

A BRIEF INTRODUCTION TO INTERNATIONAL TRADE
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Executive Summary: To give attendees of the Federal Circuit Symposium a better understanding of the Federal Circuit’s role in decisions of international trade, this memo provides a brief overview of trade by outlining international trade’s governing bodies of law, the jurisdictions bodies, understanding recent United States tariff actions, and the impact of COVID-19.

I. INTRODUCTION

International trade is the exchange of goods and services across international borders.¹ Throughout the history of trade, countries have implemented different regulations which lend towards a philosophy spanning from free trade to restrictive policies.² Arguments in support of free trade include economic growth, global efficiency, innovation, raising product standards, cheaper goods, and international exchange of ideas.³ Arguments in support of restrictive policies include national security, food security, unfair trading, poor working conditions, lower wages, and retaliation from powerful trading countries.⁴ While acknowledging this dichotomy, countries also need to assess the trade strategies of other trading partners to understand market access.⁵ In the United States, the Constitution grants Congress the authority to regulate commerce with foreign nations, while the Executive Branch can negotiate and make treaties (subject to Senate ratification).⁶ Several domestic and international laws⁷ govern international trade, and several Courts, including the Federal Circuit, hear and decide international trade cases.

II. INTERNATIONAL TRADE’S GOVERNING BODIES OF LAW

The primary bodies of law that govern international trade are bilateral and multilateral trade agreements, import policies, and export controls and sanctions. In

¹ See generally JOHN H. JACKSON, WILLIAM J. DAVEY & ALAN O. SYKES, JR., *LEGAL PROBLEMS OF INTERNATIONAL ECONOMIC RELATIONS: CASES, MATERIALS AND TEXT 1*, 1 (6th ed. 2013) (introducing the role of international economic relations in trade).

² See generally *Id.* at 5–7 (providing a timeline of the growth of international trade from the mercantilist era to World War II).

³ See *Id.*; see also *What We Stand For*, WORLD TRADE ORG., https://www.wto.org/english/thewto_e/whatis_e/what_stand_for_e.htm. (indicating the goals of the World Trade Organization in the support of free trade).

⁴ See *Id.*; see also Azamat Sulaymonov, *Privileges of Free Trade, Factors and Arguments Towards Protectionism*, 6 INT’L J. ECON. MGMT. SCIS. 1, 2 (2017).

⁵ See generally *Id.* at 1 (“How ‘sovereign’ is a country with an economy so dependent on trade with other countries . . .”).

⁶ U.S. CONST. art. I, § 8; *id.* art. II, § 2.

⁷ The World Trade Organization (WTO) is an international organization, composed of 164 member countries, that aims to eliminate trade barriers, foster agreements, and provide a settlement mechanism for its member countries to resolve trade-related disputes. *Who We Are*, WORLD TRADE ORG., https://www.wto.org/english/thewto_e/whatis_e/who_we_are_e.htm (last visited Sept. 14, 2020) (The United States is a WTO member).

addition to multilateral engagement at the WTO, the United States primarily facilitates international trade through bilateral and regional trade agreements, more generally known as Free Trade Agreements (FTAs).⁸ Core provisions of most U.S. FTAs include tariffs and market access, services, intellectual property rights protection, foreign investment, labor and environmental provisions, government procurement, and dispute settlement.⁹ The United States is currently party to FTAs with twenty different countries.¹⁰ Recently, pursuant to Trade Promotion Authority (TPA),¹¹ the Trump Administration notified Congress on August 30, 2018, of its intention to sign the U.S.-Mexico-Canada Agreement (USMCA), thereby replacing the North American Free Trade Agreement (NAFTA).¹²

The United States also employs import policy to affect trade; e.g., altering benefits by providing a country with preferential access to the U.S. market facilitated through a trade preference program. For example, Congress has created five active trade preference programs to aid developing countries: the Generalized System of Preferences (GSP), the Caribbean Basin Economic Recovery Act (CBERA), the Caribbean Basin Trade Partnership Act (CBTPA), the African Growth and Opportunity Act (AGOA), and the Nepal Preference Program.¹³ These programs give temporary, nonreciprocal, duty-free access for specific products that the U.S. imports from designated developing countries.¹⁴ Alternatively, the United States can use import policy as a trade remedy to address unfair trade practices.¹⁵

The United States also issues trade restrictions to protect a domestic industry, known as trade remedies. Governments may choose to protect a domestic industry if a foreign country provides unfair subsidies to its own domestic companies or engages in dumping, which occurs when the price of a product sold in the importing country is less than the price of that product in the market of the exporting country.¹⁶ To protect

⁸ ANDRES B. SCHWARZENBERG, REBECCA M. NELSON, CONG. RESEARCH SERV., R45474, INTERNATIONAL TRADE AND FINANCE: OVERVIEW AND ISSUES FOR THE 116TH CONGRESS, 23 (2020).

