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## Section 301

**Section 301** of the Trade Act of 1974 gives the United States Trade Representative (USTR) authority, on his own initiative, or as a result of a petition from a private party, to conduct investigations into another country's trade practices. If those practices are found to be "unfair", the U.S. is authorized by this legislation to retaliate unilaterally by imposing sanctions against the offending country, after following a prescribed timetable.

"**Super 301**" was first introduced in 1988 and enabled the U.S. government to cite "broad and consistent patterns of unfair trade practices" by certain countries, and mandated the USTR to retaliate unilaterally against foreign countries for such unfair trade practices. It provided strict time limits for consultations with foreign countries and for the determination of retaliation measures. After lapsing, it was reinstated by Executive Order of President Clinton in March 1994. In September 1994, Canada was mentioned under the heading of "foreign country practices" on the basis of its border measures on dairy and poultry. Mention under this heading does not set in motion any steps towards possible retaliatory action.

**Special 301** directs the USTR to identify those countries which deny adequate and effective protection of intellectual property rights. In 1994, Canada was cited in a new "Special Mention" category for current and proposed policies relating to magazine publishing. This category does not trigger a statutory requirement for an investigation and subsequent determination by USTR.

The United States has indicated that it intends to use its Section 301 authority in a manner consistent with its international trade obligations, including using the WTO dispute settlement process, in making determinations of whether foreign practices violate WTO obligations.

The only current Section 301 investigation related to Canadian interests was launched on February 6, 1995, when the USTR initiated a Section 301 investigation against Canada based on a petition filed by Country Music Television (CMT). CMT had been removed by the Canadian Radio and Telecommunication Commission (CRTC) from the list of foreign cable services eligible for distribution in Canada.

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