

**UNITED STATES – MEASURES AFFECTING TRADE
IN LARGE CIVIL AIRCRAFT**

Request for Consultations by the European Communities

Addendum

The following communication, dated 27 June 2005, from the delegation of the European Communities to the delegation of the United States and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

The European Communities refers to the United States' statement at the meeting of the Dispute Settlement Body ("DSB") on 13 June concerning the European Communities' request for the establishment of a Panel in the above case, where you asserted that 13 of the 28 subsidy programs referenced in the panel request were not listed in the consultation request of 6 October 2004 (circulated as document WT/DS/317/1 on 12 October 2004) and cannot be the subject of panel proceedings.

The European Communities cannot agree with this contention but is prepared to pursue consultations on the issues raised in these proceedings in order to clarify and, if possible, resolve them, it being understood that this is without prejudice to the European Communities' legal position and rights.

Accordingly, the European Communities hereby requests consultations with the United States pursuant to Articles 4.1, 7.1 and 30 of the *Agreement on Subsidies and Countervailing Measures* ("SCM Agreement"), Article XXIII:1 of the General Agreement on Tariffs and Trade 1994 ("GATT 1994") and Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU"). These consultations will be a continuation of those held on 5 November 2004 pursuant to the request for consultations of 6 October 2004.

The measures that are the subject of this request are prohibited and actionable subsidies provided to US producers of large civil aircraft¹ ("US LCA industry"), and in particular the Boeing Company and the McDonnell Douglas Corporation, prior to its merger with Boeing, including related

¹ In accordance with the 1992 *Agreement between the European Communities and the Government of the United States of America concerning the application of the GATT Agreement on Trade in Civil Aircraft on trade in large civil aircraft*, large civil aircraft ("LCA") includes all aircraft as defined in Article 1 of the GATT Agreement on Trade in Civil Aircraft, except engines as defined in Article 1.1(b) thereof, that are designed for passenger or cargo transportation and have 100 or more passenger seats or its equivalent in cargo configuration. Boeing produces or markets the following families of LCA: 717, 737, 747, 757, 767, 777, and 787.

legislation, regulations, statutory instruments and amendments thereto. The measures currently include the following:

1. STATE AND LOCAL SUBSIDIES

US States and local authorities, where production and headquarter facilities of the US LCA industry are located, transfer in various ways economic resources to the US LCA industry. Such States and local authorities include, but are not limited to, those in the States of Washington, Kansas and Illinois.

These economic resources transferred to the US LCA industry include numerous financial incentives and other advantages effectuated, for example, through tax breaks, bond financing, fee waivers, lease arrangements, corporate headquarters relocation assistance, research funding, infrastructure measures and other benefits.

2. NASA SUBSIDIES

The National Aeronautics and Space Administration ("NASA") transfers economic resources to the US LCA industry, *inter alia*, by:

- (i) allowing the US LCA industry to participate in research programmes, making payments to the US LCA industry under those programmes, or enabling the US LCA industry to exploit the results thereof by means including but not limited to the foregoing or waiving of valuable patent rights, the granting of limited exclusive rights data ("LERD"), or otherwise exclusive or early access to data, trade secrets and other knowledge resulting from government funded research. The following are examples of such NASA programmes:
 - High Speed Research Program;
 - Advanced Subsonic Technology Program;
 - Aviation Safety Program/Aviation Safety & Security Program/Aviation Security & Safety Program;
 - Quiet Aircraft Technology Program;
 - High Performance Computing and Communications Program;
 - Research & Technology Base Program;
 - Advanced Composites Technology Program;
 - Vehicle Systems Program;
 - Materials and Structures Systems Technology Program;
 - Aircraft Energy Efficiency Program, including Composite Primary Aircraft Structures, Transport Aircraft Systems Technology, and Advanced Composite Structures Technology Programs;
- (ii) NASA Personnel and Institutional Support Costs Dedicated to US LCA Industry R&D;
- (iii) NASA Independent Research & Development, and Bid & Proposal Reimbursements;
- (iv) Use by the US LCA industry of research, test and evaluation facilities owned by the US Government, including NASA wind tunnels, in particular the Langley research centre;
- (v) NASA procurement contracts.

