



International Business and Kansas Lawyers

An Update on International Trade Rules and How They Affect Kansas

by John W. Head

Kansas business, including agriculture, is becoming involved in international trade at a pace that is almost dizzying. Total Kansas exports in 1994 exceeded \$5 billion, up by over 30 percent from just three years earlier and up by 95 percent from six years earlier. Accompanying these business developments, and probably contributing to them, are numerous new legal developments — changes in the rules governing international trade. As Kansas lawyers, many of us will be called upon to advise clients about these developments and how they bear on opportunities to tap foreign markets. It is therefore important for us to have at least a general familiarity with the shifting landscape of international trade law.

An article that I wrote for the November 1992 issue of the *KBA Journal* offered an overview of that landscape as it appeared then.¹ Much has changed in the last three years. This article provides an update on key developments that Kansas lawyers are likely to find pertinent to their practice.

The article first presents some information illustrating how quickly Kansas business is "going global," and where most of that change is taking place. Next the article identifies a few specific legal developments that could continue to have far-reaching effects on the ability of Kansas business to take advantage of foreign markets. Lastly, the article explains how Kansas lawyers can draw on resources of state and federal government agencies, and other sources of guidance, to handle international trade issues.

I. THE IMPORTANCE OF INTERNATIONAL TRADE TO THE KANSAS ECONOMY

Exports have become a driving force in the Kansas economy. Lawyers with clients involved in merchandise trade or agricultural trade might already know about the recent increase in export performance in those areas, and about the potential for future growth that the following figures suggest.²

A. Merchandise Trade

Total merchandise exports. In recent years, exports of Kansas merchandise have begun exceeding exports of Kansas agricultural products. In 1994 the state exported a record \$2.86 billion worth of merchandise, mainly transportation products (\$900 million), processed food and kindred products (\$830 million), and miscellaneous machinery and equipment (\$470 million).³ This total figure for merchandise exports amounts to a 15 percent increase in just one year and a whopping 150 percent increase over the 1987 level.⁴

Merchandise Exports to Japan. These account for 16 percent of all Kansas merchandise exports. They totalled about \$460 million in 1994 — 17 percent more than the previous year and nearly 60 percent more than three years ago.⁵

Merchandise exports to Canada and Mexico. These exports, which account for 27 percent and seven percent, respectively, of Kansas merchandise exports, also have risen dramatically in recent years — by about 50 percent to both markets over the past three years.⁶ Moreover, the

variety of Kansas exports to Canada and Mexico is very wide: electronic machinery, rubber and plastic products, non-electronic machinery, chemical products, transport equipment, and processed foods and kindred products each accounts for at least seven percent of the total Kansas merchandise exports into one or both of those markets.⁷

B. Agricultural Exports

Wheat and flour. Kansas is the second-ranking U.S. state (behind North Dakota) in exports of wheat and flour, with exports totaling \$600 million in 1994 — 40 percent more than four years ago.⁸ The potential for further growth in Kansas wheat and flour exports is illustrated by two facts. First, although Kansas and North Dakota are about tied for first place in average wheat production over the last three years, Kansas wheat exports have remained far behind those of North Dakota.⁹ Second, three of the four top foreign importers of U.S. hard red winter wheat (the kind that predominates in Kansas) are China, Mexico, and Egypt,¹⁰ all of which have quickly increasing populations. U.S. wheat exports to Mexico alone have moved strongly upward during the 1990s, from about 200,000 metric tons in 1990/91 to over 700,000 metric tons in 1994/95.¹¹

Live animals and meat (excluding poultry). Kansas exports in this category have risen every year since 1990, with a 1994 value of \$572 million — more than 40 percent higher than four years earlier. Kansas ranks third among all U.S. states (behind Nebraska and Texas) in exports of this type.¹²

