

subsidy on the merchandise under investigation. The IIA has taken the position that where the research is made publicly available, the subsidy is not a benefit to the product under investigation, since all producers benefit equally from the research. Where the research is not made publicly available, a countervailable subsidy is deemed to exist.²⁶

Employment, training, or vocational programs are treated as subsidies if they meet the specificity test. Only if they are made available on the same terms to a wide range of industries without preference to a certain region will they escape the imposition of countervailing duties.

To summarize, any form of government assistance, direct or indirect, can be considered a countervailable benefit if it is more than de minimis and is targeted to a specific industry or group of industries or regions. Grants, loans, loan guarantees, government-equity infusions, and forgiveness of debt on terms inconsistent with commercial considerations may be characterized as subsidies under U.S. countervailing duty law.

Legislative Proposals

The Trade and Tariff Act of 1984, the first comprehensive piece of legislation amending the Trade Agreements Act of 1979, made some relatively minor changes to the definition of a countervailable subsidy. Numerous bills currently before Congress would add more practices to the definition. Two such bills — Congressman Gibbons' bill, HR2451, and Congressman Bocker's bill, HR1543 — would make a countervailable subsidy the sale of a government-owned resource at a price lower than the price of a comparable resource in the United States.

The Bocker proposal would amend the definition of subsidy to include "[t]he furnishing of stumpage rights on government lands by a country under a