

articles, including technical data or in the furnishing of defense services for which a license or other approval is required. This prohibition is referred to as "statutory debarment."

Statutory debarment is based solely upon conviction in a criminal proceeding, conducted by a United States Court, and as such the administrative debarment proceedings outlined in Part 128 of the ITAR are not applicable.

The period for debarment will be determined by the Assistant Secretary for Political-Military Affairs based on the underlying nature of the violations, but will generally be for three years from the date of conviction. At the end of the debarment period, licensing privileges may be reinstated only at the request of the debarred person following the necessary interagency consultations, after a thorough review of the circumstances surrounding the conviction, and a finding that appropriate steps have been taken to mitigate any law enforcement concerns, as required by Section 38(g)(4) of the AECA. It should be noted, however, that unless licensing privileges are reinstated, the person remains debarred.

Department of State policy permits debarred persons to apply to the Director of Defense Trade Controls Compliance for reinstatement beginning one year after the date of the debarment, in accordance with Section 38(g)(4) of the AECA and Section 127.11(b) of the ITAR. Any decision to grant reinstatement can be made only after the statutory requirements under Section 38(g)(4) of the AECA have been satisfied.

Exceptions, also known as transaction exceptions, may be made to this debarment determination on a case-by-case basis at the discretion of the Assistant Secretary of State for Political-Military Affairs. However, such an exception would be granted only after a full review of all circumstances, paying particular attention to the following factors: whether an exception is warranted by overriding U.S. foreign policy or national security interests; whether an exception would further law enforcement concerns that are consistent with the foreign policy or national security interests of the United States; or whether other compelling circumstances exist that are consistent with the foreign policy or national security interests of the United States, and that do not conflict with law enforcement concerns. Even if exceptions are granted, the debarment continues until subsequent reinstatement.

Pursuant to Section 38 of the AECA and Section 127.7 of the ITAR, the Assistant Secretary of State for Political-Military Affairs has statutorily debarred the following persons for a period of three years following the date of their AECA conviction:

(1) Guillermo Cardoso-Arias, April 1, 2005, U.S. District Court, Southern District of Florida (Ft. Lauderdale), Case #: 0:04CR60262-COHN

(2) Davilyn, Inc., June 27, 2005, U.S. District Court, Central District of California (Los Angeles), Case #: CR 05-00432-RMT

(3) Carlos Gamarra-Murillo, August 9, 2005, U.S. District Court, Middle District of Florida (Tampa), Case #: 8:04-CR-349-T-27EAJ

(4) Xiuwen Liang also known as (a.k.a.) Jennifer Liang and Jennifer Zhuang, April 14, 2005, U.S. District Court, Central District of California (Los Angeles), Case #: CR03-138-SVW

(5) Jinghua Zhuang a.k.a. Jackie Zhuang, January 6, 2004, U.S. District Court, Central District of California (Los Angeles), Case #: CR03-138-SVW.

As noted above, at the end of the three-year period, the above named persons/entities remain debarred unless licensing privileges are reinstated.

Debarred persons are generally ineligible to participate in activity regulated under the ITAR (see *e.g.*, sections 120.1(c) and (d), and 127.11(a)). The Department of State will not consider applications for licenses or requests for approvals that involve any person who has been convicted of violating or of conspiring to violate the AECA during the period of statutory debarment. Persons who have been statutorily debarred may appeal to the Under Secretary for Arms Control and International Security for reconsideration of the ineligibility determination. A request for reconsideration must be submitted in writing within 30 days after a person has been informed of the adverse decision, in accordance with 22 CFR 127.7(d) and 128.13(a).

This notice is provided for purposes of making the public aware that the persons listed above are prohibited from participating directly or indirectly in any brokering activities and in any export from or temporary import into the United States of defense articles, related technical data, or defense services in all situations covered by the ITAR. Specific case information may be obtained from the Office of the Clerk for the U.S. District Courts mentioned above and by citing the court case number where provided.

This notice involves a foreign affairs function of the United States

encompassed within the meaning of the military and foreign affairs exclusion of the Administrative Procedure Act. Because the exercise of this foreign affairs function is discretionary, it is excluded from review under the Administrative Procedure Act.

Dated: November 7, 2005.

**John Hillen,**

*Assistant Secretary for Political-Military Affairs, Department of State.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Request for Comments Concerning Compliance With Telecommunications Trade Agreements

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of request for public comment and reply comment.

**SUMMARY:** Pursuant to section 1377 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3106) ("section 1377"), the Office of the United States Trade Representative ("USTR") is reviewing and requests comments on: The operation, effectiveness, and implementation of and compliance with WTO agreements affecting market opportunities for telecommunications products and services of the United States; the telecommunications provisions of the North American Free Trade Agreement ("NAFTA"), the Chile, Singapore, and Australia Free Trade Agreements ("FTA") and any other FTA coming into force on or before January 1, 2006; and other telecommunications trade agreements. The USTR will conclude the review by March 31, 2006.

**DATES:** Comments are due by noon on December 9, 2005 and Reply Comments by noon on January 6, 2006.

**ADDRESSES:** Gloria Blue, Executive Secretary, Trade Policy Staff Committee, ATTN: Section 1377 Comments, Office of the United States Trade Representative, 1724 F Street, NW., Washington, DC 20508.

**FOR FURTHER INFORMATION CONTACT:** Arrow Augerot, Office of Industry, Market Access, and Telecommunications (202) 395-6099; or Amy Karpel, Office of the General Counsel (202) 395-5804.

