

1983
Annual Report
United States International Trade Commission



Commissioners

Paula Stern, Chairwoman

Susan W. Liebeler, Vice Chairman

Alfred E. Eckes

Seeley G. Lodwick

David B. Rohr

Kenneth R. Mason
Secretary to the Commission

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Washington, D.C. 20436

USITC Publication 1580

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*The Commission*¹



Chairwoman Paula Stern, Democrat of the District of Columbia. Dr. Stern entered on duty on October 16, 1978. Her term expires on June 16, 1987.



Vice chairman Susan W. Liebeler, Independent of California. Mrs. Liebeler entered on duty on April 20, 1984. Her term expires on December 16, 1988.



Commissioner Alfred E. Eckes, Republican of Virginia. Mr. Eckes entered on duty on September 21, 1981. His term expires on June 16, 1990.



Commissioner Seeley G. Lodwick, Republican of Iowa. Mr. Lodwick entered on duty on August 12, 1983. His term expires on December 16, 1991.



Commissioner David B. Rohr, Democrat of Maryland. Mr. Rohr entered on duty on March 27, 1984. His term expires on December 16, 1985.

Vacancy: The term expires on June 16, 1993.

¹Members of the United States International Trade Commission on Sept. 30, 1983, were Alfred E. Eckes, Paula Stern (became Chairwoman effective June 17, 1984, succeeding Alfred E. Eckes), Veronica A. Haggart, and Seeley G. Lodwick.

Message From the Chairman

The burgeoning U.S. trade deficit in fiscal year 1983 brought increasing pressure on the Commission from domestic industries petitioning for relief from imports.

Operating at the same personnel level authorized in 1980, the Commission was fortunate that it could depend upon a dedicated and skillful professional staff to shoulder this burden and produce work of high quality within statutory deadlines.

The Commission completed 188 investigations in 1983, continuing to experience the heavy caseload that had characterized 1982. However, this year there was a perceptible shift in the type of cases coming before us. In 1982, most of the title VII antidumping and countervailing duty cases involved steel products. In 1983, over one-third of the total (and fully one-half of the antidumping cases) involved other types of products, including chemicals, agricultural items, transportation products, and textiles. The expanding scope of the investigations produced additional strains on Commission resources, as investigators were required to examine unfamiliar industries.

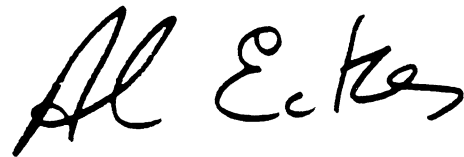
Diversity was even more pronounced in the Commission's investigations of unfair trade practices under section 337 of the Tariff Act of 1930. This is a rapidly growing area of the Commission's investigative responsibility, reflecting the problem U.S. industries are encountering with foreign patent violations, trademark and copyright infringement, and other unfair practices. The Commission completed 27 section 337 cases in fiscal year 1983, often involving highly technical products and demanding extensive research on the part of Commission staff.

Another technical area in which Commission expertise was called upon this year

was work on the Harmonized Commodity Description and Coding System. In June, the Commission submitted to the President a draft conversion of the Tariff Schedules of the United States into the Harmonized System. It was a major milestone in the history of the Commission's contribution to this international effort.

This year saw the Commission attempt to inform others as to its mission and methods of operation. A briefing for congressional staff was held on Capitol Hill in January, and embassy staff were briefed at our headquarters in July. We also were successful in directing public and congressional attention to the dilapidated and hazardous condition of our historic headquarters building. Eventual restoration of the building by the Smithsonian Institution and a Commission move to a new home in downtown Washington are the probable results of several congressional hearings on this subject.

The close of fiscal year 1983 brought the realization that the Commission faces a continuing upward trend in its workload and that its operating limits soon will be reached. As Congress and the President depend upon the Commission for informed judgment and sound advice, we know we must find a way to expand our resources and capabilities in the coming year to meet our many responsibilities.



June 16, 1984

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Summary of Activities

Investigations Completed

Tariff Act of 1930:	
Sec. 332 investigations	17
Sec. 337 investigations of alleged unfair practices in the importation and sale of imported products	27
Antidumping and countervailing duty investigations (countervailing duty, 57, including 13 preliminary and 44 final investigations; anti-dumping, 72, including 43 preliminary, 28 final, and 1 review investigation)	129
Trade Act of 1974:	
Sec. 131 and sec. 503 advice on possible trade agreements	2
Sec. 201 "escape clause" cases	2
Sec. 203 "review" cases	2
Trade Agreements Act of 1979, sec. 104, review of countervailing duty cases	9
Total	188

Other Activities

Reports prepared on proposed legislation	123
Reports prepared on specified commodities	11
Reports prepared on East-West trade	4
Trade-monitoring reports	3
Summaries of trade and tariff information	8
Responses to requests from Members of Congress and congressional committees	1,866
Publications issued (in addition to reports on investigations):	
Synthetic organic chemicals, production and sales	13
Benzenoid chemicals, imports	1
Library transactions:	
Reference calls	11,94

Introduction to the USITC

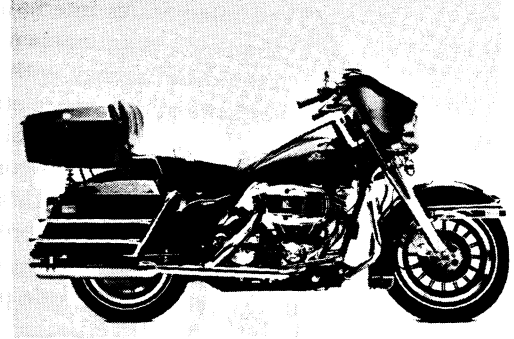
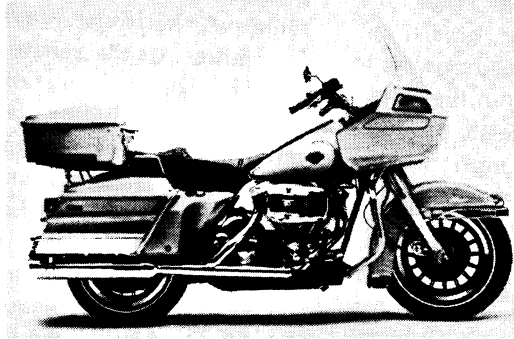
The United States International Trade Commission is an independent, bipartisan, quasi-judicial agency with broad powers to investigate all factors relating to the effect of U.S. foreign trade on domestic production, employment, and consumption. Although not charged with a policymaking role, the Commission contributes substantially to the development of sound, equitable international trade policy.

Commission activities include—

- Making recommendations to the President regarding relief for industries seriously injured by increasing imports;
- Determining whether U.S. industries are materially injured by imports which benefit from pricing below fair value or subsidization;
- Directing action, subject to Presidential disapproval, against unfair trade practices such as patent infringement;
- Advising the President whether agricultural imports interfere with price-support programs of the U.S. Department of Agriculture;
- Conducting studies on trade and tariff issues and monitoring import levels; and
- Participating in the development of uniform statistical data on imports, exports, and domestic production, and the establishment of an international harmonized commodity code.

By statute, the Commission may act on its own initiative, on the petition of interested parties, or at the request of the

President, the United States Trade Representative, the House Ways and Means Committee, or the Senate Finance Committee. The Commission staff of over 430 men and women, including attorneys, economists, investigators, commodity-industry analysts, and data system programmers, gathers information and evaluates data to assist the Commission in its determinations. To get the facts and insure that all sides of an issue are heard, extensive fieldwork is undertaken, and public hearings are held in Washington, D.C., or, occasionally, in other parts of the country. The views of interested and affected parties such as labor, industry, agriculture, importers, and consumers are represented and evaluated in the Commission's work.



Motorcycles

(1-2) The Harley-Davidson Motor Co. was the petitioner in the escape-clause investigation on heavyweight motorcycle imports. (3) Company chairman Vaughn Beals, foreground, and (4) Senator Robert W. Kasten, Jr., Republican from Wisconsin, were among witnesses testifying before the Commission for the old-line firm

Part I. Investigative Highlights

Investigations Under Sections 201 and 203(i) of the Trade Act of 1974, the "Escape Clause"

Section 201 of the Trade Act of 1974 (19 U.S.C. 2251) provides a procedure whereby domestic industries seriously injured by increased imports can petition for import relief in the form of tariffs or quantitative restrictions (import quotas).¹ To be found eligible for relief under section 201, industries need not prove that an unfair trade practice exists, as is necessary under the antidumping and countervailing duty laws and section 337 of the Tariff Act of 1930. However, under section 201, a greater degree of injury, "serious" injury, must be found to exist. In addition, relief under section 201, although temporary, should be tailored to the needs of the injured industry.

The criteria for import relief set forth in section 201 of the Trade Act of 1974 are based on article XIX of the General Agreement on Tariffs and Trade (GATT), an international agreement to which the United States is a signatory. Article XIX of the GATT is referred to as the escape clause, because it permits a country to "escape" temporarily from its obligations under the GATT with respect to a product when increased imports of that product are causing or threatening to cause serious injury to domestic producers of a like or directly competitive product. Commission investigations under section 201 provide a basis for the President to invoke article XIX.

In fiscal year 1983, the Commission completed two section 201 investigations: *Motorcycles* (TA-201-47) and *Stainless Steel and Alloy Tool Steel* (TA-201-48). The Commission made affirmative determinations in both cases. The Commission instituted the first investigation on September 17, 1982, following the receipt of a petition on September 1, 1982, filed on

behalf of Harley-Davidson Motor Co., Inc., and Harley-Davidson York, Inc. The Commission determined, by a vote of 2 to 1, that heavyweight motorcycles were being imported in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the appropriate domestic industry. In view of the affirmative determination, the Commission recommended to the President on February 1, 1983, that the rate of duty on heavyweight motorcycles be increased for a 5-year period by 45 percent ad valorem in the first year, with this rate to be phased down the following 4 years. On April 1,

¹The law requires the Commission to conduct such investigations upon receipt of a petition from an entity representative of a domestic industry, at the request of the President or the United States Trade Representative, or upon resolution of the House Committee on Ways and Means or the Senate Committee on Finance. The Commission also may conduct such investigations on its own motion. If, as a result of an investigation, the Commission finds that an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry, it must recommend to the President the tariff or quota relief necessary to prevent or remedy the injury or recommend the provision of adjustment assistance. The Commission must complete its investigation and make its determination and any recommendations within 6 months of receipt of the petition, request, or resolution. If the Commission finds in the affirmative and recommends tariff or quota relief, the President has an additional 60 days in which to advise Congress of what, if any, relief he will provide. If the President decides to take action different from that recommended by the Commission or decides to take no action, Congress, by majority vote of those present and voting in each House within 90 legislative days, may direct the President to provide the relief recommended by the Commission. If the Commission's determination is negative, the sec. 201 proceeding is terminated.



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Specialty Steel

(1) Under Secretary of Commerce for International Trade Lionel H. Olmer appeared as a Government representative to offer testimony at (2) the public hearing conducted by the (3) Commission's Director of Operations in connection with dumping and subsidy investigations involving imports of specialty steel products.

1983, the President proclaimed a duty increase and tariff-rate quotas on heavy-weight motorcycles (engines over 700cc) imported into the United States. The President's action increases tariffs on completed heavyweight motorcycles by 45 percent ad valorem in the first year, declining to 35, 20, 15, and 10 percent above scheduled rates in subsequent years. It also sets 5-year tariff-rate quotas at 5,000 units (increasing yearly to 6,000, 7,000, 8,500, and 10,000) for imports of motorcycles manufactured in West Germany, and 4,000 units (increasing by 1,000 yearly for 5 years) for imports from all other countries. A tariff-rate quota of 6,000 units (increasing by 1,000 yearly) for imports from Japan was established. The additional duties will apply to all quantities above the tariff-rate quotas. In the second case, the Commission instituted the investigation on December 9, 1982, following a request by the United States Trade Representative for an investigation under section 201 of the Trade Act of 1974. The Commission unanimously determined that imports of stainless steel and alloy tool steel were being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry. Therefore, the Commission, on April 27, 1983, recommended to the President that quotas be imposed on the imports.²

During the fiscal year, the Commission terminated two "review" investigations under section 203(i) of the Trade Act of 1974: *Certain Mushrooms* (TA-203-14) and *Porcelain-on-Steel Cooking Ware* (TA-203-15). In both cases, the Commission received a letter from counsel representing the domestic producers, withdrawing the petitions.

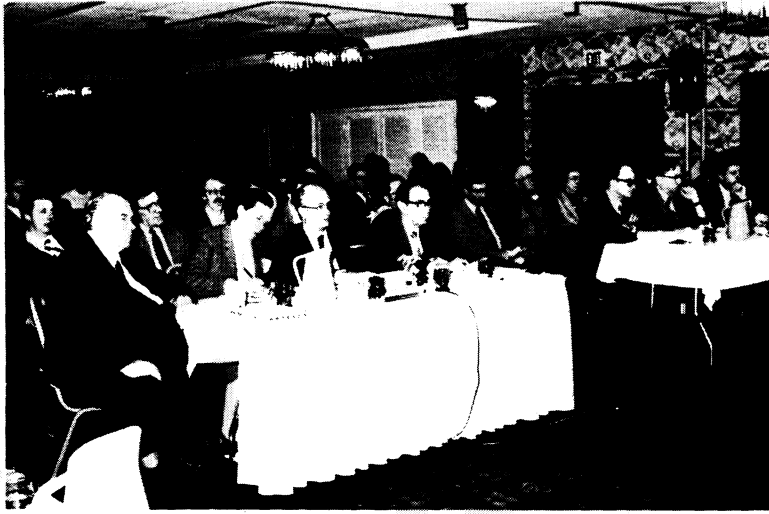
Investigations Under Title VII of the Tariff Act of 1930

Under title VII of the Tariff Act of 1930 (19 U.S.C. 1671, as added by the Trade Agreements Act of 1979), the Commission conducts preliminary and final investigations to determine whether there is a reasonable indication that (in preliminary investigations) or whether (in final investigations) a U.S. industry is materially injured or threatened with material injury, or the establishment of such an industry is materially retarded, by reason of imports of merchandise which is being sold at less than fair value (i.e., dumped) or is benefiting from foreign subsidies. The Department of Commerce determines whether dumping or subsidies exist and, if so, the margin of dumping or amount of the subsidy. The Commission finding concerns only whether there is injury by reason of that dumping or subsidy. Dumping duties equal to the margin of dumping or countervailing duties equal to the amount of the foreign subsidy are imposed if the Commission finds that such dumping or subsidies are causing the requisite injury.

Antidumping Investigations

During fiscal year 1983, the Commission completed 43 preliminary and 28 final antidumping investigations under section 731 and 1 review investigation under section 751 of the Tariff Act of 1930 (19 U.S.C. 1671). Of the 72 investigations completed during the fiscal year, 37 involved steel products such as steel wire

²On July 5, 1983, the President granted 4 years of import relief to the specialty steel industry in the form of digressive tariffs for stainless steel sheet and strip and plate and quotas based on the Commission-recommended minimum import tonnages, with a 3-percent annual growth factor, for stainless steel bar, rod, and alloy tool steel.



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Potatoes

Most Commission hearings are conducted at the ITC Building in Washington, D.C. However, on November 18, 1983, the Commission (1) held a public hearing in Portland, Maine, on imports of fall-harvested round white potatoes from Canada allegedly sold at less than fair value (dumping). (2) A witness for Canadian producers inspects potatoes presented as an exhibit for Commissioners. (3) Walter Kroeker, of Manitoba, Canada, was one of many witnesses. (4) Dorothy Kelley, executive vice president of the Maine Potato Council and (5) Senator William Cohen, Republican from Maine, made vigorous presentations for the domestic producers.

ropes, rails, and prestressed concrete wire rod. The remaining investigations covered a diverse group of products such as greige polyester/cotton printcloth, radio paging and altering devices, and mushrooms.

Finally, the Commission completed one remand investigation: *Sorbitol From France* (731-TA-44). On March 23, 1982, the Commission determined on the basis of the information developed during the course of the investigation that an industry in the United States was materially injured by reason of imports of sorbitol from France which the Department of Commerce had determined was being, or was likely to be, sold at less than fair value. On July 18, 1983, the Court of International Trade remanded this investigation for a new determination by the Commission. Accordingly, the Commission instituted a second investigation and subsequently made a second affirmative determination.

At the close of the fiscal year, the Commission had 1 preliminary and 16 final antidumping investigations pending. These investigations involved a wide range of products.

Countervailing Duty Investigations

The Commission conducts investigations under the countervailing duty laws only when the imports are from a country which is a signatory to the Code on Subsidies and Countervailing Duties or has undertaken similar obligations, or when the subject imports enter duty free. Most of the major free-world trading nations have signed the Code; some, such as Mexico, have not. With respect to dutiable imports from countries which have not signed the Code or undertaken similar obligations, countervailing duties are imposed under section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) without a Commission injury investigation.

During the fiscal year, the Commission completed 13 preliminary and 44 final countervailing duty investigations. Of the 57 investigations completed, 48 involved steel products. The remaining nine investigations covered a diverse group of products, including nitrocellulose, subway cars and parts, frozen concentrated orange juice, softwood lumber, and cotton shop towels.

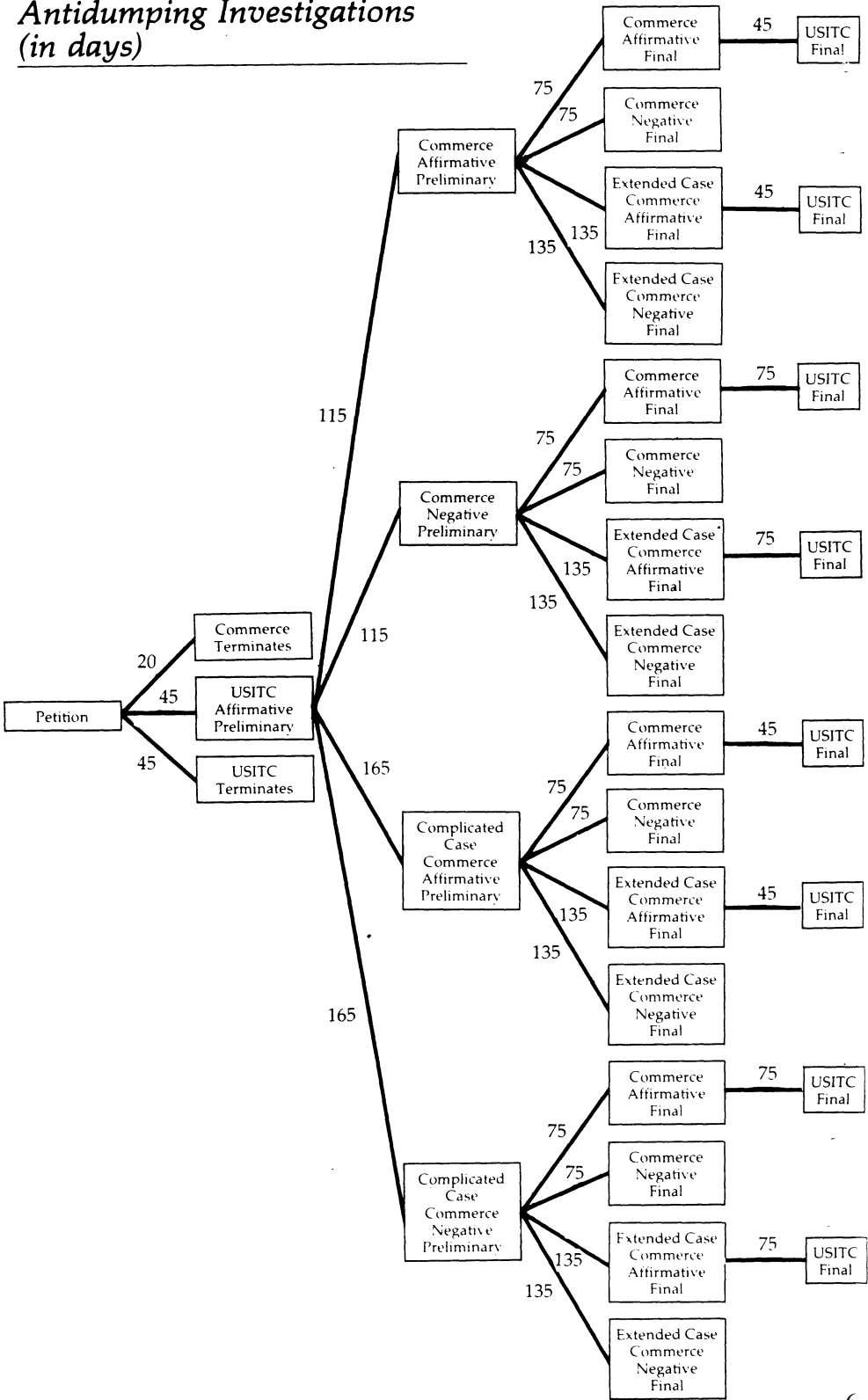
At the close of the fiscal year, the Commission had one final countervailing duty investigation pending. The Commission had no preliminary countervailing duty investigations pending.

