerce's Minority Business Development Agency. I encourage you all to attend.

We know that you are investing substantial resources to make export control reform work. Many of you have reclassified thousands of parts, revised your IT control systems, and conducted thousands of hours of training for your compliance, operations, and technical teams.

We recognize that, for some, this process has resulted in a significant increase in your workload. But we firmly believe that your tactical investment will reap strategic rewards over time.

In government, we are few in number and we rely on you, the private sector, to help educate your suppliers, employees, and customers. The effort and resources you devote to this exercise are crucial to the success of our reform efforts and indeed, of the export control system generally.

At Commerce, we are committed to working side-by-side with you to educate stakeholders, keep our supplier base informed, and reach out to customers at home and abroad.

Our task is not easy. Changing mindsets is always a seemingly impossible challenge. But you have demonstrated, time and again, your capacity to reinvent yourselves, to develop new products, to market ideas and items and innovations that place all of you at the forefront of the 21st century global economy.

With your ongoing commitment, with the expertise of the businesses in this room and the know-how of our teams at BIS and the Department of Commerce, we will achieve President Obama's goal: to make America safer, to give an edge to American industry, to keep American workers strong, competitive, and prosperous.

Thank you.

U.S. Added 214,000 Jobs in October, Jobless Rate Dipped to 5.8%

U.S. employers added 214,000 jobs in October, extending the healthiest pace of hiring in eight years, according to the Department of Labor. The burst of hiring lowered the unemployment rate to 5.8 percent from 5.9 percent, the lowest rate since July 2008.

The agency also said that 31,000 more jobs were added in August and September than it had previously estimated.



Essentials of U.S. Export Controls – 1 Day December 2, 2014, Austin, TX, \$275

This is an intensive, one-day program that covers the key information you need to know to comply with the Export Administration Regulations (EAR). Counseling and other professionals from the Bureau of Industry and Security will cover the major elements of the U.S. export control system for commercial exports. This fast-paced program is ideal for those with busy schedules. [View event details](#)

Technology and Encryption Controls – 1 Day December 3, 2014, Austin, TX \$275

This full-day program will offer a comprehensive look at how to comply with the U.S. export and reexport controls relating to technology, software, and encryption. Discussion will focus on the regulatory requirements relating to technology and software, including what is considered an export or reexport of technology or software; the kinds of technology and software subject to the EAR; how to determine the Export Control Classification Number; license exceptions; and the unique application requirements of technology and software. Recommended prerequisite: Essentials of U.S. Export Controls or Complying with U.S. Export Controls or equivalent experience. [View event details](#)

Complying with U.S. Export Controls (2 days) and ITAR to EAR License Procedures (1 day) – Combined program January 27- 29, 2015 Dallas, TX \$550

This combined program includes the two-day seminar led by BIS's professional counseling staff that provides an in-depth examination of the Export Administration Regulations (EAR),

and a one-day program with officials from the Department of State, Directorate of Defense Trade Controls and BIS that will discuss changes in licensing jurisdiction and procedures, changes in application modalities, transition issues and compliance trends as a result of the Export Control Reform Initiative. [View event details](#)

ITAR to EAR License Procedures January 29, 2015 Dallas, TX \$200

This one-day program, to be offered by officials of the Department of State, Directorate of Defense Trade Controls, and the Department of Commerce, Bureau of Industry and Security, will discuss changes in licensing jurisdiction as a result of the Export Control Reform Initiative, transition issues for export authorizations, comparing and contrasting licensing procedures under the State and Commerce regulations, application procedures and modalities, and compliance trends. [View event details](#)

Visit the BIS web site at www.bis.doc.gov. For general information about the BIS Seminar Program contact the Outreach and Educational Services Division at OESDSeminar@bis.doc.gov, or 202/482-6031

Export Documentation Basics Afternoon Session Pre Register for this Event

Location/Date Middletown CT. 12/3/2014

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Export Documentation Basics with Export Compliance Pre-Register for this Event

Location/Date: Middletown CT 12/3/2014

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International Trade Finance - Multiple Industry Sectors Pre-Register for the Event

Location/Date: Atlanta, GA 12/9/2014

Contacts:

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Export Workshop: Selling to the Canadian Government Pre-Register for this Event

Location/Date: 12/10/2014

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“If it isn’t a little scary it probably isn’t
worth your time.”

Ted Murphy



The Following Names were added to the
Federal Register :

Mohammad Hakim Hashemi 29 The Cedars,
Herons Lorde London, England W138JF

Lisong Ma a/k/a Ma Li Inmate Number -
80644-053 Moshannon Valley Correctional
Institution 555 Geo Drive Philipsburg, PA
16866

Please visit

http://export.gov/ecr/eg_main_023148.asp
for more information.

Clarifications and Corrections to the Export Administration Regulations (EAR):

Control of Spacecraft Systems and Related
Items the President Determines No Longer
Warrant Control Under the United States
Munitions List (USML)

Published: 79 FR 67055, 11/12/14

[Click here](#) to view new rule

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