

Article 18 before taking any action affecting the trade of the other Party."<sup>57</sup>

The Canada-U.S. FTA could contain a similar commitment.

Evaluation: U.S. law, in fact, already provides extensive opportunity for foreign governments to present their views. After the ITC reports to the President that imports are injuring the U.S. industry, there is, by law, a 60-day period during which the Executive Branch may engage in consultations with foreign governments, foreign industries, and U.S. importers, as well as the injured domestic industries, before making its determination. Therefore, if Canada can obtain an "antisideswipe" provision like the one discussed above, we see little advantage in seeking a commitment on consultations more extensive than the one in the U.S.-Israel FTA.<sup>58</sup>

### Conclusions

1. Although bilateral negotiations to develop an FTA that reduces barriers to trade are likely to be welcomed by the Administration and some key leaders in Congress, Canadian proposals to limit or modify the import relief laws may generate considerable controversy

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<sup>57</sup> U.S.-Israel FTA Art. 5.

<sup>58</sup> The nonpolitical Joint Committee discussed earlier would not serve a useful role at the Presidential determination stage, as the decision is a highly political one that does not involve the application of neutral legal principles. In addition, we feel it is highly unlikely that the U.S. Government would forfeit its discretion in these matters by submitting to binding dispute resolution by any type of bilateral committee.