Section 751 Review Investigations

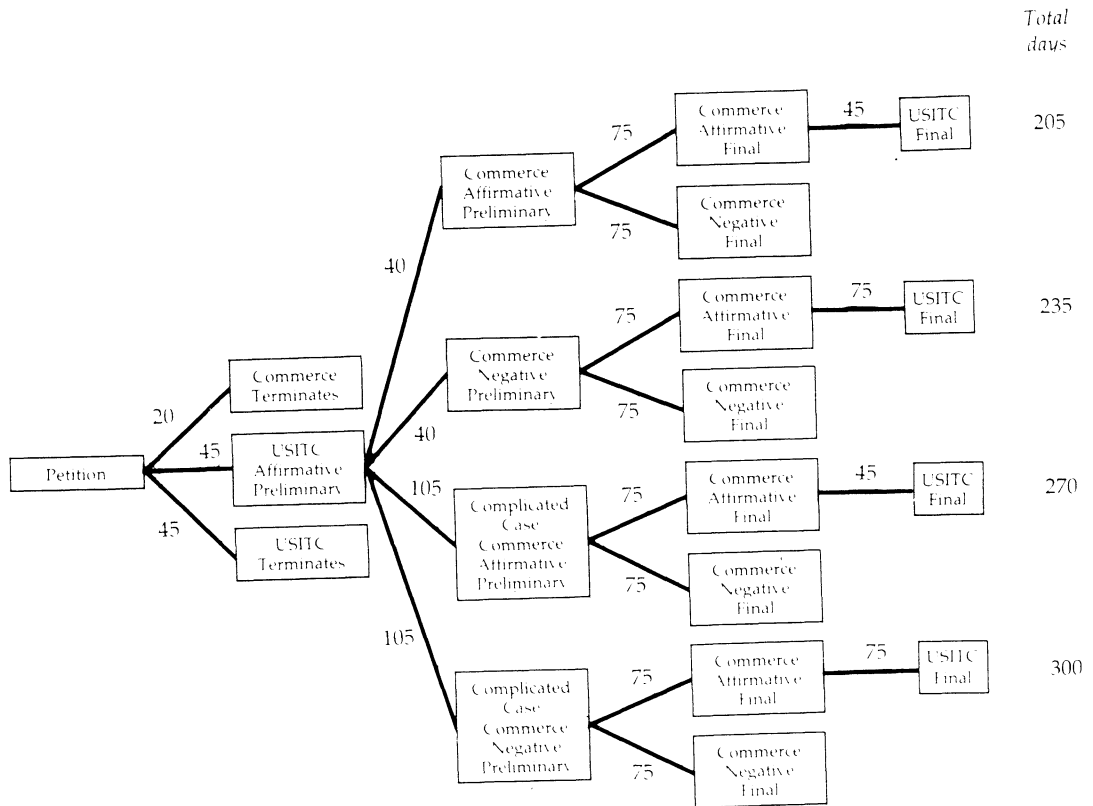
Section 751 of the Tariff Act of 1930 (19 U.S.C. 1675) sets forth a procedure for the review of outstanding antidumping and countervailing duty determinations. Under section 751, whenever the Commission receives information concerning, or a request for a review of, an outstanding countervailing duty or antidumping duty determination which shows changed circumstances sufficient to warrant such a review, the Commission conducts one. In the absence of good cause, the Commission may not conduct a review less than 24 months after publication of notice of the original determination.

During fiscal year 1983, the Commission completed one review investigation under section 751: *Salmon Gill Fish Netting of Manmade Fibers From Japan* (751-TA-7). At the close of the fiscal year, the Commission had no investigations pending under section 751.

**Statutory Timetable for
Antidumping Investigations
(in days)**



*Statutory Timetable for
Countervailing Duty
Investigations (in days)*



Section 104(b) Countervailing Duty Review Investigations

During fiscal year 1983, the Commission completed nine investigations under section 104(b) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note). Among other things section 104(b) requires the Commission, at the request of a foreign government which has signed the Subsidies Code or exporters from that country, to determine whether a U.S. industry would be materially injured or threatened with material injury, or whether the establishment of an industry would be materially retarded, if an existing countervailing duty order were to be revoked. Most of the countervailing duty orders in effect at the time the Trade Agreements Act went into effect had been issued without a Commission injury finding.

Section 104(b) investigations completed during fiscal 1983 involved a variety of articles. In eight of the nine investigations completed, the Commission determined that the countervailing duty order could be revoked without injuring a U.S. industry.

The Commission had two investigations pending under section 104(b) at the close of the fiscal year, involving *Certain Scissors and Shears From Brazil* (104-TAA-19) and *Certain Castor Oil Products From Brazil* (104-TAA-20).

Section 22 Investigations

During the fiscal year, the Commission also directed its attention to an area of investigative activity involving an agricultural product. Section 22 of the Agricultural Adjustment Act (7 U.S.C. 624) calls for the Secretary of Agriculture to alert the President when he believes agricultural

commodities are being or are practically certain to be imported into the United States in such quantities as to render or tend to render ineffective, or materially interfere with, U.S. Department of Agriculture (USDA) programs, including price-support programs, or substantially reduce the amount of any product processed from a product covered by a USDA program.

If the President agrees with the Secretary of Agriculture, he directs the Commission to conduct an investigation and develop a report, including findings and recommendations, for his consideration. Following receipt of the Commission's report, the President may impose quotas or duties (not to exceed 50 percent of the imported product's value) to protect the program. In cases in which the Secretary of Agriculture determines that an emergency exists, the President may take action before a Commission investigation and report, and such emergency action continues in effect pending the Commission's eventual report and recommendation.

The Commission instituted an investigation, *Certain Articles Containing Sugar* (22-46), on July 7, 1983, at the request of the President, to determine whether certain articles containing sugars derived from sugar cane or sugar beets are practically certain to be imported under such conditions, at such prices, and in such quantities as to render or tend to render ineffective, or materially interfere with, the USDA price-support program for sugar cane and sugar beets.

The President's letter, dated June 28, 1983, also stated that he was that day taking emergency action under section 22(b) of the Agricultural Adjustment Act and issuing a proclamation establishing quotas of zero pounds for certain sugar articles. Such quotas were to continue in effect pending the report and recommendation of the Commission and possible Presidential action.

At the close of fiscal year 1983, the investigation on certain articles containing sugar was still pending.

Unfair Import Practice Investigations

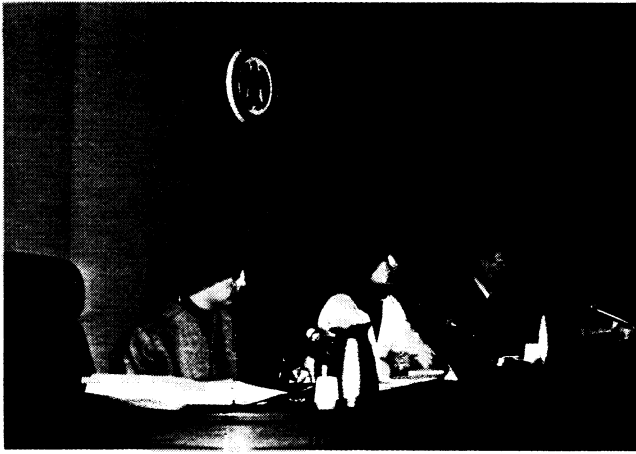
The Commission conducts investigations under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) to determine whether unfair methods of competition and unfair acts exist in the importation of articles into the United States, or in their sale, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to restrain or monopolize trade and commerce in the United States. If the Commission finds a violation of section 337, it can issue orders excluding the violating goods from entry into the United States and/or cease and desist orders unless it determines that such orders should not be issued in view of public-interest considerations. Commission orders go into effect 60 days after issuance unless disapproved by the President. Appeals of Commission orders are heard by the Court of Appeals for the Federal Circuit.

Section 337 investigations involve formal evidentiary hearings held in accord with the Administrative Procedure Act (5 U.S.C. 551 et seq.) before an administrative law judge. The investigations generally involve allegations of patent, copyright, or trademark infringement. They must be completed within 12 months of publication of notice of the investigation in the *Federal Register*, or within 18

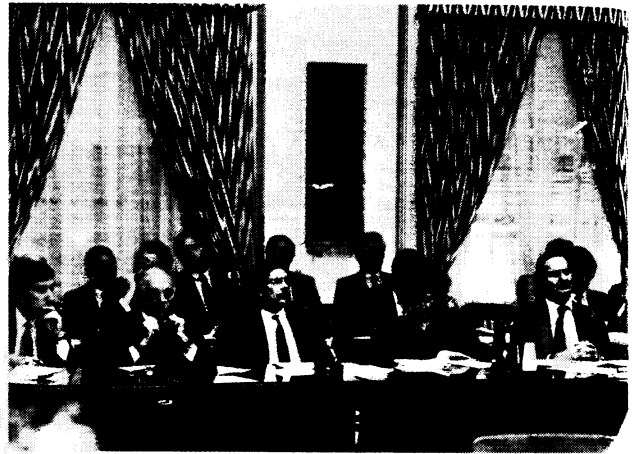
months in more complicated cases. Complainants may seek temporary relief pending final resolution of a case. The Commission may seek civil penalties of up to \$10,000 a day for violations of section 337 cease and desist or consent orders.

The Commission completed 27 investigations during fiscal year 1983. In contrast to past experience, where patent-based cases accounted for the bulk of section 337 investigations, the number of cases filed with the Commission during fiscal year 1983 where only infringement of patents was in issue decreased to less than one-half of the Commission's section 337 investigations. The balance was made up of cases where nonpatent or combination nonpatent and patent issues were alleged. Typical nonpatent issues were trademark and copyright infringement, passing off, false designation of origin, and misappropriation of trade secrets.

Two investigations highlight the continuing interest in using section 337 in nonpatent cases. One investigation, *Certain Personal Computers and Components Thereof* (337-TA-140), concerned the personal computer manufactured by Apple Computer, Inc. The Commission was faced with the novel legal question of whether the set of operating instructions for the computer may be copyrighted. In *Certain Microprocessors, Related Parts and Accessories* (337-TA-153),



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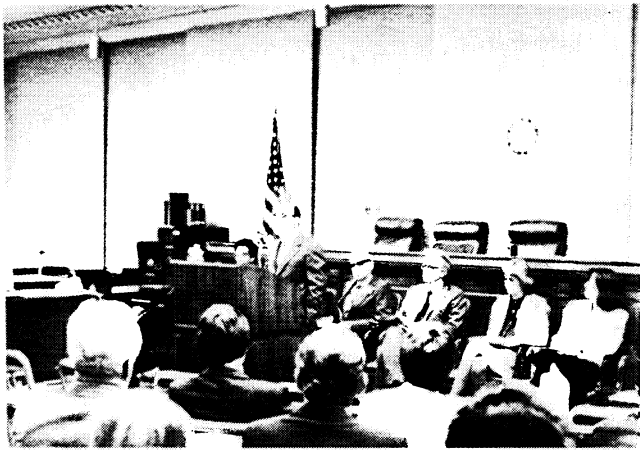
Specialty Steel

(1) The specialty steel industry also petitioned the ITC for import relief under the escape clause. (2-3) Those opposed to the petition as well as proponents got the opportunity to argue the merit of their respective positions at the Commission's public hearing on February 9, 1983. (4) Representative Doug Walgren, Democrat from Pennsylvania, appeared for the domestic industry.

the Commission was faced with another question having significant impact—whether a microprocessor chip in a computer may be copyrighted. Both cases were pending at the end of the fiscal year.

Commission patent cases involve varied and sometimes substantial industries. Such cases currently being heard by the Commission include *Rotary Wheel Printers* (337-TA-145); *Dot Matrix Line Printers and Components Thereof* (337-TA-154); and *Minutiae-Based Automated Fingerprint Systems* (337-TA-156).

The Commission also undertook its first self-initiated patent-based section 337 investigation in fiscal year 1983. That investigation, *Certain Apparatus for Flow Injection Analysis and Components Thereof* (337-TA-151), concerns a patent held by the U.S. Department of Agriculture on flow injection apparatus. This investigation was pending at the end of fiscal year 1983.



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Diplomatic Briefing

(1-4) The Commission and senior staff set a precedent on July 11, 1983, with an orientation briefing attended by 45 counselors, assistants, and attaches from 32 embassies. The 2-hour-long session introduced the foreign diplomatic officials to the USITC and its staff and covered the agency's functions and procedures.

Part II. Organizational Activities

Office of Investigations

The Office of Investigations has the responsibility for conducting most of the Commission's investigations with statutory deadlines. The principal operating units in the Office of Investigations are the Unfair Import Investigations Division (UIID) and three nonadjudicative investigation divisions. UIID, with its staff of investigative attorneys, conducts adjudicative investigations relating to unfair import practices under section 337 of the Tariff Act of 1930. The three nonadjudicative divisions conduct countervailing duty and antidumping investigations under provisions of the Tariff Act of 1930, escape-clause and market-disruption investigations pursuant to the Trade Act of 1974, and investigations under the Agricultural Adjustment Act to determine whether imports of agricultural products are interfering with programs of the U.S. Department of Agriculture. The three nonadjudicative divisions are each staffed with a supervisory investigator and five investigators. Staff from a separate accounting unit analyze the financial condition of domestic producers requesting import relief, and other units provide statistical and clerical support to the investigative effort. In addition to the investigative staff, a commodity analyst from the Office of Industries, an economist from the Office of Economics, and an attorney from the Office of the General Counsel are assigned to each nonadjudicative investigation to provide support in their particular areas of expertise.

In fiscal year 1982, the Commission experienced an extraordinary increase in the number of statutory investigations it conducted. That heavy caseload continued throughout fiscal year 1983, as many diverse industries sought relief from import competition. The number of adjudicative investigations before the Commission rose sharply in fiscal year 1983, and there was a shift in nonadjudicative investigations conducted under title VII of the Tariff Act of 1930 from countervailing duty cases to antidumping cases. In fiscal year 1982, about

40 percent of all title VII cases were antidumping investigations; in fiscal year 1983, that figure rose to nearly 60 percent.

The bulk of the Commission's nonadjudicative investigations in fiscal year 1982 involved steel products. In fiscal year 1983, the emphasis shifted somewhat, although about one-half of all investigations still involved steel. Increasing in number were cases on agricultural products (frozen concentrated orange juice, lumber, mushrooms, potatoes, and sugar), chemicals (chloropicrin, cyanuric acid, melamine, nitrocellulose, potassium permanganate, and sodium nitrate), electronic products (color televisions and radio paging devices), textile products (printcloth, shop towels, and polyester filament fabric), and transportation products (bicycles, motorcycles, and subway cars). The tables in appendix B list completed and pending investigations according to the statute section governing their conduct. They demonstrate the expanding scope of cases coming before the Commission.

Office of Industries

The mission of the Office of Industries is to provide the Commission with the detailed technical and economic information on U.S. industries and merchandise trade which it requires to meet its investigative and other technical responsibilities. In order to develop and maintain the required commodity/industry expertise for ready access by the Commission, the Office is organized into six commodity divisions which cover the major industrial sectors: agriculture and forest products, textiles and apparel, energy and chemicals, minerals and metals, machinery and equipment, and miscellaneous manufactures. Within these divisions there are some 75 commodity-industry analysts who keep track of the imports, exports, production, and sale of more than 12,000 items of world trade. The expertise of these specialists has been increasingly utilized as U.S. businesses have stepped up their complaints against imports. The President,

Congress, and the Commission rely heavily upon their research to obtain an objective picture of the impact of international trade, relating to both imports and exports, on U.S. industry and the competitive position of U.S. industry in world trade.

Investigations Under Section 332

During fiscal year 1983, the Office of Industries conducted 30 investigations under section 332 of the Tariff Act of 1930, including both one-time factfinding studies and continuing industry surveys. A number of these studies explored areas where there is relatively little available information or investigative precedent.

Eight continuing industry surveys under section 332 were conducted to aid the Congress or the executive in monitoring both U.S. imports and domestic production of various products. During the fiscal year, Industries published reports covering: synthetic organic chemicals (series extending continuously from 1916), canned mushrooms, nonelectric steel cooking ware, brooms, stainless steel and alloy tool steel, steel subject to the U.S.-European Community arrangement, heavyweight motorcycles, and automobiles.

Of the 22 factfinding studies underway, 11 were completed in fiscal year 1983. Selected studies are highlighted below.

The Probable Impact on the U.S. Petrochemical Industry of Expanding Petrochemical Industries in the Oil-Producing Nations (332-137)

The purpose of this study was to gather and present information on the expansion of the petrochemical industries in the oil-producing nations and the probable effect of such expansion on the U.S. petrochemical industry. The study assessed possible changes in U.S. imports and exports of petrochemicals and in the structure of operation of the U.S. petrochemical industry.

The Economic Impact of Foreign Export Credit Subsidies on the U.S. Commuter Aircraft Industry (322-143) and The Economic Impact of Foreign Export Credit Subsidies on Certain U.S. Industries (332-144)

Following requests from the Committee on Finance of the U.S. Senate and the United States Trade Representative (USTR), the Commission instituted these investigations to assess the impact of export credit subsidies by foreign governments on the competitive position of U.S. producers of civil transport aircraft, commuter size and larger; heavy electrical equipment; and self-propelled railcars. For each of these domestic industries, the study presented information on the following: (1) current industry structure, including major foreign competitors; (2) factors of competition in the U.S. market; (3) a comparison of sales and terms of sale of imported and domestically produced products; and (4) an assessment of the impact on the competitive position of the U.S. industry of actual and lost sales and foreign offers for sales resulting from foreign export credit subsidies.

Study of the Economic Effects of Terminating the Manufacturing Clause of the Copyright Law (332-145)

At the request of the Committee on Ways and Means of the U.S. House of Representatives, the Commission instituted this investigation to study the economic effects of terminating the manufacturing clause of the copyright law, including an assessment of (1) the effect on employment; (2) the effect on imports and exports; and (3) the long-term effect on conditions of competition between U.S. and foreign firms engaged in printing and related activities.

Competitive Assessment Study: U.S. Metalworking Machine Tool Industry (322-149)

The Commission self-initiated this investigation of the competitive position of the U.S. metalworking machine tool industry. This study examined the factors affecting the present and future international competitive position of U.S. metalworking machine tool producers. It also assessed the impact of the growing competition from imports on the U.S. metalworking machine tool industry, explored the related development of further competition in the industry's overseas markets, and examined the steps that have been taken and may be taken to counteract these developments.

The Effect of Changes in the Value of the U.S. Dollar on Trade in Selected Commodities (332-150)

The study was self-initiated by the Commission to assess the impact of changes in the foreign-exchange value of the U.S. dollar on U.S. trade in selected commodities. Six commodities were selected for study to determine the importance of exchange-rate changes relative to various other factors believed to influence trade. They represented three distinct levels of manufacture—primary materials (polyester staple fiber and primary magnesium), intermediate goods (denim and brass strip), and consumer goods (bicycles and pianos). For each commodity, the study integrated an econometric analysis with an industry analysis to evaluate the importance of exchange rates in comparison with other causes of trade-flow changes. In the econometric analysis, the Commission considered important trade factors such as U.S. and foreign production, consumption, prices, third-country competition, and raw-material costs.

An Assessment of the Multilateral Trade Negotiations on Selected Benzenoid Chemicals (322-151)

The Commission self-initiated this investigation to assess the impact on do-

mestic producers and trade in selected benzenoid chemicals as a result of the implementation of duty modifications following conclusion of the 1979 Multilateral Trade Negotiations (MTN) and passage of the Trade Agreements Act of 1979. This study also examined the apparent changes in the U.S. and foreign countries' competitiveness in benzenoid chemicals following the MTN negotiations.

Trade Monitoring

During fiscal year 1983, the Office continued the quarterly report series entitled *U.S. Trade Shifts in Selected Commodity Areas*. The quarterly report is a byproduct of the Office's normal trade-monitoring activities and provides brief analyses of significant foreign-trade shifts in major industrial sectors as well as trade statistics for approximately 650 commodity groups within those major sectors. Four reports were issued in the series covering the second and third quarters of 1982, 1982 in its entirety, and the first quarter of 1983.

In addition, the Office prepared a report on *An Evaluation of U.S. Imports Under the Generalized System of Preferences (GSP)*, making extensive use of the trade-monitoring data base, a comprehensive computerized data base designed to provide the Commission with the basic industry and trade data required in its analytical and monitoring responsibilities. The findings of the GSP report have been used by the USTR and other Government agencies and business in congressional hearings on the administration's legislative proposal to extend the GSP for 10 additional years.

Summaries of Trade and Tariff Information

Significant progress in the current series of summaries of trade and tariff information was made during the year as the Commission published 57 summaries and

31 updates of previously published summaries. The widely used series provides the Congress, Government agencies, the public, and business institutions with information on the commodities listed in the Tariff Schedules of the United States.

This year, the summaries included 9 reports on animal and vegetable products, 4 on forest products, 9 on textiles and apparel, 11 on chemicals and related products, 5 on nonmetallic minerals and products, 14 on metals and metal products, and 5 on miscellaneous manufactured products. The current series, which is expected to be completed during the next fiscal year, provides comprehensive coverage of product uses, manufacturing processes, and commercial practices, and includes analyses of the numerous factors affecting U.S. and world trade in each commodity area.

Office of Economics

The two principal responsibilities of the Commission—investigating the effects of imports on U.S. industries and providing factual studies and reports to the Congress and the President on issues in international trade—require analyses based on sound economic principles and methods. The Office of Economics provides this support in all areas of the Commission's work. The Office of Economics (OE) comprises three divisions. The largest, the Investigation Support Division, works closely with the Commission's Office of Investigations on statutory investigations, examining the effects of imports on U.S. producers of competitive goods. The Trade Reports Division carries out trade-monitoring and trade-reporting functions for which the Commission has statutory responsibility. The Research Division works on studies of current issues in international trade requested by the Congress or the President or self-initiated by the Commission.

During fiscal year 1983, the Investigation Support Division (ISD) continued to provide comprehensive analysis of economic factors affecting the products

subject to Commission investigations under the various import-injury statutes.

The import-injury investigations completed by the Commission during fiscal year 1983 under section 201 of the Trade Act of 1974 required significantly more complex analysis on the part of the ISD economists, because the Commission had to evaluate the relative effect of imports on domestic producers among all factors that may have contributed to the condition of the industry.¹

¹In the investigation on certain motorcycles, ISD economists undertook a comprehensive analysis of the causes and implications of reduced spending by the portion of the U.S. population that traditionally buys motorcycles of the type produced in the United States, as well as the ramifications of substantial inventory buildup on the part of importers. ISD economists further provided a thorough examination of the likely effects on the U.S. industry of various possible remedies to the import-related injury that the Commission found to have occurred. They assisted the Office of Executive Liaison in briefing interagency administration policy officials concerning the Commission's determination and remedy recommendations.

In the specialty steel investigation, ISD economists provided extensive analysis of the role of consumer and capital spending in the U.S. market for stainless and alloy tool steel, the effects of exchange-rate fluctuations on U.S. imports and exports of these products, and the implications of high prevailing interest rates both on the industry and on all sectors of the market for these products. ISD economists reviewed the economic analyses presented by the parties to the investigation and provided the Commission with advice on these submissions. Extensive and thorough examination of the market behavior both of the U.S. industry and of foreign producers was provided as background for the Commission's remedy recommendation following the unanimous affirmative determination of injury caused by imports. After the President proclaimed relief for the domestic industry, ISD economists continued to provide the USTR with information and analysis on the issue of compensation for the losses possibly suffered by the foreign countries as a result of the restrictions imposed on their exports of steel to the United States.

