

# Summary of Contents

## Volume 1

- Chapter 1. Antidumping Duties
- Chapter 2. Material Injury in Antidumping and Countervailing Duty Cases
- Chapter 3. Analysis of Antidumping and Countervailing Duty Matters Decided by the WTO and the GATT
- Chapter 4. Section 337 of the Tariff Act of 1930: Intellectual Property Actions at the International Trade Commission
- Chapter 5. Section 337 of the Tariff Act of 1930: Customs Service Enforcement Against Goods That Infringe or Counterfeit a Trademark, Trade Name, or Copyright
- Chapter 6. Actions Against Foreign Government Trade and Investment Practices; Section 301 of the Trade Act of 1974, As Amended
  - Appendix 6A. U.S. Trade Representatives Docket of Section 301 Investigations
  - Appendix 6B. U.S. Trade Representatives List of Section 301 Petitions Rejected or Withdrawn Prior to U.S.T.R. Action
- Chapter 7. Modification of Tariffs; Trade Agreements; Generalized System of Preferences; Import Relief; Unfair Trade Practices
- Chapter 8. World Trade Organization
- Chapter 9. U.S. Trade Preferences for Developing Countries
- Chapter 10. Controls on Exports
  - Appendix 10A. Glossary
- Chapter 11. United States Antiboycott Regulations
- Chapter 12. NAFTA at 13: Implementation Nears Completion
- Chapter 13. Summary of the North American Free Trade Agreement (NAFTA)
- Chapter 14. Free Trade Agreements: Impact on U.S. Trade and Implications for U.S. Trade Policy

## Volume 2

- Chapter 15. International Trade and Finance: Key Policy Issues for the 112th Congress
- Chapter 16. Trade Primer: Qs and As on Trade Concepts, Performance, and Policy
- Chapter 17. U.S. International Trade: Trends and Forecasts
- Chapter 18. Trade Promotion Authority (TPA) and the Role of Congress in Trade Policy
- Chapter 19. Trade Preferences: Economic Issues and Policy Options
- Chapter 20. The Export Administration Act: Evolution, Provisions, and Debate
- Chapter 21. Rules of the United States International Trade Commission [19 C.F.R. §§ 200.735-101 to 213.6]: Part 200—Employee Responsibilities and Conduct
- Chapter 22. Procedures in the United States Court of International Trade
- Chapter 23. U.S. Court of International Trade: Commentary and Rules
- Chapter 24. Basic Procedures in the U.S. Court of International Trade and the U.S. Court of Appeals for the Federal Circuit
- Chapter 25. Judicial Review and Jurisdiction

## Volume 3

- Chapter 26. Appellate Review and Appeals to the Supreme Court
- Chapter 27. The Export Administration Act: Summary and Proposed Text and Amendments of 2007

### Appendices

- Appendix A. Code of Federal Regulations; Title 15—Commerce and Foreign Trade; Chapter VII—Bureau of Industry and Security, Department of Commerce; Subchapter C—Export Administration Regulations 15 C.F.R. Pts. 758, 760, 764, 766, 772
- Appendix B. Code of Federal Regulations; Title 15—Commerce and Foreign Trade; Chapter VII—Bureau of Industry and Security, Department of Commerce; Subchapter C—Export Administration Regulations 15 C.F.R. Pts. 730, 732, 734, 736, 738, 740, 742
- Appendix C. The Trade Act of 2002

SUMMARY OF CONTENTS

- Appendix D. The President's 2010 Annual Report on the Trade Agreements Program
- Appendix E. The Year in Trade 2010: Operation of the Trade Agreements Program
- Appendix F. 2011 Special 301 Report
- Appendix G. 2011 Report on Technical Barriers to Trade
- Appendix H. 2011 National Export Strategy

<http://www.pbookshop.com>

# Table of Contents

## Volume 1

### CHAPTER 1. ANTIDUMPING DUTIES

#### I. INTRODUCTION

- § 1:1 In general
- § 1:2 Statutory provisions
- § 1:3 Initiation of antidumping investigation
- § 1:4 Parties
- § 1:5 Petition determination
- § 1:6 Preliminary determination by the commission
- § 1:7 Preliminary determination by commerce
- § 1:8 Final determination by commerce
- § 1:9 Final determination by the commission
- § 1:10 Antidumping duty order

#### II. OTHER STATUTORY PROVISIONS

- § 1:11 The record; verification; progress report; facts available
- § 1:12 Critical circumstances
- § 1:13 Downstream product monitoring

#### III. TERMINATION AND SUSPENSION OF INVESTIGATIONS

- § 1:14 Termination
- § 1:15 Suspension under an agreement

#### IV. ACCESS TO INFORMATION; CONFIDENTIALITY

- § 1:16 Overview

#### V. SALES AT LESS THAN FAIR VALUE

- § 1:17 Overview
- § 1:18 Normal value
- § 1:19 Foreign like product
- § 1:20 Home market sales
- § 1:21 Sales to third countries
- § 1:22 Price adjustments
- § 1:23 —Quantity discounts

- § 1:24 —Circumstances of sale
- § 1:25 —Differences in physical characteristics
- § 1:26 Levels of trade; constructed export price offset
- § 1:27 —Level of trade adjustment
- § 1:28 —Constructed export price offset
- § 1:29 Sales below cost of production
- § 1:30 Sampling and averaging; weighted average dumping margins and targeted dumping—Sampling and averaging
- § 1:31 —Weighted average dumping margin and targeted dumping
- § 1:32 Nonmarket economy countries
- § 1:33 Multinational corporations
- § 1:34 Currency conversion
- § 1:35 Constructed value
- § 1:36 Export price and constructed export price
- § 1:37 Reimbursement of antidumping duties
- § 1:38 The Continued Dumping and Subsidy Offset Act of 2000

## **VI. MERCHANDISE SUBJECT TO ANTIDUMPING DUTIES**

- § 1:39 Overview
- § 1:40 Clarifying the scope of the order
- § 1:41 Anti-circumvention measures

## **VII. ADMINISTRATIVE REVIEW; SUNSET REVIEW; REVOCATION**

- § 1:42 Annual administrative reviews
- § 1:43 Verification; best information available
- § 1:44 Sunset reviews
- § 1:45 Changed circumstances
- § 1:46 Revocation

## **VIII. JUDICIAL REVIEW GENERALLY**

- § 1:47 Overview

# **CHAPTER 2. MATERIAL INJURY IN ANTIDUMPING AND COUNTERVAILING DUTY CASES**

## **I. INTRODUCTION**

- § 2:1 Overview

## **II. DOMESTIC LIKE PRODUCT**

- § 2:2 Overview

TABLE OF CONTENTS

**III. COURT CASES**

§ 2:3 Inclusion of items in the like product definition

§ 2:4 Two or more like products

**IV. COMMISSION DETERMINATIONS**

§ 2:5 Overview

§ 2:6 Similarities between products

§ 2:7 Different grades generally do not result in different like products

§ 2:8 Miscellaneous issues

§ 2:9 Differences between articles

§ 2:10 Unfinished, intermediate, or semifinished articles

**V. DOMESTIC INDUSTRY**

§ 2:11 In general

§ 2:12 Defining domestic production

**VI. EXCLUSION OF RELATED PARTIES FROM THE DOMESTIC INDUSTRY**

§ 2:13 In general

§ 2:14 Court cases

§ 2:15 Commission determinations

**VII. SPECIAL INDUSTRY RULE FOR AGRICULTURAL PRODUCTS**

§ 2:16 Overview

**VIII. REGIONAL INDUSTRY**

§ 2:17 In general

§ 2:18 Commission determinations

**IX. MATERIAL INJURY BY REASON OF THE DUMPED IMPORTS**

§ 2:19 Overview

**X. CUMULATION OF IMPORTS FROM DIFFERENT COUNTRIES UNDER INVESTIGATION**

§ 2:20 The statutory standard

§ 2:21 Imports subject to investigation for cumulation purposes

§ 2:22 Competition for cumulation analysis

**XI. MATERIAL INJURY TO A DOMESTIC INDUSTRY BY REASON OF THE IMPORTS UNDER INVESTIGATION**

§ 2:23 Overview

- § 2:24 The standard for injury and causation
- § 2:25 Cases addressing material injury and causation
- § 2:26 Information gathering and quality

## **XII. THREAT OF MATERIAL INJURY**

- § 2:27 Overview

## **XIII. MATERIAL RETARDATION**

- § 2:28 Overview

## **XIV. STANDARD FOR PRELIMINARY DETERMINATIONS**

- § 2:29 Overview

## **XV. FIVE YEAR (“SUNSET”) REVIEWS**

- § 2:30 Procedural overview
- § 2:31 Required factors for commission consideration

# **CHAPTER 3. ANALYSIS OF ANTIDUMPING AND COUNTERVAILING DUTY MATTERS DECIDED BY THE WTO AND THE GATT**

## **I. INTRODUCTION**

- § 3:1 Introduction
- § 3:2 Antidumping matters
- § 3:3 ‘AD-CVD’?
- § 3:4 Substantive rules
- § 3:5 Committee on anti-dumping practices
- § 3:6 Dispute settlement
- § 3:7 Notifications
- § 3:8 WTO antidumping panel reports—Index

## **II. SUMMARIES OF WTO ANTIDUMPING PANEL REPORTS**

- § 3:9 WT/DS189/R—Argentina-Definitive Anti-Dumping Measures on Imports of Ceramic Floor Tiles from Italy (brought by the EC)—Adopted 11/2/01
- § 3:10 WT/DS241/R—Argentina-Definitive Anti-Dumping Duties on Poultry from Brazil—Adopted 5/19/03
- § 3:11 WT/DS141/R—EC-Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India—Adopted 3/12/01
- § 3:12 WT/DS219/R—EC-Anti-Dumping Duties on Malleable Cast Iron Tube of Pipe Fittings from Brazil—Adopted 8/18/03

## TABLE OF CONTENTS

- § 3:13 WT/DS337/R—European Communities-Anti-Dumping Measure on Farmed Salmon from Norway—Adopted 11/16/07
- § 3:14 WT/DS211/R—Egypt-Definitive Anti-Dumping Measures on Steel Rebar from Turkey—Adopted 10/1/02
- § 3:15 WT/DS60/R—Guatemala-Anti-Dumping Investigation Regarding Portland Cement from Mexico (Cement I)—Adopted 11/25/98
- § 3:16 WT/DS156/R—Guatemala-Definitive Anti-Dumping Measures on Grey Portland Cement from Mexico (Cement II)—Adopted 11/17/00
- § 3:17 WT/DS312/R—Korea-Anti-Dumping Duties on Imports of Certain Paper from Indonesia—Adopted 11/28/05
- § 3:18 WT/DS132/R—Mexico-Anti-Dumping Investigation of High Fructose Corn Syrup (HFCS) from the United States—Adopted 2/24/00
- § 3:19 WT/DS295/R—Mexico-Definitive Anti-Dumping Measures on Beef and Rice—Adopted 12/20/05
- § 3:20 WT/DS331/R—Mexico-Anti-Dumping Duties on Steel Pipes and Tubes from Guatemala—Circulated 6/08/07
- § 3:21 WT/DS122/R—Thailand-Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H-Beams from Poland—Adopted 4/5/01
- § 3:22 WT/DS136/R/WT/DS162/R—U.S.-Anti-Dumping Act of 1916—Adopted 9/26/00
- § 3:23 WT/DS244/R—U.S.-Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan—Adopted 1/9/04
- § 3:24 WT/DS99/R—U.S.-Anti-Dumping Duty on Dynamic Random Access Memory Semiconductors (DRAMs) of One Megabit or Above from Korea—Adopted 3/19/99
- § 3:25 WT/DS264/R—U.S.-Final Dumping Determination on Softwood Lumber from Canada—Adopted 8/31/04
- § 3:26 WT/DS277/RW—U.S.-Investigation of the International Trade Commission in Softwood Lumber from Canada—Appellate Body Report Adopted 5/9/06
- § 3:27 WT/DS221/R—U.S.-Section 129(c)(1) of the Uruguay Round Agreements Act—Adopted 8/30/02
- § 3:28 WT/DS335/R—United States-Anti-Dumping Measure on Shrimp From Ecuador—Adopted 1/30/07
- § 3:29 WT/DS179/R—U.S.-Anti-Dumping Measures on Stainless Steel Plate in Coils and Stainless Steel Sheet and Strip from Korea—Adopted 2/1/01
- § 3:30 WT/DS184/R—U.S.-Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan—Adopted 8/23/01
- § 3:31 WT/DS206/R—U.S.-Anti-Dumping and Countervailing Measures on Steel Plate from India—Adopted 7/29/02
- § 3:32 WT/DS217234/R—U.S.-Continued Dumping and Subsidy Offset Act of 2000 (“Byrd Amendment”)—Adopted 1/27/03
- § 3:33 WT/DS268/R—U.S.-Sunset Reviews of Anti-Dumping Measures on Oil Country Tubular Goods from Argentina—Adopted 12/17/04
- § 3:34 WT/DS282/R—U.S.-Anti-Dumping Measures on Oil Country Tubular Goods (OCTG) from Mexico—Adopted 11/28/05

- § 3:35 WT/DS294/R—U.S.-Laws, Regulations and Methodology for Calculating Dumping Margins (“Zeroing”)—Adopted 10/31/05
- § 3:36 WT/DS322/R—U.S.-Measures Relating to Zeroing and Sunset Reviews—Adopted 9/20/06
- § 3:37 WT/DS344/R—United States—Final Anti-Dumping Measures on Stainless Steel from Mexico—Adopted 12/20/07

### III. GATT PANELS ON ANTIDUMPING ISSUES

- § 3:38 Introduction
- § 3:39 ADP/137—EC—Imposition of Anti-dumping Duties on Imports of Cotton Yarn from Brazil—7/4/95
- § 3:40 ADP/136—EC—Anti-dumping Duties on Audio Tapes in Cassettes Originating in Japan—4/28/95
- § 3:41 ADP/87—U.S.-Imposition of Anti-dumping Duties on Imports of Fresh and Chilled Atlantic Salmon from Norway—Adopted 4/27/94
- § 3:42 ADP/117—U.S.-Anti-dumping Duties on Imports of Stainless Steel Plate from Sweden—Panel Report 2/24/94
- § 3:43 ADP/92—Korea—Anti-dumping Duties on Imports of Polyacetal Resins from the United States—Panel Report 4/2/93
- § 3:44 ADP/82—U.S.-Anti-dumping Duties on Grey Portland Cement and Cement Clinker from Mexico—Panel Report 8/7/92
- § 3:45 ADP/47—U.S.-Imposition of Anti-dumping Duties on Imports of Seamless Stainless Steel Hollow Products from Sweden—Panel Report 8/20/90
- § 3:46 L6657—37S/132—EEC—Regulation on Imports of Parts and Components—Adopted 5/16/90
- § 3:47 L/5814-32S/55—New Zealand—Imports of Electrical Transfers from Finland—Adopted 7/18/85
- § 3:48 L/328-3S/81—Swedish Anti-dumping Duties—Adopted 2/26/55

### IV. COUNTERVAILING DUTY MATTERS

- § 3:49 Introduction
- § 3:50 Prohibited subsidies
- § 3:51 Actionable subsidies
- § 3:52 Structure of the agreement
- § 3:53 Coverage of the agreement
- § 3:54 Definition of subsidy
- § 3:55 Specificity
- § 3:56 Agricultural subsidies
- § 3:57 Countervailing measures
- § 3:58 Substantive rules
- § 3:59 Procedural rules
- § 3:60 Developed countries
- § 3:61 Developing countries
- § 3:62 Members in transformation to a market economy
- § 3:63 Notifications
- § 3:64 Countervailing legislation and measures

