

5-1-1989

## Table of Contents

Follow this and additional works at: <https://digitalcommons.law.byu.edu/lawreview>



Part of the [Law Commons](#)

---

### Recommended Citation

*Table of Contents*, 1989 BYU L. Rev. (1989).

Available at: <https://digitalcommons.law.byu.edu/lawreview/vol1989/iss2/27>

This Frontmatter is brought to you for free and open access by the Brigham Young University Law Review at BYU Law Digital Commons. It has been accepted for inclusion in BYU Law Review by an authorized editor of BYU Law Digital Commons. For more information, please contact [hunterlawlibrary@byu.edu](mailto:hunterlawlibrary@byu.edu).

# Brigham Young University Law Review

VOLUME 1989

NUMBER 2

---



**EDITORIAL OFFICES:** The *Brigham Young University Law Review* is published at the J. Reuben Clark Law School, Provo, Utah 84602, by the Brigham Young University Law Review. All communications should be sent to the editorial offices.

Views expressed herein are to be attributed to their authors and not to the Law Review or Brigham Young University unless otherwise indicated.

**SUBSCRIPTIONS:** The *Brigham Young University Law Review* is published quarterly. The subscription rate is \$20 for one year, \$36 for two years, and \$50 for three years. Single issues may be obtained for \$5 per issue, and reprints of most articles and comments for \$2 per copy.

Third-class postage paid at Provo, Utah, and at additional mailing office. Send address changes to *Brigham Young University Law Review*, J. Reuben Clark Law School, Room 403, Provo, Utah 84602.

Copyright: © Brigham Young University Law Review, 1989.

