

7. Other Procedural and Practical Issues

Noteworthy developments include changes to the organization of DOC's Import Administration (IA), sector-specific trade remedy initiatives undertaken by DOC, and a policy bulletin on expediting AD investigations.

(a) IA organization. Three changes within IA were implemented in 2004. In May of that year, DOC announced the creation of an "Unfair Trade Practices Task Force," charging it with "pursuing the elimination of foreign unfair trade practices that prejudice or adversely affect U.S. commercial interests." Describing this initiative as part of the broader "Manufacturing in America" strategy that Secretary of Commerce Donald Evans had launched the prior January, DOC invited "the public and representatives of the manufacturing sector to identify those unfair trade practices of greatest concern and impact," and to include "suggestions on the most effective ways in which the Task Force can assist in addressing the ... unfair trade practices identified." In September, IA established a "Petition Counselling and Analysis Unit". This unit describes itself as "a dedicated staff of professionals who are available to assist U.S. companies ... with respect to the U.S. unfair trade laws," including by "providing guidance to potential petitioners to assist them in determining what types of information will be required in order to pursue action against ... unfair trade practices" and in "ensuring their petition is in compliance with statutory initiation standards". In November 2004, DOC's Office of Textile and Apparel, whose decisions had long been overseen at the political level by the Assistant Secretary for Import Administration, was formally merged into the IA.

(b) Sector-specific trade remedy initiatives. The most important sectoral trade remedy initiative at DOC since 2000 is the "Steel Import Monitoring and Analysis" program, an import monitoring and licensing regime established in 2002. A second, more narrowly focused monitoring regime deals with apparel and textile imports from Vietnam. Other sector-specific import monitoring efforts have been activated since 2000 as part of the U.S. enforcement machinery for government-to-government agreements settling trade remedy cases on Softwood Lumber from Canada (2006 Softwood Lumber Agreement) and Cement from Mexico (2006 Cement Agreement).

(c) Expediting anti-dumping investigations. In 2000, DOC issued Policy Bulletin 00.1, which addresses conditions in which it would consider expediting an AD investigation and seeking to "complete it sooner than the initial deadlines provided in the Act." The bulletin then identified "criteria" that DOC would treat as relevant in processing future requests to expedite a case. These included:

- surging imports prior to petition filing (described as "the most critical factor");
- levels of import penetration;
- magnitude of alleged dumping margins and recent import price declines; and
- prior dumping of the same product or same general category of merchandise by exporters in the subject country.