

# Current Trends at the ITC

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In June 2015, Congress amended the antidumping and countervailing duty laws for the first time since the Uruguay Round Agreements Act in 1994. The amendments are noteworthy not only because they represent the first substantive amendments to the statute in over two decades, but also because they strengthen the U.S. AD and CVD laws by providing important clarifications, improving enforcement, and streamlining the laws' administration at the Department of Commerce and the International Trade Commission ("ITC"). As the ITC incorporates the new statutory provisions into its injury analysis, other recent trends at the ITC also deserve examination.

This paper, submitted in conjunction with the Georgetown Law CLE International Trade Update, held February 25, 2016 in Washington, D.C., discusses the recent trade law amendments affecting the ITC including: (1) changes to the captive production and impact analyses when determining material injury to the domestic industry, and (2) improvements to the ITC's authority to apply adverse facts available to non-cooperating parties. The paper also examines the ITC's practices with respect to cross-cumulation of dumped and subsidized imports, analysis of critical circumstances, and institution of full versus expedited sunset reviews. These latter issues are based in statutory provisions that were not changed by the latest legislation but reflect important and timely issues of note in ITC practice.