Another type of investigation in which ISD economists used complex analytical tools to evaluate markets and pricing behavior was the antidumping investigation of *Certain Radio Paging and Alerting Receiving Devices From Japan* (731-TA-102). In this investigation, because the firms involved were multinational and the product was state-of-the-art technology, it was necessary for the economic analysis to anticipate the emerging international character of high technology and to compare two articles that were different in design but competitive in the marketplace. At the other end of the technology scale, the fiscal year closed as an investigation on *Portland Hydraulic Cement From Australia and Japan* (731-TA-108 and 109) was in progress. This investigation involved one of the most detailed analyses of pricing behavior in a regional market ever addressed by the Commission in an antidumping investigation.

ISD economists also successfully tackled some unusual and difficult analyses in a number of other investigations during fiscal year 1983. They analyzed bid competition between imported and domestic products in investigations on railcars from Canada, farecard machines from France, and aircraft from Brazil. Providing analyses of export marketing and pricing practices of nonmarket economies was the task in such investigations as steel from Romania and polyester/cotton printcloth from the People's Republic of China. As part of their objective factfinding, ISD economists continued to collect data on prices paid by purchasers and to obtain purchasers' views of market dynamics for analyzing the conditions of competition.

Economic Research

The primary function of the Research Division in OE is to provide technical analyses of international economic issues of interest to the Commission and to policymakers in Congress and the administration. The OE and the Office of Industries manage the Commission's section 332 program, under

which most of this research is conducted. Research Division economists also regularly assist on import-injury investigations when the caseload is particularly heavy or when some aspect of an investigation requires expertise in a specialized area that an economist in the Research Division can supply. The large number of petitions filed before the Commission in fiscal year 1983 required the Research Division to devote substantial resources to this area.

The most important research study undertaken by OE in fiscal year 1983 was *Foreign Industrial Targeting and Its Effects on U.S. Industries* (332-162), which was requested by the House Committee on Ways and Means in March 1983. The study will be completed in three phases. The first phase covers targeting by Japan and includes a definition of industrial targeting, a general discussion of the effects of targeting, and a review of the relevant literature. The report on the first phase was almost ready for release to the Committee on Ways and Means by the end of fiscal year 1983. The second phase will be initiated early in fiscal year 1984 and will cover targeting by the European Community. The third phase will cover targeting by all other major U.S. trading partners.

Three research studies were completed by the Research Division in fiscal year 1983. The first study was *Floating Exchange Rates and U.S. Competitiveness* (332-124). This study examined the various alternative theories that are used to explain exchange-rate changes and found that none of the theories could be used to reliably predict these changes. The second study was *Changes in Import Trends Resulting From Excluding Selected Imports From the Generalized System of Preferences* (332-147), which analyzed the effects of the various rules used to limit GSP benefits to developing countries. It found that the effect on imports after an exclusion varied according to the reasons for the exclusion. The third study was *Transportation Costs of U.S. Imports* (332-141). It estimated the importance of transportation costs as a barrier to U.S. imports. The major finding

of this study was that transportation costs as a share of the value of imports have declined significantly in recent years, and by 1981 were less than one-half their level of 1965.

Two other research studies were initiated in the Research Division in fiscal year 1983. They are *U.S. Trade-Related Employment* (332-154), which estimates the labor content of U.S. imports and exports for disaggregate industry sectors and individual U.S. trading partners; and *China's Economic Development Strategies and Their Effects on U.S.-China Trade* (332-168), which analyzes the effects of China's current 5-year plan.

Trade Monitoring and Reporting

Economists in the Trade Reports Division continually monitor economic and policy developments abroad that are likely to have an important effect on U.S. commerce. Staff is assigned to cover the major trading partners of the United States, i.e., the European Community, Japan, Canada, and Mexico, and the main Communist economies, including China, the Soviet Union, and Eastern Europe. The foreign-country expertise that the Commission has developed in the Trade Reports Division complements the Commission's widely recognized commodity trade expertise. At a time when bilateral trade issues and the trade and industrial policies of foreign governments are of increasing concern, the expertise of this staff improves the ability of the Commission to serve the informational and analytical needs of the Nation's trade policymakers in the Congress and the executive branch. This foreign-country expertise has been utilized in the Commission's study of Japanese industrial targeting, described above, and will be utilized in upcoming studies of the targeting practices of the European Community and the so-called newly industrialized countries.

As an important part of its international monitoring program, the Trade Re-

ports Division produces two regular publications on trade and trade agreements activities for Congress and the public. The Commission's annual report on the *Operation of the Trade Agreements Program*² is a reference for U.S. multilateral and bilateral trade policy activity. The 34th report, covering trade agreements activities in calendar year 1982, was issued in August 1983. In addition to regular coverage of multilateral trade activities in the GATT and the Organization for Economic Cooperation and Development, U.S. bilateral trade relations with key countries, and the administration of U.S. trade law, the 34th OTAP also contained a special report on the results of the important GATT Ministerial meeting held in November 1982 and an analysis of the legal issues involved in the U.S.-EC dispute over agricultural export subsidies.

The Commission also produces a quarterly report on trade between the United States and 13 nonmarket economy countries (NME's).³ Each of the four reports produced during fiscal year 1983⁴ reported in detail on current trends in U.S.-NME trade and on significant commercial and trade policy developments affecting this trade.

²The *Operation of the Trade Agreements Program* (OTAP) is prepared in conformity with sec. 163(b) of the Trade Act of 1974 (19 U.S.C. 2213).

³Sec. 410 of the Trade Act of 1974 (19 U.S.C. 2440) gives the Commission responsibility for the development and operation of an East-West Trade Statistics Monitoring System and requires reports on U.S.-NME trade each calendar quarter.

⁴*32d Quarterly Report to the Congress and the Trade Policy Committee on Trade Between the United States and the Nonmarket Economy Countries During July-September 1982*, USITC Publication 1335, December 1982; *33d Quarterly Report* (1982 annual issue), USITC Publication 1368, April 1983; *34th Quarterly Report*, USITC Publication 1399, June 1983; and *35th Quarterly Report*, USITC Publication 1433, September 1983.

Fiscal year 1983 was the second year of operation of the Commission's East-West Trade Statistics Monitoring System, an automated system for monitoring all U.S. imports of manufactured goods from Communist countries and for analyzing them in relation to domestic production of similar products. The system identified six products imported from China—four textile and two leather goods items—as candidates for closer analysis of their possible effect on competing U.S. industries.⁵

Office of Tariff Affairs

The Commission makes several vital technical contributions to the U.S. Government's ability to monitor world trade, its efforts to reduce barriers to the international movement of goods and services, and its responsibility to represent the interests of U.S. industries. The 18 attorneys, nomenclature analysts, and other staff members who constitute the Office of Tariff Affairs assist the Commission in meeting its responsibilities in these areas.

The most significant area of activity for the Office of Tariff Affairs during fiscal year 1983 was its work on the Harmonized Commodity Description and Coding System, an international classification system and statistical enumeration for merchandise in international trade. The Harmonized System is being developed jointly by many nations and international organizations under the auspices of the Customs Cooperation Council, headquartered in Brussels, Belgium. To facilitate trade, this new nomenclature would provide common descriptions for each article in international commerce.⁶

In addition, Tariff Affairs staff members participated in meetings of the Harmonized System Committee and related bodies, pursuant to the Commission's continuing responsibility to express the needs of the U.S. business community as the Harmonized System is developed. At present, the staff is preparing comments on the Ex-

planatory Notes supplementing the Harmonized System nomenclature and a narrative explanation of the converted tariff schedule. Staff members are also assisting other U.S. Government agencies in their analysis of the schedule and in the solicitation of further views from interested parties. Should the President choose to seek the conversion of the Tariff Schedules of the United States, the converted schedule would be presented to Congress in the form of draft legislation.

The possible conversion of the *Tariff Schedules of the United States Annotated* (TSUSA) to the Harmonized System lies in the future. The TSUSA continues to play an important part in ascertaining the United States role in international commerce. Not only do the tariff schedules provide the duty rates and preferential treatment applicable to all articles imported into the United States, but they also serve as the basis for the collection of statistics on U.S. imports. The latter function has become increasingly important in recent years as duty rates have been lowered and as international trade has grown in volume and complexity. The development of computerized data processing technology has made sophisticated statistical data on trade flows available,

⁵35th Quarterly Report, pp. 43-59; items were identified on the basis of trends in import data through June 1983 and domestic shipments data for 1981.

⁶In August 1981, President Reagan requested that the Commission initiate an investigation and draft a report to serve as the basis for the conversion of the Tariff Schedules of the United States (TSUS) into the nomenclature structure of the Harmonized System. Following the publication for public comment of drafts of the converted chapters, the Commission held hearings and received numerous submissions from industries, associations, and Government agencies. Tariff Affairs staff evaluated all comments and incorporated many suggestions presented by interested parties. The Commission submitted its report containing the converted tariff schedules and cross-references to the President on June 30, 1983.

delimited by the organization and content of the TSUSA.

The TSUSA contains approximately 7,000 legal classifications arranged in a hierarchical structure and describing every product in international trade. For the purpose of collecting duties, each classification is assigned a five-digit number which identifies the kind of product or products therein. For statistical purposes, many such provisions are broken into subclassifications, each of which adds two additional digits to the identifying number, so that data may be gathered about imports of specified articles. There are now almost 14,000 such annotations.

Tariff Affairs chairs an interagency group known as the Committee for Statistical Annotation of Tariff Schedules. Other members of the Committee include representatives of the Department of Commerce's Bureau of the Census and the Department of the Treasury's Customs Service. The Committee considers petitions from firms, business and industry groups, and Government agencies for establishing new statistical subcategories in the TSUSA as well as in the Statistical Classification of Domestic and Foreign Commodities Exported From the United States (Schedule B). During fiscal year 1983, the Committee considered 68 requests for statistical annotations to the TSUSA and 24 requests for modifications to Schedule B in order to improve the comparability of U.S. import and export data and for other reasons. As a result of these requests, the Committee created 204 new TSUSA items and provided 73 new Schedule B items.

The Commission publishes new editions of the TSUSA annually. At appropriate intervals it is updated to reflect legislation, Presidential proclamations and Executive orders, and other modifications. During fiscal year 1983, the Commission published the 14th (1983) edition of the TSUSA, reflecting the fourth stage of tariff reductions negotiated during the Multilateral Trade Negotiations under the GATT. Two supplements to the 1983 edition were also issued during the fiscal year.

The Commission also publishes the *History of the TSUSA*, containing staged rates of duty, amendments and modifications in the legal text, and changes in statistical annotations. During fiscal year 1983, the Commission issued a supplement to the *History of the TSUSA*.

In another major area of activity during the fiscal year, the Office of Tariff Affairs prepared 154 reports on pending tariff legislation for the House Committee on Ways and Means and the Senate Committee on Finance, and prepared or reviewed technical drafts for 12 Presidential proclamations and Executive orders for the Office of the United States Trade Representative.

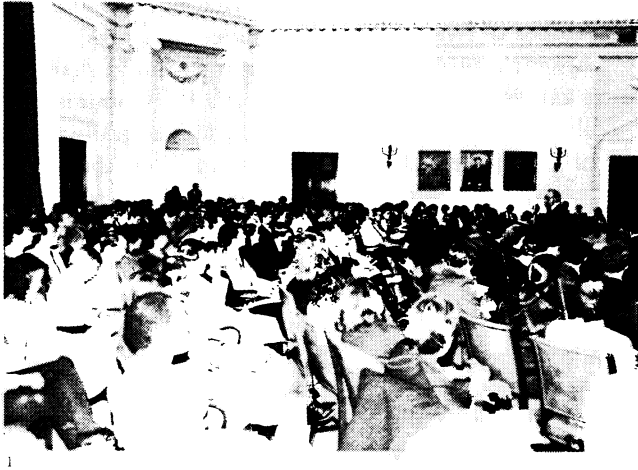
Finally, members of the Office of Tariff Affairs represent the U.S. Government on the Technical Committee on Trade in Civil Aircraft of the GATT. During the fiscal year, the Tariff Affairs representative served as Chairman of that committee.

Office of Data Systems

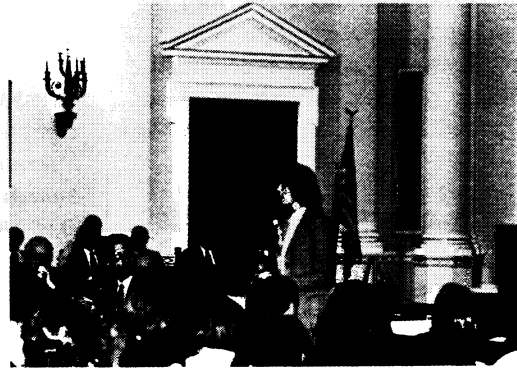
The Commission maintains a comprehensive data collection, manipulation, and storage capability to support its multifaceted trade mission activities. The Office of Data Systems, through the functions performed by its library, data processing, and statistical staffs, carries out the Commission's responsibility in this area.

The Automated Data Systems Division develops and maintains a number of computerized information systems used in generating a variety of trade statistics and maintains an extensive collection of import and export data in its magnetic tape library. In April 1983, as part of an ongoing program to upgrade the Commission's ADP capability, Data System's staff began the installation of an in-house computer, an IBM 4331, with final system implementation scheduled for completion in December 1983.

The Statistical Services Division (SSD), through the use of computers and



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Capitol Hill Briefing

(1-3) On January 25, 1983, the Commissioners and senior staff held a briefing on Capitol Hill in the House Ways and Means Committee room for Representatives and some 300 legislative and committee staffers. The purpose was to provide an indepth look at the agency and its responsibilities.

The Office of Executive Liaison also contributes technical support to the USTR in connection with other types of negotiations, such as orderly marketing agreements and compensation agreements for import relief actions. Following the imposition, under section 201 of the Trade Act of 1974, of quotas and increased duties on U.S. imports of specialty steel in July 1983, intensive negotiations on orderly marketing agreements or compensation agreements began with major suppliers. Some of these negotiations were still in progress at the close of the fiscal year. Assistance continued on the negotiations with Japan and Spain for compensation for the U.S. duty increase on certain cooking ware until the negotiations were completed late in the fiscal year. Assistance was also provided for preliminary discussions with Japan on the U.S. duty increase in April 1982 on imported motorcycles.

A final area of activity which consumed a substantial amount of time for the Office of Executive Liaison was completion of the Looseleaf Consolidated U.S. Schedule of Concessions under the GATT. In July 1983, the 1,400-page draft of the schedule was submitted to the other contracting parties for their approval.

Office of Congressional Liaison

During fiscal year 1983, the Office of Congressional Liaison continued to coordinate Commission services to the Congress. Responding to congressional inquiries remained a major activity of the Office, as it arranged for replies to an average of 51 written and 94 telephone contacts each month. The Commission provided technical assistance on 126 bills, and staff specialists provided technical support at a number of congressional committee hearings. In January 1983, nearly 300 Congressmen and congressional staff members attended a briefing on Capitol Hill where the Commission provided an overview of the agency's responsibilities and its capabilities in assisting the Congress.

Seven members of the Subcommittee on International Trade, Senate Committee on Finance, and their staff assistants visited the Commission in April 1983 to personally observe the Commission's facilities and discuss issues of mutual concern. Subsequently, staff members of several Senate and House committees toured the building in anticipation of legislative action on possible renovation of the facility.

During the year, four Members of Congress appeared as witnesses at hearings before the Commission. In addition, written testimony on several cases being investigated by the Commission was received from Congressmen.

Three investigations requested by the House Committee on Ways and Means, conducted by the Commission under section 332 of the Tariff Act of 1930, were completed during the fiscal year: *Trends International Trade in Printed Circuit Boards and Base Material Laminates* (332-133), initiated in December 1981, was finished October 13, 1982; *Study of the Economic Effects of Terminating the Manufacturing Clause of the Copyright Law* (332-145), requested in July 1982, was concluded June 29, 1983; and *Conditions of Competition Between Imported and Domestically Produced Pianos* (332-159), instituted in March 1983, was completed August 12, 1983.

Another section 332 investigation, *The Economic Impact of Foreign Export Credit Subsidies on the U.S. Commuter Aircraft Industry* (332-143), requested by the Senate Committee on Finance in June 1982, was completed on November 24, 1982. Two other section 332 cases initiated in response to Committee on Ways and Means requests in fiscal year 1983 were *Trends in International Trade in Nonpowered Handtools* (332-163) and *A Study Into the Implications of Foreign Trade Zones for U.S. Industries and for Competitive Conditions Between U.S. and Foreign Firms* (332-165). These investigations had not been completed by the end of the fiscal year.

Initially requested in December 1980

by the Ways and Means Committee, another 332 investigation continued the preparation of monthly reports providing information on the U.S. automobile industry (332-152) through December 1983. The Commission also continued an ongoing section 332 investigation on the *Formulation of an International Commodity Code* (332-73), as required by section 608(c)(1) of the Trade Act of 1974 (19 U.S.C. 2485).

Office of the Secretary

The Secretary to the Commission is responsible for compiling and maintaining the Commission's official records. The Office of the Secretary functions as the point of entry where petitions, briefs, and other legal documents are received and as the point of issuance for the Commission's notices and orders relating to the conduct of investigations. The Secretary's position is the only one in the agency besides those of the six Commissioners established by law. The Secretary's responsibilities include the management of a large volume of paperwork and detail. During fiscal year 1983, parties made more than 10,000 filings in connection with agency investigations. This represented an increase of almost 27 percent over filings in fiscal year 1982.

The Secretary also schedules and participates in all Commission meetings and hearings. The Office staff must plan and coordinate work relating to transcripts or tape recordings of the proceedings, witness lists, the timing of testimony, and the display of exhibits before the Commission. When the Commission travels to another location for a hearing, the staff makes the arrangements. The Commission held 57 meetings and 65 days of hearings in fiscal year 1983.

An additional function of the Office of the Secretary is, as an outgrowth of its recordkeeping responsibility, to serve as the depository for historical information relating to the Commission's development as an institution since its inception in 1916.

The Secretary is responsible for administering requests for confidential treatment of proprietary information, requests for information issued under protective orders, and requests for information under the Freedom of Information Act. The Commission's Rules of Practice and Procedure (19 CFR 201.6) describe confidential information and the Commission's rationale for maintaining the confidentiality of proprietary business information. Examples of information the Commission considers to be eligible for confidential treatment are data relating to secrets, sales, shipments, profit, or employment of individual firms. The rationale for maintaining the confidentiality of such data is twofold. Disclosure would have the effect of either (1) impairing the Commission's ability to obtain information necessary to perform its statutory functions, or (2) causing substantial harm to the competitive position of the entity from which such information was obtained. The Secretary considered 405 such requests during fiscal year 1983, representing a 32-percent increase over the number in the previous fiscal year.

Under the Commission's rules (19 CFR 207.7), counsel for parties involved in legal actions at the Commission may apply for the release of confidential information under a protective order. This practice is administered by the Secretary. The Secretary considered 74 such requests during fiscal year 1983, or 80 percent more than in the previous year.

The Commission's rules (19 CFR 201.17-201.21) provide for requests for information under the Freedom of Information Act (5 U.S.C. 552). Essentially, the act supports the public's right of access to Government records except under explicit exceptions. At the Commission, most denials of access to information involve information which is business confidential, involves personnel matters, or relates to predetermination staff advice to the Commission. Under the Commission's rules, the determination as to each request is made by the Secretary. The Secretary considered 222 such requests during fiscal year 1983,

63 percent more than in the previous fiscal year.

The Commission's Public Affairs Office is a branch of the Office of the Secretary. The Public Affairs Office has the dual role of administering the Commission's media relations program and aiding teachers, students, historians, foreign visitors, consumers, and other interested members of the public in understanding Commission activities. In this respect, the Public Affairs staff publishes press releases, brochures, media advisories, and other materials; briefs members of the press; and answers frequent inquiries from the public. The Commission's need for a professional public affairs component has risen with the growing attention paid to trade issues by the press and the public during the past several years.

Office of Administration

During fiscal year 1983 the Office of Administration concentrated its efforts in financial management improvement and human resource development. The Office also spent considerable time attempting to obtain long overdue repairs to the Commission's headquarters building.

Considerable work was performed with the General Accounting Office and within the agency for the Commission to prepare for installing an in-house financial management capability tailored to the needs of the Commission's cost center managers. The new capability is expected to be in full operation before the end of fiscal year 1984. Additionally, in the financial management area, the Commission's budget development process was streamlined, and procedures for implementing a system to comply with the provisions of the Federal Managers' Financial Integrity Act were well underway by the end of fiscal year 1983.

During fiscal year 1983, 14 employees participated in the Commission's Executive and Managerial Development Program. This provides special training for in-

dividuals selected as potential members of the Senior Executive Service and for other employees now in managerial positions or expected to fill such positions in the future. In addition, the Commission's seven current Senior Executive Service members participated in executive training required annually for all Senior Executives.

Commission employees were recognized for their work accomplishments during the fiscal year. The number of incentive awards granted during fiscal year 1983 nearly doubled compared with the number for fiscal year 1982. Fiscal year 1983 saw 144 incentive awards, including 50 Quality Step Increases, 60 Special Achievement Awards, and 34 Sustained Superior Performance Awards.

The International Trade Commission Building at 701 E Street NW., Washington, D.C., where most of the Commission's staff is located, is in deplorable condition and is long overdue for basic repairs and alterations. The building is over 140 years old, and the Commission and its predecessor, the U.S. Tariff Commission, have made the building headquarters since 1921. A significant amount of time was spent during fiscal year 1983 attempting to persuade the General Services Administration to repair the facility. The problem also was brought to the attention of the Congress.

On June 29, 1983, the United States Senate passed legislation (S. 1287) which would transfer the ITC Building to the Smithsonian Institution for museum and related purposes without reimbursement and direct the General Services Administration to relocate the Commission to another facility in downtown Washington, D.C., approved by the GSA and the Commission Chairman. The legislation also would direct the General Services Administration to maintain the ITC Building to prevent further deterioration and to insure occupant safety until the building is transferred to the Smithsonian. Similar legislation was introduced in the U.S. House of Representatives on September 28, 1983.

Part III. Management and Finance

The Commission

The six Commissioners of the United States International Trade Commission are appointed by the President and confirmed by the U.S. Senate for terms of 9 years, unless appointed to fill an unexpired term. A Commissioner who has served for more than 5 years is not eligible for reappointment. Not more than three Commissioners may be members of the same political party.

The Chairman is designated by the President and serves for a 2-year term. No Chairman may be of the same political party as the preceding Chairman, nor may the President designate two Commissioners of the same political party as Chairman and Vice Chairman.