Other agricultural products. Kansas ranks sixth among all U.S. states in total agricultural exports, with values averaging more than \$2 billion annually during the 1990s (\$2.25 billion in 1994).¹³ Besides wheat and meat, noted above, the highest-earning Kansas agricultural exports include feed grains (about \$400 million in 1994), hides and skins (over \$230 billion in 1990), and soybeans (about \$160 million in 1994).¹⁴

II. SELECTED RECENT LEGAL DEVELOPMENTS RELEVANT TO KANSAS BUSINESS

The *Journal's* November 1992 "Nutshell" on international trade law¹⁵ focused mainly on the 1947 General Agreement on Tariffs and Trade (GATT). Since November 1992, two momentous changes have taken place that, from an

FOOTNOTES:

1. John W. Head, *Making International Trade Less Foreign: A "Nutshell" for Nonspecialists on the Changing Rules Governing International Trade*, 61 JOURNAL OF THE KANSAS BAR ASSOCIATION, Nov. 1992, pp. 42-49.

2. The author acknowledges with thanks the assistance provided by Sara Lechtenberg in the preparation of this article, and particularly in the gathering of statistics appearing below.

3. *Initial Evaluation of 1994 Trade Statistics*, March 17, 1995 (from Kansas Dept. of Commerce and Housing and U.S. Dept. of Commerce).

4. *Id.*

5. *Id.*

6. *Id.*

7. *Id.*

8. *Agricultural Exports* (Special Press Release), June 19, 1995, Kansas

Agricultural Statistics (by Kansas Dept. of Agriculture and U.S. Department of Agriculture) [hereinafter *Agricultural Exports*]. Kansas supplied 14 percent of all the wheat and flour exported from the United States in 1994. *Id.*

9. *Id.*; *Top Wheat Producing States, 1992-94*, Wheat Facts 1994 (by Chicago Board of Trade), at WF-9.

10. *U.S. Export Sales*, June 8, 1995 (by USDA/FAS).

11. *Id.*

12. *Agricultural Exports*, *supra* note 8.

13. *Id.*

14. *Id.* Total U.S. agricultural exports for the current fiscal year are expected to set a new record at \$54.5 billion. See 12 INT'L TRADE REP. (BNA) 1629 (Sept. 27, 1995) [hereinafter cited as *ITR*].

15. See *supra* note 1.

American lawyer's perspective, displace much of the old GATT regime. The first of these is the successful completion of the Uruguay Round of trade negotiations and the establishment of a new set of trade treaties, complete with a new international organization to administer them. The second is the conclusion and entry into force of a regional free trade agreement encompassing Mexico, Canada, and the United States. The following paragraphs describe some aspects of those two developments, along with a few others, that are likely to be most important to Kansas lawyers called on to advise clients on matters of international trade.

A. A Thumbnail Sketch of the "New GATT" and the NAFTA

Put briefly, the "New GATT" is an extension of the 1947 GATT,¹⁶ which was a treaty aimed at lowering tariffs and other restrictions imposed by countries on articles imported into their territories. Born of a "free trade" economic philosophy, the 1947 GATT (as amended and interpreted) served for nearly 50 years as the vehicle for liberalizing trade among nearly 100 countries, including the United States and its main trading partners.¹⁷ In 1993, after seven years of

international wrangling, a massive new legal regime emerged from the so-called Uruguay Round of trade negotiations, conducted under the auspices of the GATT.

That new legal regime, while embracing many of the principles of the 1947 GATT, also introduces many new rules by way of a set of interlocking treaties.¹⁸ These include the following:

- An agreement on trade in agricultural goods, which had been effectively exempted from the 1947 GATT. This new agreement limits a country's ability to provide agricultural subsidies to its own producers and to restrict agricultural imports from other countries. (See discussion in part IIB below).
- An agreement setting forth a new, tougher set of rules and procedures for settling trade disputes between

countries — with more power of enforcement than before. (See discussion in part IIC below).