3. DEPARTMENT OF DEFENSE SUBSIDIES

The Department of Defense ("DOD") transfers economic resources to the US LCA industry, *inter alia*, by:

- (i) allowing the US LCA industry to participate in DOD-funded research, making payments to the US LCA industry for such research, or enabling the US LCA industry to exploit the results thereof by means including but not limited to the foregoing or waiving of valuable patent rights, and the granting of exclusive or early access to data, trade secrets and other knowledge resulting from government funded research, through, for example:
 - Research, Development, Testing and Evaluation Programs;
 - Independent Research & Development, and Bid & Proposal Reimbursements;
- (ii) use by the US LCA industry of test and evaluation facilities owned by the US Government, including the Major Range Test Facility Bases;
- (iii) procurement contracts including those for the purchase of goods from the US LCA industry for more than adequate remuneration, including in particular but not limited to the US Air Force contract with the Boeing corporation for the purchase of certain spare parts for its Airborne Warning and Control System (AWACS) aircraft, the Boeing KC-767A Tanker Program (lease contract), the National Polar-orbiting Operational Environmental Satellite System-Conical Microwave Imager Sensor, Boeing, the C-22 Replacement Program (C-40), Boeing, the KC-135 Programmed Depot Maintenance, Boeing/Pemco, the C-40 Lease and Purchase Program, Boeing, the C-130 avionics modernisation upgrade program, the C-17 H22 contract (Boeing BC-17X) and the US Navy contract with Boeing for the production and maintenance of 108 civil B-737 and their conversion into long-range submarine hunter Multi-Mission Aircraft.

The EC is also concerned about pending legislation, in particular draft amendment (Section 817 – Prohibition on Procurement from Beneficiaries of Foreign Subsidies) to the FY06 Defense Authorisation bill (HR 1815) (Hunter Amendment).

4. DEPARTMENT OF COMMERCE SUBSIDIES

The Department of Commerce ("DOC") transfers economic resources to the US LCA industry, *inter alia*, by allowing the US LCA industry to participate in the National Institute of Standards & Technology ("NIST") Advanced Technology Program, making payments to the US LCA industry under this research programme, or enabling the US LCA industry to exploit the results thereof by means including but not limited to the foregoing or waiving of valuable patent rights, the granting of exclusive or early access to data, trade secrets and other knowledge resulting from government funded research.

5. DEPARTMENT OF LABOR SUBSIDIES

The US Department of Labor transfers economic resources to the US LCA industry through, *inter alia*, the Aerospace Industry Initiative, an element of the president's High Growth Training Initiative, by granting to Edmonds Community College in the State of Washington funds for the training of aerospace industry workers.

6. FEDERAL TAX SUBSIDIES

The US Government transfers economic resources to the US LCA industry through the federal tax system, and in particular the following tax measures:

Sections 921-927 of the Internal Revenue Code (prior to repeal) and related measures establishing special tax treatment for "Foreign Sales Corporations" ("FSCs"), including individual applications; the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, Pub. L. No. 106-519, including individual applications; and the American Jobs Creation Act of 2004, Pub. L. No. 108-357 including individual applications.

The European Communities considers that these measures are inconsistent with the obligations of the United States under the following provisions:

- (1) Articles 3.1 (a) and (b) and 3.2 of the *SCM Agreement*;
- (2) Article 5 (a) and (c) of the *SCM Agreement*;
- (3) Article 6.3 (a), (b), and (c) of the *SCM Agreement*;
- (4) Article III:4 of the GATT 1994.

The European Communities is of the view that the measures referred to above are inconsistent with these provisions as such and as applied.

These measures are subsidies because in each instance there is a financial contribution by the US, State or local government and a benefit is thereby conferred within the meaning of Article 1.1(a) and (b) of the *SCM Agreement*. Each of them is specific to the US LCA industry within the meaning of Article 2 of the *SCM Agreement*.