⁹ *Id.* at 26.

¹⁰ This includes the Dominican-Republic Central America FTA (a multilateral agreement) and twelve bilateral FTAs with Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru, Singapore, and South Korea. The United States is also currently negotiating an FTA with the UK. *Trade Agreements*, OFF. OF THE U.S. TRADE REPRESENTATIVE, <https://ustr.gov/trade-agreements> (last visited Sept. 14, 2020).

¹¹ TPA is a bridge between the Executive Branch and Congress and provides time limited authority that Congress uses to set trade objectives and establish notification and consultation requirements. CONG. RES. SERV., *Trade Promotion Authority (TPA)*, <https://crsreports.congress.gov/product/pdf/IF/IF10038> (last updated Dec. 23, 2019).

¹² *See generally id.* (providing the timeline between the President and Congress to pass the USMCA under TPA).

¹³ VIVIAN C. JONES, ET AL., CONG. RESEARCH SERV. R41429, TRADE PREFERENCES: ECONOMIC ISSUES AND POLICY OPTIONS 1–2 (2013).

¹⁴ *Id.* at 1.

¹⁵ ANDRES B. SCHWARZENBERG, REBECCA M. NELSON, CONG. RESEARCH SERV., R45474, INTERNATIONAL TRADE AND FINANCE: OVERVIEW AND ISSUES FOR THE 116TH CONGRESS, 40 (2020).

¹⁶ *Technical Information on anti-dumping*, WORLD TRADE ORG., https://www.wto.org/english/tratop_e/adp_e/adp_info_e.htm.

against dumping, the United States may enact antidumping and countervailing duty (AD/CVD) trade remedies.¹⁷ If a U.S. industry believes dumping occurred, both the U.S. Department of Commerce (DOC) and the U.S. International Trade Commission (ITC) will review the case to determine the existence of dumping behavior and extent of injury to domestic industry.¹⁸

International trade also triggers national security and foreign policy issues. Although the Constitution prohibits the imposition of any tax or duty on exports, the United States government controls various exports to further national security and foreign policy objectives and interests.¹⁹ These controls primarily govern nuclear materials and technology, defense articles and services, and dual-use goods and technologies.²⁰ The DOC, State, Defense, and Energy control these items. Additionally, the U.S. government can impose sanctions, which are restrictive economic measures, against an individual, entity, or country to bring about a policy change.²¹ These economic measures can include trade embargoes; restrictions on particular exports or imports; denial of foreign assistance, loans, and investments; blocking of foreign assets under U.S. jurisdiction; and prohibition on economic transactions that involve U.S. citizens or businesses.²²

III. PRESIDENTIAL POWER TO DIRECTLY REGULATE TRADE

Congress also enacts domestic laws to delegate its foreign commerce power to the President. The primary laws that give the President trade regulating authority include: Section 201 of the Trade Act of 1974,²³ Section 232 of the Trade Expansion Act of 1962,²⁴ and Section 301 of the Trade Act of 1974.²⁵ The Trump Administration has tested the boundaries of this authority through increasing tariffs to address concerns related to national security, injury to domestic competition, and China's trade practices.²⁶ These

¹⁷ For example, on December 16, 2019, the DOC issued its final determination on steel products from Vietnam. The Department found affirmative AD/CVD circumvention determinations and instructed U.S. Customs and Border Protection to collect additional duties for specified products. *U.S. Department of Commerce Announces Five Affirmative Final Circumvention Determinations on Steel Products from Vietnam*, U.S. DEP'T OF COM., (Dec. 16, 2019) <https://www.commerce.gov/index.php/news/press-releases/2019/12/us-department-commerce-announces-five-affirmative-final-circumvention> (last visited Sept. 14, 2020).

¹⁸ ANDRES B. SCHWARZENBERG, REBECCA M. NELSON, CONG. RESEARCH SERV., R45474, INTERNATIONAL TRADE AND FINANCE: OVERVIEW AND ISSUES FOR THE 116TH CONGRESS, 41–42 (2020).