- A set of agreements on certain national trade relief actions — that is, agreements specifying when and how a country can protect its own domestic industries from competition by imported goods that benefit from foreign government subsidies or that are "dumped" in the target market at unfairly low prices.
- Other agreements on (a) intellectual property protection, (b) liberalizing trade in services, (c) opening other countries to foreign investment, and (d) requiring fairness in a range of other trade policies around the world.
- The charter of the World Trade Organization (WTO),¹⁹ a new international organization that most states in the world will join and that will be responsible for international trade in much the same way that the International Monetary Fund and the World Bank are responsible for international finance and development. (Unlike the charters of those other international organizations, however, the WTO charter does not give the United States and other powerful countries special standing or veto power over the body's decisions.) Institutionally much stronger than the old GATT, the WTO is responsible for administering the treaties listed above.

About a year before the Uruguay Round of trade negotiations was completed, yielding the new global regime summarized above, negotiations for a regional trade regime were completed by the United States, Canada, and Mexico. The North American Free Trade Agreement (NAFTA)²⁰ established rules on many of the same topics as the "New GATT" did, with a central aim of eliminating tariffs and many other impediments to free trade among the three North American countries. NAFTA provisions are complex and weighty — more than 1,000 pages of operative text plus 2,000 pages of annexes and technical materials. Here are some highlights:²¹

- NAFTA eliminated tariffs as of January 1994 on over half of all U.S. exports to Mexico. Tariffs on all other goods will be phased out under five-year, 10-year, or 15-year schedules. Since Mexico's tariffs on U.S. and Canadian goods averaged about 10 percent (whereas U.S. tariffs on Mexican goods averaged less than four percent), Kansas producers selling to Mexico stand to gain a lot under NAFTA, despite the economic troubles suffered recently by Mexico.
- NAFTA has introduced new "rules of origin" for determining whether an article is actually produced in one of

16. General Agreement on Tariffs and Trade, *done* Oct. 30, 1947, T.I.A.S. No. 1700, 55 U.N.T.S. 187 (*entered into force* Jan. 1, 1948).

17. Countless books and articles are available on the GATT's formation, principles, successes, and failures. For some basic references, see part IIIB of this article. See also the *Journal's* November 1992 "Nutshell," *supra* note 1.

18. For several sources of information on the agreements emerging from the Uruguay Round, see part IIIB of this article.

19. Agreement Establishing the World Trade Organization, *done* Dec. 15, 1993, 33 INT'L LEGAL MATERIALS 13 (1994) (*entered into force* Jan. 1, 1995). In order for a country to become a WTO member, it must accept all the agreements listed above, plus some others. This marks a departure

from the previous regime, under which GATT contracting parties could accept or reject various detailed trade agreements written in the 1970s on some of these topics.

20. North American Free Trade Agreement, *done* Dec. 8, 11, 17, 1992, 32 INT'L LEGAL MATERIALS 605 (1993) (*entered into force* Jan. 1, 1994).

21. For several sources of information on the NAFTA, see part IIIB of this article. Like the "New GATT," the NAFTA extends beyond trade in goods to include also rules on trade in services and on foreign investment. For example, the NAFTA requires the Mexican government to provide, in most sectors of the Mexican economy, the same treatment (or better) to U.S. and Canadian investors as it does to Mexican investors.

the three NAFTA countries — and whether it is therefore eligible for duty-free treatment when imported from, say, Mexico into the United States. Under the new rules, goods imported first from Japan to Mexico can not then be imported free from Mexico into the United States unless those goods have undergone sufficient processing in Mexico to result in a change in tariff classification. The significance of this for Kansas and other U.S. lawyers advising on North American trade law is that they will need to pay more attention than before to issues of tariff classification — that is, the issue of where in the Harmonized Tariff Schedule of the United States an article fits for customs purposes. (Indeed, these questions will not be confined to North American trade; it appears likely that similar “rules of origin” will be adopted under the new WTO regime.)