The subsidies listed above are *de jure* or *de facto* export contingent, and contingent on the use of domestic over imported goods. The use of these measures causes adverse effects, *in particular*, serious prejudice or a threat of serious prejudice to the interests of the European Communities and material injury or threat of material injury to the European Community LCA industry:

- The effect of the measures is significant price undercutting by subsidized products of the US LCA industry as compared with the price of the European Community LCA products, or a threat thereof in violation of Articles 5(c) and 6.3(c) of the *SCM Agreement*;
- The effect of the measures is significant price depression and price suppression in the markets for LCA products or a threat thereof in violation of Articles 5(c) and 6.3(c) of the *SCM Agreement*;
- The effect of the measures is significant lost sales in the markets for LCA products or a threat thereof in violation of Articles 5(c) and 6.3(c) of the *SCM Agreement*;
- The effect of the measures is to displace or impede exports of European Community LCA products in the US market or a threat thereof in violation of Articles 5(c) and 6.3(a) of the *SCM Agreement*;

- The effect of the measures is to displace or impede exports of European Community LCA products in third country markets or a threat thereof in violation of Articles 5(c) and 6.3(b) of the *SCM Agreement*;
- The effect of the measures is material injury to the European Community LCA industry or a threat thereof in violation of Article 5(a) of the *SCM Agreement*.
- The Hunter Amendment would also be incompatible, *inter alia*, with Article 23 of the DSU and Article 32 of the *SCM Agreement*.

Articles 4.2 and 7.2 of the *SCM Agreement* together require that requests for consultations include a statement of available evidence with regard to: (1) the existence and nature of the subsidies in question, and (2) the adverse effects to the interests of the European Communities. The available evidence is listed in the Annex to this letter. It combines the available evidence already contained in the letter of 6 October 2004 and additional evidence on the existence and nature of the subsidies that has become available since then.

The European Communities reserves the right to request the United States to produce further information and documents regarding the measures in question and their effect on the interests of the European Communities. The European Communities also reserves the right to address additional measures and claims under other WTO provisions.

My authorities look forward to receiving in due course a reply from the United States to this request. The European Communities is ready to consider with the United States mutually convenient dates to hold consultations in Geneva.

ANNEX

STATEMENT OF AVAILABLE EVIDENCE

The evidence set out below is evidence available to the European Communities at this time regarding the existence and nature of the subsidies subject to this dispute, and the adverse effects caused by them to the interests of the European Communities. It is further supported by business confidential internal Airbus documents that are summarized below. The European Communities reserves the right to supplement or alter this list in the future, as required.

(a) Existence and Nature of the Subsidization

The evidence currently available to the European Communities includes the following documents. The European Communities' request for consultations describes in more detail the nature of these subsidies.

H.B. 2294, 58th Leg., 2d Spec. Sess. (Wash. 2003)

Final Bill Report, H.B. 2294

Memorandum of Agreement for Project Olympus between the Boeing Company and the State of Washington, dated as of 19 December 2003, available at http://www.effwa.org/pdfs/boeing_olympus.pdf

Project Olympus Master Site Development and Location Agreement between the Boeing Company and the State of Washington, dated as of 19 December 2003, available at http://www.effwa.org/pdfs/boeing_olympus.pdf

First Amendment to Project Olympus Master Site Development and Location Agreement between the Boeing Company and the State of Washington, dated as of 19 December 2003, available at http://www.effwa.org/pdfs/boeing_amended.pdf

News Release, Office of Governor Gary Locke, *Gov. Gary Locke Unveils Tax Incentives Package to Help Land Boeing 7E7, Outlines Project's Significant Economic Impact on State*, 9 June 2003, available at <http://www.governor.wa.gov/press/press-view.asp?pressRelease=1372&newsType=1>

Bryan Corliss, *7E7 Perks Go to Boeing*, HeraldNet, 20 December 2003, available at <http://www.heraldnet.com/stories/03/12/20/17926878.cfm>

Action Washington, Boeing 7E7 Site Agreement: Tax Adjustment Package, 6 December 2004, available at <http://dir.cted.wa.gov/DesktopModules/Documents/DocumentsView.aspx?tabID=0&alias=ActionWA&lang=en&ItemID=146&MI=116&wversion=Staging>

News Release, Office of Governor Gary Locke, *Gov. Locke, Business, Labor and Government Leaders Celebrate Delivery of State's 7E7 Proposal at 'Action Washington' Rally*, 20 June 2003, available at <http://www.governor.wa.gov/press/press-view.asp?pressRelease=1379&newsType=1>

News Release, Office of Governor Gary Locke, *Gov. Gary Locke Credits States Aggressive Proposal, Unified Effort in Winning 7E7 Bid*, 16 December 2003, available at <http://www.governor.wa.gov/press/press-view.asp?pressRelease=1491&newsType=1>

