

U.S. TRADE LEGISLATION PROPOSALS
100th CONGRESS

Revised
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<u>SUBJECT</u>	<u>CURRENT LAW</u>	<u>HOUSE</u>	<u>SENATE</u>	<u>ADMIN POSITION</u>	<u>CDN POSITION</u>
		"Trade and International Economic Policy Reform Act of 1987" (HR3) [passed April 30, 1987]	"Omnibus Trade and Competitiveness Act of 1987" / [H.R.3(S.1420)] [passed July 21, 1987]		
B. Downstream Products	No provision.	Adds new procedures for monitoring of imports of downstream products in order to identify potential diversionary practices. Calls for industry petition, ITC review and possible Commerce initiation of dumping or counterval investigation.	Similar to House bill.	Opposes on basis of cost, burden and limited benefit.	Concern with possible increase in self-initiated actions.
C. Sham Transactions	Importer of record liable for payment of dumping duties.	Retains current law.	Customs to treat U.S. end purchaser as importer liable for payment of antidumping duties if it is found that goods are being imported solely for purpose of absorbing duties (sham transaction).	Does not support. No benefit to industry which brought case in first place. Would also harm unrelated purchaser of product subject to action.	Mirrors Cdn practice.
D. Multiple Offenders	No provision.	Provides for monitoring and investigation of dumping by foreign companies found to be repeated dumpers. Calls for expedited initiation and investigations.	Similar to House bill.	Opposes on basis on cost and burden and possible mirror legislation.	
E. Civil Action	Antidumping Act of 1916 provides for private remedy for dumping if plaintiff can show intent to injure.	While reducing damages from treble to single and eliminating criminal penalties, provides for a rebuttable presumption that a multiple offender (see above) intended to injure.	No provision.	Opposed. GATT inconsistent and would undercut credibility in MTN. Could invite mirror legislation.	Inconsistent with GATT as it would expose exporter to more than one remedy for injurious dumping.
F. Compensation Awards	No provision.	Provides for compensation to US companies injured by dumping to be funded by dumping duties collected.	No provision.		