**SUPPLEMENTARY INFORMATION:** Section 1377 requires the USTR to review annually the operations and effectiveness of all U.S. trade agreements regarding

telecommunications products and services of the United States that are in force with respect to the United States. The purpose of the review is to determine whether any act, policy, or practice of a country that has entered into a telecommunications trade agreement with the United States is inconsistent with the terms of such agreement or otherwise denies to U.S. firms, within the context of the terms of such agreements, mutually advantageous market opportunities. For the current review, the USTR seeks comments on:

(1) Whether any WTO member is acting in a manner that is inconsistent with its commitments under WTO agreements affecting market opportunities for telecommunications products and services, *e.g.*, the WTO General Agreement on Trade in Services ("GATS"), including the Annex on Telecommunications and any scheduled commitments including the Reference Paper on Pro-Competitive Regulatory Principles;

(2) Whether Canada or Mexico has failed to comply with its telecommunications commitments or obligations under NAFTA;

(3) Whether Chile, Singapore, or Australia, or any other FTA partner with an Agreement that comes into force on or before January 1, 2006 has failed to comply with its telecommunications commitments or obligations under the respective FTA between the United States and that country (see [http://www.ustr.gov/Trade\\_Agreements/Section\\_Index.html](http://www.ustr.gov/Trade_Agreements/Section_Index.html) for U.S. FTAs);

(4) Whether other countries have failed to comply with their commitments under additional telecommunications agreements with the United States, *e.g.*, Mutual Recognition Agreements (MRAs) for Conformity Assessment of Telecommunications Equipment (see <http://www.tcc.mac.doc.gov> for a collection of trade agreements, including ones related to telecommunications); and

(5) Whether there remain outstanding issues from previous section 1377 reviews on those countries or issues previously cited (see [http://www.ustr.gov/Trade\\_Sectors/Telecom-E-commerce/Section\\_1377/Section\\_Index.html](http://www.ustr.gov/Trade_Sectors/Telecom-E-commerce/Section_1377/Section_Index.html) for the 2005 review);

#### **Public Comment and Reply Comment: Requirements for Submission**

All comments must be in English, identify on the first page of the comments the telecommunications trade agreement(s) discussed therein, and be submitted by noon on December 16,

2005. Reply comments must also be in English and be submitted by noon on January 13, 2006. Reply comments should only address issues raised by the comments.

In order to ensure the most timely and expeditious receipt and consideration of comments and reply comments, USTR has arranged to accept submissions in electronic format (e-mail). Comments should be submitted electronically to [FR0502@ustr.eop.gov](mailto:FR0502@ustr.eop.gov). An automatic reply confirming receipt of e-mail submission will be sent. E-mail submissions in Microsoft Word or Corel WordPerfect are preferred. If a word processing application other than those two is used, please include in your submission the specific application used. For any document submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters "BC". Any page containing business confidential information must be clearly marked "BUSINESS CONFIDENTIAL" on the top of that page. Filers must also submit a public version of their comments. The file name of the public version should begin with the character "P". The "BC" and "P" should be followed by the name of the person or entity submitting the comments or reply comments. Interested persons who make submissions electronically should not provide separate cover letters; rather, information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself and not as separate files. All non-confidential comments and reply comments will be placed on the USTR Web site, <http://www.USTR.gov>, and in the USTR Reading Room for inspection shortly after the filing deadline, except business confidential information exempt from public inspection in accordance with 15 CFR 2003.6.

We strongly urge use of the electronic filing procedures, if at all possible. If an e-mail submission is impossible, 15 copies of both the business confidential and the public versions must be delivered via private commercial courier, and arrangements must be made with Ms. Blue prior to delivery for their receipt. Ms. Blue should be contacted at (202) 395-3475. Because comments and reply comments will be posted on USTR's Web site, those persons not availing themselves of electronic filing must submit their 15 copies with a diskette.

An appointment to review the comments may be made by calling the

USTR Reading Room at (202) 395-6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and from 1 p.m. to 4 p.m., Monday through Friday, and is located in Room 3 of 1724 F Street, NW.

**Carmen Suro-Bredie,**

*Chair, Trade Policy Staff Committee.*

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#### **OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

#### **United States-Israel Free Trade Area Implementation Act; Designation of Qualifying Industrial Zones**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**DATES:** This provision will become effective upon publication.

**SUMMARY:** Under the United States-Israel Free Trade Area Implementation Act of 1985 ("IFTA Act"), articles of qualifying industrial zones encompassing portions of Israel and Jordan or Israel and Egypt are eligible to receive duty-free treatment. Effective upon publication of this notice, the United States Trade Representative, pursuant to authority delegated by the President, is designating the Central Delta zone of Egypt as a qualifying industrial zone and expanding the already-designated Greater Cairo and Suez Canal qualified industrial zones under the IFTA Act.

**FOR FURTHER INFORMATION CONTACT:** Edmund Saums, Director for Middle East Affairs, (202) 395-4987, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

**SUPPLEMENTARY INFORMATION:** Pursuant to authority granted under section 9 of the IFTA Act, as amended (19 U.S.C. 2112 note), Presidential Proclamation 6955 of November 13, 1996 (61 FR 58761) proclaimed certain tariff treatment for articles of the West Bank, the Gaza Strip, and qualifying industrial zones. In particular, the Presidential Proclamation modified general notes 3 and 8 of the Harmonized Tariff Schedule of the United States: (a) To provide duty-free treatment to qualifying articles that are the product of the West Bank, the Gaza Strip, or a qualifying industrial zone and are entered in accordance with the provisions of section 9 of the IFTA Act; (b) to provide that articles of Israel may be treated as though they were articles directly shipped from Israel for the purposes of the United States-Israel Free