David Ammons, *Boeing 7E7 Deal Includes Perks*, The Olympian, 22 January 2004, available at http://www.theolympian.com/home/news/20040122/business/19223_Printer.shtml

Our View: Sweet Boeing Deal Leaves a Sour Taste, King County Journal, 22 January 2004, available at <http://www.kingcountyjournal.com/sited/story/html/154305>

Press Release, Evergreen Freedom Foundation, *Details of Boeing Agreement Revealed*, 21 January 2004, available at http://www.effwa.org/press_releases/2004_01_21a.php

Open Letter to Washington Legislators from Bob Williams, President of EFF, 15 October 2004, available at http://www.effwa.org/commentaries/2004_10_15.php

John Gillie, *A Smooth Landing for the 7E7*, The News Tribune, 20 December 2004, available at <http://www.thenewstribune.com/business/aerospace/story/4356715p-4127928c.html>

Action Washington, available at http://dir.cted.wa.gov/portal/alias_ActionWA/lang_en/tabID_63/DesktopDefault.aspx

State of Washington, House and Senate Floor Debates, HB 2294, 10-11 June 2003

Executive Message Video, 20 June 2003, available at <http://dir.cted.wa.gov/DesktopModules/Documents/DocumentsView.aspx?tabID=0&alias=ActionWA&lang=en&ItemID=177&MIId=115&wversion=Staging>

Washington State and the Boeing Company: Working Together for the Boeing 7E7 Dreamliner, Continuing Support and Collaborative Actions, September Presentation, Greenville, SC (September 2003)

Project Management Services Contract Between State of Washington Employment Security Department and Accenture, LLP, ESD Contract No. 05-415-PS, 5 May 2005, and related exhibits

Boeing's 747 Large Cargo Freighter Development on Plan, 22 February 2005, available at http://www.boeing.com/news/releases/2005/q1/nr_050222g.html

Snohomish County Airport, Aircraft Rate Schedule, effective 1 April 2002

Aircraft Models and Weights for Reporting All-Cargo Data to FAA, CY 2003 FAA ACAIS, February 2005, available at <http://www.faa.gov/arp/planning/stats/2005/Cy04CargoAircraftEnc2.pdf>

Joint Use Agreement between Snohomish County and the Boeing Company with regard to Boeing's use of the Snohomish County Airport (Paine Field), dated 17 June 1966, and all subsequent amendments and letter agreements in relation thereto, including those dated 14 July 1969, 25 August 1999, 7 December 2000, 17 December 2002, and any amendments pursuant to the Project Olympus Master Site Agreement

Port of Everett, Rail/Barge Transfer Facility, available at <http://www.portofeverett.com/boeingrailbarge.shtml>

Port Commission authorizes staff to go out to bid on Rail-Barge Facility, Port of Everett Press Release, 26 May 2005, available at http://www.portofeverett.com/press/2005_05_26BidRailBarg.shtml

City of Everett Ordinance 2759-04 (2004), amending Chapter 3.24 of the Everett Municipal Code

Boeing Major Production Facilities, Everett, Washington, available at <http://www.boeing.com/commercial/facilities/>

Spreadsheets of top Everett manufacturing companies as compiled by the City of Everett Mayor's Office

Economic Revitalization and Reinvestment Act, S.B. 281, 2003 Sess., Reg. Sess., § 1(e) (Kan. 2003)

Supplemental Note on S.B. 281, available at <http://www.kslegislature.org/supplemental/2004/SN0281.pdf>

Richard Williamson, *Kansas Lands Piece of Jet, but Boeing May not Use the Bonds*, The Bond Buyer, 24 November 2003

Caroline Daniel, *Boeing Eyes Highest Handout in Bid to Soar Above Europe*, The Financial Times, 16 June 2003

Steve Painter, *Boeing Wichita Lands State Bonds*, The Wichita Eagle, 22 May 2003

Jean Hays, *Tweaks to Boeing Bill Pass Senate*, The Wichita Eagle, 7 May 2003

Chris Grenz, *Boeing Banking on State*, The Topeka Capital-Journal, 20 April 2003

Kansas Department of Commerce, Legislative Session Track for S.B. 281, available at http://kdoch.state.ks.us:82/NewsApp/news_legislative_updates_bill_display.jsp?id=1049378817480