## BRIGHAM YOUNG UNIVERSITY

### J. REUBEN CLARK LAW SCHOOL FACULTY

- BACKMAN, JAMES H. (1974), Professor of Law. A.B., 1969, Harvard College; J.D., 1972, University of Utah.
- BURNS, JEAN W. (1986), Associate Professor of Law. B.A., 1970 Vanderbilt University; J.D., 1973, University of Chicago Law School.
- DAVIS, RAY JAY (1981), Professor of Law. B.S., 1948, Idaho State University; J.D., 1953, Harvard University; LL.M., 1956, Columbia University.
- DURHAM, W. COLE, JR. (1976), Professor of Law. A.B., 1972, Harvard College; J.D., 1975, Harvard University.
- FARMER, LARRY C. (1977), Professor of Law. B.S., 1968, University of Washington; Ph.D., 1975, Brigham Young University.
- FLEMING, J. CLIFTON, JR. (1974), Associate Dean of the Law School and Professor of Law. B.S., 1964, Brigham Young University; J.D., 1967, George Washington University.
- FLOYD, C. DOUGLAS (1980), Professor of Law. B.S., 1964, Massachusetts Institute of Technology; LL.B., 1967, Stanford University.
- GOLDSMITH, MICHAEL (1985), Professor of Law. B.S., 1972, J.D., 1975, Cornell University.
- GORDON, JAMES D., III (1984), Associate Professor of Law. B.A., 1977, Brigham Young University; J.D., 1980, University of California, Berkeley.
- HAFEN, BRUCE C. (1985), Dean of the Law School and Professor of Law. A.A., 1960, Dixie College; B.A., 1966, Brigham Young University; J.D., 1967, University of Utah.
- HANSEN, H. REESE (1974), Associate Dean of the Law School and Professor of Law. B.S., 1964, Utah State University; J.D., 1972, University of Utah.
- HAWKINS, CARL S. (1973), Guy Anderson Professor of Law. A.B., 1948, Brigham Young University; J.D., 1951, Northwestern University.
- JACOBS, EUGENE B. (1980), Professor Emeritus of Law. B.A., 1949, J.D., 1951, University of California, Berkeley.
- KIMBALL, EDWARD L. (1973), Ernest L. Wilkinson Professor of Law. B.S., 1953, LL.B., 1955, University of Utah; LL.M., 1959, S.J.D., 1962, University of Pennsylvania.
- LEE, REX E. (1973), George Sutherland Professor of Law. B.A., 1960, Brigham Young University; J.D., 1963, University of Chicago.
- LUNDBERG, CONSTANCE K. (1982), Professor of Law. B.A., 1968, Arizona State University; J.D., 1972, University of Utah.
- NEELEMAN, STANLEY D. (1978), (on leave) Professor of Law. B.A., 1967, Westminster College; M.A., 1969, George Washington University; J.D., 1972, University of Denver.
- PARKER, DOUGLAS H. (1975), Professor of Law. B.A., 1949, J.D., 1952, University of Utah.
- RIGGS, ROBERT E. (1975), Professor of Law. B.A., 1952, M.A., 1953, University of Arizona; Ph.D., 1955, University of Illinois; LL.B., 1963, University of Arizona.
- SABINE, JAMES E. (1976), Visiting Professor of Law. B.A., 1930, University of Utah; J.D., 1937, University of California, Berkeley.
- THOMAS, DAVID A. (1974), Professor of Law and Law Librarian. B.A., 1967, Brigham Young University; J.D., 1972, Duke University.
- WARDLE, LYNN D. (1978), Professor of Law. B.A., 1971, Brigham Young University; J.D., 1974, Duke University.
- WELCH, JOHN W. (1980), Professor of Law. B.A., 1970, M.A., 1970, Brigham Young University; J.D., 1975, Duke University.
- WILKINS, RICHARD G. (1984), Associate Professor of Law. B.A., 1976, J.D., 1979, Brigham Young University.
- WILLIAMS, GERALD R. (1973), Professor of Law. B.A., 1966, Brigham Young University; J.D., 1969, University of Utah.
- WOOD, MARY ANN Q. (1976), Professor of Law. B.A., 1966, Brigham Young University; J.D., 1976, George Washington University.
- WOOD, STEPHEN G. (1976), Professor of Law. B.A., 1966, J.D., 1969, University of Utah; J.S.D., 1980, Columbia University.
- WORTHEN, KEVIN J. (1987) Assistant Professor of Law. B.A., 1979, Brigham Young University; J.D. 1982 Brigham Young University.

### PART-TIME FACULTY

- |                    |                 |
|--------------------|-----------------|
| AMES, WALTER L.    | GUNN, STEVEN H. |
| BRIAN, PAT B.      | JONES, G. KEVIN |
| COLLINS, KENT H.   | MABEY, RALPH R. |
| ELEGANTE, JAMES M. | OWEN, STANFORD  |

# Brigham Young University Law Review

VOLUME 1989

NUMBER 2

---

*Editor in Chief*  
DAN H. MATTHEWS

*Executive Editors*  
DAVID P. BROOKS  
LEE RADFORD

*Lead Articles Editors*  
CRAIG L. GRIFFIN  
GREGORY M. HESS  
DAVID J. TUCKFIELD

*Articles Editors*  
ADAM S. AFFLECK  
JAMES E. ELLSWORTH  
KEN JORGENSEN  
STEPHEN B. RICHARDS  
BRENT WAITE

*Managing Editor*  
WILLIAM D. MARSH

*Lead Note & Comment Editors*  
HENRY J. EYRING  
J. KYLE SCORESBY

*Research Editor*  
PATRICIA OWEN

*Note & Comment Editors*  
BRADLEY R. BECKSTROM  
MICHAEL H. COONS  
DAVID B. HANCOCK  
KONRAD S. LEE  
DAVID M. MCGRATH  
ALLAN O. WALSH

## *Members*

ERIC CHESTER AWERKAMP  
KATHRYN OGDEN BALMFORTH  
RICHARD A. BEDNAR  
STEVEN BEDNAR  
STEVEN W. BENNETT  
D. LEE DECKER  
MICHAEL R. EVANS  
MARK A. HUTCHISON  
TODD KERR  
REID W. LAMBERT  
DEAN LEFLER  
STEPHEN L. LUNDWALL

LINDA WATERS MAGLEBY  
JAMES McLAREN  
BRIAN NUFFER  
JAMES E. PRINCE  
GREG SLATER  
KIM STANGER  
JAMES THOMPSON  
KARL TILLEMANN  
JON EVAN WADDOUPS  
STUART F. WEED  
MARK WITHERS  
STEVEN J. WRIGHT

*Faculty Advisor*  
W. COLE DURHAM, JR.