## TABLE OF CONTENTS

- § 3:65 Dispute settlement
- § 3:66 WTO subsidies/CVD case summaries—Index
- § 3:67 WT/DS126/R—Australia-Subsidies Provided to Producers and Exporters of Automotive Leather—Adopted 6/16/99
- § 3:68 WT/DS46/R—Brazil-Export Financing Program for Aircraft—Adopted 8/20/99
- § 3:69 WT/DS22/R—Brazil-Measures Affecting Desiccated Coconut—Adopted 3/20/97
- § 3:70 WT/DS70/R—Canada-Measures Affecting the Export of Civilian Aircraft (Aircraft I)—Adopted 8/20/99
- § 3:71 WT/DS222/ARB—Canada—Export Credits and Loan Guarantees for Regional Aircraft (Aircraft II)—Authorization to Suspend Concessions 3/18/03
- § 3:72 WT/DS103,113/R—Canada-Measures Affecting the Importation of Milk and the Exportation of Dairy Products—Adopted 10/27/99
- § 3:73 WT/DS265, 266, 283/R—EC-Export Subsidies on Sugar—Adopted 5/19/05
- § 3:74 WT/DS301/R—EC-Measures Affecting Trade in Commercial Vessels—Adopted 6/20/05
- § 3:75 WT/DS299/R—EC-Countervailing Measures on Dynamic Random Access Memory Chips from Korea—Panel Report Adopted 8/3/2005
- § 3:76 WT/DS54, 55, 59, 64/R—Indonesia-Certain Measures Affecting the Automobile Industry—Adopted 7/13/98
- § 3:77 WT/DS161,169/R—Korea-Measures Affecting Imports of Fresh, Chilled and Frozen Beef—Adopted 1/10/01
- § 3:78 WT/DS273/R—Korea-Measures Affecting Trade in Commercial Vessels—Adopted 4/11/05
- § 3:79 WT/DS336/R—Japan-Countervailing Duties on Dynamic Random Access Memories from Korea—Adopted 7/13/07
- § 3:80 WT/DS267/R—U.S.-Subsidies on Upland Cotton—Adopted 3/21/05
- § 3:81 WT/DS212/R—U.S.-Countervailing Measures Concerning Certain Products from the European Communities—Adopted 1/8/03
- § 3:82 WT/DS236/R—U.S.-Countervailing Duty Investigation on Dynamic Random Access Memory Semiconductors (DRAMS) from Korea—Adopted 7/20/05
- § 3:83 WT/DS194/R—U.S.-Measures Treating Export Restraints as Subsidies—Adopted 8/23/01
- § 3:84 WT/DS108/R—U.S.-Tax Treatment for “Foreign Sales Corporations”—Adopted 3/20/00
- § 3:85 WT/DS213/R—U.S.-Countervailing Duties on Certain Corrosion-Resistant Carbon Steel Flat Products from Germany—Adopted 12/19/02
- § 3:86 WT/DS138/R—U.S.-Imposition of Countervailing Duties on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products Originating in the United Kingdom—Adopted 6/7/00
- § 3:87 WT/DS236/R—U.S.-Final Countervailing Duty Determination with respect to Certain Softwood Lumber from Canada—Adopted 2/14/04
- § 3:88 WT/DS277/RW—U.S.-Investigation of the International Trade

- Commission in Softwood Lumber from Canada—AB Report  
Circulated 4/13/2006
- § 3:89 WT/DS217, 234/R—U.S.-Continued Dumping and Subsidy Offset  
Act of 2000 (“Byrd Amendment”)—Adopted 1/27/03
- § 3:90 WT/DS221/R—U.S.-Section 129(c)(1) of the Uruguay Round  
Agreements Act—Adopted 8/30/02
- § 3:91 GATT panels addressing subsidies and countervailing duties—  
Index

## V. GATT PANEL CASE SUMMARIES

- § 3:92 SCM/94—U.S.-Countervailing Duties on Non-Rubber Footwear  
from Brazil—Panel Report 10/4/89
- § 3:93 SCM/185—U.S.-Imposition of Countervailing Duties on Certain  
Hot-rolled Lead and Bismuth Carbon Steel Products Originating  
in France, Germany and the United Kingdom—Panel Report  
11/15/94
- § 3:94 SCM/179—Brazil—Imposition of Provisional and Definitive  
Countervailing Duties on Milk Powder and Certain Types of Milk  
from the European Economic Community—Adopted 4/28/94
- § 3:95 SCM/153—U.S.-Imposition of Countervailing Duties on Imports of  
Fresh and Chilled Atlantic Salmon from Norway—Adopted  
4/28/94
- § 3:96 SCM/178—Australia—Imposition of Countervailing Duties on  
Imports of Glace Cherries from France and Italy in Application  
of the Australian Customs Amendment Act of 1991—10/28/93
- § 3:97 SCM/162—U.S.-Measures Affecting Imports of Softwood Lumber  
from Canada—Adopted 10/27/93
- § 3:98 DS18/R-39S/128—U.S.-denial of MFN Treatment as to Non-  
Rubber Footwear from Brazil—(Footwear II) Adopted 6/19/92
- § 3:99 SCM/71-39S/436—U.S.-Definition of Industry Concerning Wine  
and Grape Products—Adopted 4/28/92
- § 3:100 DS28/R-39S/91—Follow up on the Panel Report European  
Economic Community—Payments and Subsidies Paid to  
Processors and Producers of Oilseeds and Related Animal Feed  
Proteins—Panel Report 3/3/92
- § 3:101 SCM/140—Panel on Canadian Countervailing Duties on Grain  
Corn from the US—Adopted 3/26/92
- § 3:102 SCM/142—German Exchange Rate Scheme from Deutsche  
Airbus—Panel Report 3/4/92
- § 3:103 DS7/R-38S/30—U.S.-Countervailing Duties on Fresh, Chilled and  
Frozen Pork from Canada—Adopted 7/11/91
- § 3:104 L/6627-37S/86—European Economic Community—Payments of  
Subsidies Paid to Processors and Producers of Oilseeds and  
Related Animal Feed Proteins—Adopted 1/25/90
- § 3:105 SCM/85—Canada—Imposition of Countervailing Duties on  
Imports of Manufacturing Beef from the EEC—Panel Report  
0/13/87
- § 3:106 SCM/83-34S/194—U.S.-Initiating of a Countervailing Duty

## TABLE OF CONTENTS

- Investigation into Softwood Lumber Products from Canada—  
Panel Report 6/3/87
- § 3:107 L/5778—EEC—Production Aids Granted on Canned Peaches,  
Canned Pears, Canned Fruit Cocktail and Dried Grapes—Panel  
Report 2/20/85
- § 3:108 SCM/43—ECC—Subsidies on Export of Pasta Products—Panel  
Report 5/19/83
- § 3:109 SCM/42—ECC—Subsidies on Export of Wheat Flour—Panel  
Report 3/21/83
- § 3:110 L/4425-23S/137—Income Tax Practices Maintained by the  
Netherlands—Presented to the Council of Representatives on  
11/12/76
- § 3:111 L/4424-23S/127—Income Tax Practices Maintained by Belgium—  
Presented to the Council of Representatives 11/12/76
- § 3:112 L/4423-23S/114—Income Tax Practices Maintained by France—  
Presented to the Council of Representatives 11/12/76
- § 3:113 L/442-23S/98—U.S. Tax Legislation—Presented to the Council of  
Representatives 11/12/76
- § 3:114 L/5192-28S/113—Panel on U.S. Countervailing Duties—Adopted  
11/3/81
- § 3:115 L/924-7S/46—French Assistance to Exporters of Wheat and Wheat  
Flour—Adopted 11/21/58
- § 3:116 GATT/CP/4/39—The Australian Subsidy on Ammonium  
Sulphate—Adopted 4/3/50

## **CHAPTER 4. SECTION 337 OF THE TARIFF ACT OF 1930: INTELLECTUAL PROPERTY ACTIONS AT THE INTERNATIONAL TRADE COMMISSION**

### **I. INTRODUCTION**

- § 4:1 Introduction

### **II. THE UNITED STATES INTERNATIONAL TRADE COMMISSION**

- § 4:2 Introduction
- § 4:3 The commissioners
- § 4:4 Powers of the commission
- § 4:5 Proceedings conducted by the commission
- § 4:6 The commission staff
- § 4:7 Commission rules

### **III. THE STATUTE: SECTION 337 OF OHE TARIFF ACT OF 1930**

#### **A. INTRODUCTION**

§ 4:8 Introduction

#### **B. SUBSTANTIVE PROVISIONS: UNFAIR PRACTICES IN THE IMPORT TRADE**

§ 4:9 Introduction

§ 4:10 Subject matter jurisdiction

§ 4:11 —Importation; reimportation

§ 4:12 —Sale for importation

§ 4:13 —Sale after importation

§ 4:14 —Articles

§ 4:15 —Definition of “United States”

§ 4:16 —Owner, importer, or consignee

§ 4:17 Unfair practices covered by Section 337

§ 4:18 —Non-intellectual property cases (Section 337(a)(1)(A))

§ 4:19 —Intellectual property cases (Section 337(a)(1)(B)–(E))

§ 4:20 Industry requirement—Intellectual-property-based cases (Section 337(a)(2)–(3))

§ 4:21 —Non-intellectual-property-based cases (Section 337(a)(1)(A))

§ 4:22 —Time for determining existence of industry

§ 4:23 Injury requirement

§ 4:24 Statutory exceptions to coverage of practices by Section 337 (Section 337(b)(3))

§ 4:25 —Dumping and unlawful subsidies

§ 4:26 —Complaint or investigation based on certain types of alleged copyright infringement

#### **C. REMEDIAL ORDERS**

§ 4:27 Introduction

§ 4:28 Exclusion orders (Section 337(d)–(e))

§ 4:29 Cease and desist orders (Section 337(f))

§ 4:30 Remedial orders for downstream products

§ 4:31 Seizure and forfeiture orders (Section 337(i))

#### **D. PUBLIC INTEREST FACTORS PRECLUDING RELIEF (SECTION 337(D)–(F))**

§ 4:32 Introduction

#### **E. IMPORTANT PROCEDURAL ASPECTS OF SECTION 337**

§ 4:33 Applicability of the Administrative Procedure Act

TABLE OF CONTENTS

§ 4:34 Time limits

**IV. SECTION 337 PROCEEDINGS**

§ 4:35 Overview

**V. GENERAL RULES FOR WRITTEN SUBMISSIONS  
AND COMPUTATION OF TIME**

**A. INTRODUCTION**

§ 4:36 Introduction

**B. WRITTEN SUBMISSIONS (COMMISSION RULES  
201.8, 201.16, 210.4)**

§ 4:37 Form

§ 4:38 Where filed; mode of filing

§ 4:39 Service

§ 4:40 —Mode of service

§ 4:41 —Proof of service

§ 4:42 Number of copies for filing with original

§ 4:43 Requirement and time for filing public versions

**C. COMPUTATION OF TIME (COMMISSION RULES  
201.14, 201.16(D))**

§ 4:44 General rule

§ 4:45 Special rule for periods of less than seven days

§ 4:46 Additional time after service by mail

**VI. CONFIDENTIAL INFORMATION (SECTION 337(N);  
COMMISSION RULE 201.6)**

§ 4:47 Generally

§ 4:48 Obtaining confidential treatment—Prior to institution of the  
investigation

§ 4:49 —After institution of the investigation

**VII. INITIATION OF A SECTION 337 INVESTIGATION**

**A. INTRODUCTION**

§ 4:50 Introduction

**B. THE COMPLAINT**

§ 4:51 Overview

**C. CONTENTS OF THE COMPLAINT (COMMISSION  
RULE 210.12)**

§ 4:52 Oath and signatures (Commission Rule 210.12)

- § 4:53 Statement of facts (Commission Rule 210.12(a)(2))
- § 4:54 Specific instances of unlawful importation or sales (Commission Rule 210.12(a)(3))
- § 4:55 Tariff numbers (Commission Rule 210.12(a)(3))
- § 4:56 Proposed respondents (Commission Rule 210.12(a)(4))
- § 4:57 Other court or agency litigation (Commission rule 210.12(a)(5))
- § 4:58 Domestic industry/trade and commerce (Commission Rule 210.12(a)(6))—Intellectual-property-based cases
  - § 4:59 —Non-intellectual-property-based cases
  - § 4:60 —Antitrust-based cases
- § 4:61 Complainant's business (Commission Rule 210.12(a)(7))
- § 4:62 Specific theory for non-intellectual-property based cases (Commission Rule 210.12(a)(8))
- § 4:63 Additional requirements for patent-based cases (Commission Rule 210.12(a)(9))
- § 4:64 Request for relief (Commission rule 210.12(a)(10))
- § 4:65 Submission of articles as exhibits (Commission Rule 210.12(b))
- § 4:66 Additional materials (Commission Rule 210.12(b)–(g))
  - § 4:67 —Additional material to accompany patent-based complaint (Commission Rule 210.12(c))
  - § 4:68 —Additional materials to accompany complaint based on federally-registered trademark (Commission Rule 210.12(d))
  - § 4:69 —Additional materials to accompany complaint based on non-federally registered trademark (Commission Rule 210.12(e))
  - § 4:70 —Additional material to accompany complaint based on copyright (Commission Rule 210.12(f))
  - § 4:71 —Additional materials to accompany complaint based on registered mask work (Commission rule 210.12(g))

#### D. REVIEW OF DRAFT COMPLAINT BY OUII

- § 4:72 Overview

#### E. FILING AND SERVICE OF THE COMPLAINT (COMMISSION RULE 210.8)

- § 4:73 Overview

#### F. DUTY TO SUPPLEMENT COMPLAINT (COMMISSION RULE 210.12(H))

- § 4:74 Overview

#### G. AMENDMENT OF COMPLAINT (COMMISSION RULE 210.14)

- § 4:75 Pre-institution
- § 4:76 Post-institution

## TABLE OF CONTENTS

### H. COMMISSION ACTION ON RECEIPT OF COMPLAINT (COMMISSION RULES 210.9–.11)

- § 4:77 Overview
- § 4:78 Commission action on institution
- § 4:79 Commission action on non-institution

### I. WITHDRAWAL OF THE COMPLAINT (COMMISSION RULE 210.10)

- § 4:80 Withdrawal of the complaint prior to commission vote on institution
- § 4:81 Withdrawal of the complaint after commission vote to institute

## VIII. INITIAL STEPS BY RESPONDENT; OBTAINING CONFIDENTIAL VERSION OF COMPLAINT; RESPONSE TO COMPLAINT AND NOTICE OF INVESTIGATION; COUNTERCLAIMS

- § 4:82 Initial steps; obtaining confidential version of complaint
- § 4:83 The Response (Commission Rule 210.13)—Time for filing response
- § 4:84 —Requirement for response
- § 4:85 —Additional information required to be provided in response
- § 4:86 —Affirmative defenses
- § 4:87 —Additional requirements for response in patent case
- § 4:88 Counterclaims (Section 337(c), Commission Rule 210.14)—Mode and time for filing
- § 4:89 —Mandatory removal of counterclaims to district court for adjudication

## IX. SECTION 337 INVESTIGATIONS: ADMINISTRATIVE LAW JUDGE PHASE

- § 4:90 Introduction
- § 4:91 The administrative law judge system
- § 4:92 Administrative law judges at the commission
- § 4:93 Action by the ALJ after assignment: issuance of protective order and ground rules
- § 4:94 Discovery statements
- § 4:95 Discovery
- § 4:96 Pre-hearing conferences
- § 4:97 Answer
- § 4:98 Target date; target date statements (section 337(b)(1); commission rule 210.51)
- § 4:99 The procedural schedule; order of proceedings
- § 4:100 —Settlement conference and report
- § 4:101 —Identification of expert witnesses
- § 4:102 —Tentative list of witnesses
- § 4:103 —Expert reports