- NAFTA has opened up government procurement opportunities, so that now Kansas and other U.S. suppliers can bid, on even terms with Mexican or Canadian firms, for contracts to supply goods and services to government bodies in Mexico and Canada. Most notably, these rules apply to purchases made by Mexico’s two dominant state energy enterprises, Petroleos Mexicanos (PEMEX) and Comision Federal de Electricidad (CFE), whose procurement histories have favored Mexican suppliers, as well as 35 other state entities. PEMEX alone has an annual procurement budget of over \$8 billion.
- Other NAFTA provisions liberalize North American trade in telecommunications equipment and services, financial services, and other types of services, and introduce new rules on intellectual property protection, resolution of inter-governmental trade disputes, and review of national government decisions in certain types of trade cases.

In sum, the “New GATT” and the NAFTA have brought radical changes to the landscape of international trade law that will affect Kansas businesses for years to come. Important new treaty rules are now in place — and U.S. statutes are following suit²² — that move far beyond the old GATT regime. These new rules reflect the fact that many markets are now global, and they require that countries wishing to participate in those markets discard policies that favor domestic suppliers of goods and services over foreign suppliers and investors.

B. Agricultural Trade under NAFTA and the WTO

Of particular concern to Kansas and to many lawyers representing Kansas businesses is the array of new rules governing trade in agricultural goods. As noted above, agriculture is a central pillar in the Kansas economy, and agricultural exports earn over two billion dollars every year for Kansas.²³

Agriculture was probably the most controversial issue during the Uruguay Round of trade negotiations. Indeed, the main reason the Round was widely considered almost dead by 1992 was the difficulty in finding any consensus on how, if at all, to subject agriculture to liberal free-trade rules after 45 years of being exempted from the GATT regime.²⁴

Under the new Agreement on Agriculture, countries undertake three basic obligations:

- to provide greater market access for agricultural imports, by first (a) converting non-tariff barriers, such as import quotas, into tariffs offering the same level of protection, and then (b) reducing all such tariffs by an average of at least 36 percent over six years (10 years for developing countries);
- to reduce domestic farm subsidies — specifically, to cut by at least 20 percent (over a period of six years) the “Total Aggregate Measure of Support” that each country provides to its farmers; and
- to reduce by at least 21 percent the level of export subsidies on agricultural products.

The NAFTA is a second source of sweeping changes in agricultural trade in North America — changes that will affect many Kansans. Like the Uruguay Round Agreement on Agriculture, the NAFTA calls for cuts in agricultural subsidies, especially export subsidies, and for an elimination of all non-tariff barriers in agricultural trade.²⁵ However, the NAFTA provides for much deeper cuts in tariffs on agricultural goods than does the Uruguay Round Agreement on Agriculture. When the NAFTA took effect in 1994, tariffs were eliminated immediately on a broad range of agricultural goods, so that now about one-half of all U.S.-Mexico agricultural trade is duty-free.

Another important change that NAFTA has brought to North American agricultural trade relates to health standards. Although each NAFTA country may still adopt its own health standards, such standards must be transparent and must be based on internationally accepted scientific principles, applied non-discriminatorily, and used only to the extent needed to provide the necessary protection.

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22. U.S. implementing legislation to reflect the “New GATT” and NAFTA regimes appears largely in the North American Free Trade Agreement Implementation Act of 1993, 107 Stat. 2060, and the Uruguay Round Agreements Act of 1994, 108 Stat. 4809. These are codified in several U.S. Code sections, mostly in Title 19.

23. See *supra* note 8 and accompanying text.

24. For a survey of how agriculture was treated under the GATT, what

positions were staked out on agriculture during the Uruguay Round, and how the results of the Uruguay Round might affect Kansas and U.S. agricultural interests, see Antonio Figueroa, *The GATT and Agriculture — Past, Present, and Future*, 5 KANSAS JOURNAL OF LAW AND PUBLIC POLICY (1995; forthcoming in 1996).

