

U.S. TRADE LEGISLATION PROPOSALS
100th CONGRESS

Revised

Date: September 25, 1987

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SUBJECT	CURRENT LAW	HOUSE	SENATE	ADMIN POSITION	CDN POSITION
1) Fungible Products	No Provision	No Provision	"Omnibus Trade and Competitiveness Act of 1987"/ [H.R.3(S.1420)] [passed July 21, 1987]		Provision for application of less rigorous standard could be to detriment of exporter.
B. Critical Circumstances	If petitioner alleges critical circumstances and Commerce agrees, dumping/countervailing duties will be applied retroactively upon preliminary determination. 190 days prior to preliminary determination]	Retains current law.	Adds to current law by authorizing Commerce to monitor, assess and declare critical circumstances prior to preliminary determination.	Opposed to retroactive application of duties which violate GATT obligations.	Retroactive application provided for under current Cdn law. Concern with declaration of critical 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 two or more countries in any dumping or countervail investigation.	Mandates ITC to cumulate dumped & subsidized imports in injury determination in both current and investigations during previous 12 which resulted in order, suspension or VRA.	Retain current law.	Supports in principle.	Extension of cumulation to previous cases of particular concern.