- § 4:104 —Notice of art
- § 4:105 —Submission of statements regarding witness statements
- § 4:106 —Discovery cutoff and completion
- § 4:107 —Deadline for motions to compel discovery
- § 4:108 —Joint narrative statement of the issues
- § 4:109 —Direct exhibits; physical and demonstrative exhibits
- § 4:110 —Objections to direct exhibits
- § 4:111 —rebuttal exhibits
- § 4:112 —Objections to rebuttal exhibits
- § 4:113 —Pre-hearing statements and briefs
- § 4:114 —Tutorial
- § 4:115 —Pre-hearing conference
- § 4:116 —Evidentiary hearing
- § 4:117 The procedural schedule; Order of proceedings—Post-hearing  
briefs, proposed findings of fact, proposed conclusions of law
- § 4:118 —Post-hearing reply briefs, rebuttal findings of fact and  
conclusions of law
- § 4:119 The procedural schedule; order of proceedings—Closing argument
- § 4:120 Initial determination on violation of section 337 (Commission Rule  
210.42(a)(1))
- § 4:121 Recommended determination on remedy and bonding (Commission  
Rule 210.42(a)(1)(ii))

**X. DISCOVERY COMMISSION RULES 210.27–.34**

- § 4:122 Introduction
- § 4:123 Scope of discovery (Commission Rule 210.27(b))
- § 4:124 Form of discovery requests, responses, and objections (Commission  
Rule 210.27(d)(1))
- § 4:125 Signing of discovery requests, responses, and objections  
(Commission Rule 210.27(d)(2))—If party represented by an  
attorney
- § 4:126 —If party not represented by an attorney
- § 4:127 —Significance of signing; certification
- § 4:128 —Failure to sign; consequences
- § 4:129 —Improper certification
- § 4:130 Supplementation of responses to discovery requests (Commission  
Rule 210.27(c))
- § 4:131 Discovery requests, responses and objections not filed; service
- § 4:132 Discovery by the commission investigative attorney
- § 4:133 Discovery from the commission, commission employees, and the  
commission investigative attorney
- § 4:134 Interrogatories (Commission Rule 210.29)
- § 4:135 —When interrogatories may be served
- § 4:136 —Limit on number of interrogatories
- § 4:137 —Time for service of response and objections to interrogatories
- § 4:138 —Contents of response
- § 4:139 —Contention interrogatories

## TABLE OF CONTENTS

- § 4:140 —Option to produce records
- § 4:141 Request for production of documents and things and entry upon land (Commission Rule 210.30)
- § 4:142 —When requests may be served
- § 4:143 —Contents of the request
- § 4:144 —Time for response
- § 4:145 —Contents of response
- § 4:146 —Persons not parties
- § 4:147 Requests for admission (Commission Rule 210.31)
- § 4:148 —When requests for admission may be served
- § 4:149 —Contents of requests for admission
- § 4:150 —Time for answers and objections
- § 4:151 —Contents of answers and objections
- § 4:152 —Effect of failure to answer or object
- § 4:153 —Motion to contest sufficiency of answers or objections
- § 4:154 —Effect of admissions
- § 4:155 —Withdrawal or amendment of admission
- § 4:156 —Effect of admissions on other proceedings
- § 4:157 Depositions (Commission Rule 210.28)
- § 4:158 —When depositions may be taken; time for notice
- § 4:159 —Contents of notice of deposition
- § 4:160 —Telephonic depositions
- § 4:161 —Recording of deposition by other than stenographic means; video depositions
- § 4:162 —Persons before whom depositions may be taken
- § 4:163 —Taking of deposition
- § 4:164 —Special procedure for depositions of non-party officers or employees of the commission or other government agencies
- § 4:165 —Admissibility of depositions
- § 4:166 —Use of only part of deposition
- § 4:167 —Effect of errors and irregularities in depositions
- § 4:168 Protective orders (Commission Rule 210.34)
- § 4:169 —Obtaining protective orders
- § 4:170 —Denial of motion for protective order
- § 4:171 —Issuance or amendment of protective order by commission
- § 4:172 Subpoena practice (Commission Rule 210.32)
- § 4:173 —Subpoenas available
- § 4:174 —Form of subpoenas
- § 4:175 —Applications for subpoenas
- § 4:176 —Issuance of the subpoena
- § 4:177 —Certain subpoenas prohibited or restricted
- § 4:178 —Witness fees
- § 4:179 —Motion to quash
- § 4:180 —Enforcement of subpoenas

## XI. MOTIONS PRACTICE

- § 4:181 Introduction

- § 4:182 Content
- § 4:183 Filing and service
- § 4:184 Responses
- § 4:185 Replies
- § 4:186 Rulings on motions
- § 4:187 Review of rulings on motions
- § 4:188 —Where ruling is by initial determination
- § 4:189 —Where ruling is made by order: interlocutory appeals

**XII. DEFAULT (SECTION 337(G); COMMISSION RULES 210.16–.17)**

- § 4:190 Statutory default
- § 4:191 Failure to act other than statutory forms of default (Commission Rule 210.17)

**XIII. AVOIDANCE OF TRIAL: SUMMARY DETERMINATION (COMMISSION RULE 210.18)**

- § 4:192 Introduction
- § 4:193 Time for filing motion
- § 4:194 Affidavits
- § 4:195 Ruling; basis
- § 4:196 Order of summary determination
- § 4:197 Refusal of summary determination; continuations
- § 4:198 Order establishing facts

**XIV. INTERVENTION (COMMISSION RULE 210.19)**

- § 4:199 Intervention generally
- § 4:200 Intervention as a respondent

**XV. DECLASSIFICATION OF CONFIDENTIAL INFORMATION (COMMISSION RULE 210.20)**

- § 4:201 Overview

**XVI. SUSPENSION OF INVESTIGATION (SECTION 337(B)(3); COMMISSION RULE 210.23)**

- § 4:202 Overview

**XVII. TERMINATION OF INVESTIGATION WITHOUT ADJUDICATION ON THE MERITS (COMMISSION RULE 210.21)**

- § 4:203 By withdrawal of the complaint and otherwise
- § 4:204 By consent order or agreement between private parties
- § 4:205 —Consent orders

TABLE OF CONTENTS

- § 4:206 —Termination by agreement between the parties: settlement
- § 4:207 —Termination based on arbitration agreement

**XVIII. SANCTIONS AND SANCTION PROCEEDINGS  
(COMMISSION RULE 210.25 AND RELATED  
RULES)**

- § 4:208 Introduction
- § 4:209 Time for filing sanctions motions—Abuse of process
- § 4:210 —Abuse of discovery; failure to make or cooperate in discovery;  
violation of protective order
- § 4:211 To whom motion for sanctions is addressed
- § 4:212 —When motion is addressed to ALJ
- § 4:213 —When motion is addressed to the commission
- § 4:214 —Gaps in the rules
- § 4:215 —Mode of decision on motions for sanctions where motion is  
addressed to ALJ
- § 4:216 To Whom Motion for Sanctions is Addressed—Mode of decision on  
motions for sanctions where motion is addressed to commission
- § 4:217 Deferred ruling by the ALJ
- § 4:218 Commission review of ALJ sanction rulings—Ruling issued before  
ID on violation
- § 4:219 —Commission review of ALJ ruling on sanctions made with ID
- § 4:220 —Commission review of deferred ruling on sanctions by ALJ
- § 4:221 —Commission review of ALJ ruling under commission rule  
210.25(c)
- § 4:222 Sanctions—Substantive law
- § 4:223 — —Abuse of process (Commission Rule 210.4(d)(1); safe harbor  
provisions
- § 4:224 — —Sanctions for abuse of process
- § 4:225 — —Abuse of discovery (Commission Rule 210.27 (d)(3))
- § 4:226 — —Sanctions for abuse of discovery
- § 4:227 — —Exceptions to monetary sanctions for abuse of discovery
- § 4:228 — —Failure to make or cooperate in discovery (Commission Rule  
210.33(b)–(c))
- § 4:229 — —Non-Monetary sanctions for failure to make or cooperate in  
discovery
- § 4:230 — —Forms of ruling granting non-monetary sanctions for failure  
to make or cooperate in discovery
- § 4:231 — —Insufficiency of non-monetary sanctions for failure to make or  
cooperate in discovery
- § 4:232 — —Monetary sanctions for failure to make or cooperate in  
discovery
- § 4:233 — —Exceptions to monetary sanctions for failure to make or  
cooperate in discovery
- § 4:234 — —Violation of protective order (Commission Rule 210.34(c))
- § 4:235 — —Sanctions for violation of protective order
- § 4:236 — —Action required by party making unauthorized disclosure of  
information (Commission Rule 210.34(b))

§ 4:237 — —Sanctions not specified in Commission Rule 210.25(d)

## **XIX. COMMISSION REVIEW OF FINAL INITIAL DETERMINATIONS**

- § 4:238 Introduction
- § 4:239 Review by grant of petition for review—Petition for review; contents
- § 4:240 —Failure to file petition for review; failure to raise issues in petition
- § 4:241 —“contingent” petitions for review
- § 4:242 —Grant or denial of review
- § 4:243 Commission review on its own motion
- § 4:244 Decision whether to review; the review proceeding
- § 4:245 Nature of commission review
- § 4:246 Commission action on issues of public interest, remedy, and bonding
- § 4:247 Commission final determination
- § 4:248 Petitions for reconsideration

## **XX. PRESIDENTIAL REVIEW OF COMMISSION DETERMINATION AND ORDER**

§ 4:249 Overview

## **XXI. TEMPORARY RELIEF (SECTION 337(E); COMMISSION RULES 210.52–.69)**

- § 4:250 Generally
- § 4:251 Procedure—Motion for temporary relief
- § 4:252 —Provisional acceptance of motion
- § 4:253 —Service of motion and complaint
- § 4:254 —Responses to the motion and complaint
- § 4:255 —Designating an investigation “more complicated”
- § 4:256 —Discovery and compulsory process
- § 4:257 —Evidentiary hearing
- § 4:258 —Proposed findings and conclusions of law
- § 4:259 —Interlocutory appeals
- § 4:260 —Certification of the record
- § 4:261 —Initial determination on temporary relief; commission action thereon
- § 4:262 —Complainant’s temporary relief bond

## **XXII. FORFEITURE OR RETURN OF RESPONDENT’S BOND (COMMISSION RULE 210.50(D))**

§ 4:263 Overview

TABLE OF CONTENTS

**XXIII. FORFEITURE OR RETURN OF  
COMPLAINANT'S TEMPORARY RELIEF BOND  
(COMMISSION RULE 210.70)**

§ 4:264 Overview

**XXIV. MODIFICATION OR RESCISSION OF  
COMMISSION ORDERS (SECTION 337(K);  
COMMISSION RULE 210.76)**

§ 4:265 Generally

§ 4:266 —Commission Rule 210.76(a)(1)

§ 4:267 —Commission Rule 210.76(a)(2)

§ 4:268 Procedure for initiating modification/rescission proceedings—By  
petition

§ 4:269 —On the commission's own motion

§ 4:270 Commission action

**XXV. ADVISORY OPINIONS (COMMISSION RULE  
210.79)**

§ 4:271 Generally

§ 4:272 Proceedings for obtaining advisory opinions

§ 4:273 Advisory opinions discretionary

§ 4:274 Revocation of advisory opinions

§ 4:275 No Judicial review of commission advisory opinions

**XXVI. JUDICIAL REVIEW OF COMMISSION  
DETERMINATIONS**

§ 4:276 Generally

§ 4:277 The United States court of appeals for the federal circuit

§ 4:278 Commission decisions reviewable; final determinations

§ 4:279 Who may appeal

§ 4:280 Parties to the appeal

§ 4:281 Time for appeal

§ 4:282 Divisibility of final determinations; effect on time for appeal

§ 4:283 Issues before the court limited to those commission has decided

§ 4:284 Alternative grounds for affirmance

§ 4:285 Standard of appellate review

§ 4:286 Applicable rules

§ 4:287 Procedure for appeal

§ 4:288 —Notice of appeal/petition for review

§ 4:289 —Docketing the appeal/notice of docketing

§ 4:290 —Filing papers with the court

§ 4:291 —Intervention

§ 4:292 —Motions practice; motion to dismiss

§ 4:293 —Commission record/certified list

- § 4:294 —Main brief of appellant
- § 4:295 —Brief of appellee (commission)
- § 4:296 —Reply brief
- § 4:297 —Appendix to the riefs
- § 4:298 —Oral argument
- § 4:299 —Opinion; judgment
- § 4:300 —Petition for rehearing; rehearing en banc
- § 4:301 —Mandate
- § 4:302 —Stays pending appeal
- § 4:303 —Accelerated appeals
- § 4:304 —Mandamus

## **XXVII. ENFORCEMENT OF REMEDIAL ORDERS**

- § 4:305 Introduction
- § 4:306 Enforcement of exclusion orders by customs; judicial review
- § 4:307 Preimportation rulings by customs; judicial review
- § 4:308 Preliminary injunctions in the court of international trade
- § 4:309 Enforcement of cease and desist orders by the commission

## **XXVIII. MANDATORY STAY OF PARALLEL DISTRICT COURT PROCEEDINGS (28 U.S.C. § 1659)**

- § 4:310 Introduction
- § 4:311 Mandatory stay generally
- § 4:312 Who may request mandatory stay
- § 4:313 Time for requesting mandatory stay
- § 4:314 Matters subject to mandatory stay
- § 4:315 Duration of mandatory stay
- § 4:316 Use of commission record in district court after stay
- § 4:317 Stay or injunction of commission proceedings

## **XXIX. EFFECT OF COMMISSION DETERMINATIONS ON DISTRICT COURT PROCEEDINGS**

- § 4:318 No issue preclusion effect given to commission determinations
- § 4:319 No claim preclusion effect given to commission determinations
- § 4:320 Non-patent cases
- § 4:321 Preclusive effect of district court judgments

## **XXX. SECTION 337 AND THE GATT**

- § 4:322 A note

TABLE OF CONTENTS

**CHAPTER 5. SECTION 337 OF THE TARIFF  
ACT OF 1930: CUSTOMS SERVICE  
ENFORCEMENT AGAINST GOODS THAT  
INFRINGEMENT OR COUNTERFEIT A TRADEMARK,  
TRADE NAME, OR COPYRIGHT**

**I. STATUTORY AUTHORITY FOR ENFORCEMENT  
AGAINST IMPORTED GOODS THAT INFRINGE OR  
COUNTERFEIT A TRADEMARK, TRADE NAME, OR  
COPYRIGHT**

§ 5:1 Trademark and trade name provisions

§ 5:2 Copyright provisions

**II. THE CUSTOMS SERVICE REGULATIONS**

§ 5:3 Introduction

§ 5:4 Recordation of trademarks

§ 5:5 —Additional requirement for “lever rule” recordations

§ 5:6 —Additional documents

§ 5:7 —Length of recording and renewal

§ 5:8 Recordation of trade names

§ 5:9 Recordation of copyrights

§ 5:10 —Additional documents

§ 5:11 —Length of recordation and renewal

**III. REGULATORY ENFORCEMENT PROCEDURES**

§ 5:12 Introduction

§ 5:13 The entry process in general

§ 5:14 The administrative ruling process

**IV. PROCEDURES AND TIMETABLE**

§ 5:15 Enforcement provisions for goods suspected of copying or  
simulating a recorded trademark or trade name

§ 5:16 —Detention of merchandise

§ 5:17 —Grounds for release of detained merchandise

§ 5:18 —The trademark or trade name owner’s role in the administrative  
proceedings

§ 5:19 Enforcement provisions for suspected gray market goods

§ 5:20 —Grounds for release of detained merchandise

§ 5:21 —The trademark or trade name owner’s role in the administrative  
proceedings