¹⁹ U.S. CONST. art. I, § 10.

²⁰ ANDRES B. SCHWARZENBERG, REBECCA M. NELSON, CONG. RESEARCH SERV., R45474, INTERNATIONAL TRADE AND FINANCE: OVERVIEW AND ISSUES FOR THE 116TH CONGRESS, 49 (2020) (mentioning that dual-use technologies include commodity, software, or technology that has both commercial and military applications).

²¹ *Id.*

²² *Id.* at 49–50.

²³ 19 U.S.C. § 2251-2254.

²⁴ 19 U.S.C. § 1862(f).

²⁵ 19 U.S.C. § 2411-2416.

²⁶ RACHEL F. FEFER, ET AL., CONG. RESEARCH SERV., R45249, SECTION 232 INVESTIGATIONS: OVERVIEW AND ISSUES FOR CONGRESS 1 (2020).

increased tariffs range from 10% to 45% and impact approximately 16% of annual United States' imports.²⁷

Under Section 201 of the Trade Act of 1974, when a surge in imports seriously injures or threatens domestic industries, the allegedly injured industry may petition the ITC for a temporary safeguard.²⁸ If the ITC finds that substantial injury exists, it must recommend a remedy to the President who ultimately decides whether to provide relief and the amount of relief.²⁹ Relief may take the form of tariff increases, quantitative restrictions, or negotiated agreements.³⁰ On January 23, 2018, President Trump issued two presidential proclamations imposing Section 201 safeguard measures on imports of certain crystalline silicon photovoltaic cells (solar cells)³¹ and imports of large residential washers.³² South Korea has requested dispute settlement proceedings for measures against both solar cells and washers while China has requested dispute settlement proceedings for measures against solar cells.³³ In 2018, Canadian solar exporters sought an injunction to challenge the president's decision to increase tariff rates of solar products.³⁴ The CIT and Federal Circuit denied this because of the "substantial discretion granted to the president under Section 201."³⁵ Other challenges to the president's decision under Section 201 have met similar fates.³⁶

²⁷ See generally CATHLEEN D. CIMINO-ISAACS, ET AL., CONG. RESEARCH SERV. R45417, WORLD TRADE ORGANIZATION: OVERVIEW AND FUTURE DIRECTION 20 (2020) (noting that in response to these unilateral tariff measures, nine WTO members initiated dispute settlement proceedings by filing separate complaints at the WTO).

²⁸ See *Understanding Safeguard Investigations*, U.S. INT'L TRADE COMM'N, https://www.usitc.gov/press_room/us_safeguard.htm (last visited Sept. 15, 2020) (noting that although industry generally initiates the action by filing the petition, USITC can investigate itself or at the request of the House Ways and Means, Senate Finance, or USTR).

²⁹ 19 U.S.C. § 2252(b). See *Understanding Safeguard Investigations*, U.S. INT'L TRADE COMM'N, https://www.usitc.gov/press_room/us_safeguard.htm (last visited Sept. 15, 2020) (explaining that if the finding is affirmative, meaning ITC finds harm to domestic industry, ITC must recommend a remedy to the President).

³⁰ *Understanding Safeguard Investigations*, U.S. INT'L TRADE COMM'N, https://www.usitc.gov/press_room/us_safeguard.htm (last visited Sept. 15, 2020).

³¹ Presidential Proclamation to Facilitate Positive Adjustment to Competition from Imports of Certain Crystalline Silicon Photovoltaic Cells, WHITE HOUSE (Jan. 23, 2018), <https://www.whitehouse.gov/presidential-actions/presidential-proclamation-facilitate-positive-adjustment-competition-imports-certain-crystalline-silicon-photovoltaic-cells>.

³² Proclamation to Further Facilitate Positive Adjustment to Competition from Imports of Large Residential Washers, WHITE HOUSE (Jan. 23, 2020), <https://www.whitehouse.gov/presidential-actions/proclamation-facilitate-positive-adjustment-competition-imports-large-residential-washers>.

³³ CATHLEEN D. CIMINO-ISAACS, ET AL., CONG. RESEARCH SERV. R45417, WORLD TRADE ORGANIZATION: OVERVIEW AND FUTURE DIRECTION 21 (2020).