25. For example, Mexico agreed to eliminate its licensing requirements for imports of corn, wheat and certain other agricultural goods.

Because both the NAFTA and the Uruguay Round Agreement on Agriculture are quite new, it is too soon to gauge just how they will affect the agricultural sector of the economy in Kansas or in the U.S. generally. Under some predictions, the Uruguay Round Agreement on Agriculture will produce significant increases in U.S. wheat exports — nearly 100 million more bushels a year by the year 2002²⁶ — and in U.S. agricultural exports generally,²⁷ especially over the longer term.²⁸

C. Senator Dole and Inter-Governmental Trade Dispute Settlement Procedures

As noted above, one of the agreements emerging from the Uruguay Round of trade negotiations concerns the set-

tlement of trade disputes among the governments of countries. Under that Dispute Settlement Understanding, a dispute arising under any of the Uruguay Round agreements mentioned above could be referred to a dispute resolution panel established by the Dispute Settlement Body, which is an entity within the WTO composed of representatives of all WTO members.²⁹ Such a

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dispute settlement panel, like similar panels that operated under the old GATT regime, would evaluate the dispute, determine whether the complaint was justified, and if so recommend action to be taken by the “losing” country, usually in the way of policy changes.

The importance of the new WTO dispute settlement rules, and the main way they differ from the old GATT rules on dispute settlement, lies in what happens after a dispute settlement panel has decided a case. Under the old rules, a panel’s report would not be given official GATT endorsement if any of the GATT member countries, including the “losing” country, raised an objection. Under the new rules, the panel’s report would be adopted (*i.e.*, authoritative and binding) unless the Dispute Settlement Body decides by consensus not to adopt the panel report.

The new dispute settlement procedures are thus more binding than the old ones, in the sense that the “losing” country in a trade dispute can no longer block the formal imposition of sanctions against it — sanctions that can take the form of a requirement that the “losing” party change the offending trade practice or pay compensation to the “winning” country, or (if the “losing” party refuses

to take either of those actions), a WTO endorsement of unilateral trade sanctions by the “winning” country against the “losing” country.

This newly binding nature of dispute settlement rules — and the fact that under them the United States could no longer veto dispute panel decisions unfavorable to it — attracted much attention during the debates in late 1994 on proposed U.S. participation in the WTO and the other Uruguay Round agreements.

In particular, Kansas Senator Bob Dole conditioned his support of the Uruguay Round package on Clinton Administration support for legislation that would set up a commission of experts to monitor decisions taken by WTO dispute settlement panels against the United States.³⁰ Under that legislation, which the Administration agreed to support and which was introduced in January 1995 as Senate Bill 16, the commission of experts would be made up of five retired federal appellate judges appointed by the president in cooperation with Congress. If that commission issued three decisions in any five-year period finding that WTO dispute settlement panels had exceeded their authority or acted outside the scope of the Uruguay Round agreements at issue, this would trigger procedures that could result in U.S. withdrawal from the WTO. As Senator Dole put it, the “bottom line” under the legislation is that if three such decisions are handed down by the commission in any five-year period, “we withdraw from the WTO.”³¹

As of November 1995, when this article was written, the legislation proposed by Senator Dole had not yet been enacted. In a related move, however, Senator Dole and eight other influential U.S. senators issued a letter in August 1995 criticizing the dispute settlement provisions of the NAFTA. Appearing in Chapter 19 of the NAFTA, these provisions resemble the WTO provisions in that decisions on U.S. trade practices — and in particular in trade relief cases in which imports into the U.S. are alleged to have been “dumped” (sold at discriminatorily low prices) or subsidized — can be reviewed and possibly overruled by binational panels. The August 1995 letter called this system “fundamentally flawed” and expressed support for its elimination.³²

Aside from the fact that these two developments both involve a Kansas senator (and might take on significance in the upcoming presidential campaign), they could prove significant in two respects for the Kansas practitioner involved in international trade law. First, both the Dole legislation on monitoring WTO dispute resolution panels and the August 1995 letter reflect serious concern over the apparent surrender of sovereignty represented by submitting to an “external” dispute settlement regime (either under the WTO or under the NAFTA) that could result in

26. See 11 ITR 904 (June 8, 1994).

27. 11 ITR at 1730 (Nov. 9, 1994).