§ 5:22 Enforcement provisions for goods suspected of bearing a counterfeit  
trademark

§ 5:23 —Grounds for release of seized merchandise

- § 5:24 —The trademark owner's role in the administrative proceedings
- § 5:25 Enforcement provisions for goods suspected of copyright infringement
- § 5:26 —Infringing copies
- § 5:27 —Suspected infringing copies

## **V. FORFEITURE PROCEEDINGS**

- § 5:28 Introduction
- § 5:29 Administrative forfeiture
- § 5:30 Judicial forfeiture

## **VI. ASSESSMENT OF FINES FOR COUNTERFEIT TRADEMARKED MERCHANDISE**

- § 5:31 Introduction

## **VII. LIQUIDATED DAMAGES PROCEEDINGS**

- § 5:32 Introduction

## **VIII. ADMINISTRATIVE PROTESTS**

- § 5:33 Introduction

## **IX. COURT OF INTERNATIONAL TRADE JURISDICTION FOR DENIED ADMINISTRATIVE PROTESTS**

- § 5:34 Basic procedures
- § 5:35 Jurisdictional issues

## **X. COURT OF INTERNATIONAL TRADE JURISDICTION FOR PREIMPORTATION RULINGS**

- § 5:36 Introduction

## **XI. DISTRICT COURT JURISDICTION FOR FORFEITURES**

- § 5:37 Introduction

## **XII. FACTORS IN EVALUATING THE JUDICIAL FORUM TO CHOOSE**

- § 5:38 Introduction

## **XIII. THE SUBSTANTIVE LAW APPLIED BY THE CUSTOMS SERVICE**

- § 5:39 Copying or simulating trademarks

## TABLE OF CONTENTS

- § 5:40 —The Ross Cosmetics decisions
- § 5:41 —Administrative rulings
- § 5:42 —Comparative advertising
- § 5:43 Gray market imports
- § 5:44 —Relationship between foreign and domestic trademark owners (“K Mart Corp.”-type cases)
- § 5:45 —Physically and materially different goods (“lever brother”-type cases)
- § 5:46 Counterfeit Imports—Distinguishing between counterfeit and “merely infringing” goods
- § 5:47 Counterfeit imports—Administrative rulings
- § 5:48 Copyright infringement
- § 5:49 —Rulings under the “ordinary observer” standard
- § 5:50 —Rulings under the “total concept and feel” standard

## **XIV. TRADEMARK-RELATED MARKING REQUIREMENTS**

- § 5:51 Introduction

## **XV. PATENT SURVEY**

- § 5:52 Introduction

## **CHAPTER 6. ACTIONS AGAINST FOREIGN GOVERNMENT TRADE AND INVESTMENT PRACTICES: SECTION 301 OF THE TRADE ACT OF 1974, AS AMENDED**

- § 6:1 Introduction
- § 6:2 Legislative history
- § 6:3 Relief
- § 6:4 Statutory criteria for jurisdiction and relief—Subject matter jurisdiction
- § 6:5 —Who may petition and participate
- § 6:6 —Statutory standards defined—[V]iolates, or is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement
- § 6:7 — —[U]njustifiable unreasonable, or discriminatory and burdens or restricts United States commerce—Unjustifiable
- § 6:8 — — —Unreasonable
- § 6:9 — — —Discriminatory
- § 6:10 — — —Burdens or restricts United States commerce
- § 6:11 —Super and special action
- § 6:12 — —Super 301
- § 6:13 — —Special 301
- § 6:14 Procedures
- § 6:15 Alternatives to section 301

- § 6:16 —Section 305 of the Trade Act of 1974
- § 6:17 —Section 307 of the Trade and Tariff Act of 1984
- Appendix 6A. U.S. Trade Representatives Docket of Section 301 Investigations
- Appendix 6B. U.S. Trade Representatives List of Section 301 Petitions Rejected or Withdrawn Prior to U.S.T.R. Action

## **CHAPTER 7. MODIFICATION OF TARIFFS; TRADE AGREEMENTS; GENERALIZED SYSTEM OF PREFERENCES; IMPORT RELIEF; UNFAIR TRADE PRACTICES**

### **I. MODIFICATION BY PRESIDENTIAL ACTION**

- § 7:1 In general
- § 7:2 Historical background: Flexible Tariff
- § 7:3 Trade agreements
- § 7:4 United States-Canada Free-Trade Agreement
- § 7:5 North American Free Trade Agreement (NAFTA)
- § 7:6 Orderly marketing agreements

### **II. PRESIDENTIAL AUTHORITY**

- § 7:7 Historical development
- § 7:8 Negotiating authority
- § 7:9 Relations with non-market economies
- § 7:10 International trade and investment
- § 7:11 Other provisions

## **CHAPTER 8. WORLD TRADE ORGANIZATION**

### **I. THE GENERAL AGREEMENT ON TARIFFS AND TRADE; WORLD TRADE ORGANIZATION**

- § 8:1 The General Agreement on Tariffs and Trade
- § 8:2 The World Trade Organization

### **II. GENERALIZED SYSTEM OF PREFERENCES**

- § 8:3 In general
- § 8:4 Establishment of the system
- § 8:5 Beneficiary developing countries
- § 8:6 Eligible articles
- § 8:7 Limitations on preferential treatment
- § 8:8 Claims for GSP treatment; documents required
- § 8:9 Thirty-five percent rule—"Substantial transformation"
- § 8:10 Removal of or additions to items on the beneficiary lists

TABLE OF CONTENTS

**III. CARIBBEAN BASIN ECONOMIC RECOVERY ACT**

- § 8:11 In general
- § 8:12 Beneficiary countries
- § 8:13 Eligible articles
- § 8:14 Suspension of duty-free treatment
- § 8:15 Thirty-five percent rule; substantial transformation
- § 8:16 Claims for exemption under CBERA; documents required

**IV. TRADE AND DEVELOPMENT ACT OF 2000**

- § 8:17 Overview
- § 8:18 African Growth and Opportunity Act
- § 8:19 Caribbean Basin Trade Partnership Act

**CHAPTER 9. U.S. TRADE PREFERENCES FOR DEVELOPING COUNTRIES**

**I. INTRODUCTION**

- § 9:1 Overview

**II. THE U.S. GENERALIZED SYSTEM OF PREFERENCES (GSP)**

- § 9:2 Introduction
- § 9:3 Background
- § 9:4 Statutory structure of the U.S. GSP program—Renewal of Title V of the Trade Act of 1974
- § 9:5 —General statutory criteria for GSP eligibility
- § 9:6 —Country eligibility
- § 9:7 —Article eligibility
- § 9:8 Removal of GSP treatment
- § 9:9 —Countries
- § 9:10 —Articles
- § 9:11 —Particular articles from particular countries
- § 9:12 Modification of GSP benefits
- § 9:13 —Annual review
- § 9:14 — —Petitions for reviews of country eligibility
- § 9:15 — —Petitions for reviews of article eligibility
- § 9:16 — —Timing of annual review
- § 9:17 —General review of article eligibility
- § 9:18 —U.S. customs administration of the GSP program

**III. CARIBBEAN BASIN ECONOMIC RECOVERY ACT (CBI)**

- § 9:19 Introduction

- § 9:20 Background
- § 9:21 The CBI
- § 9:22 —Trade benefits
- § 9:23 ——Country designation
- § 9:24 ——Product designation
- § 9:25 ——Special rules for sugar and beef
- § 9:26 ——Duty-free treatment for Canadian beverages made with qualifying rum
- § 9:27 ——Import relief provisions
- § 9:28 —Tax provisions
- § 9:29 ——Tax deductions for Caribbean conventions
- § 9:30 ——Payment of excise tax collected on rum to Puerto Rico and the U.S. Virgin Islands
- § 9:31 ——Report with respect to use of tax havens
- § 9:32 ——Section 936 loan program
- § 9:33 CBI special access program for textiles and apparel
- § 9:34 Other benefits—Antidumping and countervailing duty benefits
- § 9:35 —Bilateral financial assistance
- § 9:36 —Pilot preclearance program

#### **IV. ANDEAN TRADE PREFERENCE ACT (ATPA)**

- § 9:37 Introduction
- § 9:38 Background
- § 9:39 Beneficiary countries
- § 9:40 Eligible articles
- § 9:41 Reports

#### **V. AFRICAN GROWTH AND OPPORTUNITY ACT (AGOA)**

- § 9:42 Introduction
- § 9:43 Background
- § 9:44 Beneficiary countries
- § 9:45 —General eligibility requirements
- § 9:46 —Eligibility for textile and apparel benefits
- § 9:47 —Non-designated countries
- § 9:48 Eligible products
- § 9:49 Other provisions
- § 9:50 —Free trade agreements
- § 9:51 —Technical assistance
- § 9:52 —OPIC initiatives
- § 9:53 —Expansion of foreign commercial service
- § 9:54 —Agricultural studies

#### **VI. IMPORTS FROM U.S. INSULAR POSSESSIONS AND FREELY ASSOCIATED STATES**

- § 9:55 Introduction

TABLE OF CONTENTS

- § 9:56 Insular possessions
- § 9:57 Freely associated States

**VII. SPECIAL PROVISIONS UNDER THE TARIFF SCHEDULES OF THE UNITED STATES**

- § 9:58 Introduction
- § 9:59 HTSUS Item 9802.00.80: special duty treatment for U.S. components assembled abroad
- § 9:60 HTSUS 9802.00.60: special duty treatment for metal articles manufactured in the U.S., exported and returned
- § 9:61 Textile and apparel provisions
- § 9:62 Effects of trade liberalization on imports under Chapter 98

**VIII. TEXTILE AND APPAREL PRODUCTS**

- § 9:63 Introduction
- § 9:64 Bilateral quotas, the multifiber arrangement and the agreement on textiles and clothing
- § 9:65 Special access programs
- § 9:66 Outward processing program

**IX. U.S.—ISRAEL FREE TRADE AGREEMENT**

- § 9:67 Overview

**X. U.S.—JORDAN FREE TRADE AGREEMENT**

- § 9:68 Introduction
- § 9:69 Background
- § 9:70 Trade preferences
- § 9:71 Import relief
- § 9:72 —Bilateral safeguards
- § 9:73 —Global safeguards
- § 9:74 Immigration provisions
- § 9:75 Other provisions
- § 9:76 —Services
- § 9:77 —Intellectual property rights
- § 9:78 —Environment
- § 9:79 —Labor
- § 9:80 —Electronic commerce
- § 9:81 —Joint committee and dispute settlement

**XI. PENDING FREE TRADE AGREEMENTS**

- § 9:82 Introduction
- § 9:83 Completed free trade agreements—U.S.—Chile free trade agreement
- § 9:84 — —Singapore free trade agreement
- § 9:85 Free trade agreements under negotiation

- § 9:86 —U.S.—Southern African customs union
- § 9:87 — —Morocco
- § 9:88 — —Central American economic integration system (CAEIS)
- § 9:89 —Free trade area of the Americas

## **CHAPTER 10. CONTROLS ON EXPORTS**

### **I. CHAPTER I “DUAL USE” GOODS, SOFTWARE, AND TECHNOLOGY**

- § 10:1 Introduction
- § 10:2 Overview of the export administration regulations
- § 10:3 Scope of the export administration regulations
- § 10:4 The ten general prohibitions of the export administration regulations
- § 10:5 The Twenty-Nine step program: determining the regulatory requirements for an export or reexport
- § 10:6 Types of controls—Licensing policies
- § 10:7 Export licenses, classifications, and advisory opinions—  
Preparation, filing, and processing
- § 10:8 Violations and penalties
- § 10:9 Investigations and enforcement proceedings
- § 10:10 Foreign availability determinations

### **II. CHAPTER II DEFENSE ARTICLES AND DEFENSE SERVICES**

- § 10:11 General policies and considerations
- § 10:12 The U.S. munitions list
- § 10:13 Registration
- § 10:14 Export and temporary import licenses and authorizations
- § 10:15 Export clearance procedures
- § 10:16 Approval of brokering activities
- § 10:17 Violations, penalties, and enforcement
- § 10:18 Reporting of political contributions, fees, and commissions

Appendix 10A. Glossary

## **CHAPTER 11. UNITED STATES ANTIBOYCOTT REGULATIONS**

### **I. INTRODUCTION**

- § 11:1 Overview

### **II. HOW INTERNATIONAL ECONOMIC BOYCOTTS OPERATE**

- § 11:2 In General

## TABLE OF CONTENTS

- § 11:3 The Arab League boycott of Israel
- § 11:4 Related boycotts of Israel
- § 11:5 Other foreign boycotts

### **III. COMPARISON OF TREASURY AND COMMERCE RULES**

- § 11:6 Introduction
- § 11:7 Jurisdiction
- § 11:8 Sanctions
- § 11:9 Reporting requirements
- § 11:10 Penalized or prohibited conduct
- § 11:11 Exceptions
- § 11:12 Public disclosure
- § 11:13 Two areas of contrast
- § 11:14 —Agreements to comply with local laws
- § 11:15 —Vessel eligibility certificates

### **IV. THE INTERNAL REVENUE CODE ANTIBOYCOTT PROVISIONS**

- § 11:16 In general
- § 11:17 Jurisdiction
- § 11:18 Penalized action
- § 11:19 Reporting requirements
- § 11:20 Determining the penalties
- § 11:21 Administration and enforcement

### **V. THE EXPORT ADMINISTRATION ACT ANTIBOYCOTT PROVISIONS**

- § 11:22 In general
- § 11:23 Jurisdiction
- § 11:24 Prohibitions
- § 11:25 Exceptions
- § 11:26 Reporting requirements
- § 11:27 Administration and enforcement

### **VI. OTHER FEDERAL ANTIBOYCOTT INITIATIVES**

- § 11:28 Overview

### **VII. STATE AND LOCAL ANTIBOYCOTT LAWS**

- § 11:29 Overview

### **VIII. PRIVATE ANTIBOYCOTT ACTIONS**

- § 11:30 Overview

**IX. TRADEMARK AND PATENT REGISTRATION PROBLEMS**

§ 11:31 Overview

**X. THE ANTITRUST LAWS AS APPLIED TO FOREIGN BOYCOTTS**

§ 11:32 Overview

**CHAPTER 12. NAFTA AT 13:  
IMPLEMENTATION NEARS COMPLETION**

**I. INTRODUCTION**

- § 12:1 Abstract
- § 12:2 Acknowledgments
- § 12:3 Foreword
- § 12:4 Introduction
- § 12:5 What is NAFTA?

**II. OVERVIEW OF TRADE, EMPLOYMENT,  
INVESTMENT, AND POLICY**

- § 12:6 Trade
- § 12:7 Employment
- § 12:8 Foreign investment
- § 12:9 Agricultural policy

**III. SECTORAL ANALYSIS**

- § 12:10 Corn
- § 12:11 Dry edible beans
- § 12:12 Sugar and sweeteners
- § 12:13 Grains and oilseeds
- § 12:14 Livestock and meat
- § 12:15 Fruit and vegetables
- § 12:16 Cotton, textiles, and apparel
- § 12:17 Transportation

**IV. IN CONCLUSION**

- § 12:18 What comes after NAFTA?