³⁴ *Silfab Solar, Inc. v. United States*, 296 F.Supp.3d 1295, 1297 (Ct. Int'l Trade 2018), *aff'd* 892 F.3d 1340 (Fed. Cir. 2018).

³⁵ *Id.* at 1306. See also Eric C. Emerson, *International Trade Court Decisions Signal Limits on Presidential Authority*, STEPTOE & JOHNSON LLP <https://www.steptoel.com/images/content/1/9/v2/198153/InternationalTradeCourtLimitsOnPresidentE CO-33930.pdf> (last visited Sept. 14, 2020).

³⁶ See, e.g., *Corus Group PLC v. Int'l Trade Comm'n*, 352 F.3d 1351, 1353 (Fed. Cir. 2003); *Maple Leaf Fish Co. v. United States*, 762 F.2d 86, 87 (Fed. Cir. 1985).

Under Section 232 of the Trade Expansion Act of 1962, any interested party can request the Secretary of Commerce to investigate the effect of specific imports on U.S. national security.³⁷ During the investigation, the DOC, in consultation with the Department of Defense, considers the following factors: the capacity of domestic industries to meet domestic production needs; the availability of human resources and other supplies essential to national defense; the quantity and availability of imported goods; substantial unemployment, the decrease in government revenue, the loss of skills or investment, or other serious effects resulting from the displacement of domestic products by excessive imports.³⁸ The DOC sends its report to the President, who will then decide the necessary remedies.³⁹ In recent news, President Trump used Section 232 to impose a 25% tariff on steel imports⁴⁰ and a 10% tariff on aluminum imports on March 23, 2018.⁴¹ In response, the European Union, Canada, China, and India imposed retaliatory tariffs on imports of steel or aluminum ranging from 10-15%.⁴² In addition to international unease, the President's actions under Section 232 have faced legal scrutiny on the domestic side in the U.S. Court of International Trade and the U.S. Court of Appeals for the Federal Circuit in 2019.⁴³

Section 301 of the Trade Act of 1974 grants the U.S. Trade Representative (USTR) the right to impose trade sanctions on foreign countries that violate U.S. trade agreements or engage in practices that burden U.S. commerce.⁴⁴ Prior to 1995, the

³⁷ 19 U.S.C. § 1862(b)(1)(a).

³⁸ 19 U.S.C. § 1862(d).

³⁹ Between 1962 and 2019, the DOC, only initiated thirty-one Section 232 investigations. Since 2017, DOC has found harm to national security for all five investigations initiated. The Trump Administration has taken action on the subjects of investigation. However, it only imposed tariffs for steel and aluminum. RACHEL F. FEFER, ET AL., CONG. RES. SERV., R45249, SECTION 232 INVESTIGATIONS: OVERVIEW AND ISSUES FOR CONGRESS 2–3 (2020).

⁴⁰ Proclamation on Adjusting Imports of Derivative Aluminum Articles and Derivative Steel Articles into the United States, WHITE HOUSE (Jan. 24, 2020), <https://www.whitehouse.gov/presidential-actions/proclamation-adjusting-imports-derivative-aluminum-articles-derivative-steel-articles-united-states>.

⁴¹ *Id.* Effective February 8, 2020, President Trump expanded these tariffs to certain derivative steel and aluminum products. *Id.*

⁴² RACHEL F. FEFER, ET AL., CONG. RESEARCH SERV., R45249, SECTION 232 INVESTIGATIONS: OVERVIEW AND ISSUES FOR CONGRESS 28–9 (2020). Additionally, China, India, the EU, Canada, Mexico, Norway, Russia, Switzerland, and Turkey all requested dispute settlement proceedings in the WTO. CATHLEEN D. CIMINO-ISAACS, ET AL., CONG. RESEARCH SERV. R45417, WORLD TRADE ORGANIZATION: OVERVIEW AND FUTURE DIRECTION 21 (2020).

⁴³ *See, e.g.*, *Am. Inst. for Int'l Steel, Inc. v. United States*, 415 F. Supp. 3d 1267, 1269 (Ct. Int'l Trade 2019) (holding that Congress acted constitutionally when it delegated tariff authority to the executive branch in Section 232 of the Trade Expansion Act of 1962); *Severstal Exp. GmbH v. United States*, 374 F. Supp. 3d 1368, 1370 (Ct. Int'l Trade 2019) (denying Severstal's challenge for a preliminary injunction that would have stopped the imposition of the President's Section 232 tariff); *Transpacific Steel LLC v. United States*, 415 F. Supp. 3d 1267, 1276 (Ct. of Int'l Trade 2019) (holding the additional Section 232 tariffs on Turkish steel violated statutorily mandated procedures). In *American Institute for International Steel, Inc. v. United States*, the Federal Circuit affirmed the USCIT's judgement. *Am. Inst. for Int'l Steel, Inc. v. United States*, 376 F. Supp. 3d 1335, 1337 (Ct. Int'l Trade 2019) (noting the Supreme Court denied a petition for certiorari).

