

Mexican Anhydrous Ammonia, Carbon Black, and Cement cases. After prolonged debate in the House, HR4784 was defeated in the Senate.

These proposed bills demonstrate the uncertainty and fluidity of the definition of subsidy in U.S. law. Apart from judicial and administrative conflicts in interpretation, foreign governments and producers must contend with the possibility that Congress can change the ground rules even after an IIA determination. Particularly dangerous in these latest congressional proposals is the attempt to impose the U.S. way of doing business on foreign countries. At issue in the resource input cases is, in fact, government ownership and management of natural resources. Because U.S. producers have to purchase resource inputs in the open market, they have challenged foreign governments' resource pricing as providing unfair subsidies. To define the fair market value of a resource input owned by a foreign government as the same as the price of a comparable resource input in the United States is not a fair determination of unfair subsidy. It is an assault on the sovereignty of another nation to determine its own natural resource policies.

Other features of the complex U.S. contingent protection system that deal with what the United States regards as unfair trade practices include actions against patent, copyright, trademark, or antitrust infringement under Section 337 of the Tariff Act of 1930, and actions against unfair foreign government practices affecting U.S. exports and other trading actions under Section 301 of the Trade Act of 1974.

Section 337: Unfair Practices in Import Trade

Section 337 of the U.S. Tariff Act of 1930, as amended by the Trade Act of 1974, is aimed at imported goods that are tainted with unfair trade practices, such as patent, copyright, or trademark infringement, or unfair