28. See 12 ITR 1687-88 (Oct. 11, 1995). For a less sanguine assessment of the Agreement on Agriculture, see Merlinda D. Ingco, *Agricultural Liberalization in the Uruguay Round*, FINANCE & DEVELOPMENT, Sept. 1995, pp. 43-45.

29. Technically, the WTO charter provides that the responsibilities of

the Dispute Settlement Body are to be carried out by the General Council, which is itself composed of representatives of all the WTO members and which is in continuous session.

30. See 11 ITR 1830 (Nov. 30, 1994).

31. *Id.* at 1380-81.

32. 12 ITR 1410 (Aug. 23, 1995).

sanctions being imposed against U.S. trade practices. This concern could result in calls for renegotiation of the dispute settlement provisions both at the multilateral (WTO) and the regional (NAFTA) levels.

Second, and more immediately, the August 1995 letter might bear on the negotiations to bring other countries into the NAFTA regime, beginning with Chile.³³ If so, U.S. exporters to (or investors in) Mexico, Chile, or other future NAFTA members might face greater risks of uncertainty as to how the governments in those countries will implement national trade rules.

D. U.S.-China Trade

As noted above, China is an important importer of U.S. wheat,³⁴ and overall U.S.-China trade has increased dramatically in recent years.³⁵ For Kansas businesses in particular, China looms as an enormous potential market. The value of total Kansas merchandise exports to China more than doubled from 1992 to 1994, reaching \$33 million that year, and nearly quadrupled from 1991 to 1994. Two specific categories accounting for most of that growth in Kansas exports to China were non-electric machinery and processed food and kindred products.³⁶

A recent article on Kansas companies planning on establishing or expanding business with China pointed out several grounds for anticipating further increases in Kansas exports to that country:³⁷

- China is expected to need 1,200 airplanes, worth about \$100 billion, over the next 19 years.
- Machinery, transportation equipment, and fabricated metal products — all of which are important export categories for Kansas — will be in increased demand as China's economy grows.
- People in China (and Asia generally) are consuming more dairy products, chicken, and meat, all of which require animal feed, another big Kansas export.

Despite these heady prospects for increased trade between Kansas and China, any Kansas business contemplating that market should watch closely the roller-coaster of U.S.-China trade relations. Although those relations were helped by President Clinton's May 1994 decision to extend most-favored-nation treatment to Chinese goods imported into the United States, several developments since then have put severe strains on the relations. For example:

- Two particular incidents occurring in mid-1995 created

bad feelings on both sides: the United States permitted the president of Taiwan to make a private visit to the United States; and the Chinese arrested and prosecuted Harry Wu, a Chinese-born American citizen trying to enter China to expose more human rights violations there.

- Efforts by Beijing throughout 1994 and 1995 to join the WTO have been resisted by the United States (and other economically developed countries) because of the widespread impression that China is not willing or able to carry out the obligations that WTO membership would entail on transparency of import regulations, protection of intellectual property, and other issues.³⁸
- As China draws nearer to a decision on who will succeed Deng Xiaoping as paramount political leader, Beijing has flexed its military muscle by conducting exercises and bomb tests near Taiwan and by reviving its claims on the Spratly Islands south of the mainland.

Accordingly, Kansas businesses will need to tread carefully: China offers huge business potential but also considerable risk as an export market — and even more so as a host to foreign investment.