At the close of fiscal year 1983, there were four Commissioners: Alfred E. Eckes, Chairman; Paula Stern; Veronica A. Haggart; and Seeley G. Lodwick. The following Commissioners served during fiscal year 1983:

Afred E. Eckes, Republican of Virginia. Mr. Eckes' term expires June 16, 1990.

Eugene J. Frank, Republican of Pennsylvania. Mr. Frank's term expired December 16, 1982.¹

Veronica A. Haggart, Republican of the District of Columbia. Ms. Haggart's term expired June 16, 1984.

Paula Stern, Democrat of the District of Columbia. Dr. Stern's term expires June 16, 1987.

Seeley G. Lodwick, Republican of Iowa. Mr. Lodwick's term expires December 16, 1991.

¹Mr. Frank resigned effective Oct. 23, 1982.

Executive Staff

The executive staff of the Commission at the close of fiscal year 1983 was as follows:

Office of the Administrative Law Judges	
Chief Administrative Law Judge	Donald K. Duvall
Administrative Law Judge	Janet D. Saxon
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Office of Congressional Liaison, Director	George L. Hooper
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Office of the Secretary	
Secretary	Kenneth R. Mason
Public and Consumer Affairs Officer	Harold W. Sundstrom
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Office of Executive Liaison and Special Adviser for Trade Agreements, Director	William T. Hart
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Office of the General Counsel	
General Counsel	Michael H. Stein
Assistant General Counsel for Litigation and Special Projects	Michael Mabile
Assistant General Counsel for Antidumping and Countervailing Duty Investigations	Edward R. Easton
Assistant General Counsel for Section 337 Investigations	N. Timor Yaworski
Assistant General Counsel for Escape-Clause, Section 22, and Section 332 Investigations	William W. Gearhart
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Office of Operations, Director	Charles W. Ervin
Office of Data Systems, Director	Michael J. Olsavsky
Office of Economics, Director	John Suomela
Office of Industries, Director	Norris A. Lynch
Chiefs of Divisions:	
Agriculture, Fisheries, and Forest Products	Robert Roeder (Acting)
Minerals and Metals	Larry L. Brookhart
Energy and Chemicals	John Gersic
Textiles, Leather Products, and Apparel	Reuben I. Schwartz
Machinery and Equipment	Aaron H. Chesser
General Manufactures	Walter S. Trezevant
Office of Investigations, Director	E. William Fry
Supervisory Investigator	Vera Libeau
Supervisory Investigator	John MacHatton
Supervisory Investigator	Lynn Featherstone
Unfair Import Investigations Division, Chief	David I. Wilson
Office of Tariff Affairs, Director	Eugene A. Rosengard
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Office of Administration, Director	Lorin L. Goodrich
Office of Finance and Budget, Director	Richard D. Arnold
Office of Management Services, Director	David E. Spencer
Office of Personnel, Director	Terry P. McGowan

The Administrative Law Judges conduct formal proceedings in section 337 investigations, exercise independent judgment according to the Administrative Procedure Act, and transmit determinations to the Commission for its consideration in rendering a final decision.

The Director, Office of Congressional Liaison, acts as a point of contact for the Commission with the Congress, nonexecutive Federal agencies, State and local agencies, and international organizations and associations involved in international trade.

The Secretary maintains the official records and documents for the Commission. The Secretary keeps the minutes of and assists in the conduct of all Commission meetings, and is responsible for the issuance of public notices and information. *The Public Affairs Officer* in the Office of the Secretary is responsible for media relations and consumer affairs.

The Director, Office of Executive Liaison and Special Adviser for Trade Agreements, coordinates Commission activities and assistance to the United States Trade Representative, other officials in the Executive Office of the President, and executive departments, and keeps the Commission informed of trade issues and policy formulation regarding bilateral and multilateral trade agreements.

The General Counsel is the Commission's chief legal officer and adviser.

The Director, Office of Operations, is responsible for the coordination, direction, and control of the investigative, analytical, and research work of the Commission. The Offices of Data Systems, Economics, Industries, Investigations, and Tariff Affairs report to the Director of Operations.

The Director, Office of Administration, is responsible for the coordination, direction, and control of the administrative and management functions and programs of the Commission, including personnel, accounting, budget, management analysis, administrative services, and publications services. The Offices of Finance and

Budget, Management Services, and Personnel report to the Director of Administration.

Sources of Information

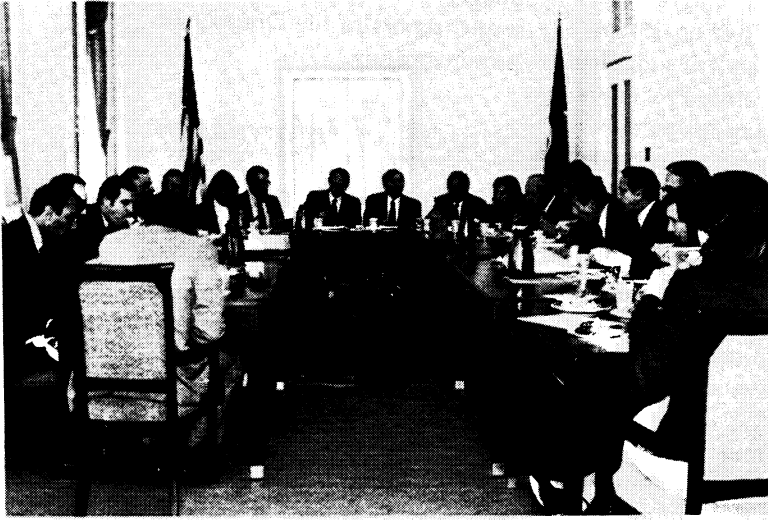
In addition to its statutory obligations to conduct public investigations, the Commission assists the legislative and executive branches of Government and responds to inquiries from the news media and the public.

As the international economic research arm of the Government, the Commission maintains an 80,000-volume library, which receives about 2,400 periodicals annually. The library, located in room 301 of the ITC Building, houses not only publications on international trade and U.S. tariff and commercial policy, but also many business and technical journals.

The Commission's Office of the General Counsel maintains a law library and a comprehensive file of documents on legislation affecting U.S. trade. The law library is located in room 213 of the ITC Building.

The Commission's Office of Data Systems maintains a comprehensive computer tape library consisting of historical trade data developed from the Department of Commerce import/export statistics, related descriptive information for a variety of commodity classification groups, and computerized files used in preparing many of the reports issued by the Commission.

Facilities for research by the public are located in the Office of the Secretary, room 156, and in the Commission libraries. Inquiries should be directed to the specific organizational unit or to the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, phone 202-523-0161. Publications may be ordered 24 hours a day, 7 days a week, by calling 202-523-5178.



3

4



Senate Finance Committee Tours ITC

(1) Seven members of the Senate Finance Committee's International Trade Subcommittee toured the ITC Building and lunched at the Commission on April 21, 1983. It was another first for the ITC. The historic visit came about at the suggestion of Senator John Danforth, the subcommittee chairman. Accompanying Senator Danforth were Senators Bob Dole, chairman of the Finance Committee; Russell B. Long, ranking Minority Member; John Heinz, Charles E. Grassley, Lloyd Bentsen, and George J. Mitchell. Other participants included senatorial staff assistants and Finance and Public Works Committee staffers. The purpose of the visit was to orient the committee members and staff to the work of the ITC and to give them an opportunity to tour the ITC Building and its facilities. Senators try ITC potluck lunch: (2) from left, Russell Long, Lloyd Bentsen, and George Mitchell; (3) Bob Dole, left, and ITC Chairman Alfred Eckes; (4) John Heinz and Joan Reed, assistant to the Chairman. (5) Senior Commissioner Paula Stern escorts Senator Long. (6) Commissioner Veronica A. Haggart discussed the ITC Building's problem in the ITC Library with, from left, Senators Grassley, Danforth, and Mitchell.

Employment and Appropriations

Primarily because of vacancies in Commissioners' offices, the level of permanent full-time staff at the end of fiscal year 1983 was lower than that at the end of the previous fiscal year. There were 399 permanent employees on board on September 30, 1983, compared with 413 on September 30, 1982.

To do the work mandated by the Congress, the Commission maintains an expert staff of professional commodity and nomenclature analysts, investigators, attorneys, economists, data system programmers, and administrative support staff. These include nationally and internationally recognized experts—a skilled grouping of men and women who constantly monitor their fields for developments that affect U.S. policy and trade interests.

The following tabulation shows the number of permanent officers and employees of the Commission by organizational units at the close of fiscal year 1983:

Organizational unit	Sept. 30, 1983
Commissioners	4
Offices of the Commissioners	15
Office of the Administrative Law Judges	7
Office of Congressional Liaison	2
Office of the Secretary	16
Office of Executive Liaison and Special Adviser for Trade Agreements	11

Organizational unit—Con.	Sept. 30, 1983
Office of the General Counsel	2
Office of the Director of Operations	1
Office of Data Systems	3
Office of Economics	3
Office of Industries	128
Office of Investigations	47
Office of Tariff Affairs	18
Office of the Director of Administration	1
Office of Finance and Budget	11
Office of Management Services	32
Office of Personnel	13
Total	399

The U.S. International Trade Commission submits its budget to the President for transmittal to the Congress.¹ During fiscal year 1983, appropriated funds made available to the Commission amounted to \$19,650,000. Reimbursements received totaled \$41,000, making available a grand total of \$19,691,000. Obligations for fiscal years 1982 and 1983 were as follows (in thousands of dollars):

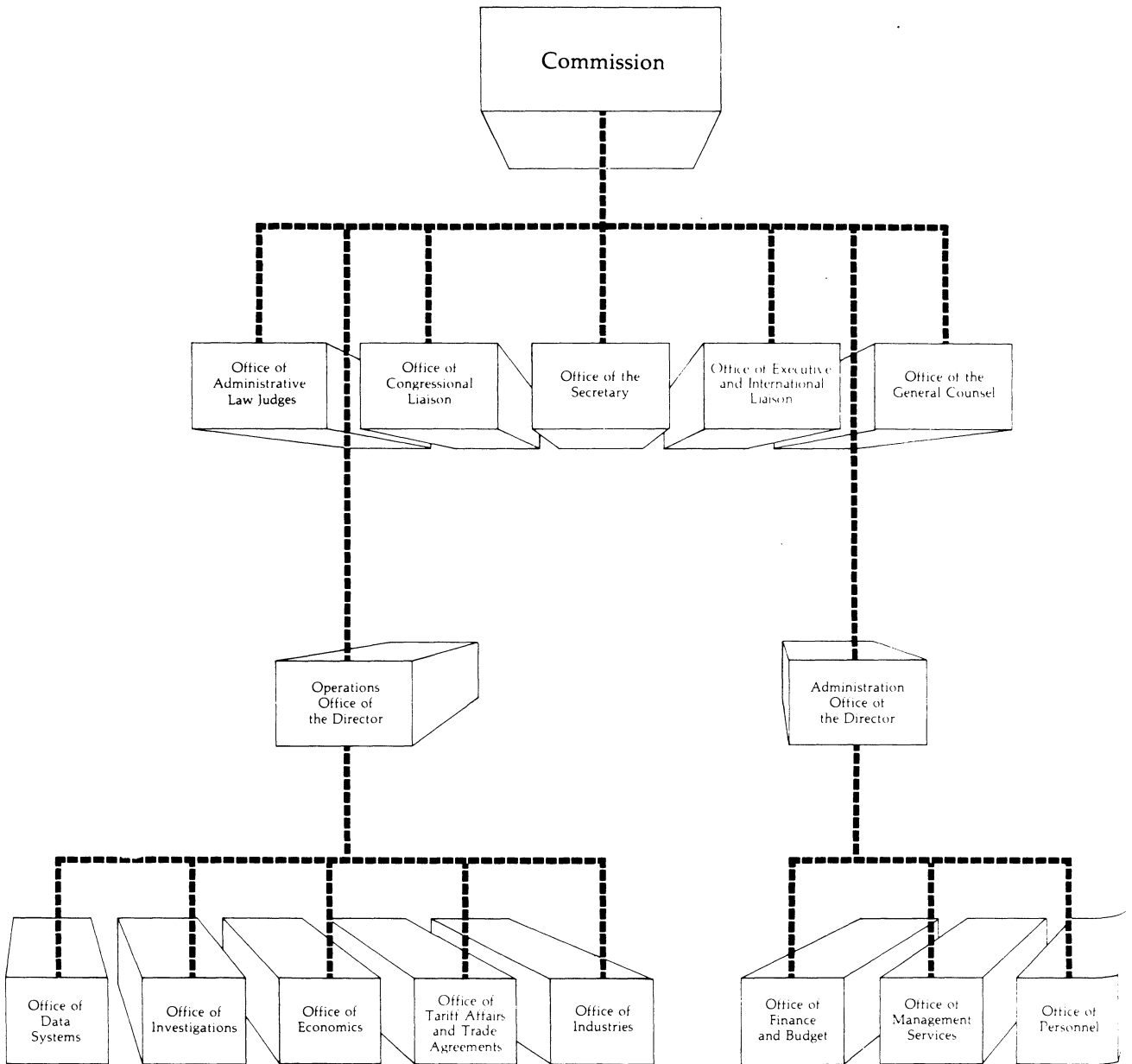
¹Because of the unique role of the Commission as a quasi-judicial, bipartisan, and independent agency designed to provide trade expertise to both legislative and executive branches of Government, Congress provided in sec. 175 of the Trade Act of 1974 (19 U.S.C. 2232) that the budget of the U.S. International Trade Commission would not be subject to control by the Office of Management and Budget, but would instead be submitted directly to the Congress.

Item	Fiscal year 1982	Fiscal year 1983
Salaries and personnel benefits	\$13,372	\$14,430
Travel and transportation	266	290
Rental and communications services	1,664	1,797
Other services	1,131	1,464
Printing and reproduction	295	325
Equipment, supplies, and material	913	1,144
Total	17,641	19,450

A majority of the Commission's employees are housed in the historic U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Designed by Robert Mills (who also designed the Treasury Building and the Washington Monument), it was built from 1839 to 1860 under the supervision of Thomas U. Walter, one of the architects of the Capitol. The building was first occupied by the Commission in 1921. Through the first century of its service the building housed the Postmaster General, the General Land Office, the Bureau of Education, the National Selective Draft Board, the Panama Canal Company, and General John J. Pershing.

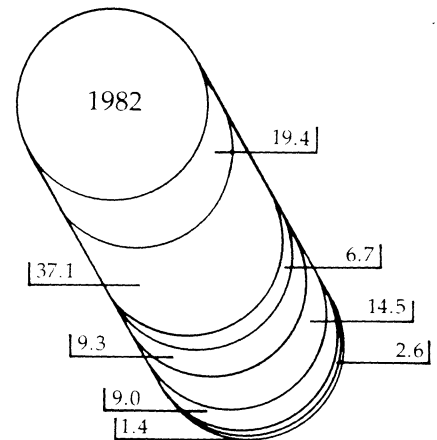
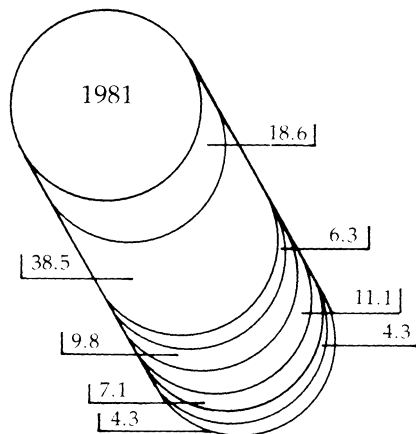
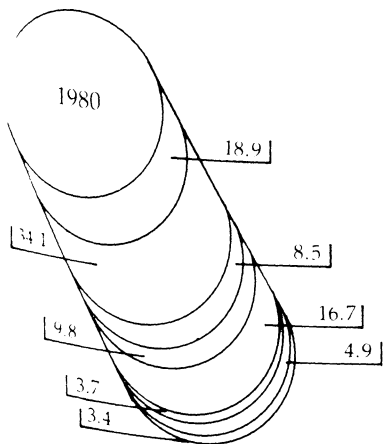
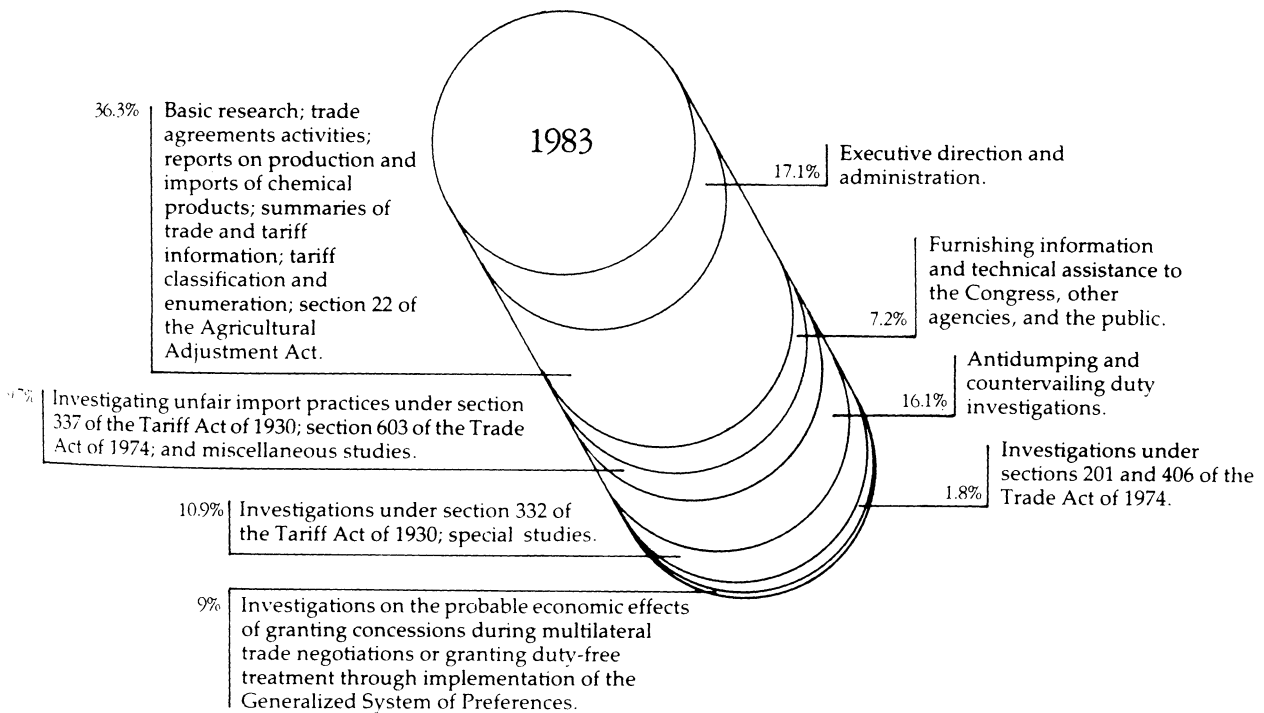
Owing to space limitations at the U.S. International Trade Commission Building, approximately 19 percent of the Commission's employees on September 30, 1983, were located at the Bicentennial Building, 600 E Street NW., Washington, D.C., and the Waterfront Center, 1010 Wisconsin Avenue NW., Washington, D.C.

International Trade Commission



Appendix A

Summary of Principal Activities of the U.S. International Trade Commission, Fiscal Years 1980-83



Appendix B

Summary of Investigations Completed During Fiscal Year 1983 and Pending on September 30, 1983

Table 1

"Escape clause" investigations completed under sec. 201 of the Trade Act of 1974, fiscal year 1983

Investigation No.	Article concerned	Petitioner or requester	Petition or request filed	Public hearing	Finding of Commission	Commissioners' votes			Commission's report	
						Affirmative	Negative	Not participating	To the President	USITC Publication No.
TA-201-47	Heavyweight motorcycles, engines, and power train subassemblies	Harley-Davidson Motor Co., Inc., and Harley-Davidson York, Inc.	9- 1-82	11-30-82	Affirmative ¹	Eckes ² Haggart ³	Stern	—	2-1-83	1342
TA-201-48	Stainless steel and alloy tool steel	United States Trade Representative	11-23-82	2- 9-83	Affirmative	Eckes Haggart Stern ⁴	Stern ⁵	—	5-6-83 ⁶	1377

¹On Feb. 1, 1983, the Commission announced that it recommended to the President that he increase the rate of duty on heavyweight motorcycles for a 5-year period by 45 percent in the first year with this rate to be phased down during the following 4 years. To prevent or remedy the threat to the domestic industry, Chairman Eckes and Commissioner Haggart proposed an increased tariff for imported motorcycles having a total piston displacement of over 700cc. The Commissioners recommended that the relief should extend for 5 years as follows:

- 1st year—45 percent ad val.
- 2d year—35 percent ad val.
- 3d year—20 percent ad val.
- 4th year—15 percent ad val. and
- 5th year—10 percent ad val.

²Chairman Eckes determined that imported motorcycles having engines with total piston displacement of over 700cc are a substantial cause of the threat of serious injury to the domestic industry. He also determined that imported motorcycle engines and power train subassemblies are not a substantial cause of injury or threat to the domestic industry.

³Commissioner Haggart determined that motorcycles having engines with total piston displacement over 700cc and engines and power train subassemblies therefor and parts of such engines and subassemblies are being imported into the United States in such increased quantities as to be a substantial cause of the threat of serious injury to the domestic industry producing articles like or directly competitive with the imported articles.

On Apr. 1, 1983, the President proclaimed a duty increase and tariff-rate quotas on heavyweight motorcycles (engines over 700cc) imported into the United States effective within 15 days. The President's action, taken under the Trade Act of 1974, increases tariffs on completed heavyweight motorcycles by 45 percent ad valorem in the first year, declining to 35, 20, 15, and 10 percent, respectively, above scheduled rates in subsequent years. It also sets 5 tariff-rate quotas at 5,000 units (increasing yearly to 6,000, 7,000, 8,500, and 10,000) for imports of motorcycles manufactured in West Germany, and 4,000 units (increasing 1,000 yearly for 5 years) for imports from all other countries. A tariff-rate quota of 6,000 units (increasing by 1,000 yearly) for imports from Japan will be established. The additional duties will apply to all quantities above the tariff-rate quotas.

⁴With respect to imports of stainless steel sheet and strip, stainless steel bar and rod and alloy tool steel

⁵With respect to imports of stainless steel plate

⁶On Apr. 27, 1983, the Commission (in a public meeting) recommended to the President that he impose market-share quotas, on the basis of forecast U.S. consumption and accompanied by absolute floor quantities on imports of stainless steel and certain alloy tool steel products for 3 years.