**V. REFERENCE MATERIALS**

- § 12:19 References
- § 12:20 Table of selected U.S. agricultural exports to Mexico, 1991-93  
versus 2003-05

## TABLE OF CONTENTS

- § 12:21 Table of selected U.S. agricultural imports from Mexico, 1991-93 versus 2003-05
- § 12:22 Table of selected U.S. agricultural exports to Canada, 1991-93 versus 2003-05
- § 12:23 Table of selected U.S. agricultural imports from Canada, 1991-93 versus 2003-05
- § 12:24 Table of foreign direct investment within the NAFTA region's food industry

## **CHAPTER 13. SUMMARY OF THE NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)**

### **I. INTRODUCTION**

- § 13:1 Introduction

### **II. PART ONE—GENERAL PART**

- § 13:2 Chapter One—Objectives
- § 13:3 Chapter Two—General definitions

### **III. PART TWO—TRADE IN GOODS**

- § 13:4 Chapter Three—National treatment and market access for goods
- § 13:5 Chapter Four—Rules of origin
- § 13:6 Chapter Five—Customs procedures
- § 13:7 Chapter Six—Energy and basic petrochemicals
- § 13:8 Chapter Seven—Agriculture and sanitary and phytosanitary measures
- § 13:9 Chapter Eight—Emergency action

### **IV. PART THREE—TECHNICAL BARRIERS TO TRADE**

- § 13:10 Chapter Nine—Standards-related measures

### **V. PART FOUR—GOVERNMENT PROCUREMENT**

- § 13:11 Chapter Ten—Government procurement

### **VI. PART FIVE—INVESTMENT, SERVICES AND RELATED MATTERS**

- § 13:12 Chapter Eleven—Investment
- § 13:13 Chapter Twelve—Cross-border trade in services
- § 13:14 Chapter Thirteen—Telecommunications
- § 13:15 Chapter Fourteen—Financial services
- § 13:16 Chapter Fifteen—Competition policy, monopolies and state enterprises

§ 13:17 Chapter Sixteen—Temporary entry for business persons

## **VII. PART SIX—INTELLECTUAL PROPERTY**

§ 13:18 Chapter Seventeen—Intellectual property

## **VIII. PART SEVEN—ADMINISTRATIVE AND INSTITUTIONAL PROVISIONS**

§ 13:19 Chapter Eighteen—Publication, notification and administration of laws

§ 13:20 Chapter Nineteen—Review and dispute settlement in antidumping and countervailing duty matters

§ 13:21 Chapter Twenty—Institutional arrangements and dispute settlement procedures

## **IX. PART EIGHT—OTHER PROVISIONS**

§ 13:22 Chapter Twenty-One—Exceptions

§ 13:23 Chapter Twenty-Two—Final provisions

## **CHAPTER 14. FREE TRADE AGREEMENTS: IMPACT ON U.S. TRADE AND IMPLICATIONS FOR U.S. TRADE POLICY**

§ 14:1 Summary

§ 14:2 Introduction

§ 14:3 What are free trade areas?

§ 14:4 Why countries form FTAs

§ 14:5 FTAs in the context of U.S. trade policy

§ 14:6 Obama Administration policy and recent developments

§ 14:7 Economic impact of FTAs

§ 14:8 FTAs and the WTO

§ 14:9 The debate over FTAs

§ 14:10 Conclusions and implications for Congress

## **Volume 2**

## **CHAPTER 15. INTERNATIONAL TRADE AND FINANCE: KEY POLICY ISSUES FOR THE 112TH CONGRESS**

§ 15:1 Summary

§ 15:2 Introduction

§ 15:3 The role of congress in international trade and finance

§ 15:4 Policy issues for congress—Trade sgreements and negotiations

§ 15:5 Policy issues for vongress—Trade sgreements and negotiations—  
U.S.-South korea free trade agreement

## TABLE OF CONTENTS

§ 15:6	Policy issues for congress—Trade agreements and negotiations— U.S.-Columbia free trade agreement
§ 15:7	—U.S.-Panama free trade agreement
§ 15:8	—The WTO and WTO doha round
§ 15:9	—Trans-pacific partnership
§ 15:10	—China
§ 15:11	—Major trade issues
§ 15:12	—Challenges for the 112th congress
§ 15:13	—Export promotion and financing
§ 15:14	—National export initiative
§ 15:15	—Reauthorization of the export-import (Ex-Im) bank and overseas private investment corporation (OPIC)
§ 15:16	—Export controls and sanctions
§ 15:17	—The president's export control initiative
§ 15:18	—Economic sanctions
§ 15:19	—Import policies
§ 15:20	—Trade remedies
§ 15:21	—Trade preferences
§ 15:22	—Border security and trade facilitation
§ 15:23	—"Buy American"
§ 15:24	—Miscellaneous tariff Bill (MTB)
§ 15:25	—NAFTA Trucking
§ 15:26	—Trade adjustment assistance
§ 15:27	—International financial institutions
§ 15:28	—International monetary fund
§ 15:29	—Multilateral development banks
§ 15:30	Outlook
§ 15:31	Relevant CRS reports—Trade agreements and negotiations
§ 15:32	—China
§ 15:33	—Export promotion and financing
§ 15:34	—Export controls and sanctions
§ 15:35	—Import policies
§ 15:36	—International financial institutions and international finance
§ 15:37	Author contact information

## **CHAPTER 16. TRADE PRIMER: QS AND AS ON TRADE CONCEPTS, PERFORMANCE, AND POLICY**

### **I. INTRODUCTION**

§ 16:1 Summary

### **II. TRADE CONCEPTS: TRADE EXPANSION AND GLOBALIZATION**

§ 16:2 Why do countries trade?

- § 16:3 What is comparative advantage?
- § 16:4 What determines comparative advantage?
- § 16:5 Can governments shape or distort comparative advantage?
- § 16:6 What is the terms of trade?
- § 16:7 What are the costs of trade expansion?
- § 16:8 Does trade destroy jobs?
- § 16:9 Does trade reduce the wages of U.S. workers?
- § 16:10 What is intra-industry trade?
- § 16:11 Why is intra-industry trade important?
- § 16:12 What is globalization?
- § 16:13 What is the global supply chain and how does it relate to globalization?
- § 16:14 How does globalization affect job security?

### **III. U.S. TRADE PERFORMANCE: U.S. TRADE DEFICIT: SECTORAL ISSUES**

- § 16:15 What is meant by the trade deficit?
- § 16:16 Why are different numbers reported for the trade deficit?
- § 16:17 What are the causes of the record trade deficits?
- § 16:18 What role do foreign trade barriers play in causing trade deficits?
- § 16:19 How does the trade deficit affect the exchange value of the dollar?
- § 16:20 How is the trade deficit financed?
- § 16:21 Is the trade deficit a problem for the U.S. economy?
- § 16:22 How long can the United States keep running trade deficits?
- § 16:23 How can the trade deficit be reduced?
- § 16:24 What is the role for trade policy in reducing the trade deficit?
- § 16:25 Who are the leading U.S. trade partners?
- § 16:26 Which industries appear to be the most competitive as measured by the size of their trade surpluses? Which are the least competitive as measured by their trade deficits?
- § 16:27 Is the U.S. manufacturing sector shrinking?
- § 16:28 Which industries are losing the most jobs?

### **IV. FORMULATION OF U.S. TRADE POLICY—ROLE OF CONGRESS**

- § 16:29 What role does congress play in the making of trade policy?
- § 16:30 What committees take the lead in exercising congressional authority over trade?
- § 16:31 What explicit ways does Congress make trade policy?
- § 16:32 How can individual members affect trade policy decisions?
- § 16:33 What is meant by fast track or Trade Promotion Authority (TPA)?

### **V. FORMULATION OF U.S. TRADE POLICY—ROLE OF THE EXECUTIVE BRANCH**

- § 16:34 Who is in charge?

## TABLE OF CONTENTS

- § 16:35 Why was the USTR created?
- § 16:36 How are trade decisions made?
- § 16:37 What are the functions of the executive branch in U.S. trade?
- § 16:38 When does the President get involved in trade decisions?

### **VI. FORMULATION OF U.S. TRADE POLICY—ROLE OF THE PRIVATE SECTOR**

- § 16:39 What is the formal role of the private sector?
- § 16:40 What is the informal role that the private sector plays in the formulation of U.S. trade policy?
- § 16:41 Why are trade decisions so heavily lobbied?

### **VII. FORMULATION OF U.S. TRADE POLICY—ROLE OF THE JUDICIARY**

- § 16:42 How do federal courts get involved in trade?
- § 16:43 What is the U.S. court of international trade?

### **VIII. U.S. TRADE AND INVESTMENT POLICY ISSUES: TRADE NEGOTIATIONS AND AGREEMENTS**

- § 16:44 Why does the United States negotiate trade liberalizing agreements?
- § 16:45 What are the various types of trade liberalizing agreements?
- § 16:46 Who benefits from trade liberalizing agreements? Who loses?
- § 16:47 What is the WTO?
- § 16:48 How are disputes resolved under WTO agreements?
- § 16:49 What is the doha round?
- § 16:50 What are free trade agreements (FTAs)?
- § 16:51 How do FTAs that the United States has negotiated generally differ from those negotiated among other countries?
- § 16:52 What are Trade and Investment Framework Agreements (TIFAs)?

### **IX. U.S. TRADE AND INVESTMENT POLICY ISSUES: IMPORT ISSUES**

- § 16:53 Why do countries import goods and services from other countries?
- § 16:54 What are other benefits of imports?
- § 16:55 What are the costs of imports?
- § 16:56 How does the government deal with disruption and injury to producers and workers?
- § 16:57 What are the main trade remedy laws?
- § 16:58 What is the purpose of the countervailing duty law?
- § 16:59 What is the purpose of the antidumping law?
- § 16:60 What is the import relief (safeguards) law?
- § 16:61 What is the trade adjustment assistance program?
- § 16:62 How inclusive is the TAA program?

**X. U.S. TRADE AND INVESTMENT POLICY ISSUES:  
EXPORT ISSUES**

- § 16:63 What are the benefits of exports?
- § 16:64 What are some costs of exporting?
- § 16:65 What factors most determine U.S. export levels?
- § 16:66 What factors determine the exporting success of specific sectors?
- § 16:67 How does the U.S. government promote exports?
- § 16:68 What does the U.S. government do to restrict exports?

**XI. U.S. TRADE AND INVESTMENT POLICY ISSUES:  
INVESTMENT ISSUES**

- § 16:69 What are the main kinds of capital flows?
- § 16:70 Which is larger—trade or capital flows?
- § 16:71 Why do companies invest abroad?
- § 16:72 Why has foreign investment increased so dramatically in recent decades?
- § 16:73 What are some of the benefits of direct foreign investment?
- § 16:74 What are some of the costs of direct foreign investment?
- § 16:75 What are BITs?
- § 16:76 What is CFIUS?

**XII. ADDITIONAL READINGS**

- § 16:77 CRS Reports
- § 16:78 Other readings

**XIII. LIST OF QUESTIONS**

- § 16:79 Trade Concepts
- § 16:80 U.S. Trade performance
- § 16:81 Formulation of U.S. Trade policy
- § 16:82 U.S. Trade and investment policy issues

**XIV. AUTHOR INFORMATION**

- § 16:83 Author contact information

**CHAPTER 17. U.S. INTERNATIONAL TRADE:  
TRENDS AND FORECASTS**

- § 17:1 Summary
- § 17:2 Most recent developments
- § 17:3 —Trade in goods
- § 17:4 —Trade in services
- § 17:5 —Trade in goods and services
- § 17:6 International trade and U.S. trade policy
- § 17:7 The trade deficit and the dollar

## TABLE OF CONTENTS

- § 17:8 Types of trade data
- § 17:9 U.S. merchandise trade balance
- § 17:10 Current account balance
- § 17:11 Forecasts
- § 17:12 U.S. Trade with selected nations
- § 17:13 Advanced technology, transportation, and energy
- § 17:14 Some common perceptions
- § 17:15 —Is the trade deficit at a dangerous level?
- § 17:16 —Is trade with china merely replacing that with southeast asia?
- § 17:17 —Trade balances with free trade agreement nations
- § 17:18 International trade statistics web resources
- § 17:19 Author contact information

## **CHAPTER 18. TRADE PROMOTION AUTHORITY (TPA) AND THE ROLE OF CONGRESS IN TRADE POLICY**

- § 18:1 Summary
- § 18:2 Introduction
- § 18:3 A brief history of TPA
- § 18:4 —The U.S. constitution and foreign trade
- § 18:5 —The evolution of the congressional-executive partnership
- § 18:6 —The creation of fast track trade authority
- § 18:7 —Subsequent renewals of fast track trade authority
- § 18:8 —The Trade Agreements Act of 1979
- § 18:9 —The Trade and Tariff Act of 1984
- § 18:10 —Omnibus Trade and Competitiveness Act of 1988 (OTCA)
- § 18:11 —A hiatus
- § 18:12 —The Bipartisan Trade Promotion Authority Act of 2002
- § 18:13 The elements of TPA
- § 18:14 —Negotiating objectives
- § 18:15 —Notification and consultation
- § 18:16 —Trade agreements authority and implementation
- § 18:17 —Congressional procedures outside TPA
- § 18:18 —Side agreements and letters
- § 18:19 —Hearings and mock markups
- § 18:20 —Informal agreements
- § 18:21 —Limiting trade agreements authority
- § 18:22 —Sunset provision
- § 18:23 —Extension disapproval
- § 18:24 The Elements of TPA—Limiting trade agreements authority—  
Procedural disapproval
- § 18:25 The elements of TPA—Limiting trade agreements authority—  
Withdrawal of expedited procedures
- § 18:26 Issues for congress
- § 18:27 —The need for TPA
- § 18:28 Options for congress and prospects for renewal

- § 18:29 Appendix A Congressional timeline under TPA
- § 18:30 Appendix B A short guide to the expedited legislative procedures for passage of trade implementing bills under TPA
- § 18:31 Author contact information

## **CHAPTER 19. TRADE PREFERENCES: ECONOMIC ISSUES AND POLICY OPTIONS**

- § 19:1 Summary
- § 19:2 Background
- § 19:3 Generalized System of Preferences (GSP)
- § 19:4 Regional programs—The caribbean
- § 19:5 —Andean Trade Preference Act (ATPA)
- § 19:6 —African Growth and Opportunity Act (AGOA)
- § 19:7 Preference programs and the WTO
- § 19:8 Stakeholder perspectives
- § 19:9 Economic issues
- § 19:10 —Program effectiveness—Use of U.S. trade preferences
- § 19:11 —Developing country economic effects
- § 19:12 —Comparative advantage and development
- § 19:13 —Export diversification
- § 19:14 —Preference erosion
- § 19:15 —Country usage concentration
- § 19:16 —Eligibility issues
- § 19:17 —Effects on the U.S. market
- § 19:18 Legislative options for congress
- § 19:19 —Renewal period
- § 19:20 —Harmonization
- § 19:21 —Country coverage
- § 19:22 —Eligibility criteria
- § 19:23 —Product coverage
- § 19:24 Outlook
- § 19:25 Appendix eligible countries and products imported by preference program
- § 19:26 Author contact information

## **CHAPTER 20. THE EXPORT ADMINISTRATION ACT: EVOLUTION, PROVISIONS, AND DEBATE**

- § 20:1 Summary
- § 20:2 Introduction
- § 20:3 The evolution of the Export Administration Act
- § 20:4 —Legislation
- § 20:5 — —107th Congress
- § 20:6 — —109th Congress
- § 20:7 — —110th Congress

## TABLE OF CONTENTS

§ 20:8	Analysis of provisions in EAA legislation
§ 20:9	—Types of control authority
§ 20:10	—National security controls
§ 20:11	—Foreign policy controls
§ 20:12	—Short supply controls
§ 20:13	—The control list and licensing procedures
§ 20:14	—Commerce control list
§ 20:15	—License review procedures
§ 20:16	—Dispute resolution
§ 20:17	—Issues concerning IEEPA
§ 20:18	Technology and commodities of concern
§ 20:19	—High Performance Computers (HPCs)
§ 20:20	—Encryption
§ 20:21	—Stealth technology and materials
§ 20:22	—Satellites
§ 20:23	—Machine tools
§ 20:24	—Aerospace
§ 20:25	—Civil aviation equipment
§ 20:26	—Deemed exports
§ 20:27	Competing perspectives in the export control debate
§ 20:28	—Foreign availability and the controllability of technology
§ 20:29	—The effectiveness of multilateral regimes
§ 20:30	—China
§ 20:31	—The “China rule”
§ 20:32	Competing perspectives in the export Control debate—The licensing process and organization of the export control system
§ 20:33	Author contact information