Steve Painter and Molly McMillin, *State Sees Bonds as Boeing's Best Shot*, The Wichita Eagle, 2 April 2003

Kansas Development Finance Authority, Financial Statements Years Ended June 30, 2003 and 2002, and Independent Auditors' Report, available at <http://www.kdfa.org/admin/UPLOADS/FinalAuditReport-FY2003.pdf>

Now You Know: Who Received Incentives? The Wichita Eagle, 11 July 2004

City of Wichita, *IRB Overview*, "Industrial Revenue Bond Issuance in the State of Kansas," available at <http://www.wichita.gov/Business/EconomicDevelopment/IRB/IRBOverview.htm>

Minutes of Meetings of the Wichita City Council, 1995-2005, available at <http://www.wichitagov.org/Government/MinutesAndAgendas/CityCouncil/>

Lillian Zier Martell, The Wichita Eagle, 10 November 1999

David Dinell, *City approves Boeing industrial revenue bonds*, 7 November 2002, available at <http://wichita.bizjournals.com/wichita/stories/2002/11/04/daily44.html>

Karen Pierog, *Wichita Council OKs Tax Break for Boeing*, Reuters News Service, 10 November 1999

Council approves Boeing bonds, Wichita Business Journal, 14 November 2000, available at <http://wichita.bizjournals.com/wichita/stories/2000/11/13/daily21.html>

City of Wichita Industrial Revenue Bond Policy, Resolution No. R-98-151, available at [http://www.wichita.gov/NR/rdonlyres/5C4F7504-A681-47EC-8369-F1AD7C400FAE/0/Industrial Revenue Bond Policy_06d.pdf](http://www.wichita.gov/NR/rdonlyres/5C4F7504-A681-47EC-8369-F1AD7C400FAE/0/Industrial%20Revenue%20Bond%20Policy_06d.pdf)

Wichita City Council Ordinance Nos. 46-401 (2004), 45-914 (2003), 45-495 (2002), 45-133 (2001), 44-811 (2000), 44-428 (1999), 44-102 (1998), 43-642 (1997), 43-325 (1996), 42-949 (1995), 42-553 (1994), 42-228 (1993), 41-916 (1992), and 41-592 (1991)

Bond transcripts for industrial revenue bonds issued on behalf of Boeing by the City of Wichita since 1979

Letters of intent for Industrial Revenue Bonds issued to the US LCA industry pursuant to actions of the Wichita City Council taken on 17 May 2005, 13 July 2004, 9 November 1999, 13 February 1996, 24 March 1992, 5 December 1989, 21 December 1982, 9 June 1981, and 23 October 1979

Tax Abatement Cost-Benefit Analyses for US LCA-industry industrial revenue bonds performed by the Center for Economic Development and Business Research, W. Frank Barton School of Business, Wichita State University

Council approves Onex IRBs, Wichita Business Journal, 17 May 2005, available at <http://wichita.bizjournals.com/wichita/stories/2005/05/16/daily16.html>

K.S.A. §§ 12-1740 *et seq.*, as amended

K.S.A. §§ 79-201 *et seq.*, as amended, and Article 11, Section 13 of the Constitution of the State of Kansas

K.S.A. §§ 79-3601 *et seq.*, as amended

Boeing Commercial Airplanes, Wichita Division, "Wichita Overview," available at <http://www.boeing.com/commercial/wichita/commercial.htm>

List maintained by the City of Wichita that contains information about all IRBs issued by the City of Wichita since 1979

City of Wichita/Sedgwick County Economic Development Incentives Policy, available at [http://www.wichita.gov/NR/rdonlyres/5C4F7504-A681-47EC-8369-F1AD7C400FAE/0/Industrial Revenue Bond Policy_06d.pdf](http://www.wichita.gov/NR/rdonlyres/5C4F7504-A681-47EC-8369-F1AD7C400FAE/0/Industrial%20Revenue%20Bond%20Policy_06d.pdf)

The City of Wichita Industrial Revenue Bond Policy, Resolution No. R-98-151

Property Tax Exemption Orders issued by the Kansas Board of Tax Appeals for property owned by or leased to the Boeing Company from FY 1985 to present

Property Tax Exemption Applications filed with the Kansas Board of Tax Appeals by the Boeing Company from FY 1985 to present