To remedy injury to the domestic industries the Commission proposed that the quota amount for each calendar year should equal the following shares of forecast U.S. consumption, but not be less than the following quantities, which have been rounded upward to the nearest 100 tons:

Product	Share of forecast U.S. consumption (percent)	Minimum quantity (short tons)
Commissioners Stern and Haggart proposed that the quota amount for each calendar year should equal the following shares of forecast U.S. consumption, but not less than the following quantities, which have been rounded upward to the nearest 100 tons:		
Stainless steel sheet and strip-----	8	62,900
Stainless steel plate-----	10	10,700
Stainless steel wire rod-----	42	19,100
Stainless steel bar-----	17	27,000
Alloy tool steel-----	20	22,400
Chairman Eckes proposed the following quotas on the basis of forecast U.S. consumption:		
Stainless steel sheet and strip-----	7.3	56,887
Stainless steel plate-----	4.8	5,919
Stainless steel wire rod-----	38.0	21,729
Stainless steel bar-----	19.8	33,513
Alloy tool steel-----	26.9	29,592

In response to Ambassador Brock's request for advice, all 3 Commissioners recommended that chipper knife tool steel, band saw tool steel, and razor blade stainless steel be exempt from import quotas. The above quotas have been adjusted accordingly. Commissioners Stern and Haggart also recommended a flat yearly exemption of 5,000 short tons of 434-cladding-grade stainless steel sheet.

On July 5, 1983, the President decided to grant 4 years of import relief to the specialty steel industry in the form of digressive tariffs for stainless steel sheet and strip and plate and quotas based on the recommended minimum import tonnages, with a 3-percent annual growth factor for stainless steel bar, rod, and alloy tool steel. Relief went into effect within 15 days.

TA-201-48—Stainless Steel and Alloy Tool Steel

Table 2
“Review” investigations completed under sec. 203
of the Trade Act of 1974, fiscal year 1983

Investigation No.	Article concerned	Petitioner or requester	Petition or request filed	Public hearing	Commissioners' advice		Commission's report	
					Recommendation to extend relief	Recommendation to terminate or reduce relief	To the President	USITC Publication No.
14-13-14	Certain mushrooms	U.S. producers of canned mushrooms	4-29-83	—	—	—	—	Terminated 6-23-83
14-15	Porcelain-on-steel cooking ware	General Houseware Corp.	7-13-83	—	—	—	—	Terminated 9-21-83

Table 3

Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1983

Investigation No.	Article concerned	Preliminary investigation			USITC Publication No.	Final investigation			Not participating	USITC Publication No.
		(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investigation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investigation)		(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative		
731-TA-53, 731-TA-59, and 731-TA-60	Hot-rolled carbon steel plate from Belgium, the United Kingdom, and West Germany	—	—	—	—	(a) 8-10-82	—	—	—	Terminated 11-2-83
731-TA-58	Hot-rolled carbon steel plate from Romania	—	—	—	—	(a) 8-10-82 (b) 1-10-82	—	—	—	Suspended 1-4-83
731-TA-61 through 731-TA-63 and 731-TA-67	Hot-rolled carbon steel sheet and strip from Belgium, France, Italy, and West Germany	—	—	—	—	(a) 8-10-82	—	—	—	Terminated 11-2-83
731-TA-69, 731-TA-70, and 731-TA-74	Cold-rolled carbon steel sheet and strip from France, Italy, and West Germany	—	—	—	—	(a) 8-10-82	—	—	—	Terminated 11-2-83
731-TA-82, 731-TA-83, 731-TA-85, and 731-TA-86	Carbon steel structural shapes from Belgium, France, the United Kingdom, and West Germany	—	—	—	—	(a) 8-10-82	—	—	—	Terminated 11-2-83
731-TA-87	Certain seamless steel pipes and tubes from Japan	—	—	—	—	(a) 8-25-82 (b) 1-12-83 (c) 2-14-83	Eckes Haggart	Stern	—	1347
731-TA-88	Carbon steel wire rod from Venezuela	—	—	—	—	(a) 10-27-82 (b) 2-14-83	—	Eckes Stern Haggart	—	1338
731-TA-89	Prestressed concrete steel wire strand from the United Kingdom	—	—	—	—	(a) 10- 6-82 (b) 1- 4-83 (c) 2- 2-83	—	Eckes Stern Haggart	—	1343
731-TA-91	Sodium nitrate from Chile	—	—	—	—	(a) 11- 9-82 (b) 2- 1-83 (c) 3-10-83	Eckes' Stern' Haggart ¹	Eckes ² Stern ² Haggart ²	—	1357
731-TA-92 and 731-TA-95	Stainless steel sheet and strip from West Germany and France	—	—	—	—	(a) 12-17-82 (b) 5- 4-83 (c) 6- 9-83	Eckes Stern Haggart	—	—	1391
731-TA-94	Bicycle tires and tubes from Taiwan	—	—	—	—	(a) 12- 7-82 (b) 12-20-82 (c) 5-12-83	—	—	—	Terminated 5-10-83
731-TA-96	Nitrocellulose from France	—	—	—	—	(a) 5-10-83 (b) 6-27-83 (c) 7-25-83	Eckes Haggart	Stern	—	1409

See footnotes at end of table

Table 3—Continued

Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1983

Investigation No.	Article concerned	Preliminary investigation			USITC Publication No.	Final investigation				USITC Publication No.
		(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investigation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investigation)		(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not participating	
731-TA-100	Certain tool steels from the Federal Republic of Germany	—	—	—	—	(a) 1-12-83 (b) 6-7-83 (c) 7-11-83	Eckes Stern Haggart	—	—	1403
731-TA-101	Greige polyester/cotton printcloth from the People's Republic of China	—	—	—	—	(a) 3-9-83 (b) 7-28-83 (c) 9-6-83	Eckes Stern Haggart	—	—	Lodwick ³ 1421
731-TA-102	Certain radio paging and alerting receiving devices from Japan	(a) 8-19-82 (b) 9-9-82 (c) 10-4-82	Eckes Stern Frank Haggart	—	1295	(a) 2-1-83 (b) 6-21-83	Eckes* Haggart* Stern	Eckes* Haggart*	—	1410
731-TA-103	Cotton shop towels from the People's Republic of China	(a) 8-24-82 (b) 9-14-82 (c) 10-8-82	Eckes Stern Frank Haggart	—	1296	(a) 3-28-83 (b) 8-18-83 (c) 9-23-83	Eckes Stern Haggart Lodwick	—	—	1431
731-TA-104 through 731-TA-106	Steel rails from the Federal Republic of Germany, France, and the United Kingdom	(a) 9-3-82 (b) 9-29-82 (c) 10-18-82	Eckes Stern Frank Haggart	—	1301	—	—	—	—	—
731-TA-107	Melamine from Brazil	(a) 9-14-82 (b) 10-6-82 (c) 10-28-82	—	Eckes Stern Haggart	1303	—	—	—	—	Frank ⁶ —
731-TA-108 and 731-TA-109	Portland hydraulic cement from Australia and Japan	(a) 9-23-82 (b) 10-15-82 (c) 11-8-82	Eckes Haggart	Stern	1310	—	—	—	—	—
731-TA-110 and 731-TA-111	Bicycles from the Republic of Korea and Taiwan	(a) 9-24-82 (b) 10-18-82 (c) 11-8-82	Eckes ⁷ Stern ⁷ Haggart ⁷	Eckes ⁸ Stern ⁸ Haggart ⁸	1311	—	—	—	—	—
731-TA-111	Bicycles from Taiwan	—	—	—	—	(a) 4-29-83 (b) 7-26-83 (c) 8-29-83	—	Eckes Stern Haggart	Lodwick ³	1417
731-TA-112	Steel wire rope from the Republic of Korea	(a) 9-28-82 (b) 10-20-82 (c) 11-8-82	Eckes Stern Haggart	—	1314	—	—	—	—	—
731-TA-113 and 731-TA-114	Carbon steel wire rod from Brazil and Trinidad and Tobago	(a) 9-30-82 (b) 10-25-82 (c) 11-15-82	Eckes Stern Haggart	—	1316	—	—	—	—	—
731-TA-115	Canned mushrooms from the People's Republic of China	(a) 10-18-82 (b) 11-10-82 (c) 12-2-82	Eckes Stern Haggart	—	1324	(a) 5-24-83	—	—	—	Terminated 9-30-83

See footnotes at end of table

Table 3—Continued

Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1983

Investigation No.	Article concerned	Preliminary investigation			USITC Publication No.	Final investigation					
		(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investigation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investigation)		(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not participating	USITC Publication No.	
731-TA-116 and 731-TA-117	Carton-closing staples and non-automatic carton-closing staple machines from Sweden	(a) 12-17-82 (b) 1-10-83 (c) 1-31-83	Eckes Stern Haggart	—	1341	—	—	—	—	—	—
731-TA-118 and 731-TA-119	Certain lightweight polyester filament fabric from Japan and the Republic of Korea	(a) 1- 4-83 (b) 1-26-83 (c) 2-18-83	Eckes Stern Haggart	—	1350	—	—	—	—	—	—
731-TA-120 through 731-TA-122	Certain tapered roller bearings and parts thereof from Japan, the Federal Republic of Germany, and Italy	(a) 1-26-83 (b) 2-16-83 (c) 3-14-83	Eckes	Stern	1359	—	—	—	Haggart ⁹	—	
731-TA-123	Certain flat-rolled carbon steel products from Brazil	(a) 1-31-83 (b) 2-17-83 (c) 3-17-83	Eckes Stern ¹⁰ Haggart	Stern ¹	1361	—	—	—	—	—	
731-TA-124	Certain fresh potatoes from Canada	(a) 2- 9-83 (b) 3- 7-83 (c) 3-28-83	Stern	Eckes	1364	—	—	—	Haggart ⁹	—	
731-TA-125 and 731-TA-126	Potassium permanganate from the People's Republic of China and Spain	(a) 2-22-83 (b) 3-21-83 (c) 4-8-83	Eckes Stern Haggart	—	1369	—	—	—	Haggart ⁹	—	
731-TA-127 through 731-TA-129	Thin sheet glass from Switzerland, Belgium and the Federal Republic of Germany	(a) 3-16-83 (b) 4-11-83 (c) 5- 2-83	Stern ¹²	Eckes Haggart Stern ¹³	1376	—	—	—	—	—	
731-TA-130	Chloropicrin from the People's Republic of China	(a) 4- 6-83 (b) 4-28-83 (c) 5-23-83	Eckes Stern Haggart	—	1395	—	—	—	—	—	
731-TA-131 and 731-TA-132	Certain welded carbon steel pipes and tubes from the Republic of Korea and Taiwan	(a) 4-21-83 (b) 5-16-83 (c) 6- 6-83	Eckes ¹⁴ Stern ¹⁴ Haggart ¹⁵	Eckes ¹⁶ Stern ¹⁶ Haggart ¹⁷	1389	—	—	—	—	—	
731-TA-133	Forged undercarriage components from Italy	(a) 4-29-83 (b) 5-24-83 (c) 6-13-83	Eckes ¹⁸ Haggart	Eckes ¹⁹ Stern	1394	—	—	—	—	—	
731-TA-134 and 731-TA-135	Color television receivers from the Republic of Korea and Taiwan	(a) 5- 2-83 (b) 5-26-83 (c) 6-16-83	Eckes Stern Haggart	—	1396	—	—	—	—	—	

See footnotes at end of table

Table 3—Continued

Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1983

Investigation No.	Article concerned	Preliminary investigation			USITC Publication No.	Final investigation				
		(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investigation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investigation)		(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not participating	USITC Publication No.
TA-136	Cyanuric acid and its chlorinated derivatives from Japan	(a) 6-3-83 (b) 6-28-83 (c) 7-18-83	Eckes Haggart	Stern	1407	—	—	—	—	—
TA-137	Tubes for tires, other than for bicycle tires from the Republic of Korea	(a) 7-11-83 (b) 8-2-83 (c) 8-25-83	Eckes Stern Haggart Lodwick	—	1416	—	—	—	—	—
TA-138	Certain rectangular welded carbon steel pipes and tubes from the Republic of Korea	(a) 7-14-83 (b) 8-4-83 (c) 8-29-83	Haggart Lodwick Eckes ²⁶ Stern ²⁰	Eckes ²⁷ Stern ²¹	1418	—	—	—	—	—
TA-139	Acrylic sheet from Taiwan	(a) 7-28-83 (b) 8-19-83 (c) 9-12-83	Eckes Stern Haggart Lodwick	—	1424	—	—	—	—	—
TA-140	Certain spindle belting from the Federal Republic of Germany, Italy, Japan, and Switzerland	(a) 8-4-83	—	Eckes	1429	—	—	—	—	—
TA-142		(b) 8-25-83	—	Stern						
TA-144		(c) 9-19-83	—	Haggart Lodwick						
TA-143	Certain spindle belting from the Netherlands	(a) 8-4-83 (b) 8-25-83	—	—	Terminated 8-29-83	—	—	—	—	—

¹With respect to industrial grade
²With respect to agricultural grade
³Commissioner Lodwick assumed his duties on Aug. 12, 1983, and was not a Commissioner during most of the investigative period
⁴With respect to high-capacity tone-only pagers
⁵With respect to high-capacity tone and display pagers
⁶Commissioner Frank did not participate in the vote
⁷With respect to imports from Taiwan
⁸With respect to imports from the Republic of Korea
⁹Commissioner Haggart did not participate in the vote in order to avoid any possibility or appearance of conflict of interest
¹⁰With respect to imports of flat-rolled carbon steel plate
¹¹With respect to imports of certain coiled products
¹²With respect to imports of regular-quality thin sheet glass
¹³With respect to imports of high-quality thin sheet glass from Belgium and West Germany. Switzerland does not export this product to the United States

¹⁴With respect to imports of certain small-diameter circular welded carbon steel pipes and tubes
¹⁵With respect to imports of certain small-diameter circular welded carbon steel pipes and tubes and certain rectangular, including square, light-walled welded pipes and tubes, and heavy-walled welded pipes and tubes from the Republic of Korea
¹⁶With respect to imports of rectangular, including square, light-walled welded pipes and tubes and heavy-walled welded pipes and tubes
¹⁷With respect to imports of rectangular, including square, light-walled welded pipes and tubes and heavy-walled welded pipes and tubes from Taiwan
¹⁸With respect to imports of semifinished links and rollers
¹⁹With respect to imports of semifinished forged undercarriage segments and finished articles
²⁰With respect to imports of rectangular, including square, light-walled welded pipes and tubes
²¹With respect to imports of rectangular, including square, heavy-walled welded pipes and tubes

Table 4

Countervailing duty investigations completed under sec. 701 of the Tariff Act of 1930, fiscal year 1983

Investigation No.	Article concerned	Preliminary investigation			USITC Publication No.	Final investigation			Not participating	US Publication
		(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investigation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investigation)		(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative		
701-TA-86, 701-TA-92, and 701-TA-93	Hot-rolled carbon steel plate from Belgium, the United Kingdom, and West Germany	—	—	—	—	(a) 6-14-82 (b) 9- 1-82, 9- 2-82, and 9- 3-82	Eckes Frank Haggart ¹	Eckes ² Stern Haggart ²	—	Te na 10
701-TA-87	Hot-rolled carbon steel plate from Brazil	—	—	—	—	(a) 6-14-82 (b) 9- 1-82, 9- 2-82, and 9- 3-82 (c) 3- 7-83	Eckes ¹ Stern Haggart	—	—	10
701-TA-94, 701-TA-96, 701-TA-97, and 701-TA-101	Hot-rolled carbon steel sheet and strip from Belgium, France, Italy, and West Germany	—	—	—	—	(a) 6-14-82. (b) 9- 1-82, 9- 2-82, and 9- 3-82	Eckes Stern ² Frank Haggart ³	Stern ² Haggart ⁴	—	Te na 10
701-TA-104, 701-TA-105, and 701-TA-109	Cold-rolled carbon steel sheet and strip from France, Italy, and West Germany	—	—	—	—	(a) 6-14-82 (b) 9- 1-82, 9- 2-82, and 9- 3-82	Eckes ⁴ Stern ⁴ Frank Haggart ⁴	Eckes ² Stern ² Haggart ²	—	Te na 10
701-TA-117, 701-TA-119, 701-TA-121, 701-TA-123, and 701-TA-124	Carbon steel structural shapes from Belgium, France, Luxembourg, the United Kingdom, and West Germany	—	—	—	—	(a) 6-14-82 (b) 9- 1-82, 9- 2-82 and 9- 3-82	Eckes Stern ² Frank Haggart	Stern ²	—	Te na 10
701-TA-128	Hot-rolled carbon steel bar from the United Kingdom	—	—	—	—	(a) 6-14-82 (b) 9- 1-82, 9- 2-82, and 9- 3-82	Eckes Stern Frank Haggart ¹	—	—	Te na 10
701-TA-148 and 701-TA-150	Carbon steel wire rod from Belgium and France	—	—	—	—	(a) 7-14-82 (b) 9-23-82 (c) 11-12-82	Stern ¹ Haggart ¹	Eckes Stern ⁴ Haggart ⁴	—	Te na 11
701-TA-149	Carbon steel wire rod from Brazil	—	—	—	—	(a) 7-14-82 (b) 9-23-82	—	—	—	Sup pe 10
701-TA-152	Prestressed concrete steel wire strand from Brazil	—	—	—	—	(a) 11-12-82 (b) 11-19-82 (c) 3-14-83	—	Eckes Stern Haggart	—	10

See footnotes at end of table

Table 4—Continued

Countervailing duty investigations completed under sec. 701 of the Tariff Act of 1930, fiscal year 1983

Investigation No.	Article concerned	Preliminary Investigation			USITC Publication No.	Final Investigation					
		(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investigation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investigation)		(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not participating	USITC Publication No.	
701-TA-153	Prestressed concrete steel wire strand from France	—	—	—	—	(a) 8- 6-82 (b) 10-19-82 (c) 12- 3-82	—	Eckes Stern Haggart	—	—	1325
701-TA-155	Hot-rolled carbon steel plate from Spain	—	—	—	—	(a) 8-25-82 (b) 11- 9-82 (c) 12-21-82	Eckes Stern Haggart	—	—	—	1331
701-TA-157	Cold-rolled carbon steel sheet from Spain	—	—	—	—	(a) 8-25-82 (b) 11- 9-82 (c) 12-21-82	Eckes Stern Haggart	—	—	—	1331
701-TA-158	Galvanized carbon steel sheet from Spain	—	—	—	—	(a) 8-25-82 (b) 11- 9-82 (c) 12-21-82	Eckes Haggart	Stern	—	—	1331
701-TA-159	Carbon steel angles shapes and sections from Spain	—	—	—	—	(a) 8-25-82 (b) 11- 9-82 (c) 12-21-82	Eckes Stern Haggart	—	—	—	1331
701-TA-160	Hot-rolled carbon steel bar from Spain	—	—	—	—	(a) 8-25-82 (b) 11- 9-82 (c) 12-21-82	Eckes Haggart	Stern	—	—	1331
701-TA-162	Cold-formed carbon steel bar from Spain	—	—	—	—	(a) 8-25-82 (b) 11- 9-82 (c) 12-21-82	Eckes Haggart	Stern	—	—	1331
701-TA-165	Welded carbon steel pipes and tubes from Brazil	—	—	—	—	(a) 10-12-82 (b) 1- 6-83	—	—	—	—	Suspended 12-27-82
701-TA-168	Welded carbon steel pipes and tubes from the Republic of Korea	—	—	—	—	(a) 10-12-82 (b) 1- 6-83 (c) 2- 8-83	Eckes Haggart	Stern	—	—	1345
701-TA-170 701-TA-171 and 701-TA-175	Certain steel products from the Republic of Korea	—	—	—	—	(a) 10-12-82 (b) 1-10-83 (c) 2- 8-83	Eckes Stern ⁹ Haggart	Stern ⁹	—	—	1346
701-TA-176	Hot-rolled stainless steel bar from Spain	—	—	—	—	(a) 8-25-82 (b) 11-16-82 (c) 12-22-82	Eckes	Stern Haggart	—	—	1333
701-TA-177	Cold-formed stainless steel bar from Spain	—	—	—	—	(a) 8-25-82 (b) 11-16-82 (c) 12-22-82	Eckes	Stern Haggart	—	—	1333
701-TA-178	Stainless steel wire rod from Spain	—	—	—	—	(a) 8-25-82 (b) 11-16-82 (c) 12-22-82	Eckes Stern Haggart	—	—	—	1333

See footnotes at end of table

Table 4—Continued

Countervailing duty investigations completed under sec. 701 of the Tariff Act of 1930, fiscal year 1983

Investigation No.	Article concerned	Preliminary investigation			USITC Publication No.	Final investigation			Not participating
		(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investigation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investigation)		(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	
701-TA-179 through 701-TA-181	Hot-rolled stainless steel bar, cold-formed stainless steel bar, and stainless steel wire rod from Brazil	—	—	—	—	(a) 2-22-83 (b) 5-11-83 (c) 6-23-83	Eckes Stern Haggart	—	—
701-TA-182	Rail passenger cars and parts thereof from Canada	—	—	—	—	(a) 11-29-82	—	—	—
701-TA-184	Frozen concentrated orange juice from Brazil	—	—	—	—	(a) 12-16-82 (b) 6-17-83 (c) 7-14-83	Eckes	Stern	Haggart ¹¹
701-TA-187	Certain tool steel from Brazil	—	—	—	—	(a) 1-17-83 (b) 6-7-83 (c) 7-11-83	Eckes Stern Haggart	—	—
701-TA-190	Nitrocellulose from France	(a) 9-14-82 (b) 10-5-82 (c) 10-29-82	Eckes Stern Haggart	—	1304	(a) 2-22-83 (b) 5-9-83 (c) 6-6-83	Eckes Haggart	Stern	—
701-TA-191 through 701-TA-194	Steel rails from the Federal Republic of Germany, France, the United Kingdom, and Luxembourg	(a) 9-3-82 (b) 9-29-82 (c) 10-18-82	Eckes Stern Frank Haggart	—	1301	—	—	—	—
701-TA-195	Stainless steel sheet and strip from the United Kingdom	(a) 10-7-82 (b) 11-1-82 (c) 11-22-82	Eckes Stern Haggart	—	1319	(a) 2-10-83 (b) 5-4-83 (c) 6-9-83	Eckes Stern Haggart	—	—
701-TA-196	Stainless steel plate from the United Kingdom	(a) 10-7-82 (b) 11-1-82 (c) 11-22-82	Eckes Stern Haggart	—	1319	(a) 2-10-83 (b) 5-4-83 (c) 6-9-83	Eckes Stern Haggart	—	—
701-TA-197	Softwood lumber from Canada	(a) 10-7-82 (b) 11-3-82 (c) 11-22-82	Eckes Stern Haggart	—	1320	—	—	—	—
701-TA-198	Softwood shakes and shingles from Canada	(a) 10-7-82 (b) 11-5-82 (c) 11-22-82	Eckes Stern Haggart	—	1321	—	—	—	—
701-TA-199	Softwood fence from Canada	(a) 10-7-82 (b) 11-4-82 (c) 11-22-82	Eckes Stern Haggart	—	1322	—	—	—	—

