

## Most Common Actions in Current Use

*Legal Actions Available in the United States for Use as Trade Defense Instruments Against Imports*

<b>Antidumping and Countervailing Duty Enforcement Measures</b>			
"Title VII Investigations" Establishing AD/CVD Orders	Anti-Circumvention Investigations		
	Department of Commerce (Title VII)	CBP	Section 421
<p><i>Intended Use:</i> Addresses dumping and subsidization of imports into the U.S. and material injury caused thereby</p> <hr/> <p><i>Relevant Law:</i> Tariff Act of 1930</p> <hr/> <p><i>Possible End Result:</i> Imposition of AD/CVD orders/duties on imports</p> <hr/> <p><i>Presidential Involvement:</i> None</p> <hr/> <p><i>Historic/Current Use:</i> Most frequently used form of TDI</p>	<p><i>Intended Use:</i> Address the circumvention of existing AD/CVD orders under a variety of factual circumstances</p> <hr/> <p><i>Relevant Law:</i> Tariff Act of 1930</p> <hr/> <p><i>Possible End Result:</i> Expanding AD/CVD duties on additional products</p> <hr/> <p><i>Presidential Involvement:</i> None</p> <hr/> <p><i>Historic/Current Use:</i> Rarely used</p>	<p><i>Intended Use:</i> Provides a means for the public to report to CBP any suspected violations of trade laws or regulations</p> <hr/> <p><i>Relevant Law:</i> Tariff Act of 1930</p> <hr/> <p><i>Possible End Result:</i> Penalties from twice the duties owed up to full value of imports</p> <hr/> <p><i>Presidential Involvement:</i> None</p> <hr/> <p><i>Historic/Current Use:</i> Historically rarely used with limited success. Online "e-Allegations" system introduced in 2008, which increased frequency of use but not success rate</p>	<p><i>Intended Use:</i> Prevent the circumvention of existing AD/CVD orders</p> <hr/> <p><i>Relevant Law:</i> Trade Facilitation and Enforcement Act of 2015</p> <hr/> <p><i>Possible End Result:</i> Full recovery of unpaid duties on all unliquidated and liquidated entries to the full extent of CBP legal authority; live entry on all future imports &amp; other measures</p> <hr/> <p><i>Presidential Involvement:</i> None</p> <hr/> <p><i>Historic/Current Use:</i> Recently created; investigation of 10 imports initiated in first year of operation</p>

## Most Common Actions in Current Use (Continued)

Legal Actions Available in the United States for Use as Trade Defense

Instruments Against Imports

<b>Section 337:</b> (Intellectual Property Violations & Other Unfair Trade Practices)	<b>Whistleblower Investigations:</b> (Federal False Claims Act)
<i>Intended Use:</i> Address violations of intellectual property, theft of trade secrets, and other similar unfair trade acts	<i>Intended Use:</i> Addresses whenever a party "concealed, avoided or decreased an obligation to pay or transmit money to the Government"
<i>Relevant Law:</i> Tariff Act of 1930	<i>Relevant Law:</i> Federal False Claims Act
<i>Possible End Result:</i> Exclusion from U.S. market	<i>Possible End Result:</i> Fines up to \$11,000 per false claim and three times the actual damages to the government
<i>Presidential Involvement:</i> None	<i>Presidential Involvement:</i> None
<i>Historic/Current Use:</i> Historically used for patent violations; recently broadened to include antitrust violations and false designation of origin	<i>Historic/Current Use:</i> Infrequently applied to international trade customs violations; became more common following an amendment in 2009 that created ambiguity regarding the scope of the statute

# Historically Frequently Used Actions Recently Revived After A Long Period of Disuse

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<b>Section 301:</b> (Burden/Restriction on U.S. Commerce)	<b>Section 201:</b> (Global Safeguard)	<b>Section 232:</b> (National Security)
<i>Intended Use:</i>	<i>Intended Use:</i>	<i>Intended Use:</i>
Impose trade sanctions on foreign countries that either violate trade agreements or engage in other unfair trade practices.	Addresses "surges" in imports that cause serious injury to a domestic industry	Addresses foreign threats to U.S. national security
<i>Relevant Law:</i>	<i>Relevant Law:</i>	<i>Relevant Law:</i>
Trade Act of 1974	Trade Act of 1974	Trade Expansion Act of 1962
<i>Possible End Result:</i>	<i>Possible End Result:</i>	<i>Possible End Result:</i>
Imposition of import duties or other restrictions on commerce	Imposition of import restriction such as tariffs, quotas, tariff-rate quotas, or other negotiated agreements	Various forms of "adjustment" to imports
<i>Presidential Involvement:</i>	<i>Presidential Involvement:</i>	<i>Presidential Involvement:</i>
Presidential action required	Presidential action required	Presidential action required
<i>Historic/Current Use:</i>	<i>Historic/Current Use:</i>	<i>Historic/Current Use:</i>
Historically a common avenue of trade relief; unused for several decades before one case filed in 2017	Frequently used in the 1970s and early 1980s with sharp decline in usage thereafter; two new cases filed in 2017	Historically common but unused for nearly two decades; two cases were filed in 2017

## Actions Never or No Longer Used

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<b>Section 406</b>	<b>Tax Reform</b>	<b>Section 338: (Discrimination)</b>	<b>Section 122: (Balance-of-Payments)</b>
<p><i>Intended Use:</i> Addresses "market disruptions" caused by imports from a Communist country (i.e. countries not receiving non-discriminatory tariff treatment, or MFN)</p> <p><i>Relevant Law:</i> Trade Act of 1974</p> <p><i>Possible End Result:</i> Imposition of tariffs, quotas, or other restrictions as determined by the President</p> <p><i>Presidential Involvement:</i> Presidential action required</p> <p><i>Historic/Current Use:</i> Used from late 1970s into early 1990s, mostly against China; unused since 1993</p>	<p><i>Intended Use:</i> Amending the tax code to eliminate the corporate deduction of imported goods for U.S. income tax purposes</p> <p><i>Relevant Law:</i> N/A</p> <p><i>Possible End Result:</i> Increased cost of imported materials bought by U.S. corporations</p> <p><i>Presidential Involvement:</i> President must sign legislation</p> <p><i>Historic/Current Use:</i> Never been used</p>	<p><i>Intended Use:</i> Addresses "discrimination" against U.S. commerce.</p> <p><i>Relevant Law:</i> Tariff Act of 1930</p> <p><i>Possible End Result:</i> New or additional duties up to 50% ad valorem and exclusion from U.S. market in some cases</p> <p><i>Presidential Involvement:</i> Presidential action required</p> <p><i>Historic/Current Use:</i> Unused since 1949</p>	<p><i>Intended Use:</i> Addresses balance-of-payment deficits and disequilibrium, or potential significant dollar depreciation</p> <p><i>Relevant Law:</i> Trade Act of 1974</p> <p><i>Possible End Result:</i> Imposition of import tariffs or quotas</p> <p><i>Presidential Involvement:</i> Presidential action required</p> <p><i>Historic/Current Use:</i> Never been used</p>