Kansas Department of Revenue Ruling No. 19-1996-1, 1 July 1989

Kansas Private Letter Ruling No. P-2001-098, 30 September 2001

Kansas Private Letter Ruling No. P-1999-44, 26 February 1999

Funding provided by the State of Kansas, Kansas Technology Enterprise Corporation ("KTEC"), and the Federal Government to the National Institute for Aviation Research at Wichita State University for collaborations with the US LCA industry, as detailed in the National Institute for Aviation Research, 2003 Annual Report

Economic Development for a Growing Economy Tax Credit Act, Illinois Public Act 91-476, as amended

35 Ill. Comp. Stat. §§ 10/5 *et seq.*

35 Ill. Comp. Stat. §§ 5/211 *et seq.*

Corporate Headquarters Relocation Act, Illinois Public Act 92-0207, 20 Ill. Comp. Stat. §§ 611/1 *et seq.*

35 Ill. Comp. Stat. § 200/18-165

Ordinance of the County of Cook, Illinois, Approving Execution of a Tax Reimbursement Payment Agreement with the Boeing Company (2001)

Ordinance of the City of Chicago, Illinois, Approving Execution of a Tax Reimbursement Payment Agreement with the Boeing Company (2001)

The Boeing Company – Corporate Headquarters Relocation Grant Application (10 December 2001), prepared for the Illinois Department of Commerce and Community Affairs

John O'Connor, *Chicago's Boeing Incentives May Be Cut*, Denver Post, 24 May 2001

Tax Reimbursement Payment Agreement Between the City of Chicago and the Boeing Company, 1 November 2001, attached as Exhibit A to An Ordinance of the City of Chicago, Illinois Approving Execution of a Tax Reimbursement Payment Agreement with the Boeing Company (ordinance available at http://egov.cityofchicago/webportal/COCWebPortal/COC_Editorial/Boeing.txt)

Tax Reimbursement Payment Agreement Between the County of Cook and The Boeing Company, 1 November 2001

Boeing amended certification of real estate taxes paid in accordance with the Lease Agreement (attached to Boeing's 23 July 2003 request for Tax Reimbursement from the County of Cook)

Boeing certification of real estate taxes paid in accordance with the Lease Agreement (2 December 2003) (attached to Boeing's 29 January 2004 request for Tax Reimbursement Payment from the City of Chicago)

Statement of Robert Kunze (Deputy Commissioner, Department of Planning and Development, City of Chicago), Report of the Committee on Finance, Board of Commissioners of Cook County, 12 September 2001, available at <http://www.co.cook.il.us/secretary/CommitteePages/Meeting%20Reports/Finance%20Committee/2001/09-12-01.htm>

Meeting of the Cook County Board of Commissioners: Post Agenda Report, 29 September 2001, available at <http://www.cookctyclerk.com/agendas/2001/092001/092001meeting.pdf>

Boeing Moving Headquarters to Chicago, 14 May 2000, available at <http://www.spaceandtech.com/digest/sd2001-19/sd2001-19-001.shtml>

City of Chicago, Office of City Comptroller, *Order Payment Voucher*, No. PV08030801779

City of Chicago, Office of City Comptroller, *Order Payment Voucher*, No. PV08040800041

City of Chicago, Office of City Comptroller, *Order Payment Voucher*, No. PV08040801118

City of Chicago, Office of City Comptroller, *Order Payment Voucher*, No. PV08040800574

Cook County, Bureau of Finance, *Cashier's Check 461492*, 25 May 2004

Cook County, Bureau of Finance, *Cashier's Check 456646*, 23 December 2003

Boeing Headquarters Relocation Projected Cost/Benefit Analysis

Lease Termination Compensation Agreement between 100 North Riverside, LLC and the City of Chicago, 15 January 2003

Jack Lyne, *US\$63 million in Incentives, Last-Second Space Deal Help Chicago Land Boeing*, June 2001, available at www.conway.com/ssinsider/incentive/ti0106.htm

Press Release from The Boeing Company, Boeing Begins World Headquarters Operations in Chicago (4 September 2001), available at http://www.boeing.com/news/releases/2001/q3/nr_010904z.htm

Press Release from the Office of Illinois Governor George Ryan (10 May 2001), available at <http://www.state.il.us/gov/press/01/may/0510boeing.htm>