See footnotes at end of table

Table 4—Continued

Countervailing duty investigations completed under sec. 701 of the Tariff Act of 1930, fiscal year 1983

Investigation No.	Article concerned	Preliminary investigation			USITC Publication No.	Final investigation				
		(a) Request received (b) Conference (c) Report to Secretary of Commerce	Finding that "there is a reasonable indication [of injury]" (Commerce continues its investigation)	Finding that "there is no reasonable indication [of injury]" (Commerce terminates its investigation)		(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not participating	USITC Publication No.
74-200	Certain automated fare collection equipment and parts thereof from France	(a) 10-12-82 (b) 11- 2-82 (c) 11-26-82	—	Eckes Stern Haggart	1323	—	—	—	—	—
74-201	Forged under-carriage components from Italy	(a) 4-29-82 (b) 5-24-83 (c) 6-13-83	Eckes ¹ Haggart	Stern Eckes ¹	1394	—	—	—	—	—
74-202	Cotton shop towels from Pakistan	(a) 7-29-83 (b) 8-16-83 (c) 9-12-83	Eckes Stern Haggart Lodwick	—	1425	—	—	—	—	—

¹With respect to imports from Belgium and the United Kingdom

²With respect to imports from West Germany

³With respect to imports from Belgium, France and Italy

⁴With respect to imports from France and Italy

⁵With respect to imports from Belgium, France and the United Kingdom

⁶With respect to imports from Luxembourg and West Germany

⁷With respect to imports from France

⁸With respect to imports from Belgium

⁹With respect to imports of hot-rolled carbon steel plate and hot-rolled carbon steel sheet

¹⁰With respect to imports of galvanized carbon steel sheet

¹¹Commissioner Haggart did not vote in order to avoid any possibility of appearance of conflict of interest

¹²With respect to imports of semifinished links and rollers

¹³With respect to imports of semifinished segments and finished articles

Table 5**Antidumping and countervailing duty investigations
pending on Sept. 30, 1983**

Investigation No.	Article concerned	Request received
Preliminary. 732-TA-145	Certain steel valves and parts thereof from Japan	9-22-83
Final. 731-TA-44	Sorbitol (Court Remand)	7-18-83
731-TA-108	Portland hydraulic cement from Australia	4-29-83
731-TA-109	Portland hydraulic cement from Japan	4-29-83
731-TA-113	Carbon steel wire rod from Brazil	5- 4-83
731-TA-114	Carbon steel wire rod from Trinidad and Tobago	5- 4-83
731-TA-116	Carton-closing staples from Sweden	6- 2-83
731-TA-117	Nonautomatic carton-closing staple machines from Sweden	6- 2-83
731-TA-118	Certain lightweight polyester filament fabric from Japan	8- 8-83
731-TA-119	Certain lightweight polyester filament fabric from the Republic of Korea	8- 8-83
731-TA-120	Certain tapered roller bearings and parts thereof from Japan	8-30-83
731-TA-122	Certain tapered roller bearings and parts thereof from Italy	8-30-83
731-TA-123	Certain flat-rolled carbon steel products from Brazil	9-23-83
731-TA-124	Fall-harvested round white potatoes from Canada	8- 2-83
731-TA-125	Potassium permanganate from the People's Republic of China	8- 9-83
731-TA-126	Potassium permanganate from Spain	8- 9-83
731-TA-130	Chloropicrin from the People's Republic of China	9-19-83
104-TAA-19	Certain scissors and shears from Brazil	7-11-83
104-TAA-20	Certain castor oil products from Brazil	7-22-83

Table 6

“Review” investigation completed under sec. 751 of the Tariff Act of 1930, fiscal year 1983

Investigation No.	Article concerned	(a) Request received (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	USITC Publication No.
TA-7	Salmon gill fish netting of manmade fibers from Japan.	(a) 7-28-81 (b) 4-27-83 (c) 6- 1-83	Eckes Haggart	Stern	1387

Table 7

Investigations under sec. 22 of the Agricultural Adjustment Act pending on Sept. 30, 1983

Investigation	Article concerned	Request received	Date investigation instituted	Public hearing	Finding and recommendations	USITC Publication No.	Date report was—		
							Submitted to President	Released by President	Not participating
46	Certain articles containing sugar	6-29-83	7-7-83	10-25-83	The Commission determined that blended sirups, flavored sirups, flavored sugars, and certain edible preparations, which are included in the emergency quotas established by Presidential Proclamation 5071, are practically certain to be imported into the United States under such conditions and in such quantities as to materially interfere with the price-support program for sugar cane and sugar beets undertaken by the Department of Agriculture The Commission was equally divided on sweetened cocoa and mixtures of sugar and flour. Chairman Alfred E. Eckes and Commissioner Seeley G. Lodwick voted in the affirmative. Commissioners Paula Stern and Veronica A. Haggart voted in the negative. With regard to other articles containing sugar, the Commission unanimously determined that				

Table 7—Continued

Investigations under sec. 22 of the Agricultural Adjustment Act pending on Sept. 30, 1983

Investigation No.	Article concerned	Request received	Date investigation instituted	Public hearing	Finding and recommendations	USITC Publication No.	Date report was—		
							Submitted to President	Released by President	Not participating
					such articles are not being, and are not practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price-support program for sugar cane and sugar beets of the U.S. Department of Agriculture. Recommendations: Chairman Eckes and Commissioner Lodwick recommended that the President continue for such time as is necessary the zero quotas on the articles the subject of Proclamation 5071. Commissioners Stern and Haggart recommended that the President modify the quotas set forth in Proclamation 5071 so as (1) to permit the entry of 165,000 short tons (128,000 short tons raw sugar equivalent) per year of the blended sugar sirups (provided for in TSUS item 155.75) and certain other articles containing over 65 percent by dry weight of sugar (provided for in TSUS items 155.75 and 183.05) which are the subject of their affirmative determination; and (2) to exclude from the quotas articles containing over 65 percent by dry weight of sugar provided for in TSUS items 156.45 and 183.01				

Table 8

**Investigations of unfair trade practices completed under sec. 337
of the Tariff Act of 1930, fiscal year 1983**

Article concerned	Complainant	Complaint filed	Date of publication of notice in <i>Federal Register</i> and No.	Public hearing	Finding and remedy of Commission	Date orders issued	USITC Publication No.
Certain card data printers and components thereof	AM International, Inc., Los Angeles, Calif., Bartezen, Inc., Yonkers, N.Y.	5- 7-81	6-12-81, 337-TA-104	—	Terminated; no violation.	12-22-82	—
Certain vacuum bottles and components thereof	Union Manufacturing Co., Inc., Meriden, Conn.	9-16-81	10-29-81, 337-TA-108	9-20-82	Terminated, no violation	10-29-82	1305
Certain vacuum cleaner brush rollers	The Scott & Fetzer Co., Lakewood, Ohio	10-23-81, 11- 5-81 and 12- 3-81 (amendments)	12-23-81, 337-TA-111	—	Terminated ¹	10- 1-82	—
Certain cube puzzles	Ideal Toy Corp., New York, N.Y.	11-17-81, 12-14-81 (amendment)	12-29-81, 337-TA-112	11-18-82	Violation ²	12-30-82	1334
Certain log-splitting pivoted five axes	Chopper Industries, Inc., Phillipsburg, N.J.	11-27-81, 12-11-81 (amendment)	1- 6-82, 337-TA-113	—	Terminated ¹	1- 6-83	—
Certain miniature chain blade	Littlefuse, Inc., Des Plaines, Ill.	12- 7-81	1-13-82, 337-TA-114	10-13-82	Violation ³	1-13-83	1337
Certain power woodworking tools, their parts, accessories, and special-purpose tools	Shopsmith, Inc., Vandalia, Ohio	12-16-81, 1- 4-82 (amendment)	1-28-82, 337-TA-115	—	Terminated ¹	12-28-82	—
Certain drill point screws for drywall construction	Illinois Tool Works, Inc., Chicago, Ill.	1-20-82	3- 3-82, 337-TA-116	1-18-83	Terminated, no violation	3- 3-82	1365
Certain automotive visors	Prince Corp., Holland, Mich.	12-29-81, 2-16-82 (amendment)	3- 4-82, 337-TA-117	—	Terminated ⁴	3- 4-83	—
Certain sneakers with fabric uppers and rubber soles	Van Doren Rubber Co., Inc., Anaheim, Calif.	2- 3-82	3- 9-82, 337-TA-118	1-26-83	Violation ⁵	3- 9-83	1366
Certain high-precision sole-foams and components thereof	Ledex, Inc., Vandalia, Ohio	2- 8-82, 2-22-82 (amendment)	3-16-82, 337-TA-119	—	Terminated ¹	12-21-82	—

See footnotes at end of table

Table 8—Continued

**Investigations of unfair trade practices completed under sec. 337
of the Tariff Act of 1930, fiscal year 1983**

Article concerned	Complainant	Complaint filed	Date of publication of notice in <i>Federal Register</i> and No.	Public hearing	Finding and remedy of Commission	Date orders issued	USITC Publication No.
Certain silica-coated lead chromate pigments.	E. I. du Pont, De Nemours & Co., Wilmington, Del.	3-18-82, 3-31-82 (amendment)	4-21-82, 337-TA-120	3-14-83	Violation ⁶	4-21-83	1374
Certain miniature, battery-operated, all-terrain, wheeled vehicles	Schaper Manufacturing Co., Div. of Kusan Inc., Minneapolis, Minn., A. Eddy Goldfarb, d/b/a A. Eddy Goldfarb & Associates, Northridge, Calif.	4-23-82	5-19-82, 337-TA-122	9-15-82	Terminated, no violation	10-15-82	1300
Certain CT scanner and gamma camera medical diagnostic imaging apparatus.	Technicare Corp., Solon, Ohio	4-30-82	6- 3-82, 337-TA-123	—	Terminated with prejudice	6- 3-83	—
Certain textile-spinning frames and automatic doffers therefor	Platt Saco Lowell Corp., Greenville, S.C.	7- 2-82	8- 4-82, 337-TA-124	—	Terminated ¹	7- 7-83	—
Certain handbags, luggage, and briefcases.	FHL Accessories, Inc., New York, N.Y.	7-12-82	8-18-82, 337-TA-126	—	Terminated without prejudice.	1-27-83	—
Certain amino acid formulations	American Hospital Supply Corp., Evanston, Ill., Massachusetts General Hospital, Boston, Mass.	7-12-82	8-20-82, 337-TA-127	—	Terminated, no injury.	6-28-83	1434
Certain cupric hydroxide formulated fungicides and cupric hydroxide preparations used in the formulation thereof.	Kocide Chemical Corp., Houston, Tex.	7-14-82	8-23-82, 337-TA-128	—	Terminated ¹	6-24-83	—
Certain braiding machines.	New England Butt Co., Div. of Wanskuck Co., Providence, R.I.	8-18-82, 9-10-82 and 9-13-82 (amendments)	8-29-82, 337-TA-130	—	Terminated, no violation	6- 9-82	1435

See footnotes at end of table

Table 8—Continued

**Investigations of unfair trade practices completed under sec. 337
of the Tariff Act of 1930, fiscal year 1983**

Article concerned	Complainant	Complaint filed	Date of publication of notice in <i>Federal Register</i> and No.	Public hearing	Finding and remedy of Commission	Date orders issued	USITC Publication No.
Certain variable character display devices	The Staver Co., Inc., Bay Shore, N Y	8-26-82, 9-10-82 (amendment)	9-29-82, 337-TA-131	—	Terminated ¹	5-18-83	—
Certain hand-operated, gas-operated welding, cutting, and heating equipment and component parts thereof	Victor Equipment Co., Denton, Tex.	8-31-82	10- 6-82, 337-TA-132	—	Terminated ¹	5-31-82	—
Certain treadmill loggers	Battle Creek Equipment Co., Battle Creek, Mich	10-18-82, 10-28-82 (amendment)	12- 1-82, 337-TA-134	—	Terminated ¹	7- 1-83	—
Certain direction-reversing musical electronic toys	Mattel, Inc., Hawthorne, Calif	11-23-82, 12- 8-82 and 12-15-82 (amendments)	12-29-82, 337-TA-135	—	Terminated ¹	6-29-83	—
Certain marine ware and accessories	Attwood Corp., Lowell, Mich	12-30-82, 1-25-82 (supplement)	2- 9-83, 337-TA-136	—	Terminated ¹	4-26-83	—
Certain automatic tape rewinders	Compensating Tension Controls, Inc., West Caldwell, N.J	1-24-83	3- 2-83, 337-TA-138	—	Terminated with prejudice	6-17-83	—
Certain copper-clad stainless steel cookware	Revere Copper & Brass, Inc., New York, N Y	2- 4-83	3-16-83, 337-TA-141	—	Terminated ¹	9-19-83	—
Certain electronic chromatogram analyzers and components thereof	Bioscan, Inc., Washington, D.C	3- 1-83, 3-15-83 (amendment)	4-12-83, 337-TA-142	—	Terminated ¹	9-30-83	—

¹By reason of settlement agreement
²Exclusion order; President took no action, became final Feb. 28, 1983
³Exclusion order; President took no action, became final Mar. 15, 1983

⁴Consent orders; President took no action; became final May 9, 1983.
⁵Exclusion order; President took no action; became final May 9, 1983
⁶Exclusion order; President took no action, became final July 13, 1983

Table 9

**Investigations of unfair trade practices under sec. 337
of the Tariff Act of 1930 pending on Sept. 30, 1983**

Article concerned	Complainant	Complaint filed	Date of publication of notice in <i>Federal Register</i> and No.	Public hearing
Certain multicellular plastic film	Unipak (H K.) Ltd , Aberdeen, Hong Kong	5- 5-83	6-15-83, 337-TA-54B ¹	—
Certain large video matrix display systems and components thereof.	Stewart-Warner Corp., Chicago, Ill.	10-25-79	12-19-79, 337-TA-75 ²	5- 8-81
Certain headboxes and papermaking machine forming sections for the continuous production of paper, and components thereof	Beloit Corp., Beloit, Wis.	2-21-80	4- 8-80, 337-TA-82A ³	2-24-81
Certain plastic-capped decorative emblems	D. L. Auld Co., Columbus, Ohio	4-13-82; 5- 3-82 (amendment)	5-19-82, 337-TA-121 ⁴	—
Certain grooved wooden handle kitchen utensils and gadgets	Bonny Products, Inc., Hewlett, N Y	7- 7-82	8-11-82, 337-TA-125 ⁵	—
Certain limited-charge cell culture micro-carriers.	Flow General, Inc , and Flow Laboratories, Inc., McLean, Va ; Massachusetts Institute of Technology, Boston, Mass	7-19-82; 8- 3-82 (amendment)	8-25-82, 337-TA-129	9-15-82
Certain vertical milling machines and parts, attachments, and accessories thereto.	Textron, Inc., Providence, R I.	10-14-82	11-17-82, 337-TA-133	—
Certain heavy-duty staple gun tackers	Arrow Fastener Co , Inc , Saddle Brook, N.J	1- 7-83	3-24-83, 337-TA-137	—
Certain caulking guns	Peter J Chang, Columbia, Md.	1-26-83, 2- 9-83 (supplement)	2-24-83, 337-TA-139	—
Certain personal computers and components thereof	Apple Computer, Inc , Cupertino, Calif.	1-31-83	3- 9-83, 337-TA-140	—
Certain amorphous metal alloys and amorphous metal articles.	Allied Corp., Morristown, N.J.	3-11-83	4-12-83, 337-TA-143	—
Certain direct current, brushless, axial flow fans.	Papst Mechatronic Corp , Middletown, R.I.	3-11-83	4-13-83, 337-TA-144	—
Certain rotary wheel printers	Qume Corp., San Jose, Calif.	3-16-83	4-20-83, 337-TA-145	—
Certain canape makers	LK Manufacturing Corp., Greenvale, N.Y	3-24-83; 4-18-83 and 4-20-83 (amendments)	4-27-83, 337-TA-146	—

See footnotes at end of table

Table 9—Continued

**Investigations of unfair trade practices under sec. 337
of the Tariff Act of 1930 pending on Sept. 30, 1983**

Article concerned	Complainant	Complaint filed	Date of publication of notice in <i>Federal Register</i> and No.	Public hearing
Certain papermaking machine forming sections for the continuous production of paper and components thereof	Beloit Corp., Beloit, Wis	4- 5-83	5-11-83, 337-TA-147	—
Certain processes for the manufacture of skinless sausage casing and the resulting product	Teepak Inc., Chicago, Ill., Bufpak Corp., New York, N Y	4-25-83	5-25-83, 337-TA-148	—
Certain radar detectors and accompanying owner's manuals	Cincinnati Microwave, Inc., Cincinnati, Ohio	4-29-83	6- 2-83, 337-TA-149	—
Certain self-stripping electrical tap connectors	Minnesota Mining & Manufacturing Co., St. Paul, Minn	5- 6-83, 5-19-83 (amendment)	6- 8-83, 337-TA-150	—
Certain apparatus for flow injection analysis and components thereof	U S International Trade Commission	6-15-83	6-22-83, 337-TA-151	—
Certain plastic food-storage containers	Dart Industries Inc., Northbrook, Ill	6- 9-83	7-13-83, 337-TA-152	—
Certain microprocessors, related parts and systems	Zilog Inc., Campbell, Calif	6- 9-83	7-25-83, 337-TA-153	—
Certain dot matrix line printers and components thereof	Printronic, Inc., Irving, Calif	6-16-83	7-27-83, 337-TA-154	—
Certain liquid crystal display watches with rocker switches	Timex Corp., Waterbury, Conn	6-16-83	7-28-83, 337-TA-155	—
Certain minutiae-based automated fingerprint identification systems	De La Rue Printrak Inc., Anaheim, Calif	6-22-83	8- 3-83, 337-TA-156	—
Certain office desk accessories and related products	Eldon Industries, Inc., Hawthorne, Calif	7- 6-83, 7- 7-83 (supplement)	8-10-83, 337-TA-157	—
Certain plastic light screw anchors	Mechanical Plastic Corp., Pleasantville, N Y	7-12-83	8-17-83, 337-TA-158	—
Certain poultry cut up machines	Foodcraft Equipment Co., Inc., New Holland, Pa	7-14-83	8-24-83, 337-TA-159	—

See footnotes at end of table

Table 9—Continued

**Investigations of unfair trade practices under sec. 337
of the Tariff Act of 1930 pending on Sept. 30, 1983**

Article concerned	Complainant	Complaint filed	Date of publication of notice in <i>Federal Register</i> and No.	Public hearing
Certain composite diamond-coated textile machinery components.	Surface Technology, Inc., Princeton, N.J.	7-19-83	8-26-83, 337-TA-160	—
Certain trolley wheel assemblies	C. L. Frost & Sons Inc., Grand Rapids, Mich.	7-20-83	8-29-83, 337-TA-161	—
Certain cardiac pacemakers and components thereof.	Medtronic, Inc., Minneapolis, Minn.	8- 2-83	9-12-83, 337-TA-162	—
Certain nutating valve actuators and components thereof.	Morgan Industries, Inc., Seattle, Wash.	8- 2-83; 8- 4-83, 8-16-83, and 8-22-83 (supplements)	9-14-83, 337-TA-163	—
Certain modular structural systems	FOGA Systems Div. of R. C. Dudek & Co. Inc., Westlake Village, Calif.	8- 8-83; 8-24-83 and 9- 1-83 (amendments)	9-15-83, 337-TA-164	—
Certain alkaline batteries	Duracell Inc., Bethel, Conn.	8-16-83	9-21-83, 337-TA-165	—

¹Exclusion order issued June 29, 1979, ordered exclusion of multicellular film manufactured abroad in accordance with the process disclosed by claims 1 and 2 of U.S. Letters Patent 3,416,984. Par. 3 of the Commission's order provided that persons desiring to import multicellular plastic film into the United States could petition the Commission to institute such further proceedings.

²Exclusion order, issued June 1, 1981, on Aug. 10, 1981, Commission modified exclusion order. Commission determination became final Aug. 19, 1981. On July 15, 1983, the Court of Appeals for the Federal Circuit rendered a judgment which reversed the Commission's determination in part, vacated the exclusion order, and remanded

the case for reconsideration. The Commission on Sept. 16, 1983, remanded to the Administrative Law Judge.

³Court of Appeals for the Federal Circuit remanded back to the Commission on Apr. 25, 1983.

⁴Suspended Dec. 9, 1982, pending appeal to the Court of Appeals for the Federal Circuit ruling that the 010 patent is invalid.

⁵On Mar. 23, 1983, the Commission issued a consent order which incorporated a settlement agreement and terminated the investigation. On July 14, 1983, the Commission pursuant to 211.56(c) issued notice of partial revocation of consent order and issuance of temporary exclusion order.