## **CHAPTER 21. RULES OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION [19 C.F.R. §§ 200.735-101 TO 213.6]: PART 200—EMPLOYEE RESPONSIBILITIES AND CONDUCT**

### **I. SUBPART A—GENERAL PROVISIONS**

§ 21:1	§ 200.735-101 Purpose
§ 21:2	§ 200.735-102 Definitions
§ 21:3	§ 200.735-103 Counseling service
§ 21:4	§ 200.735-104 Disciplinary and other remedial action

### **II. SUBPART B—PROVISIONS GOVERNING ETHICAL AND OTHER CONDUCT AND RESPONSIBILITIES OF EMPLOYEES**

§ 21:5	§ 200.735-104a Proscribed actions
--------	-----------------------------------

- § 21:6 § 200.735-105 Gifts, entertainment, and favors
- § 21:7 § 200.735-106 Outside employment and other activities
- § 21:8 § 200.735-107 Financial interests
- § 21:9 § 200.735-108 Use of government property
- § 21:10 § 200.735-109 Misuse of information
- § 21:11 § 200.735-110 Indebtedness
- § 21:12 § 200.735-111 Gambling, betting, and lotteries
- § 21:13 § 200.735-112 General conduct prejudicial to the overnment
- § 21:14 § 200.735-113 Miscellaneous statutory provisions

### **III. SUBPART C—PROVISIONS GOVERNING STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS**

- § 21:15 § 200.735-114 Employees required to submit statements
- § 21:16 § 200.735-114a Employees not required to submit statements
- § 21:17 § 200.735-114b Employee complaints on filing requirements
- § 21:18 § 200.735-114c Voluntary submission by employees
- § 21:19 § 200.735-115 Forms—Interests not to be reported
- § 21:20 § 200.735-116 Time and place for submission of employees' statements
- § 21:21 § 200.735-117 Supplementary statements
- § 21:22 § 200.735-118 Interests of employees' relatives
- § 21:23 § 200.735-119 Information not known by employees
- § 21:24 § 200.735-120 Information prohibited
- § 21:25 § 200.735-121 Confidentiality of employees' statements
- § 21:26 § 200.735-122 Special Government employees
- § 21:27 § 200.735-123 Effect of employees' and special Government employees' statements on other requirements

### **IV. SUBPART D—PROVISIONS FOR ADMINISTRATIVE ENFORCEMENT OF POSTEMPLOYMENT CONFLICT OF INTEREST RESTRICTIONS**

- § 21:28 § 200.735-124 General
- § 21:29 § 200.735-125 Exemption from restrictions
- § 21:30 § 200.735-126 Administrative enforcement proceedings
- § 21:31 § 201.1 Applicability of part

### **V. SUBPART A—MISCELLANEOUS**

- § 21:32 § 201.2 Definitions
- § 21:33 § 201.3 Commission offices, mailing address, and hours
- § 21:34 § 201.3a Missing children information
- § 21:35 § 201.4 Performance of functions
- § 21:36 § 201.5 Attendance fees and mileage
- § 21:37 § 201.6 Confidential business information

TABLE OF CONTENTS

**VI. SUBPART B—INITIATION AND CONDUCT OF INVESTIGATIONS**

- § 21:38 § 201.7 Investigative authority and initiation of investigations
- § 21:39 § 201.8 Filing of documents
- § 21:40 § 201.9 Methods employed in obtaining information
- § 21:41 § 201.10 Public notices
- § 21:42 § 201.11 Appearance in an investigation as a party
- § 21:43 § 201.12 Requests
- § 21:44 § 201.13 Conduct of nonadjudicative hearings
- § 21:45 § 201.14 Computation of time, additional hearings, postponements, continuances, and extensions of time
- § 21:46 § 201.15 Attorneys or agents
- § 21:47 § 201.16 Service of process and other documents

**VII. SUBPART C—AVAILABILITY OF INFORMATION TO THE PUBLIC PURSUANT TO 5 U.S.C. 552**

- § 21:48 § 201.17 Procedures for requesting access to records
- § 21:49 § 201.18 Denial of requests, appeals from denial
- § 21:50 § 201.19 Notification regarding requests for confidential business information
- § 21:51 § 201.20 Fees
- § 21:52 § 201.21 Availability of specific records

**VIII. SUBPART D—SAFEGUARDING INDIVIDUAL PRIVACY PURSUANT TO 5 U.S.C. 552A**

- § 21:53 § 201.22 Purpose and scope
- § 21:54 § 201.23 Definitions
- § 21:55 § 201.24 Procedures for requests pertaining to individual records in a records system
- § 21:56 § 201.25 Times, places, and requirements for identification of individuals making requests
- § 21:57 § 201.26 Disclosure of requested information to individuals
- § 21:58 § 201.27 Special procedures: Medical records
- § 21:59 § 201.28 Requests for correction or amendment of records
- § 21:60 § 201.29 Commission disclosure of individual records, accounting of record disclosures, and requests for accounting of record disclosures
- § 21:61 § 201.30 Commission review of requests for access to records, for correction or amendment to records, and for accounting of record disclosures
- § 21:62 § 201.31 Fees and employee conduct
- § 21:63 § 201.32 Specific exemptions

**IX. SUBPART E—OPENING COMMISSION MEETINGS TO PUBLIC OBSERVATION PURSUANT TO 5 U.S.C. 552B**

- § 21:64 § 201.33 Purpose and scope

- § 21:65 § 201.34 Definitions
- § 21:66 § 201.35 Notices to the public
- § 21:67 § 201.36 Closing a portion or portions of a meeting or a series of meetings
- § 21:68 § 201.37 Changing the time, place, subject matter, or determination to open or close a meeting following a public notice
- § 21:69 § 201.38 Requests by interested persons that the Commission close a portion of a Commission meeting
- § 21:70 § 201.39 General Counsel's certification of Commission action in closing a meeting or a series of meetings
- § 21:71 § 201.40 Records-retention requirements
- § 21:72 § 201.41 Public inspection and copying of records; applicable fees

**X. SUBPART F—NATIONAL SECURITY INFORMATION**

- § 21:73 § 201.42 Purpose and scope
- § 21:74 § 201.43 Program
- § 21:75 § 201.44 Procedures

**XI. SUBPART G—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE U.S. INTERNATIONAL TRADE COMMISSION**

- § 21:76 § 201.101 Purpose
- § 21:77 § 201.102 Application
- § 21:78 § 201.103 Definitions
- § 21:79 §§ 201.104–201.109 *[Reserved]*
- § 21:80 § 201.110 Self-evaluation
- § 21:81 § 201.111 Notice
- § 21:82 §§ 201.112–201.129 *[Reserved]*
- § 21:83 § 201.130 General prohibitions against discrimination
- § 21:84 §§ 201.131–201.139 *[Reserved]*
- § 21:85 § 201.140 Employment
- § 21:86 §§ 201.141–201.148 *[Reserved]*
- § 21:87 § 201.149 Program accessibility: Discrimination prohibited
- § 21:88 § 201.150 Program accessibility: Existing facilities
- § 21:89 § 201.151 Program accessibility: New construction and alterations
- § 21:90 §§ 201.152–201.159 *[Reserved]*
- § 21:91 § 201.160 Communications
- § 21:92 §§ 201.161–201.169 *[Reserved]*
- § 21:93 § 201.170 Compliance procedures
- § 21:94 §§ 201.171–201.999 *[Reserved]*

**XII. SUBPART H—DEBT COLLECTION**

- § 21:95 § 201.201 Definitions

TABLE OF CONTENTS

§ 21:96	§ 201.202 Purpose and scope of salary and administrative offset rules
§ 21:97	§ 201.203 Delegation of authority
§ 21:98	§ 201.204 Salary offset
§ 21:99	§ 201.205 Salary adjustments
§ 21:100	§ 201.206 Administrative offset
§ 21:101	§ 201.207 Administrative offset against amounts payable from civil service retirement and disability fund
§ 21:102	§ 201.208 Tax refund offset
§ 21:103	§ 202.1 Applicability of part
§ 21:104	§ 202.2 Applications
§ 21:105	§ 202.3 Preliminary inquiry
§ 21:106	§ 202.4 Public hearing
§ 21:107	§ 202.5 Type of information to be developed at hearing
§ 21:108	§ 202.6 Reports
§ 21:109	§ 204.1 Applicability of part
§ 21:110	§ 204.2 Investigations
§ 21:111	§ 204.3 Public hearings
§ 21:112	§ 204.4 Supplemental investigations
§ 21:113	§ 204.5 Reports
§ 21:114	§ 205.1 Applicability of part

**XIII. SUBPART A—INVESTIGATIONS TO DETERMINE THE PROBABLE ECONOMIC EFFECT OF MODIFICATIONS OF UNITED STATES DUTIES OR OF ANY BARRIER TO (OR OTHER DISTORTION OF) INTERNATIONAL TRADE ON DOMESTIC INDUSTRIES AND ON CONSUMERS**

§ 21:115	§ 205.2 Applicability of subpart
§ 21:116	§ 205.3 Investigations under Sections 131 and 503 of the Trade Act of 1974
§ 21:117	§ 205.4 [Reserved] <i>[Reserved]</i>

**XIV. SUBPART B—INVESTIGATIONS CONCERNING THE PROBABLE IMPACT ON THE ECONOMY OF THE UNITED STATES OF THE PRESIDENT'S TAKING RETALIATORY ACTION TO OBTAIN THE ELIMINATION OF UNJUSTIFIABLE OR UNREASONABLE FOREIGN ACTS OR POLICIES WHICH RESTRICT U.S. COMMERCE**

§ 21:118	§ 205.5 Applicability of subpart
§ 21:119	§ 205.6 Investigations under Section 301(e)(3) of the Trade Act of 1974
§ 21:120	§ 206.1 Applicability of part

**XV. SUBPART A—GENERAL**

§ 21:121	§ 206.2 Identification of type of petition or request
----------	---

- § 21:122 § 206.3 Institution of investigations; publication of notice; and availability for public inspection
- § 21:123 § 206.4 Notification of other agencies
- § 21:124 § 206.5 Public hearing
- § 21:125 § 206.6 Report to the president
- § 21:126 § 206.7 Confidential business information; furnishing of nonconfidential summaries thereof
- § 21:127 § 206.8 Service, filing, and certification of documents

**XVI. SUBPART B—INVESTIGATIONS RELATING TO GLOBAL SAFEGUARD ACTIONS**

- § 21:128 § 206.11 Applicability of subpart
- § 21:129 § 206.12 Definitions applicable to Subpart B of this part
- § 21:130 § 206.13 Who may file a petition
- § 21:131 § 206.14 Contents of petition
- § 21:132 § 206.15 Institution of investigation
- § 21:133 § 206.16 Industry adjustment plan and commitments
- § 21:134 § 206.17 Limited disclosure of certain confidential business information under administrative protective order
- § 21:135 § 206.18 Time for determinations, reporting
- § 21:136 § 206.19 Public report

**XVII. SUBPART C—INVESTIGATIONS RELATING TO A SURGE IN IMPORTS FROM A NAFTA COUNTRY**

- § 21:137 § 206.21 Applicability of subpart
- § 21:138 § 206.22 Definition applicable to Subpart C
- § 21:139 § 206.23 Who may file a request
- § 21:140 § 206.24 Contents of request
- § 21:141 § 206.25 Time for reporting
- § 21:142 § 206.26 Public report

**XVIII. SUBPART D—INVESTIGATIONS RELATING TO BILATERAL SAFEGUARD ACTIONS**

- § 21:143 § 206.31 Applicability of subpart
- § 21:144 § 206.32 Definitions applicable to Subpart D
- § 21:145 § 206.33 Who may file a petition
- § 21:146 § 206.34 Contents of petition
- § 21:147 § 206.35 Time for determinations, reporting
- § 21:148 § 206.36 Public report

**XIX. SUBPART E—INVESTIGATIONS FOR RELIEF FROM MARKET DISRUPTION**

- § 21:149 § 206.41 Applicability of subpart

## TABLE OF CONTENTS

§ 21:150	§ 206.42 Who may file a petition
§ 21:151	§ 206.43 Contents of a petition under Section 406(a) of the Trade Act
§ 21:152	§ 206.44 Contents of a petition under Section 421(b) or (o) of the Trade Act
§ 21:153	§ 206.44a Special rules for conducting investigations under Section 421(b) of the Trade Act
§ 21:154	§ 206.45 Time for reporting
§ 21:155	§ 206.46 Public report
§ 21:156	§ 206.47 Limited disclosure of certain confidential business information under administrative protective order

## **XX. SUBPART F—MONITORING; ADVICE AS TO EFFECT OF EXTENSION, REDUCTION, MODIFICATION, OR TERMINATION OF RELIEF ACTION**

§ 21:157	§ 206.51 Applicability of subpart
§ 21:158	§ 206.52 Monitoring
§ 21:159	§ 206.53 Investigations to advise the president as to the probable economic effect of reduction, modification, or termination of action
§ 21:160	§ 206.54 Investigations with respect to extension of action
§ 21:161	§ 206.55 Investigations to evaluate the effectiveness of relief

## **XXI. SUBPART G—INVESTIGATIONS FOR ACTION IN RESPONSE TO TRADE DIVERSION; REVIEWS OF ACTION TAKEN**

§ 21:162	§ 206.61 Applicability of subpart
§ 21:163	§ 206.62 Who may file a petition
§ 21:164	§ 206.63 Contents of petition
§ 21:165	§ 206.64 Institution of investigation or review; publication of notice; and availability for public inspection
§ 21:166	§ 206.65 Public hearing
§ 21:167	§ 206.66 Limited disclosure of certain confidential business information under administrative protective order
§ 21:168	§ 206.67 Time for determination and report
§ 21:169	§ 206.68 Public report
§ 21:170	§ 207.1 Applicability of part

## **XXII. SUBPART A—GENERAL PROVISIONS**

§ 21:171	§ 207.2 Definitions applicable to Part 207
§ 21:172	§ 207.3 Service, filing, and certification of documents
§ 21:173	§ 207.4 The record
§ 21:174	§ 207.5 Ex parte meetings
§ 21:175	§ 207.6 [Reserved] <i>[Reserved]</i>

- § 21:176 § 207.7 Limited disclosure of certain business proprietary information under administrative protective order
- § 21:177 § 207.8 Questionnaires to have the force of *subpoenas*; *subpoena* enforcement

**XXIII. SUBPART B—PRELIMINARY DETERMINATIONS**

- § 21:178 § 207.10 Filing of petition with the Commission
- § 21:179 § 207.11 Contents of petition
- § 21:180 § 207.12 Notice of preliminary phase of investigation
- § 21:181 § 207.13 Cooperation with administering authority; preliminary phase of investigation
- § 21:182 § 207.14 Negative petition determination
- § 21:183 § 207.15 Written briefs and conference
- § 21:184 § 207.16 [Reserved] [*Reserved*]
- § 21:185 § 207.17 Staff report
- § 21:186 § 207.18 Notice of preliminary determination

**XXIV. SUBPART C—FINAL DETERMINATIONS, SHORT LIFE CYCLE PRODUCTS**

- § 21:187 § 207.20 Investigative activity following preliminary determination
- § 21:188 § 207.21 Final phase notice of scheduling
- § 21:189 § 207.22 Prehearing and final staff reports
- § 21:190 § 207.23 Prehearing brief
- § 21:191 § 207.24 Hearing
- § 21:192 § 207.25 Posthearing briefs
- § 21:193 § 207.26 Statements by nonparties
- § 21:194 § 207.27 Short life cycle products
- § 21:195 § 207.28 Anticircumvention
- § 21:196 § 207.29 Publication of notice of determination
- § 21:197 § 207.30 Comment on information

