

methods of competition. The ITC, either on receiving a private complaint or on its own initiative, conducts an investigation to determine if there have been any

unfair methods of competition or unfair acts in the importation of articles into the United States...the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce.²⁹

Any such acts are unlawful, and if the ITC determines that a violation of Section 337 has occurred, the goods concerned will be refused entry into the United States or the importer or owner will be warned to stop engaging in the unfair acts or methods. The ITC's determination is final unless overruled by the president. Section 337 does not apply to claims involving U.S. patents on goods procured by the government of the United States. In the 1980-85 period, there were 14 Section 337 cases involving imports of Canadian goods. Exclusion orders were made in three cases and settlement agreements were reached in five cases.

Section 301: Retaliation Against Unfair Trade Practices of Foreign Governments

Section 301 of the U.S. Trade Act of 1974, as amended by Title IX of the Trade Agreements Act of 1979 and Title III of the Trade and Tariff Act of 1984, provides the president with broad powers to enforce the rights of the United States under any trade agreement, or to respond to any act, policy, or practice of a foreign government that is inconsistent with, or denies benefits to, the United States under any trade agreement, or is "unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce."³⁰ Where one of those conditions exists, the president is obliged