Ron Starner and Mark Arend, "Behind Boeing's Flight Plan: Why the New Chicago Headquarters is Just Part of the Story," *Site Selection Magazine*, September 2001, available at <http://www.siteselection.com/issues/2001/sep/p572>

Illinois Economic and Fiscal Commission, *Corporate Incentives in the State of Illinois* (August 2001)

Memo to Honorable Members of the General Assembly from Pam McDonough, Director, Department of Commerce and Community Affairs, regarding the Corporate Headquarters Relocation Act (23 May 2001)

State of Illinois, 92nd General Assembly, House of Representatives, Transcription Debate, 69th Legislative Day, 31 May 2001

Jeff McCourt and Greg LeRoy, Good Jobs First, *A Better Deal for Illinois: Improving Economic Development Policy* (January 2003), available at <http://www.heartland.org/Article.cfm?artId=12828>

Corporate Headquarters Relocation Act Master Agreement between The Illinois Department of Commerce and Community Affairs and The Boeing Company (27 March 2002)

Marc J. Lane, *It Pays to Invest in State's Homegrown Technology*, 24 Crain's Chicago Bus. 11, 2001 WL 7067142

Reports of Job Creation/Retention and Capital Improvements Expenditures for several years

EDGE Tax Credit Report of Annual Compliance for Year Ending 12/31/2003

Report of the Committee on Finance, Board of Commissioners of Cook County (12 September 2001), available at <http://www.co.cook.il.us/secretary/CommitteePages/Meeting%20Reports/Finance%20Committee/2001/09-12-01.htm>

Hearing Charter, *The Future of Aeronautics at NASA: Hearing Before the House Subcomm. on Space and Aeronautics of the Comm. on Science*, 16 March 2005

Statement of Dr. J. Victor Lebacqz, NASA Associate Administrator for Aeronautics Research, before the House Subcommittee on Space and Aeronautics, 16 March 2005

Achieving Aeronautics Leadership, NASA Aeronautics Strategic Enterprise Plan, 1995-2000, April 1995

Statement of Dr. John M. Klineberg, Chair, Committee to Review NASA's Aeronautics Technology Program, Aeronautics and Space Engineering Board, Division on Engineering and Physical Sciences, National Research Council, the National Academies, before the House Subcommittee on Space and Aeronautics, 16 March 2005

NASA Langley Research Center, Economic Impact, Fiscal Year 1998

Joseph R. Chambers, *Concept to Reality: Contributions of the NASA Langley Research Center to US Civil Aircraft of the 1990s* (2003)

Minutes of the NASA Advisory Council, Aerospace Technology Advisory Committee, and Technology and Commercialization Advisory Committee

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FY98 Budget for NASA: Hearing Before the Senate Subcomm. on Science, Technology and Space of the Comm. on Commerce, Science and Transportation, 105th Cong. (1997), Federal News Service, 24 April 1997

Competitiveness of the Aerospace Industry: Hearing on S. 419 Before the Senate Comm. on Commerce, Science, and Transportation, 103rd Cong. 80-81 (1993)

The Clinton Administration's Initiative to Promote a Strong Competitive Aviation Industry, January 1994

Joe Cobb, *Clinton's Welcome Plan to Improve Air Travel*, Heritage Foundation Reports, 28 January 1994

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Jeffrey L. Ethell, *Fuel Economy in Aviation*, NASA SP-462

NASA's Aeronautics Program: Hearing Before the Senate Subcomm. on Science, Technology and Space of the Comm. on Commerce, Science and Transportation, 107th Cong. (2001), FDCH Political Transcripts, 24 April 2001

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Dawn C. Jegley and Harold G. Bush, *Structural Response and Failure of a Full-Scale Stitched Graphite-Epoxy Wing*, AIAA Paper No. 2001-1334-CP

Randy Tinseth, *Boeing Innovations in Technology and Airplane Design*, April 2004

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(b) Serious Prejudice to the Interests of the European Communities

The European Communities has voluminous evidence that the subsidies granted to the US LCA industry have caused and continue to cause adverse effects through significant price suppression or depression of prices of LCA worldwide, significant price undercutting and significant lost sales by the Community industry in the market for LCA.

The evidence available includes the following materials:

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