

Introduction

Since the negotiation of the General Agreement on Tariffs and Trade (GATT) in 1947, tariff barriers gradually have come down. In their place, however, has arisen an elaborate system to regulate foreign imports and to counter what are viewed as "unfair trade" practices of foreign countries. The United States, in particular, has developed an elaborate import regulatory system that now constitutes one of the most contentious issues in Canadian-U.S. trade relations. These procedures create private rights for domestic U.S. industries to seek redress against the practices of foreign governments and business and to limit disruptive import competition.

The major U.S. trade acts of 1962, 1974, 1979 (the Trade Agreements Act of 1979, which implemented U.S. obligations negotiated in the Tokyo Round of multilateral trade negotiations), and 1984 (the Trade and Tariff Act of 1984) demonstrate the growth in the United States of a legalistic and complex governmental system of import regulation, or "contingent protection". A private U.S. citizen now can invoke a dozen different procedures and processes to seek relief from imports. To counter growing protectionist sentiments in the U.S. Congress, emerging administration policy appears to be to initiate more unfair trade actions on behalf of the U.S. government. The system of remedies now contained in U.S. trade law includes countervailing duty and antidumping procedures; investigation of unfair trade practices such as patent, copyright, or antitrust infringement under Section 337 of the Tariff Act of 1930; initiation of complaints against unfair foreign government practices affecting U.S. exports or other trading activities under Section 301 of the Trade Act of 1974; procedures for escape clause relief; and a variety of other proceedings.