Table 10

General investigations of trade and tariff matters completed under sec. 332 of the Tariff Act of 1930, fiscal year 1983

Investigation No.	Subject	Origin	USITC Publication	
			No.	Date
332-96	Report on consumption of watch movements, or modules.	Public Law 89-805 and the Tariff Schedules of the United States.	Terminated February 1983	—
332-124	Floating exchange rates and U.S. competitiveness	Instituted by the U.S. International Trade Commission on its own motion.	1332	December 1982
332-131	Conversion of the Tariff Schedules of the United States into the Nomenclature Structure of the Harmonized System	Request from the President	1400	June 1983
332-133	Trends in international trade in printed circuit boards and base material laminates.	Request from the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives	1306	October 1982
332-136	Monthly reports providing information on the U.S. auto industry	Request from the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives	1299 1315 1326 1336 1349	October 1982 November 1982 December 1982 January 1983 February 1983
332-137	The probable impact on the U.S. petrochemical industry of the expanding petrochemical industries in the conventional-energy-rich nations.	Instituted by the U.S. International Trade Commission on its own motion.	1370	April 1983
332-141	Study of transportation costs of U.S. imports.	Instituted by the U.S. International Trade Commission on its own motion	1375	April 1983
332-143	The economic impact of foreign export credit subsidies on the U.S. commuter aircraft industry	Request from the Committee on Finance of the U.S. Senate	1328 ¹	November 1982 December 1982
332-144	The economic impact of foreign export credit subsidies on certain U.S. industries.	Request from the United States Trade Representative	1340 ¹	January 1983 January 1983
332-145	Study of the economic effects of terminating the manufacturing clause of the copyright law	Request from the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives	1402	July 1983
TA-503(a)-10 and 332-146	President's list of articles which may be designated or modified as eligible articles for purposes of the U.S. Generalized System of Preferences.	Request from the United States Trade Representative	1354 ¹	November 1982 November 1982
332-147	Changes in import trends resulting from excluding selected imports from certain countries from the Generalized System of Preferences	Instituted by the U.S. International Trade Commission on its own motion	1384	May 1983
332-148	Probable economic effect of the continued designation of certain vinyl floor tile from Taiwan as articles eligible for duty-free treatment under the Generalized System of Preferences	Request from the United States Trade Representative	1355 ¹	January 1983 January 1983

See footnote at end of table

Table 10—Continued

General investigations of trade and tariff matters completed under
sec. 332 of the Tariff Act of 1930, fiscal year 1983

Investigation No.	Subject	Origin	USITC Publication	
			No.	Date
332-149	Competitive assessment of the U.S. metalworking machine tool industry	Instituted by the U.S. International Trade Commission on its own motion	1428	September 1983
332-150	The effect of changes in the value of the U.S. dollar on trade in selected commodities	Instituted by the U.S. International Trade Commission on its own motion.	1423	September 1983
332-151	An assessment on the MTN of selected benzenoid chemicals	Instituted by the U.S. International Trade Commission on its own motion	1427	September 1983
332-159	A study on the condition of competition between imported and domestically produced pianos.	Request from the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives	1411	August 1983

¹Confidential report

Table 11

**General investigations of trade and tariff matters under
sec. 332 of the Tariff Act of 1930 pending on Sept. 30, 1983**

Investigation No.	Subject	Origin	USITC Publication	
			No.	Date
332-73	Formulation of an international commodity code	Sec 608(c)(1) of the Trade Act of 1974	—	—
332-84	Quarterly statistical reports providing certain information on canned and frozen mushrooms.	Request from the President	1351 1386	February 1983 May 1983
332-97	Report on consumption of corn brooms	Public Law 89-241 and Executive Order 11377.	1373	April 1983
332-111	Annual and semiannual surveys on non-electric cooking ware of steel.	Request from the President (Presidential Proclamation 4713).	' '	March 1983 September 1983
332-116	Study of the effect of the enlargement of the European Community on U.S. trade	Initiated by the Commission on its own motion.	Terminated February 1983	—
332-135	Synthetic organic chemical reports	Initiated by the Commission on its own motion	1401 1422	July 1983 September 1983
332-152	Monthly reports providing information on the U.S. auto industry	Request of the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives	1362 1371 1380 1392 1404 1413 1426	March 1983 April 1983 May 1983 June 1983 July 1983 August 1983 September 1983
332-153	Monthly reports on selected steel industry data.	Request of the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives	1353 1362 1372 1381 1397 1408 1415 1430	February 1983 March 1983 April 1983 May 1983 June 1983 July 1983 August 1983 September 1983
332-154	U.S. trade-related employment	Initiated by the Commission on its own motion	—	—
332-155	The competitive position of U.S. producers of robotics in domestic and world markets	Initiated by the Commission on its own motion	—	—
332-156	Competitive assessment of the U.S. ceramic floor and wall tile industry.	Initiated by the Commission on its own motion	—	—
332-157	U.S. embargoes on agricultural exports. Implications for the U.S. agricultural industry and U.S. exports	Initiated by the Commission on its own motion.	—	—
332-158	The effects of foreign product counterfeiting on U.S. industry	Initiated by the Commission on its own motion	—	—
332-160	A competitive assessment of the U.S. video game industry.	Initiated by the Commission on its own motion.	—	—

See footnote at end of table

Table 11—Continued

**General investigations of trade and tariff matters under
sec. 332 of the Tariff Act of 1930 pending on Sept. 30, 1983**

Investigation No.	Subject	Origin	USITC Publication	
			No.	Date
332-161	The possible effects of changing world crude petroleum prices.	Initiated by the Commission on its own motion.	—	—
332-162	Foreign industrial targeting and its effects on U.S. industries and world markets.	Request of the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives.	—	—
332-163	Trends in international trade in non-powered handtools.	Request of the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives.	—	—
332-164	Quarterly and annual reports providing information on heavyweight motorcycles.	Presidential Proclamation 5050	1420	August 1983
332-165	The implications of foreign-trade zones for U.S. industries and for competitive conditions between U.S. and foreign firms.	Request of the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives.	—	—
TA-503(a)-11 and 332-166	President's list of articles which may be designated or modified as eligible articles for purposes of the U.S. Generalized System of Preferences.	Request from the United States Trade Representative	—	—
332-167	Quarterly and annual surveys on certain stainless steel and alloy tool steel	Presidential Proclamation 5074	1432	September 1983
332-168	China's economic development strategies and their effects on U.S. trade	Initiated by the Commission on its own motion.	—	—
332-169	Competitive conditions relating to the importation of industrial molds into the United States from Canada.	Request of the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives	—	—
TA-131(b)-8	Probable economic effects of possible temporary tariff reductions under sec 123 of the Trade Act of 1974.	Request from the United States Trade Representative.	1	December 1983

¹Confidential report

Table 12

Countervailing duty investigations, completed under sec. 104
of the Trade Agreements Act of 1979, fiscal year 1983

Investigation No.	Article concerned	(a) Request received (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	USITC Publication No.
104-TAA-10	Certain dairy products from the European Community	(a) 8-13-82 (b) 10-21-82 (c) 12-13-82	—	Eckes Stern Haggart	1327
104-TAA-11 and 104-TAA-12	Unprocessed float glass from Belgium and Italy	(a) 2-19-81 (b) 12-16-82 (c) 2- 4-83	—	Eckes Stern Haggart	1344
104-TAA-13	Rayon staple fiber from Sweden	(a) 10-28-80 (b) 2- 7-83 (c) 3-15-83	Eckes Stern Haggart	—	1360
104-TAA-14	Bicycle tires and tubes from the Republic of Korea.	(a) 7-30-81 (b) 3- 1-83 (c) 5-20-83	Eckes	Stern Haggart	1382
104-TAA-15	Bicycle tires and tubes from Taiwan	(a) 12-30-82 (b) 3- 1-83 (c) 5-20-83	Eckes	Stern Haggart	1382
104-TAA-16	Certain nonrubber footwear from Brazil	(a) 10-26-81 (b) 4-19-83 (c) 5-24-83	Haggart	Eckes Stern	1388
104-TAA-17	Certain nonrubber footwear from India	(a) 10- 7-81 (b) 4-19-83 (c) 5-24-83	—	Eckes Stern Haggart	1388
104-TAA-18	Certain nonrubber footwear from Spain	(a) 4-23-83 (b) 4-19-83 (c) 5-24-83	Haggart	Eckes Stern	1388

Appendix C

Reports Submitted to Congress on Proposed Legislation

1. S. 37 (Mr. Cochran)—To temporarily reduce the duty on certain disposable surgical drapes and sterile gowns. April 12, 1983.
2. S. 221 (Mr. Thurmond)—To temporarily suspend the duty on certain menthol feedstocks until June 30, 1986. April 12, 1983.
3. S. 230 (Mr. Heinz)—To amend the Tariff Schedules of the United States to establish equal and equitable classification and duty rates for various cordage products of virtually identical characteristics. May 5, 1983.
4. S. 404 (Mr. Zorinsky)—To permit the importation of leopard skin. April 4, 1983.
5. S. 453 (Mr. Warner)—To amend the Tariff Schedules of the United States to impose a one-tenth-of-one-cent duty on apple and pear juice. June 6, 1983.
6. S. 526 (Mr. Pressler)—To provide relief from honey imports. May 3, 1983.
7. S. 544 (Mr. Dole)—To promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region. June 10, 1983.
8. S. 583 (Mr. Heinz)—To amend the Tariff Schedules of the United States. May 2, 1983.
9. S. 722 (Mr. Huddleston)—To amend the Foreign Trade Zone Act to exempt bicycle component parts which are not reexported from the exemption from the customs laws otherwise available to merchandise in foreign trade zones. May 27, 1983.
10. S. 756 (Mr. Chafee)—To extend permanent duty-free treatment to warp knitting machines. June 1983.
11. S. 759 (Mr. Mitchell)—To amend the Tariff Schedules of the United States to provide for a lower rate of duty for certain fish netting and fish nets. June 6, 1983.
12. S. 847 (Mr. Heinz)—To extend for 5 years the existing suspension of duty on crude feathers and down. May 6, 1983.
13. S. 906 (Mr. Danforth)—To extend the duty reduction on certain unwrought lead for a period of 5 years. May 9, 1983.
14. S. 907 (Mr. Danforth)—To amend the Tariff Schedules of the United States to clarify for duty purposes the distinction between dress gloves and work gloves. June 4, 1983.
15. S. 950 (Mr. Riegle)—To impose quotas on the importation of automobiles from Japan during 1983-86. July 20, 1983.
16. S. 1047 (Mr. Melcher)—To direct the President to impose certain limitations on the amount of milk protein products that may be imported into the United States. July 2, 1983.
17. S. 1123 (Mr. Heflin)—To provide for the temporary suspension of the duty on 2-Methyl, 4-chlorophenol. June 24, 1983.
18. S. 1141 (Mr. Boren)—To continue until the close of June 30, 1986, the existing suspension of duties on certain unwrought alloys of cobalt. 60 June 4, 1983.

19. **S. 1158** (Mr. Percy)—To apply duty-free treatment to imported water chestnuts and bamboo shoots. June 4, 1983.
20. **S. 1184** (Mr. Matsunaga)—To amend the Tariff Act of 1930 to increase from \$250 to \$1,000 the amount for informal entry of goods. July 26, 1983.
21. **S. 1265** (Mr. Dodd)—Relating to the tariff treatment of gut imported for use in the manufacture of surgical sutures. July 28, 1983.
22. **S. 1266** (Mr. Dodd)—To amend the Tariff Schedules of the United States to suspend temporarily the duty on 4'Bis(a,a-dimethylbenzyl) diphenylamine. June 27, 1983.
23. **S. 1296** (Mr. Specter)—To amend the Tariff Schedules of the United States to provide for rates of duty on imported roses consistent with those maintained by the European Economic Community on imports of roses from the United States and other nations. June 22, 1983.
24. **S. 1406** (Mr. Wilson)—To provide for the duty-free entry of a pipe organ for the Crystal Cathedral of Garden Grove, Calif. July 22, 1983.
25. **S. 1420** (Mr. Mitchell)—To suspend the duties on semiconductors and computers. August 26, 1983.
26. **S. 1423** (Mr. Moynihan)—To provide for uniform tariff treatment of pet toys. July 21, 1983.
27. **S. 1442** (Mr. Durenberger)—To suspend for a 2-year period the duty on the chemical commonly known as flecainide acetate. July 22, 1983.
28. **S. 1476** (Mr. Johnston)—To provide for a temporary suspension of the duty on 6-amino-1-naphthol-3-sulfonic acid until January 1, 1986. August 11, 1983.
29. **S. 1477** (Mr. Johnston)—To provide for temporary suspension of the duty on 2-(4-aminophenyl)-6-methylbenzothiazole-7 sulfonic acid until January 1, 1986. August 26, 1983.
30. **S. 1478** (Mr. Johnston)—To provide for a 3-year suspension of the duty on B-naphthol. July 28, 1983.
31. **S. 1480** (Mr. Grassley)—To reduce temporarily the duty on caffeine. September 8, 1983.
32. **S. 1481** (Mr. Grassley)—To suspend the duty on sulfanilamide until the close of December 31, 1986. August 8, 1983.
33. **S. 1482** (Mr. Grassley)—To suspend the duty on sulfaquinoxaline until the close of December 31, 1986. August 8, 1983.
34. **S. 1483** (Mr. Grassley)—To suspend the duty on sulfaguanidine until the close of December 31, 1986. August 18, 1983.
35. **S. 1484** (Mr. Grassley)—To suspend the duty on sulfamethazine until the close of December 31, 1986. August 11, 1983.
36. **S. 1485** (Mr. Grassley)—To suspend the duty on sulfathiazole until the close of December 31, 1986. August 18, 1983.
37. **S. 1486** (Mr. Danforth)—Relating to the duty-free entry of certain scientific equipment imported for the use of the Ellis Fischel State Cancer Hospital, Columbia, Mo. July 22, 1983.
38. **S. 1505** (Mr. D'Amato)—To reduce temporarily the duty on odd-shaped or fancy watch crystals to the rate applicable to round watch crystals. July 18, 1983.

39. S. 1507 (Mr. Mathias)—To suspend for the 3-year period beginning on October 30, the duty on canned corned beef. July 20, 1983.
40. S. 1518 (Mr. Heflin)—To amend the Tariff Schedules of the United States to impose a duty on tubeless tire valves. September 20, 1983.
41. S. 1524 (Mr. Pell)—To suspend for 2 years the duty on parts of spindle motors suitable for computer memory disk drives. September 8, 1983.
42. S. 1542 (Mr. Johnston)—To increase the column 1 rate of duty on melamine. July 20, 1983.
43. S. 1583 (Mr. Percy)—To extend for the 6-year period beginning on October 30, 1983, the duty on canned corned beef. August 2, 1982.
44. S. 2247 (Mr. Packwood)—To amend the Tariff Schedules of the United States to permit the duty-free entry of certain footwear for use in the Special Olympics program. October 7, 1982.
45. S. 2566 (Mr. Heinz)—To reduce the duty on certain texturing machines. November 12, 1982.
46. S. 2685 (Mr. Dole)—To implement the Nairobi protocol to the Florence Agreement on the Importation of Educational, Scientific, and Cultural Materials, and for other purposes. October 29, 1982.
47. S. 2853 (Mr. Percy)—To provide for the temporary duty-free treatment of imported hatters' fur, and for other purposes. October 7, 1982.
48. S. 2859 (Mr. Danforth)—To amend the Tariff Schedules of the United States to correct an anomaly in the rate of duty applicable to textile fabrics, and articles and materials coated, filled, or laminated with rubber or plastics. December 28, 1982.
49. S. 2886 (Mr. Heinz)—To apply duty-free treatment to fourdrinier wires suitable for use in capacitor papermaking machines. November 10, 1982.
50. S. 2889 (Mr. Boschwitz)—To continue until the close of September 30, 1985, the existing suspension of duties on color couplers and coupler intermediates used in the manufacture of photographic sensitized material. November 29, 1982.
51. S. 2895 (Mr. Bradley)—To reduce temporarily the duty on caffeine. October 12, 1982.
52. S. 2996 (Mr. Cochran)—To reduce temporarily the duty on certain disposable gowns and surgical drapes. December 15, 1982.
53. S. 3017 (Mr. Percy)—To provide for the temporary duty-free treatment of certain needlecraft display models, and for other purposes. November 15, 1985.
54. S. 3033 (Mr. Moynihan)—To suspend until September 30, 1984, the duty on the radio portion of certain clock radios. December 16, 1982.
55. S. 3035 (Mr. Bradley)—To amend the Tariff Schedules of the United States to provide for a temporary suspension of the duty on certain alloys of cobalt. December 13, 1982.
56. H.R. 3398 (Finance Committee)—To change the tariff treatment with respect to certain articles, and for other purposes.
 - Sec. 112—Duty-free treatment to warp knitting machines. September 20, 1983.
 - Sec. 123—Hovercraft skirts. September 29, 1983.
 - Sec. 124—Disposable surgical drapes and sterile gowns. September 21, 1983.

- Sec. 125—MXDA. September 20, 1983.
- Sec. 128—Caffeine. September 29, 1983.
- Sec. 129—Watch crystals. September 29, 1983.
- Sec. 130—Unwrought lead. September 21, 1983.
- Sec. 201—Packaging materials for merchandise entitled to same condition drawback. September 29, 1983.
- Sec. 202—Public disclosure of certain manifest information. September 30, 1983.
- Sec. 203—Virgin Islands excursion vessels. September 29, 1983.
- Sec. 212—Duty-free entry for pipe organ for the Crystal Cathedral, Garden Grove, Calif. September 30, 1983.
- Sec. 213—Duty-free entry for scientific equipment for the Ellis Fischell State Cancer Hospital, Columbia, Mo. September 29, 1983.
57. **H.R. 191** (Mrs. Holt)—To exempt certain charter boats in the United States Virgin Islands from the entry requirements of customs laws. May 19, 1983.
58. **H.R. 657** (Mr. Perkins)—To amend the Foreign Trade Zone Act to exempt bicycle component parts which are not reexported from the customs laws otherwise available to merchandise in foreign trade zones. May 27, 1983.
59. **H.R. 908** (Mr. Vander Jagt)—To provide for a 3-year suspension of the duty on B-naphthol. April 18, 1983.
60. **H.R. 1086** (Mr. Hartnett)—To suspend temporarily the duty on certain menthol feedstocks until July 1, 1986. April 12, 1983.
61. **H.R. 1146** (Mr. Panetta)—To amend the Tariff Schedules of the United States to provide for rates of duty on imported roses consistent with those maintained by the European Economic Community on imports of roses from the United States and other nations. May 2, 1983.
62. **H.R. 1195** (Mr. Loeffler)—To increase temporarily the duty on certain wool that is the product of Argentina or Uruguay. June 4, 1983.
63. **H.R. 1217** (Mr. Shelby)—To provide relief from honey imports by increasing the duty thereon. May 3, 1983.
64. **H.R. 1226** (Mr. Whitten)—To temporarily reduce the duty on certain disposable surgical drapes and sterile gowns. April 12, 1983.
65. **H.R. 1318** (Mr. Davis)—To restrict the importation of copper, copper-bearing ores and materials, copper alloys and their so-called basic shapes and forms. June 4, 1983.
66. **H.R. 1410** (Mr. St. Germain)—To suspend for 2 years the duty on parts of spindle motors suitable for computer memory disk drives. April 12, 1983.
67. **H.R. 1512** (Mr. Durenberger)—To retain the current duty on corned beef. July 20, 1983.
68. **H.R. 1583** (Mr. Schulze)—To extend permanent duty-free treatment to warp knitting machines. June 4, 1983.
69. **H.R. 1620** (Mr. Pease)—To extend until the close of June 30, 1988, the existing suspension of duties on flat knitting machines. May 2, 1983.
70. **H.R. 1624(a)** (Mr. Stark)—To amend the Tariff Schedules of the United States to establish equal and equitable classification and duty rates for various cordage products of virtually identical characteristics. September 9, 1983.

71. **H.R. 1624** (Mr. Stark)—To amend the Tariff Schedules of the United States to establish equal and equitable classification and duty rates for various cordage products of virtually identical characteristics. May 5, 1983.
72. **H.R. 1667** (Mr. Russo)—To suspend the duty on MXDA (meta-xylene-diamine) and 1,3-BAC (1,3-Bis(aminomethyl)-Cyclohexane) until July 1, 1986. April 26, 1983.
73. **H.R. 1744** (Mr. Stark)—To amend the Tariff Act of 1930 to prevent the exportation or importation of certain vehicles. June 2, 1983.
74. **H.R. 1888** (Mr. Jenkins)—To extend for 5 years the existing suspension of duty on crude feathers and down. May 6, 1983.
75. **H.R. 1890** (Mr. Howard)—To extend through June 30, 1987, the suspension of import duties on synthetic rutile. May 9, 1983.
76. **H.R. 1898** (Mr. Latta)—To apply duty-free treatment to imported water chestnuts and bamboo shoots. May 6, 1983.
77. **H.R. 1908** (Mr. Schulze)—Relating to the marking of containers of imported mushrooms. May 9, 1983.
78. **H.R. 1938** (Mr. Campbell)—To amend the Tariff Schedules of the United States to clarify for duty purpose the distinction between dress gloves and work gloves. June 4, 1983.
79. **H.R. 1945** (Mr. Mollohan)—To suspend the duty on certain surface-active agents until the close of June 30, 1986. May 16, 1983.
80. **H.R. 1946** (Mr. Mollohan)—To suspend the duty on certain nitrogenous chemical compounds until the close of June 30, 1986. May 19, 1983.
81. **H.R. 1947** (Mr. Mollohan)—To suspend the duty on certain benzenoid chemicals until the close of June 30, 1990. May 20, 1983.
82. **H.R. 1948** (Mr. Pease)—To amend the Tariff Act of 1930 regarding the public disclosure of certain manifest information. June 4, 1983.
83. **H.R. 1951** (Mr. Ratchford)—To amend the Tariff Schedules of the United States to suspend temporarily the duty on 4'Bis(a,a-dimethylbenzyl)diphenylamine. May 18, 1983.
84. **H.R. 1953** (Mr. Stark)—To extend permanent duty-free treatment to semiconductors. May 31, 1983.
85. **H.R. 1967** (Mr. Frenzel)—To provide for an extension of the duty reduction on certain unwrought lead for a period of 5 years. May 9, 1983.
86. **H.R. 1986** (Mr. Archer)—To amend the Tariff Act of 1930 regarding the country-of-origin marking requirements for certain imported pipe and pipe fittings. June 14, 1983.
87. **H.R. 1995** (Mr. Frenzel)—To suspend for a 2-year period the duty on the chemical commonly known as flecainide acetate. May 23, 1983.
88. **H.R. 2042** (Mr. Studds)—To amend the Tariff Schedules of the United States to provide for a lower rate of duty for certain fish netting and fish nets. June 6, 1983.
89. **H.R. 2158** (Mr. Moore)—To increase the column 1 rate of duty on melamine. June 3, 1983.
90. **H.R. 2206** (Mr. Ireland)—To continue until the close of June 30, 1986, the existing suspension of duties on certain unwrought alloys of cobalt. May 18, 1983.
91. **H.R. 2265** (Mr. Downey)—To reduce temporarily the duty on caffeine. May 18, 1983.