E. Other Important Current Developments³⁹

Here are a few other points that Kansas lawyers should be aware of if they have (or want) clients involved in international business efforts:

- U.S. export controls are still in a state of flux. No new Export Administration Act had been enacted as of November 1995,⁴⁰ but pressure is great to relax the controls held over from the Cold War era. Recently, the United States announced plans to ease export controls on computer hardware and software and to simplify export licensing procedures for other high-tech articles. Kansas producers of those items should soon face fewer hurdles to their exportation.
- Congress looks set to extend the Generalized System of Preferences, which permits reduced or zero tariffs on most articles imported into the United States from less economically developed countries. Kansas manufacturers using imported inputs or components can some-

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33. Negotiations with Chile over NAFTA membership have reached an advanced stage. See 12 *ITR* 1640 (Oct. 4, 1995).

34. See *supra* note 5 and accompanying text.

35. In extending most-favored nation treatment to China in May 1994, President Clinton pointed out that U.S. exports to China in 1993 exceeded \$8 billion. See Ralph H. Folsom, Michael W. Gordon, and John A. Spanogle, Jr., *International Business Transactions — A Problem-Oriented Coursebook* 330 (3rd ed. 1995). What President Clinton did not point out is that the United States has a huge trade deficit with China — that is, Chinese exports to the United States far exceed U.S. exports to China. By some estimates, that deficit jumped to \$38 billion in 1995, up by more than 25 percent from 1994 and threatening to overtake soon the U.S. trade

deficit with Japan. *The Economist*, Oct. 14, 1995, at 38.

36. Dennis Pearce, *Scaling the Wall — Kansas companies setting their sights on China trade*, THE WICHITA EAGLE, Oct. 9, 1995, p. 1D, 8D [hereinafter cited as *Scaling the Wall*].

37. See generally *id.*

38. See 12 *ITR* at 1691 (Oct. 11, 1995). On the intellectual property issue, compact disk piracy apparently continues to grow despite Chinese undertakings to halt it.

39. For details on these matters, see recent issues of *ITR*.

40. The Export Administration Act expired in 1994, and current U.S. export controls are founded on emergency economic powers of the President. See 12 *ITR* 1595 (Sept. 27, 1995).

times reduce costs by buying them from those countries.

- Congressional moves to dismantle the Department of Commerce have progressed, but more slowly than at first. The proposals have met resistance from some businesses that benefit from the Department's role in unfair import trade cases and from its programs to assist U.S. exporters.
- Trade and investment among Asia and Pacific Rim countries would expand under an action plan to establish a free trade zone among them by 2010. If such a plan is implemented by the Asian and Pacific Economic Cooperation (APEC) countries (of which the United States is a member), Kansas exporters and investors would probably see a significant improvement in their business opportunities in Asia. Such opportunities are already opening up in some Asian countries, including Vietnam and Cambodia, as a result of recent moves to normalize U.S. trade relations with those countries.

III. GETTING HELP ON QUESTIONS OF INTERNATIONAL TRADE LAW

Kansas businesses and practitioners wanting assistance in the area of international trade should consider a range of sources of advice and information. Some of these are listed below, beginning with Kansas and federal government offices, mostly located in Kansas and the Kansas City area.

A. Government Offices and Services

Kansas Department of Commerce and Housing
Trade Development Division
700 SW Harrison, Suite 1300
Topeka, Kansas 66603-3712
Telephone 913-296-4027; fax 913-296-5263

Note: The Trade Development Division assists with international trade shows and overseas missions, maintains an export library, helps companies find agents and distributors worldwide, hosts visiting foreign delegations, offers advice on mechanics of exporting, and publishes directories on Kansas agribusiness, aerospace, and other trade areas.