*Secretary*  
LINDA MORISON

# Brigham Young University Law Review

VOLUME 1989

NUMBER 2

## TABLE OF CONTENTS

### ARTICLES

#### SYMPOSIUM: THE 1988 OMNIBUS TRADE BILL—ISSUES AND PERSPECTIVES

Foreword

The 1988 Omnibus Trade Bill:  
Issues and Perspectives

*Paul Freedenberg* 365

Foreign Direct Investment in the  
United States: The Differing Perspectives  
of Washington, D.C. and the State  
Capitals

*Earl H. Fry* 373

The Evolution of the Escape Clause—Section 201  
of the Trade Act of 1974 as Amended by the  
Omnibus Trade and Competitiveness Act of  
1988

*Warren Maruyama* 393

The "Escape Clause" and the Safeguards  
Wrangle

*Alan C. Swan* 431

Nonmarket Economy Dumping:  
New Directions in Fair Value  
Analysis

*Charles Owen Verrill, Jr.* 449

Analysis of the Dumping and Countervailing  
Duty Provisions in the Omnibus Trade and  
Competitiveness Act of 1988

*Charles Owen Verrill, Jr.* 459

The Trade Bill—The View From  
Capitol Hill

*Thelma J. Askey* 469

International Protection of Intellectual  
Property Under the 1988 Trade Bill

*Lee D. Green* 475

Revision of the Foreign Corrupt Practices Act by the 1988 Omnibus Trade Bill: Will it Reduce the Compliance Burdens and Anticompetitive Impact?	<i>Judith L. Roberts</i>	491
Presentation Made at the Trade Bill Conference Brigham Young University Law School on January 14, 1989	<i>Shunji Yanai</i>	507
Japan's Response to the Omnibus Trade Act	<i>Dick K. Nanto</i>	517
The 1988 Trade Act—Refinement or Major Change to U.S. Trade Laws? A View from the European Community	<i>Richard Wright</i>	533

#### COMMENTS

Section 301 of the Trade and Competitiveness Act of 1988: Its History and Implications in the U.S.-South Korea Trade		549
The Process Patent Amendments Act of 1988: Solving an Old Problem, But Creating New Ones		567
Using Legislation to Open Japan's Financial Markets: An Analysis of the Trade Bill's Primary Dealer Provision		579
The International Debt Management Act of 1988: Has the Baker Plan Been Replaced?		593
The 1988 Trade Act and the Effect on United States Export Controls to the People's Republic of China		611
The Toshiba Sanctions Provision: Its Constitutionality and Impact on COCOM		623
Opening Doors in Foreign Market Trade Through the Telecommunications Trade Bill		639
U.S. Agriculture and the Omnibus Trade Bill: A Step in the Right Direction?		653
Plant Closing Notification: Dividing the Costs of Closures Through Federal Regulation		675
Education: A Long Term Investment in United States International Competitiveness		689
The Trade Bill's Approach to Helping Dislocated Workers: Will it Work?		703

<b>Antidumping and Countervailing Duty Laws: The Quest to Control Nonmarket Economy Countries</b>	<b>717</b>
<b>Overview of Amendments in the 1988 Omnibus Trade Bill: Sections 301, "Super 301" and 337</b>	<b>729</b>
<b>The Omnibus and Fair Trading Act of 1988 and the United States Trade Representative: Suggestions for Better Coordination and Implementation of an Effective International Trade Policy</b>	<b>745</b>