**XXV. SUBPART D—TERMINATED, SUSPENDED, AND CONTINUED INVESTIGATIONS, INVESTIGATIONS TO REVIEW NEGOTIATED AGREEMENTS, AND INVESTIGATIONS TO REVIEW OUTSTANDING DETERMINATIONS**

- § 21:198 § 207.40 Termination and suspension of investigation
- § 21:199 § 207.41 Commission review of agreements to eliminate the injurious effect of subsidized imports or imports sold at less than fair value
- § 21:200 § 207.42 Investigation continued upon request
- § 21:201 § 207.43 [Reserved] [*Reserved*]
- § 21:202 § 207.44 Consolidation of investigations

TABLE OF CONTENTS

- § 21:203 § 207.45 Investigation to review outstanding determination
- § 21:204 § 207.46 Investigations concerning certain countervailing duty orders

**XXVI. SUBPART E—JUDICIAL REVIEW**

- § 21:205 § 207.50 Judicial review
- § 21:206 § 207.51 Judicial review of denial of application for disclosure of certain business proprietary information under administrative protective order

**XXVII. SUBPART F—FIVE-YEAR REVIEWS**

- § 21:207 § 207.60 Definitions
- § 21:208 § 207.61 Responses to notice of institution
- § 21:209 § 207.62 Rulings on adequacy and nature of Commission review
- § 21:210 § 207.63 Circulation of draft questionnaires
- § 21:211 § 207.64 Staff reports
- § 21:212 § 207.65 Prehearing briefs
- § 21:213 § 207.66 Hearing
- § 21:214 § 207.67 Posthearing briefs and statements
- § 21:215 § 207.68 Final comments on information
- § 21:216 § 207.69 Publication of determinations

**XXVIII. SUBPART G—IMPLEMENTING REGULATIONS FOR THE NORTH AMERICAN FREE TRADE AGREEMENT**

- § 21:217 § 207.90 Scope
- § 21:218 § 207.91 Definitions
- § 21:219 § 207.92 Procedures for commencing review of final determinations
- § 21:220 § 207.93 Protection of proprietary information during panel and committee proceedings
- § 21:221 § 207.94 Protection of privileged information during panel and committee proceedings

**XXIX. PROCEDURES FOR IMPOSING SANCTIONS FOR VIOLATION OF THE PROVISIONS OF A PROTECTIVE ORDER ISSUED DURING PANEL AND COMMITTEE PROCEEDINGS**

- § 21:222 § 207.100 Sanctions
- § 21:223 § 207.101 Reporting of Prohibited Act and commencement of investigation
- § 21:224 § 207.102 Initiation of proceedings
- § 21:225 § 207.103 Charging letter
- § 21:226 § 207.104 Response to charging letter
- § 21:227 § 207.105 Confidentiality

U.S. REGULATION OF INT'L TRADE

- § 21:228 § 207.106 Interim measures
- § 21:229 § 207.107 Motions
- § 21:230 § 207.108 Preliminary conference
- § 21:231 § 207.109 Discovery
- § 21:232 § 207.110 *Subpoenas* E466
- § 21:233 § 207.111 Prehearing conference
- § 21:234 § 207.112 Hearings
- § 21:235 § 207.113 The record
- § 21:236 § 207.114 Initial determination
- § 21:237 § 207.115 Petition for review
- § 21:238 § 207.116 Commission review on its own motion
- § 21:239 § 207.117 Review by Commission
- § 21:240 § 207.118 Role of the general counsel in advising the commission
- § 21:241 § 207.119 Reconsideration
- § 21:242 § 207.120 Public notice of sanctions
- § 21:243 § 208.1 Applicability of part
- § 21:244 § 208.2 Definitions applicable to this part
- § 21:245 § 208.3 Petitions
- § 21:246 § 208.4 Institution of investigations; publication of notice; and availability of petition for public inspection
- § 21:247 § 208.5 Public hearing
- § 21:248 § 208.6 Service, filing, and certification of documents
- § 21:249 § 208.7 Determinations and reports
- § 21:250 § 208.8 Confidential business information; furnishing of nonconfidential summaries thereof

**XXX. SUBPART A—RULES OF GENERAL APPLICABILITY**

- § 21:251 § 210.1 Applicability of part
- § 21:252 § 210.2 General policy
- § 21:253 § 210.3 Definitions
- § 21:254 § 210.4 Written submissions; representations; sanctions
- § 21:255 § 210.5 Confidential business information
- § 21:256 § 210.6 Computation of time, additional hearings, postponements, continuances, and extensions of time
- § 21:257 § 210.7 Service of process and other documents; publication of notices

**XXXI. SUBPART B—COMMENCEMENT OF PREINSTITUTION PROCEEDINGS AND INVESTIGATIONS**

- § 21:258 § 210.8 Commencement of preinstitution proceedings
- § 21:259 § 210.9 Action of Commission upon receipt of complaint
- § 21:260 § 210.10 Institution of investigation
- § 21:261 § 210.11 Service of complaint and notice of investigation

TABLE OF CONTENTS

**XXXII. SUBPART C—PLEADINGS**

- § 21:262 § 210.12 The complaint
- § 21:263 § 210.13 The response
- § 21:264 § 210.14 Amendments to pleadings and notice; supplemental submissions; counterclaims

**XXXIII. SUBPART D—MOTIONS**

- § 21:265 § 210.15 Motions
- § 21:266 § 210.16 Default
- § 21:267 § 210.17 Failures to act other than the statutory forms of default
- § 21:268 § 210.18 Summary determinations
- § 21:269 § 210.19 Intervention
- § 21:270 § 210.20 Declassification of confidential information
- § 21:271 § 210.21 Termination of investigations
- § 21:272 § 210.22 [Reserved] *[Reserved]*
- § 21:273 § 210.23 Suspension of investigation
- § 21:274 § 210.24 Interlocutory appeals
- § 21:275 § 210.25 Sanctions
- § 21:276 § 210.26 Other motions

**XXXIV. SUBPART E—DISCOVERY AND COMPULSORY PROCESS**

- § 21:277 § 210.27 General provisions governing discovery
- § 21:278 § 210.28 Depositions
- § 21:279 § 210.29 Interrogatories
- § 21:280 § 210.30 Requests for production of documents and things and entry upon land
- § 21:281 § 210.31 Requests for admission
- § 21:282 § 210.32 *Subpoenas*
- § 21:283 § 210.33 Failure to make or cooperate in discovery; sanctions
- § 21:284 § 210.34 Protective orders; reporting requirement; sanctions and other actions

**XXXV. SUBPART F—PREHEARING CONFERENCES AND HEARINGS**

- § 21:285 § 210.35 Prehearing conferences
- § 21:286 § 210.36 General provisions for hearings
- § 21:287 § 210.37 Evidence
- § 21:288 § 210.38 Record
- § 21:289 § 210.39 In camera treatment of confidential information
- § 21:290 § 210.40 Proposed findings and conclusions and briefs

**XXXVI. SUBPART G—DETERMINATIONS AND ACTIONS TAKEN**

- § 21:291 § 210.41 Termination of investigation

U.S. REGULATION OF INT'L TRADE

- § 21:292 § 210.42 Initial determinations
- § 21:293 § 210.43 Petitions for review of initial determinations on matters other than temporary relief
- § 21:294 § 210.44 Commission review on its own motion of initial determinations on matters other than temporary relief
- § 21:295 § 210.45 Review of initial determinations on matters other than temporary relief
- § 21:296 § 210.46 Petitions for and sua sponte review of initial determinations on violation of Section 337 or temporary relief
- § 21:297 § 210.47 Petitions for reconsideration
- § 21:298 § 210.48 Disposition of petitions for reconsideration
- § 21:299 § 210.49 Implementation of Commission action
- § 21:300 § 210.50 Commission action, the public interest, and bonding by respondents
- § 21:301 § 210.51 Period for concluding investigation

**XXXVII. SUBPART H—TEMPORARY RELIEF**

- § 21:302 § 210.52 Motions for temporary relief
- § 21:303 § 210.53 Motion filed after complaint
- § 21:304 § 210.54 Service of motion by the complainant
- § 21:305 § 210.55 Content of service copies
- § 21:306 § 210.56 Notice accompanying service copies
- § 21:307 § 210.57 Amendment of the motion
- § 21:308 § 210.58 Provisional acceptance of the motion
- § 21:309 § 210.59 Responses to the motion and the complaint
- § 21:310 § 210.60 Designating an investigation “more complicated” for the purpose of adjudicating a motion for temporary relief
- § 21:311 § 210.61 Discovery and compulsory process
- § 21:312 § 210.62 Evidentiary hearing
- § 21:313 § 210.63 Proposed findings and conclusions and briefs
- § 21:314 § 210.64 Interlocutory appeals
- § 21:315 § 210.65 Certification of the record
- § 21:316 § 210.66 Initial determination concerning temporary relief; commission action thereon
- § 21:317 § 210.67 Remedy, the public interest, and bonding
- § 21:318 § 210.68 Complainant’s temporary relief bond
- § 21:319 § 210.69 Approval of complainant’s temporary relief bond
- § 21:320 § 210.70 Forfeiture or return of complainant’s temporary relief bond

**XXXVIII. SUBPART I—ENFORCEMENT PROCEDURES AND ADVISORY OPINIONS**

- § 21:321 § 210.71 Information gathering
- § 21:322 § 210.72 Confidentiality of information
- § 21:323 § 210.73 Review of reports
- § 21:324 § 210.74 Modification of reporting requirements

TABLE OF CONTENTS

§ 21:325	§ 210.75 Proceedings to enforce exclusion orders, cease and desist orders, consent orders, and other commission orders
§ 21:326	§ 210.76 Modification or rescission of exclusion orders, cease and desist orders, and consent orders
§ 21:327	§ 210.77 Temporary emergency action
§ 21:328	§ 210.78 Notice of enforcement action to government agencies
§ 21:329	§ 210.79 Advisory opinions

**XXXIX. SUBPART A—GENERAL PROVISIONS**

§ 21:330	§ 212.01 Purpose
§ 21:331	§ 212.02 When the act applies
§ 21:332	§ 212.03 Proceedings covered
§ 21:333	§ 212.04 Eligibility of applicants
§ 21:334	§ 212.05 Standards for awards
§ 21:335	§ 212.06 Allowable fees and expenses
§ 21:336	§ 212.07 Rulemaking on maximum rates for attorney fees

**XXXX. SUBPART B—INFORMATION REQUIRED FROM APPLICANTS**

§ 21:337	§ 212.10 Contents of application
§ 21:338	§ 212.11 Net worth exhibit
§ 21:339	§ 212.12 Documentation of fees and expenses
§ 21:340	§ 212.13 When an application may be filed

**XXXXI. SUBPART C—PROCEDURES FOR CONSIDERING APPLICATIONS**

§ 21:341	§ 212.20 Filing and service of documents
§ 21:342	§ 212.21 Answer to application
§ 21:343	§ 212.22 Reply
§ 21:344	§ 212.23 Comments by other parties
§ 21:345	§ 212.24 Settlement
§ 21:346	§ 212.25 Further proceedings
§ 21:347	§ 212.26 Determination
§ 21:348	§ 212.27 Agency review
§ 21:349	§ 212.28 Judicial review
§ 21:350	§ 212.29 Payment of award
§ 21:351	§ 213.1 Purpose and applicability of part
§ 21:352	§ 213.2 Definitions
§ 21:353	§ 213.3 Determination of small business eligibility
§ 21:354	§ 213.4 Disclosure of receipt of technical assistance
§ 21:355	§ 213.5 Access to commission resources
§ 21:356	§ 213.6 Information concerning assistance

**CHAPTER 22. PROCEDURES IN THE UNITED STATES COURT OF INTERNATIONAL TRADE**

§ 22:1	Composition of the court
--------	--------------------------

- § 22:2 Organization of the court
- § 22:3 Assignment of cases, trials and hearings
- § 22:4 Rules of the court
- § 22:5 Commencement of action; summons; administrative record
- § 22:6 Procedures in general; complaint; form and content
- § 22:7 Defenses and alternate claims; replies; counterclaims; joinder
- § 22:8 Amendment of pleadings
- § 22:9 Motions, in general
- § 22:10 Judgment on the pleadings
- § 22:11 Discovery and depositions
- § 22:12 Consolidation and severance
- § 22:13 Suspension of cases
- § 22:14 Submission on agreed statement of facts
- § 22:15 Summary judgment
- § 22:16 Notice of trial
- § 22:17 Postassignment orders and conferences
- § 22:18 *Subpoenas*; official records; testimony; evidence
- § 22:19 Briefs
- § 22:20 *Amicus curiae*
- § 22:21 Decisions and judgments
- § 22:22 Amendment of and relief from judgments
- § 22:23 Rehearings
- § 22:24 Dismissals; abandonments
- § 22:25 Timeliness; extensions of time
- § 22:26 Injunctions & Mandamus
- § 22:27 Parties: In general; intervention; substitution; class actions
- § 22:28 Review of administrative determination upon the agency record
- § 22:29 Declaratory judgments
- § 22:30 Trials
- § 22:31 Electronic filing
- § 22:32 Attorneys
- § 22:33 Equal Access to Justice Act

## **CHAPTER 23. U.S. COURT OF INTERNATIONAL TRADE: COMMENTARY AND RULES**

### **I. RULES OF THE UNITED STATES COURT OF INTERNATIONAL TRADE**

- § 23:1 Overview

### **II. TITLE I SCOPE OF RULES—FORM OF ACTION**

- § 23:2 Rule 1. Scope and purpose
- § 23:3 Rule 2. One form of action

TABLE OF CONTENTS

**III. TITLE II COMMENCEMENT OF ACTION;  
AMENDMENT OF SUMMONS; SERVICE OF  
SUMMONS, PLEADINGS, MOTIONS AND ORDERS**

- § 23:4 Rule 3. Commencing an action
- § 23:5 Rule 3.1. Actions Transferred to the Court of international trade  
from a binational Panel or committee pursuant to 19 U.S.C.  
§ 1516a(G)(12)(B) or (D)
- § 23:6 Rule 4. Service of summons and complaint
- § 23:7 Rule 4.1. Serving other process
- § 23:8 Rule 5. Serving and filing pleadings and other papers
- § 23:9 Rule 5.1. *[Reserved]*
- § 23:10 Rule 5.2. Privacy protection for filings made with the court
- § 23:11 Rule 6. Computing and extending time; time for motion papers

**IV. TITLE III PLEADINGS AND MOTIONS**

- § 23:12 Rule 7. Pleadings allowed; consultation; oral argument; response  
time; show cause order; form of motion and other papers
- § 23:13 Rule 8. General rules of pleading
- § 23:14 Rule 9. Pleading special matters
- § 23:15 Rule 10. Form of pleadings
- § 23:16 Rule 11. Signing pleadings, motions, and other papers;  
representations to the court; sanctions
- § 23:17 Rule 12. Defenses and objections; when and how presented;  
motion for judgment on the pleadings; consolidating motions;  
waiving defenses; pretrial hearing
- § 23:18 Rule 13. Counterclaim and crossclaim
- § 23:19 Rule 14. Third-party practice
- § 23:20 Rule 15. Amended and supplemental pleadings
- § 23:21 Rule 16. Postassignment conferences; scheduling; management
- § 23:22 Rule 16.1. Court-annexed mediation