Kansas Department of Agriculture
Marketing Division
901 S. Kansas Avenue, 1st Floor
Topeka, KS 66612-1282
Telephone 913-296-3736; fax 913-296-2247

U.S. Department of Commerce
Kansas City District Office
601 E. 12th Street, Room 635
Kansas City, MO 64106
Telephone 816-426-3141; fax 816-426-3140

U.S. Department of Commerce
Wichita Branch Office
151 North Volusia
Wichita, KS 67214-4695
Telephone 316-269-6160; fax 316-683-7326

U.S. Department of Commerce
Bureau of Export Administration
Exporter Counseling Center
14th Street & Constitution Ave., N.W.
Washington, D.C. 20230
Telephone 202-482-4811, or 482-0097

U.S. Department of Agriculture
[Dan Glickman, Secretary]
Foreign Agricultural Service
14th Street and Independence Ave., S.W.
Washington, D.C. 20250
Telephone 202-720-7115; fax 202-720-7729

U.S. Customs Services
[U.S. Department of Treasury]
2701 Rockcreek Parkway, # 202
North Kansas City, MO 64116
Telephone 816-374-6439; fax 816-374-6422

B. Other Sources of Assistance and Information

...about Government agencies

Kansas International Trade Resource Directory (1995), compiled by Kansas Dept. of Commerce & Housing, Trade Development Division (Topeka).

Federal Regulatory Directory (7th ed., 1995), by Congressional Quarterly Inc (Washington, D.C.)

Federal Yellow Book (Summer 1995, vol. 38, No. 1), by Leadership Directories, Inc. (Washington, D.C.)

The U.S. Government Manual (1994/1995), by U.S. Government Printing Office (Washington, D.C.)

...about the NAFTA

Leslie Alan Glick, *Understanding the North American Free Trade Agreement* (2d ed., 1994), by Kluwer Law & Taxation Publishers (Boston).

Paul, Hastings, Janofsky & Walker, *North American Free Trade Agreement — Summary and Analysis* (1993), by Matthew Bender.

Douglas B. Bohne, ed., *NAFTA — What You Need to Know Now* (1994), PLI Commercial Law and Practice Handbook No. A-699, by Practising Law Institute (New York).

...about the Uruguay Round agreements

Note: These consist of the following agreements to which the United States has become a party —
Charter of the World Trade Organization
GATT 1994 (incorporating the 1947 GATT)
Agreement on Agriculture
Agreement on Sanitary and Phytosanitary Measures
Agreement on Textiles and Clothing
Agreement on Technical Barriers to Trade
Agreement on Trade-Related Investment Measures
Agreement on Article VI (Antidumping)
Agreement on Article VII (Customs Valuation)
Agreement on Preshipment Inspection
Agreement on Rules of Origin
Agreement on Import Licensing Procedures
Agreement on Subsidies and Countervailing Measures
Agreement on Safeguards
Dispute Settlement Understanding
Agreement on Trade in Services
Agreement on Intellectual Property Rights
Agreement on Trade in Civil Aircraft
Agreement on Government Procurement

International Dairy Agreement
International Bovine Meat Agreement

Symposium Issue, 29 Int'l Lawyer 335-511 (1995) (covering agriculture, government procurement, dispute resolution, and various other issues)

...for news and general coverage

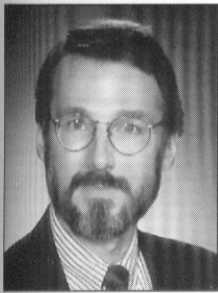
International Trade Reporter (weekly news), by BNA (Washington, D.C.).

Paul H. Vishny, *International Trade for the Nonspecialist* (2 vols., 1992), by ALI-ABA (Philadelphia).

G. Gregory Letterman, *Letterman's Guide to International Business* (5 vols., forthcoming 1996), by Clark-Boardman-Callaghan (New York).

Ralph H. Folsom & Michael W. Gordon, *International Business Transactions* (2 vols., 1995), by West, Practitioner Treatise Series (St. Paul). ■

About the Author



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CONTINUING LEGAL EDUCATION

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