⁴⁴ 19 U.S.C. § 2411.

United States used Section 301 to facilitate open markets and trade by pressuring other countries to remove trade barriers.⁴⁵ Most recently, USTR has used Section 301 to unilaterally impose trade restrictions on U.S. imports from China.⁴⁶ Approximately two-thirds of U.S. imports from China face increased tariffs ranging from 7.5% to 25%.⁴⁷ However, in an effort to resolve resulting trade tensions, on January 15, 2020, President Trump and China's Vice Premier Liu He signed the U.S.-China Phase One Trade Agreement.⁴⁸

IV. JURISDICTIONAL BODIES

Article III of the Constitution established the U.S. Court of International (CIT), which has national jurisdiction over customs and international trade cases.⁴⁹ The CIT hears claims from private parties and other government agencies like the DOC, Customs and Border Patrol (CBP), and the International Trade Commission (ITC).

Typically, government agencies try to handle disputes between businesses and the United States government before a claim is filed at the CIT. Each agency has different roles in this process. The DOC investigates and determines whether dumping or subsidizing occurred.⁵⁰ CBP enforces antidumping or countervailing duty orders. Finally, the ITC determines whether there was a material injury or threat to a domestic industry due to dumping or subsidized imports. These agency decisions are appealable to the CIT. The CIT decisions are then appealable to the Federal Circuit. In recent years, the Federal Circuit has heard a variety of cases on appeal from the CIT, including tariff classifications, antidumping and countervailing duty petitions, jurisdiction of the CIT, and challenges to the DOC's calculation methods.⁵¹

V. IMPACTS OF COVID-19

The global impact of COVID-19 has sparked our discussion of the Federal Circuit. Simply, is trade in crisis? The responses to COVID-19, including social distancing, lockdowns, and other measures, have led to both positive and negative disruptions to

⁴⁵ ANDRES B. SCHWARZENBERG, CONG. RESEARCH SERV., IF11346, SECTION 301 OF THE TRADE ACT OF 1974 1 (2020).

⁴⁶ *Id.* at 1–2.

⁴⁷ *Id.* at 2.

⁴⁸ The deal includes Chinese promises to not engage in currency manipulation, to protect foreign intellectual property, and to stop forcing foreign companies to transfer technology. In exchange, the United States announced reductions for certain tariff rates effective February 14, 2020. Bisio, et al., *The U.S.-China "Phase One" Deal: A Background*, U.S.-CHINA ECON. & SEC. REV. COMM'N 1–2 (Feb. 4, 2020), <https://www.uscc.gov/sites/default/files/2020-02/U.S.-China%20Trade%20Deal%20Issue%20Brief.pdf>.

⁴⁹ *About the Court*, COURT OF INT'L TRADE, <https://www.cit.uscourts.gov/about-court> (last visited Sept. 14, 2020).

⁵⁰ *Understanding Antidumping & Countervailing Duty Investigations*, U.S. INT'L TRADE COMM'N, https://www.usitc.gov/press_room/usad.htm (last visited Sept. 14, 2020).

⁵¹ See Jamie D. Underwood, 2018 *International Trade Law Decisions of the Federal Circuit*, 68 AM. U. L. REV. 1425, 1441, 1452 (2019); see also Gregory J. Spak, Forrest R. Hansen & Daniel J. Hickman, 2011 *International Trade Law Decisions of the Federal Circuit*, 61 AM. U. L. REV. 1105, 1106 (2012) (addressing the types cases brought before the Federal Circuit).

global trade.⁵² On the one hand, these measures have resulted in increased online shopping, social media use, teleconferencing, and streaming services.⁵³ However, despite the increased demand for goods and services, the global supply chain has had trouble meeting these needs.⁵⁴ According to the WTO, trade of world merchandise in the second quarter of 2020 had a year-on-year drop of 18.5 percent.⁵⁵ Economists at the WTO believe that the decline in world merchandise trade will likely exceed the trade decline during the 2008-2009 global financial crisis.⁵⁶