**V. TITLE IV PARTIES**

- § 23:23 Rule 17. Plaintiff and defendant; capacity; public officers
- § 23:24 Rule 18. Joinder of claims
- § 23:25 Rule 19. Required joinder of parties
- § 23:26 Rule 20. Permissive joinder of parties
- § 23:27 Rule 21. Misjoinder and nonjoinder of parties
- § 23:28 Rule 22. Interpleader
- § 23:29 Rule 23. Class actions
- § 23:30 Rule 23.1 *[Reserved]*
- § 23:31 Rule 23.2. Actions relating to unincorporated associations
- § 23:32 Rule 24. Intervention
- § 23:33 Rule 25. Substitution of parties

**VI. TITLE V DEPOSITIONS AND DISCOVERY**

- § 23:34 Rule 26. Duty to disclose; general provisions governing discovery

- § 23:35 Rule 26.1 Costs
- § 23:36 Rule 27. Depositions to perpetuate testimony
- § 23:37 Rule 28. Persons before whom depositions may be taken
- § 23:38 Rule 29. Stipulations about discovery procedure
- § 23:39 Rule 30. Depositions by oral examination
- § 23:40 Rule 31. Deposition by written questions
- § 23:41 Rule 32. Using depositions in court proceedings
- § 23:42 Rule 33. Interrogatories to parties
- § 23:43 Rule 34. Producing documents, electronically stored information,  
and tangible things, or entering onto land, for inspection and  
other purposes
- § 23:44 Rule 35. Physical and mental examinations
- § 23:45 Rule 36. Requests for admission
- § 23:46 Rule 37. Failure to make disclosures or to cooperate in discovery;  
sanctions

## VII. TITLE VI TRIALS

- § 23:47 Rule 38. Right to a jury trial; demand
- § 23:48 Rule 39. Trial by jury or by the court
- § 23:49 Rule 40. Request for trial
- § 23:50 Rule 41. Dismissals of actions
- § 23:51 Rule 42. Consolidation; separate trials
- § 23:52 Rule 43. Taking testimony
- § 23:53 Rule 44. Proof of official record
- § 23:54 Rule 44.1. Determining foreign law
- § 23:55 Rule 45. *Subpoena*
- § 23:56 Rule 46. Objecting to a ruling or order
- § 23:57 Rule 47. Selecting jurors
- § 23:58 Rule 48. Number of jurors; verdict; polling
- § 23:59 Rule 49. Special verdict; general verdict and questions
- § 23:60 Rule 50. Judgment as a matter of law in a jury trial; related  
motion for a new trial; conditional ruling
- § 23:61 Rule 51. Instructions to the jury; objections; preserving a claim of  
error
- § 23:62 Rule 52. Findings and conclusions by the court; judgment on  
partial findings
- § 23:63 Rule 53. Masters

## VIII. TITLE VII JUDGMENT

- § 23:64 Rule 54. Judgment; costs
- § 23:65 Rule 54.1 Attorney's fees and expenses under the Equal Access to  
Justice Act, 28 U.S.C. § 2412(D) expenses
- § 23:66 Rule 55. Default judgment
- § 23:67 Rule 56. Summary judgment
- § 23:68 Rule 56.1 and 56.2. Judgment on an Agency Record
- § 23:69 Rule 57. Declaratory judgments

## TABLE OF CONTENTS

- § 23:70 Rule 58. Entering judgment
- § 23:71 Rule 58.1. Stipulated judgment on agreed statement of facts;  
general requirements
- § 23:72 Rule 59. New trial; rehearing; altering or amending a judgment
- § 23:73 Rule 60. Relief from a judgment or order
- § 23:74 Rule 61. Harmless error
- § 23:75 Rule 62. Stay of proceedings to enforce a judgment
- § 23:76 Rule 62.1. Indicative ruling on a motion for relief that is barred by  
a pending appeal
- § 23:77 Rule 63. Judge's inability to proceed

## **IX. TITLE VIII PROVISIONAL AND FINAL REMEDIES AND SPECIAL PROCEEDINGS**

- § 23:78 Rule 64. Seizing a person or property
- § 23:79 Rule 65. Injunctions
- § 23:80 Rule 65.1. Proceedings against a surety
- § 23:81 Rule 66. Receivers
- § 23:82 Rule 67. Deposit into court and Rule 67.1. Deposit in court  
pursuant to Rule 67
- § 23:83 Rule 68. Offer of judgment
- § 23:84 Rule 69. Execution
- § 23:85 Rule 70. [Reserved]
- § 23:86 Rule 71. Enforcing relief for or against a nonparty

## **X. TITLE IX FILING OF OFFICIAL DOCUMENTS**

- § 23:87 Rule 72. [Reserved]
- § 23:88 Rule 73. Time for filing documents—Notice of filing
- § 23:89 Rule 73.1. Documents in an action described in 28 U.S.C.  
§ 1581(A) or (B)
- § 23:90 Rule 73.2. Documents in an action described in 28 U.S.C.  
§ 1581(C) or (F)
- § 23:91 Rule 73.3. documents in all other actions based on the agency  
record

## **XI. TITLE X ATTORNEYS**

- § 23:92 Rule 74. Admission to practice and rule 75. practice; appearance;  
substitution of attorneys; withdrawal of attorney; notification of  
changes
- § 23:93 Rule 76. Amicus curiae

## **XII. TITLE XI THE COURT AND CLERK**

- § 23:94 Rule 77. Sessions of the court
- § 23:95 Rule 77.1. Judicial conference
- § 23:96 Rule 78. Motion part
- § 23:97 Rule 79. Records kept by the clerk

U.S. REGULATION OF INT'L TRADE

- § 23:98 Rule 80. Papers, exhibits and other material
- § 23:99 Rule 81. Papers filed; conformity; form; size; copies
- § 23:100 Rule 82. Clerk's Office Hours; Clerk's Orders
- § 23:101 Rule 82.1. [Reserved]

**XIII. TITLE XII COURT CALENDARS; GENERAL PROVISIONS**

- § 23:102 Rule 83. Reserve calendar
- § 23:103 Rule 84. Suspension calendar
- § 23:104 Rule 85. Suspension disposition calendar
- § 23:105 Rule 86. [Reserved]
- § 23:106 Rule 86.1. Judge's directive
- § 23:107 Rule 86.2. Contempt
- § 23:108 Rule 87. Forms
- § 23:109 Rule 88. Title and Rule 89. Effective date

**XIV. APPENDICES**

- § 23:110 Appendix on access to business proprietary information pursuant to Rule 73.2(C)
- § 23:111 Appendix of forms
- § 23:112 General Instructions
- § 23:113 Specific instructions
- § 23:114 Complaint allegations
- § 23:115 Form 1
- § 23:116 Form 1A
- § 23:117 Form 1B
- § 23:118 Form 2
- § 23:119 Form 3
- § 23:120 Form 4
- § 23:121 Form 5
- § 23:122 Form 6
- § 23:123 Form 7
- § 23:124 Form 7A
- § 23:125 Form 8
- § 23:126 Form 8A
- § 23:127 Form 9
- § 23:128 Form 10
- § 23:129 Form 11
- § 23:130 Form 12
- § 23:131 Form 13
- § 23:132 Form 14
- § 23:133 Form 15
- § 23:134 Form 16
- § 23:135 Form 16-1
- § 23:136 Form 16-2

## TABLE OF CONTENTS

§ 23:137	Form 16-3
§ 23:138	Form 16-4
§ 23:139	Form 16-5
§ 23:140	Form 17
§ 23:141	Form 18
§ 23:142	Form 19
§ 23:143	Form 20
§ 23:144	Form 21
§ 23:145	Form 22-1
§ 23:146	Form M-1
§ 23:147	Form M-2
§ 23:148	Appendix II advisory note
§ 23:149	Administrative order 02-01
§ 23:150	—Notice of consent to electronic service
§ 23:151	Administrative Order 02-01—Notice of electronic filing procedure (EEP)
§ 23:152	Administrative order 02-01—Notice of endorsement
§ 23:153	—Guidelines—Bill of costs—Rule 54(d)(1)
§ 23:154	—Guidelines for court-annexed mediation
§ 23:155	Administrative order 06-01
§ 23:156	Administrative order 07-01
§ 23:157	Administrative order 08-01
§ 23:158	Chambers procedures
§ 23:159	Rules for judicial-conduct and judicial-disability proceedings— Preface
§ 23:160	—Article I. general provisions
§ 23:161	—Article II. initiation of a complaint
§ 23:162	—Article III. review of a complaint by the chief judge
§ 23:163	—Article IV. investigation and report by special committee
§ 23:164	—Article V. judicial-council review
§ 23:165	—Article VI. review by judicial conference committee on conduct and disability
§ 23:166	—Article VII. miscellaneous rules
§ 23:167	Complaint form

## **CHAPTER 24. BASIC PROCEDURES IN THE U.S. COURT OF INTERNATIONAL TRADE AND THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

### **I. INTRODUCTION**

§ 24:1 Introduction

### **II. COURT OF INTERNATIONAL TRADE**

§ 24:2 § 1 Initiating an action

U.S. REGULATION OF INT'L TRADE

- § 24:3 —Form 1: Summons in action under 28 USC § 1581
- § 24:4 —Form 1A: Notice of lawsuit and request for waiver of service of summons
- § 24:5 —Form 1B: Summons
- § 24:6 —Form 2: Summons
- § 24:7 —Form 3: Summons
- § 24:8 —Form 4: Summons
- § 24:9 —Form 5: Information statement
- § 24:10 —Form 13: Disclosure of corporate affiliations and financial interest
- § 24:11 § 2 Filing and serving the summons, complaint, pleadings and other papers
- § 24:12 § 3 Pleadings and motions
- § 24:13 § 4 Case management
- § 24:14 —Form 19: Report of the parties' planning conference
- § 24:15 —Form 7: Notice of dismissal
- § 24:16 —Form 7A: Notice of dismissal
- § 24:17 —Form 8: Stipulation of dismissal
- § 24:18 —Form 8A: Stipulation of dismissal
- § 24:19 § 5 Judgments
- § 24:20 —Form 9: Stipulated judgment on agreed statement of facts
- § 24:21 § 6 Injunctions
- § 24:22 § 7 Application for attorneys fees
- § 24:23 —Form 15: Application fees and other expenses pursuant to the equal access to justice
- § 24:24 § 8 Filing official documents
- § 24:25 § 9 Access to business proprietary information
- § 24:26 —Form 17: Business proprietary information certification
- § 24:27 —Form 18: Notification of termination of access to business propriety information pursuant to Rule 73.2(c)
- § 24:28 § 10 Attorneys and appearances
- § 24:29 —Form 11: Notice of appearance
- § 24:30 —Form 12: Notice of substitution of attorney
- § 24:31 § 11 Amicus briefs
- § 24:32 § 12 Motion part
- § 24:33 § 13 Filing papers in conformity with the rules
- § 24:34 —Form 1: Registration form
- § 24:35 —Form 7: Notice of consent to electronic service
- § 24:36 —Form 9: Notice of loss/compromise of CM/ECF password
- § 24:37 —Form 10: Notice of manual filing
- § 24:38 § 13 Filing papers in Conformity with the rules—Form 11: Declaration that party was unable to file in a timely manner
- § 24:39 § 13 Filing papers in conformity with the rules—Form 14: Notice of endorsement
- § 24:40 —Form 16: Training request form
- § 24:41 —Form 19: Request for change form
- § 24:42 —Form 21: Notice of electronic filing procedures

## TABLE OF CONTENTS

- § 24:43 § 14 Clerk's office
- § 24:44 § 15 Court calendars

### III. COURT OF APPEALS FOR THE FEDERAL CIRCUIT

- § 24:45 Introduction
- § 24:46 § 1 Taking an appeal
- § 24:47 —Form 3: Notice of appeal to the united states court of appeals
- § 24:48 —Form 5: Petition for review or notice of appeal
- § 24:49 —Form 7: Appeal information sheet
- § 24:50 —Form 8: Entry of appearance
- § 24:51 —Form 9: Certificate of interest
- § 24:52 § 2 Stays or injunctions pending appeal
- § 24:53 § 3 Record on appeal
- § 24:54 § 4 Review of agency orders
- § 24:55 § 5 Writs of mandamus and prohibition
- § 24:56 § 6 Filing and service of papers and briefs
- § 24:57 § 7 Briefs
- § 24:58 —Form 19: Certificate of compliance with Rule 32(a)
- § 24:59 —Form 18: Sample brief cover (District Court Cases)
- § 24:60 § 8 Oral argument
- § 24:61 § 9 En Banc determination
- § 24:62 § 10 Taxing costs
- § 24:63 § 11 The mandate
- § 24:64 § 12 Administrative matters
- § 24:65 —Form 21: Application for admission to the bar

## CHAPTER 25. JUDICIAL REVIEW AND JURISDICTION

### I. JUDICIAL REVIEW, IN GENERAL

- § 25:1 Historical note; evolution of judicial review of customs and international trade laws

### II. JURISDICTION

- § 25:2 Overview
- § 25:3 Disputes arising under other laws
- § 25:4 Discretionary matters
- § 25:5 Actions to contest the denial of a protest
- § 25:6 Civil actions to contest the denial of a petition
- § 25:7 Countervailing duty and antidumping duty proceedings
- § 25:8 Country of origin determinations
- § 25:9 Application for the issuance of a protective order
- § 25:10 Eligibility for adjustment assistance

- § 25:11 Revocation or suspension of customhouse broker's license
- § 25:12 Administrative rulings
- § 25:13 Residual jurisdiction
- § 25:14 Civil actions commenced by the U.S.

## Volume 3

### **CHAPTER 26. APPELLATE REVIEW AND APPEALS TO THE SUPREME COURT**

#### **I. APPELLATE REVIEW**

- § 26:1 Historical note
- § 26:2 Court of Appeals for the federal circuit; composition; precedents; staffing; applicable rules; attorneys
- § 26:3 Jurisdiction in customs matters
- § 26:4 Appeals; records and transcripts; motions; timeliness
- § 26:5 Briefs; appendices; oral argument; scope of review
- § 26:6 Opinions; decisions; mandates
- § 26:7 Rehearings; hearing or rehearing en banc; voluntary dismissals

#### **II. APPEALS TO THE SUPREME COURT**

- § 26:8 Appeals to the supreme court

### **CHAPTER 27. THE EXPORT ADMINISTRATION ACT: SUMMARY AND PROPOSED TEXT AND AMENDMENTS OF 2007**

#### **I. THE EXPORT ADMINISTRATION ACT: EVOLUTION, PROVISIONS, AND DEBATE**

- § 27:1 Summary
- § 27:2 Introduction
- § 27:3 The evolution of the export administration act
- § 27:4 Analysis of provisions in EAA legislation
- § 27:5 Technology and commodities of concern
- § 27:6 Competing perspectives in the export control debate

#### **II. ANALYSIS OF THE EXPORT ENFORCEMENT ACT OF 2007**

- § 27:7 Section-by-section analysis

TABLE OF CONTENTS

**III. THE EXPORT ENFORCEMENT ACT OF 2007—  
PROPOSED TEXT**

§ 27:8 Proposed text

**APPENDICES**

- Appendix A. Code of Federal Regulations; Title 15—Commerce and Foreign Trade; Chapter VII—Bureau of Industry and Security, Department of Commerce; Subchapter C—Export Administration Regulations 15 C.F.R. Pts. 758, 760, 764, 766, 772
- Appendix B. Code of Federal Regulations; Title 15—Commerce and Foreign Trade; Chapter VII—Bureau of Industry and Security, Department of Commerce; Subchapter C—Export Administration Regulations 15 C.F.R. Pts. 730, 732, 734, 736, 738, 740, 742
- Appendix C. The Trade Act of 2002
- Appendix D. The President's 2010 Annual Report on the Trade Agreements Program
- Appendix E. The Year in Trade 2010: Operation of the Trade Agreements Program
- Appendix F. 2011 Special 301 Report
- Appendix G. 2011 Report on Technical Barriers to Trade
- Appendix H. 2011 National Export Strategy