Revised Date: September 25, 1987 27 **.** .

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## U.S. TRADE LEGISLATION PROPOSALS

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		100th CONGRESS			Page 23	
		HOUSE	SENATE		A	
<u>SUBJECT</u>	CURRENT LAW	"Trade and International Economic Policy Reform Act of 1987"(HR3) [passed April 30, 1987]	"Omnibus Trade and Compe- titiveness Act of 1987"/ [H.R.3(S.1420)] [passed July 21, 1987]	ADMIN POSITION	CON POSITION	
I) Fungible Products	No Provision	No Provision	Adds special rule for		Provision for application of	
			fungible products whereby ITC directed not to reach negative injury		less rigorous standard could be to determent of exporter.	
			determination solely on			
	•		basis that:			
			1) Imports not first sales			
			at reduced prices; li) similar price deallnes in other markes; lll) U.S. producers import			
			product. Iv) U.S. producers are			
			profl†able.			
B. Critical Circumtances	If petitioner alleges critical circumstances and Commerce agrees, dumping/countervalling duties will be applied retroactively upon	Retains current law.	Adds to current law by authorizing Commerce to monitor, assess and declare critical circumstances	Opposed to retroactive application of duties which violate GATT obligations.	Retroactive application provided for under current Cdn law. Concern with declaration of critical	
	preliminary determination. 190 days prior to preliminary determination]		prior to preliminary determination.		circumstances prior to preliminary determination. Could lead to trade	
				· .	distortion.	
C. Isolated Markets	No provision.	Allows ITC to disregard imports into geographically isolated markets, See Section C of Escape clause provisions.	No provision.		House bill similar to Canadian practice.	
D. Cumulation	Mandates cumulation to imports from	Mandates ITC to cumulate dumped	Retain current law.	Supports in principle.	Extension of cumulation to	
	two or more countries in any dumping or countervall investigation.	& subsidized imports in injury determination in both current and investigations during previous 12 which resulted in order, suspen-			previous cases of particular concern.	
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