The pandemic has shifted consumers' global needs. First, it has led to an increase in business-to-business e-commerce as well as increased demand for internet and mobile data services.⁵⁷ In addition to the increase in services that can be delivered electronically, the pandemic has increased the use of telemedicine services.⁵⁸ For least-developed countries, many communities continue to have limited access to information and communications technology, stemming from rural locations and low incomes.⁵⁹ In some countries, tariffs can be as high as 35 percent for computers and 40 percent for telecommunications devices.⁶⁰

Second, supply chains are encountering unique challenges due to the pandemic. Generally, the additional health and safety measures for all involved in the supply chain increase processing time and increase costs.⁶¹ For example, the decrease in passenger flights linked to travel bans has also reduced the availability of air cargo, while concurrently the need for essential goods has increased the demand for air cargo—resulting in an increase in the price of air cargo.⁶² More than fifty countries have enacted COVID-19 measures, such as quarantine and additional documentation requirements, in their shipping ports, resulting in a decrease in shipping port cargo of ten to twenty percent in February.⁶³

⁵² *E-Commerce, Trade and the COVID-19 Pandemic*, WORLD TRADE ORG. 1 (May 4, 2020), https://www.wto.org/english/tratop_e/covid19_e/ecommerce_report_e.pdf.

⁵³ *Id.*

⁵⁴ *Id.* at 2.

⁵⁵ *Trade Falls Steeply in First Half of 2020*, WORLD TRADE ORG. (June 22, 2020), https://www.wto.org/english/news_e/pres20_e/pr858_e.htm.

⁵⁶ *Frequently Asked Questions: The WTO and COVID-19*, WORLD TRADE ORG. https://www.wto.org/english/tratop_e/covid19_e/faqcovid19_e.htm (last visited Sept. 20, 2020).

⁵⁷ *E-Commerce, Trade and the COVID-19 Pandemic*, WORLD TRADE ORG. 1 (May 4, 2020), https://www.wto.org/english/tratop_e/covid19_e/ecommerce_report_e.pdf.

⁵⁸ See *E-Commerce, Trade and the COVID-19 Pandemic*, WORLD TRADE ORG. 5 (May 4, 2020), https://www.wto.org/english/tratop_e/covid19_e/ecommerce_report_e.pdf. (noting that between December 2019 and January 2020, some platforms in China showed three-digit growth).

⁵⁹ *Id.* at 1.

⁶⁰ *Id.* at 5.

⁶¹ *COVID-19 and International Trade: Issues and Actions*, ORG. ECON. CO-OPERATION & DEV. 4 (last updated June 12, 2020), https://read.oecd-ilibrary.org/view/?ref=128_128542-3ijg8kfswh&title=COVID-19-and-international-trade-issues-and-actions.

⁶² See, e.g., *id.* (mentioning that freight costs between China and North America have increased close to 30 percent compared to 2019).

⁶³ *Id.*

In response to the pandemic, countries have imposed restrictions on exports of certain medical goods to minimize potential shortages of essential supplies.⁶⁴ In the United States, the Federal Emergency Management Agency issued a temporary rule restricting the export of certain personal protective equipment (including respirators, surgical masks, and gloves).⁶⁵

However, the WTO and the International Monetary Fund (IMF) warn that export restrictions, when viewed collectively, can actually be counterproductive.⁶⁶ In 2019, the United States imported \$3.4 billion worth of respirators but only exported \$0.5 billion worth of respirators. Conversely, in 2019, the United States imported only \$0.1 billion worth of surgical masks but exported \$0.4 billion worth of surgical masks.⁶⁷ Overall, when reviewed together, the United States imports more of these medical goods than it exports, suggesting that the WTO and IMF correctly stated that export restrictions may actually be hurting the ability of the United States to respond to COVID-19.

⁶⁴ CHRISTOPHER A. CASEY & CATHLEEN D. CIMINO-ISAACS, CONG. RESEARCH SERV., IF11551, EXPORT RESTRICTIONS IN RESPONSE TO THE COVID-19 PANDEMIC 1 (2020) (stating that as of July 2020, nearly 90 countries implemented export restrictions related to COVID-19).

⁶⁵ *Id.*

⁶⁶ *Id.* at 2.

⁶⁷ *Id.* at 1.