92. **H.R. 2270** (Mr. Garcia)—To provide for uniform tariff treatment of pet toys. May 20, 1983.
93. **H.R. 2316** (Mr. Conable)—To reduce temporarily the duty on odd-shaped or fancy watch crystals to the rate applicable to round watch crystals. May 27, 1983.
94. **H.R. 2471** (Mrs. Boggs)—To apply duty-free treatment with respect to articles exported for purposes of rendering certain geophysical or contracting services abroad and returned. August 30, 1983.
95. **H.R. 2502** (Mr. Russo)—To suspend for the 3-year period beginning on October 30, 1983, the duty on canned corned beef. June 4, 1983.
96. **H.R. 2641** (Mr. Frenzel)—Relating to the tariff treatment of precious stones exported for processing abroad into jewelry solely for the personal use of the exporter. August 5, 1983.
97. **H.R. 2667** (Mr. Thomas)—To suspend until July 1, 1988, the duty on yttrium-bearing ores, materials, and compounds containing by weight more than 19 percent but less than 85 percent yttrium oxide equivalent. July 26, 1983.
98. **H.R. 2711** (Mr. Vander Jagt)—To amend the Tariff Schedules of the United States to impose a one-tenth-of-1-cent duty on apple and pear juice. June 24, 1983.
99. **H.R. 2776** (Mr. Ratchford)—Relating to the tariff treatment of gut imported for use in the manufacture of surgical sutures. July 28, 1983.
100. **H.R. 2860** (Mr. Torricelli)—For the relief of SSC International Inc., of Hackensack, N.J. September 12, 1983.
101. **H.R. 2921** (Mr. Evans)—To suspend the duty on sulfaquinoxaline until the close of December 31, 1983. August 8, 1983.
102. **H.R. 2922** (Mr. Evans)—To suspend the duty on sulfanilamide until the close of December 31, 1986. August 8, 1983.
103. **H.R. 2923** (Mr. Evans)—To suspend the duty on sulfaguanidine until the close of December 31, 1986. August 18, 1983.
104. **H.R. 2924** (Mr. Evans)—To suspend the duty on sulfamethazine until the close of December 31, 1986. August 11, 1983.
105. **H.R. 2925** (Mr. Evans)—To suspend the duty on sulfathiozole until the close of December 31, 1986. August 25, 1983.
106. **H.R. 2947** (Mr. Pease)—To provide for temporary suspension of duty on the importation of fluorspar. August 3, 1983.
107. **H.R. 3100** (Mr. Whitehurst)—To repeal the existing suspension of duty on carob flour. August 26, 1983.
108. **H.R. 3311** (Mr. Vander Jagt)—To suspend for a 3-year period the duty on (Bicyclohexyl)-1-carboxylic acid 2-(diethylamino)ethyl ester hydrochloride. August 11, 1983.
109. **H.R. 3312** (Mr. Vander Jagt)—To suspend for a 3-year period the duty on 1-Piperidinebutanol, alpha-[4-(1,1-dimethylethyl)phenyl]-4-(hydroxydiphenyl-methyl). August 11, 1983.
110. **H.R. 3313** (Mr. Vander Jagt)—To suspend for a 3-year period the duty on 2-[42(Chloro-1,2-diphenylethenyl)-phenoxy]-N,N-diethylethanamine dihydrogen citrate. August 15, 1983.
111. **H.R. 3330** (Mr. Archer)—To amend the Tariff Act of 1930 to exempt from duties equipment and repairs to certain vessels, and for other purposes. August 11, 1983.
112. **H.R. 3445** (Mr. Conable)—To suspend temporarily the duty on diphenyl guanidine and di-ortho-tolyl guanidine. September 29, 1983.

113. **H.R. 3709** (Mr. Guarini)—To extend the existing suspension of duty on natural graphite until January 1, 1988. September 29, 1983.
114. **H.R. 3817** (Mr. Hance)—To apply for a 5-year period a lower rate of duty on ethyl and methyl parathion. September 29, 1983.
115. **H.R. 6278** (Mr. Holland)—To apply duty-free treatment to tetra amino biphenyl. October 8, 1982.
116. **H.R. 6360** (Mr. Moore)—To increase the column 1 rate of duty on melamine. December 6, 1982.
117. **H.R. 6438** (Mr. Davis)—To restrict the importation of copper, copper-bearing ores and materials, copper alloys, and their so-called basic shapes and forms. October 26, 1983.
118. **H.R. 6504** (Mr. Coyne)—To increase the tariff on injection and compression molds made in Canada in order to offset the subsidy provided with respect to such articles by the Canadian Government. December 28, 1983.
119. **H.R. 6543** (Mr. St. Germain)—To suspend for 2 years the duty on parts of stepper motors. October 22, 1983.
120. **H.R. 6763** (Ms. Snowe)—To amend the Tariff Schedules of the United States to insure that potatoes imported as seed are not diverted for consumption. October 22, 1983.
121. **H.R. 6867** (Mr. Gibbons)—To change the tariff treatment with respect to certain articles, and for other purposes:
- Sec. 101—Furs from China. November 18, 1982.
- Sec. 103—Certain fourdrinier wire. November 10, 1982.
- Sec. 104—Classification of dolls and toy figures. November 15, 1982.
- Sec. 106—Materials certified by NASA. December 2, 1982.
- Sec. 121—Cantaloupes. November 3, 1982.
- Sec. 122—Hatters fur. November 8, 1982.
- Sec. 123—Needlecraft display models. November 15, 1982.
- Sec. 124—Certain disposable gowns and surgical drapes. December 15, 1982.
- Sec. 125—p-Hydroxybenzoic acid. November 11, 1982.
- Sec. 126—Triphenyl phosphate. November 5, 1982.
- Sec. 127—Bis(4-aminobenzoate)-1,3-propanediol (Trimethylene glycol di-p-aminobenzoate). November 23, 1982.
- Sec. 128—Color couplers and color intermediates. December 6, 1982.
- Sec. 129—Ethylbiphenyl. December 23, 1982.
- Sec. 131—Uncompounded allyl resins. November 8, 1982.
- Sec. 133—Natural graphite. November 9, 1982.
- Sec. 135—Certain clock radios. December 16, 1983.
- Sec. 136—Bicycle parts. November 8, 1982.
- Sec. 137—Heat-set, stretch texturing machines. December 30, 1982.
- Sec. 138—Hosiery-knitting machines. November 19, 1982.
- Sec. 140—Prostheses. November 9, 1982.
- Sec. 142—Certain dolls and toy figures. November 5, 1982.

Appendix D

Litigation in Fiscal Year 1983

Completed Litigation

Antidumping Determination

Armco, Inc. v. United States (Court of International Trade Case No. 80-9-1436)

This case was an appeal of the Commission's determination in investigation No. 731-TA-26 (Final) that there was no injury to the domestic industry producing steel wire nails by reason of less-than-fair-value (LTFV) imports from the Republic of Korea (Korea). Plaintiff argued that the Commission erred in failing to determine (1) that there was material injury or threat thereof to the U.S. nail industry and (2) that there was a causal link between the injury and LTFV imports from Korea.

Both the plaintiff and the Commission filed motions for summary judgment. However, disposition of these motions was not immediately forthcoming because of the pending motion to disqualify counsel for the intervenors based on the alleged involvement of one of intervenors' lawyers with the underlying investigation while he was an assistant to a Commissioner. The proceeding was suspended while the intervenors appealed the disqualification issue to the Court of Customs and Patent Appeals (C.C.P.A.). The C.C.P.A. reversed the Court of International Trade, holding that it had erred in disqualifying intervenors' counsel.

On December 14, 1982, the Commission filed a motion to dismiss on the ground of mootness. The motion was based on the imposition of antidumping duties on imports from Korea as a result of a second investigation involving steel wire nails from Korea (731-TA-46 (Final)). Plaintiffs moved for a preliminary injunction and for a remand to the International Trade Administration (ITA) of the Department of

Commerce on the ground of allegedly newly discovered evidence of fraud that tainted the ITA determination and the Commission proceeding.

On August 22, 1983, the judge for the C.I.T. issued a decision on these motions. He denied the motion for a preliminary injunction because the plaintiffs had failed to demonstrate that they would suffer irreparable injury in the absence of injunctive relief.

He also denied the motion for a remand. Although two firms—one Japanese and one U.S.—had admitted in criminal proceedings to filing false statements or documents, the fraud did not relate to any information relied upon by the ITA in its determination. The court additionally denied plaintiff's motion to set aside the liquidation of entries made since December 14, 1982, because plaintiffs had failed to move for an injunction against liquidation as provided in section 1516A(c)(2).

No ruling was explicitly made on the Commission's motion to dismiss for mootness, but the court stated: "In view of the holdings made the court is of the opinion this action must be dismissed on the grounds that the action is not one in which relief may be granted." Accordingly, the case was dismissed.

A motion for rehearing filed by the plaintiffs was denied by the court on October 19, 1983.

Section 337 Determinations

In re: CF Industries, Inc., Appeal No. 83-845 (C.A.F.C.)

CF Industries, Inc., filed a petition for a writ of mandamus to compel the Commission to institute a section 337 investigation concerning anhydrous ammonia from Mexico. On April 25, 1983, the Court of Appeals for the Federal Circuit, without hearing oral argument, denied the petition for a writ of mandamus. The court reasoned, "We are convinced that the ITC properly concluded that the amended complaint submitted by C.F. Industries raised matters 'based in part on alleged acts and

effects which are within the purview of 19 U.S.C. 1673, concerning imposition of antidumping duties. . . . Therefore, it was within the discretion of the ITC to decline to institute an investigation of the acts alleged in the complaint."

Bally/Midway Mfg. Co. v. U.S. International Trade Commission, et al., Appeal No. 82-32 (C.A.F.C.)

Appellant Bally/Midway Mfg. Co. appealed the Commission's determination in *Certain Coin-Operated Audio Visual Games and Components Thereof* (337-TA-105). Appellant claimed that the Commission erred in not finding the existence of a domestic industry for the RALLY-X audio-visual games and in not finding that such industry was injured within the meaning of section 337. On August 2, 1983, the Court of Appeals for the Federal Circuit issued an opinion reversing the Commission's determination.

The court held that the Commission, in determining whether an industry existed, should have focused on the market conditions that existed when the complaint was filed, not when the Commission decided the case. Additionally, the court stated that the Commission erred in considering questions of remedy in determining whether there is a violation of section 337. The court reviewed the record and decided that there had been a domestic RALLY-X industry at the time the complaint was filed with the Commission. Finally, the court went on to conclude that the Commission had erred in its alternative ground for deciding against Bally/Midway—that even if there were a RALLY-X industry, it had not been injured by imports.

General Motors Corp. v. USITC, Appeal No. 82-7 (C.A.F.C.)

The Commission unanimously determined on July 14, 1981, that there was a violation of section 337 in the importation and sale of certain spring assemblies from Canada. The Commission further determined that a general exclusion order was the appropriate remedy in the case. On

November 5, 1981, General Motors filed a notice of appeal of the Commission determination in the Court of Customs and Patent Appeals (now the Court of Appeals for the Federal Circuit). At issue were the Commission's findings that the two patents involved in the case were valid and enforceable.

The court on September 3, 1982, affirmed the Commission's findings regarding the patents. Because this was the first appellate case since 19 U.S.C. 1337(c) was amended by the Customs Courts Act of 1980, the court held in addition that the appropriate standard of judicial review when dealing with factual determinations by the Commission is the "substantial evidence" test.

General Motors filed a petition for certiorari in the Supreme Court, which was denied by the Court on January 10, 1983.

Schaper Mfg. Co., et al. v. USITC, et al., Appeal No. 83-713 (C.A.F.C.)

Complainants in *Certain Miniature Battery-Operated All-Terrain Wheeled Vehicles* (337-TA-122) appealed the Commission's negative determination in that investigation, which was based on a finding that there was no domestic "industry" within the meaning of section 337.

The court issued its decision on September 22, 1983, holding unanimously that the Commission properly terminated the investigation on the ground that no "industry . . . in the United States" existed within the meaning of section 337. The court first agreed with the Commission that the phrase "in the United States" has a geographical meaning and is not based on citizenship. Thus, the "industry" must be geographically located in the United States.

Second, the court agreed with the Commission that any portion of the complainants' business activities relating to production of accessories to the toy vehicles could not be considered part of the industry, relying on the "settled rule" that in patent-related section 337 cases the relevant industry extends only to facilities producing articles coming within the claims of

the patent in issue. Third, the court held that one appellant's business activities, which related to design and licensing of the toys and the collection of royalties, did not constitute an "industry." Section 337 is not meant to protect activities beyond "manufacture or production or servicing of the patented item."

Finally, the court ruled that Schaper's domestic activities were insufficient in relation to the total production process for the toy vehicles to rise to the level of a domestic "industry." All the manufacturing occurred in Hong Kong, as did most of the packing and quality control. The court distinguished other Commission cases in which there was more extensive domestic quality control or in which substantial domestic repair, servicing, or installation activities may have justified finding an "industry."

SSIH Equipment S.A. v. USITC, Appeals Nos. 82-2, 82-10 (C.A.F.C.)

The Commission issued an order on June 19, 1981, excluding from the United States certain video matrix scoreboard systems that the Commission found to infringe the complainant's three patents. On August 10, 1981, the Commission suspended its order with respect to two of the patents after these patents were held invalid by a Federal district court in a collateral infringement suit.

Respondent SSIH Equipment S.A. filed a motion with the Commission on July 29, 1981, to reopen the investigation to receive newly discovered evidence. The Commission denied the motion. On October 16, 1981, SSIH filed an appeal with the Court of Customs and Patent Appeals challenging the Commission's determination of validity of the '762 patent and raising the issue of whether the Commission's suspended order of June 1981 constituted an appealable final determination.

SSIH filed another appeal on January 18, 1982, stating that it desired to preserve its right of appeal with respect to the two other patents under the suspended order,

although it took the position that no final determination existed with respect to those patents.

The court's decision, issued on July 15, 1983, affirmed in part, reversed in part, vacated the Commission's order, and remanded. The court held that the Commission acted properly in modifying its exclusion order in response to the district court decision holding two of the patents invalid. It also held that the Commission's authority to modify its order is unaffected by the Presidential review authority during the 60-day review period. The court, however, concluded that the Commission erred in its findings regarding two claims of the patent. It remanded for consideration of the doctrine of equivalents with regard to one of the claims and reevaluation of the public interest and injury factors.

Aktiebolaget Karlstads Mekaniska Werkstad, et al. v. U.S. International Trade Commission, et al., Appeal No. 82-21 (C.A.F.C.)

On March 16, 1982, Aktiebolaget Karlstads Mekaniska Werkstad and KMW-Johnson, Inc., filed an appeal of the Commission's determination in *Headboxes* (337-TA-82). Among other things, the appellants alleged errors of law and fact in the Commission's findings that the patents in issue were valid and infringed and that the importation and sale of the articles in question had the effect or tendency to destroy or substantially injure the relevant domestic industry.

On April 18, 1983, the Court of Appeals for the Federal Circuit affirmed the Commission determination in part, reversed in part, vacated in part, and remanded the matter to the Commission. The Commission's findings of validity and infringement regarding one of the patents were affirmed. The finding of validity of the claims in suit of the other patent, however, was reversed. The determination of tendency to substantially injure a domestic industry was vacated, and the case was remanded for reconsideration in light of the finding of invalidity of the second patent.

Pending Litigation

Litigation arising from antidumping and countervailing duty determinations: 33 cases.

Litigation arising from section 337 determinations: 7 cases.

Litigation arising from section 201 determinations: 1 case.

Litigation arising in connection with section 503 of the Trade Act of 1974: 1 case.

Appendix E

Key Statutes Involving the U.S. International Trade Commission

Sec. 201, Trade Act of 1974 (Escape-Clause Investigations), Import Relief for Domestic Industries

When: The Commission conducts investigations upon its own motion or upon petition on behalf of a firm, a group of workers, or other entity representative of an industry to determine whether an article is being imported in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Duration: The investigation must be completed not later than 6 months after being instituted.

Finding: If the Commission's finding is affirmative it must recommend a remedy to the President, who has discretion to take action to provide import relief, such as an increase in duties, the establishment of quantitative restrictions, the negotiation of orderly marketing agreements, or specified types of adjustment assistance to groups of workers, firms, or communities.

Followup: The Commission reports with respect to developments within an industry that has been granted import relief and advises the President of the probable economic effect of the reduction or the elimination of the tariff increase that has been granted.

Sec. 337, Tariff Act of 1930 (Investigations of Unfair Practices in Import Trade)

When: The Commission, after receipt of a complaint under oath from an interested party or upon its own motion, conducts investigations to determine whether unfair methods of competition or unfair acts are occurring in the importation of articles into the United States or in their sale.

Duration: The investigation must be completed in no more than 1 year, or 18 months in a more complicated case, after the date of publication of notice of investigation in the *Federal Register*.

Finding: If the Commission determines that the importation of such articles is such that the effect or tendency is to destroy or substantially injure an efficiently and economically operated industry, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce, it may issue orders excluding the articles from entry or issue cease and desist orders. The President may disapprove these actions within 60 days after issuance of the Commission's determination.

Sec. 703(a), Tariff Act of 1930 (Preliminary Countervailing Duty Investigations), Subsidized Imports

When: The Commission, after the simultaneous filing of a proper petition with it and the Department of Commerce, conducts investigations to determine, on the basis of the best information available to it at the time of the determination, whether there is a reasonable indication that an industry is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of imports of the allegedly subsidized merchandise which is the subject of the investigation by Commerce.

Duration: The investigation must be completed within 45 days of the receipt of the petition.

Finding: If the Commission's determination is affirmative, Commerce continues its investigation.

*Sec. 705(b), Tariff Act of 1930
(Final Countervailing
Duty Investigations),
Subsidized Imports*

When: The Commission, after a preliminary determination by the Secretary of Commerce that imported articles are subsidized, conducts investigations to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the subsidized merchandise.

Duration: The investigation must usually be completed within 120 days after an affirmative preliminary determination by the Secretary of Commerce or 45 days after an affirmative final determination by the Secretary of Commerce that a subsidy is being provided, whichever is longer.

Finding: If the Commission's determination is affirmative, the Secretary of Commerce imposes a countervailing duty on imports of the articles in question.

*Sec. 733(a), Tariff Act of 1930
(Preliminary Antidumping
Investigations),
Imports Marketed
at Less Than Fair Value*

When: The Commission, after the simultaneous filing of a proper petition with it and the Department of Commerce, conducts investigations to determine, on the basis of the best information available to it at the time of the determination, whether there is a reasonable indication that an industry is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by

reason of imports of the allegedly dumped merchandise which is the subject of the investigation by Commerce.

Duration: The investigation must be completed within 45 days of receipt of the petition.

Finding: If the Commission's determination is affirmative, Commerce continues its investigation.

*Sec. 735(b), Tariff Act of 1930
(Final Antidumping
Investigations),
Imports Marketed
at Less Than Fair Value*

When: The Commission, after a preliminary determination by the Secretary of Commerce that imported articles are being, or are likely to be, sold at less than fair value, conducts investigations to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the dumped merchandise.

Duration: The investigation must usually be completed within 120 days after an affirmative preliminary determination by the Secretary of Commerce or 45 days after an affirmative final determination by the Secretary of Commerce that the imported articles are being, or are likely to be, sold at less than fair value.

Finding: If the Commission's determination is affirmative, the Secretary of Commerce imposes a dumping duty on imports of the articles in question.

*Sec. 332, Tariff Act of 1930
(General-Purpose
Investigations)*

When: Upon official request or upon its own motion, the Commission initiates a factfinding investigation on any matter in-

volving tariffs and international trade. This broad provision allows the Commission to investigate trade matters of immediate concern to the Government and the public.

Duration: Unless otherwise directed, the Commission establishes an administrative deadline.

Finding: Unless the President or the Congress directs otherwise, the Commission's reports are made available to all interested parties, the general public, the President and executive departments, and the Congress.

Sec. 22, Agricultural Adjustment Act, Import Interference With Agricultural Programs

The Commission conducts investigations at the direction of the President to determine whether any articles are being or are practically certain to be imported into the United States under such conditions and in such quantities as to materially interfere with programs of the Department of Agriculture for agricultural commodities or products thereof, or to reduce substantially the amount of any product processed in the United States from such commodities or products, and makes findings and recommendations to the President. The President may restrict the imports in question by imposition of either import fees or quotas.

Other Areas of Involvement by Statute

Bestowal of Bounties or Grants on Imports

The Commission determines, with respect to any duty-free article on which the Secretary of the Treasury has determined that a bounty or grant is being paid, whether

an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such article. (Sec. 303, Tariff Act of 1930; 46 Stat. 687.)

Uniform Statistical Data

The Commission, in cooperation with the Secretary of the Treasury and the Secretary of Commerce, establishes for statistical purposes an enumeration of articles imported into the United States and exported from the United States, and seeks to establish comparability of such statistics with statistical programs for domestic production. (Sec. 484(e), Tariff Act of 1930, 19 U.S.C. 1484(e).)

Tariff Schedules of the United States Annotated

The Commission issues a publication containing U.S. tariff schedules and related material and considers questions concerning the arrangement of such schedules and the classification of articles. (Sec. 201, Tariff Classification Act of 1962, 76 Stat. 74; secs. 332(a) and 484(e), Tariff Act of 1930, 19 U.S.C. 1332(a) and 19 U.S.C. 1484(e).)

Tariff Summaries

The Commission prepares and publishes, from time to time, a series of summaries of trade and tariff information. These summaries contain descriptions (in terms of the Tariff Schedules of the United States) of the thousands of products imported into the United States, methods of production, and the extent and relative importance of U.S. consumption, production, and trade, together with certain basic factors affecting the competitive position and economic health of domestic industries. (Sec. 332, Tariff Act of 1930; 19 U.S.C. 1332.)

Advice Concerning Trade Negotiations

The Commission advises the President as to the probable economic effect on domestic industries and consumers of modification of duties and other barriers to trade which may be considered for inclusion in any proposed trade agreement with foreign countries. (Sec. 131, Trade Act of 1974; 19 U.S.C. 2151.)

Generalized System of Preferences

With respect to articles which may be considered for duty-free treatment when imported from designated developing countries, the Commission advises the President as to the probable economic effect of the removal of duty on the domestic industry and on consumers. (Secs. 131 and 503, Trade Act of 1974; 19 U.S.C. 2151, 2163.)

East-West Trade Monitoring System

The Commission monitors imports into the United States from nonmarket economy countries and makes a report not less frequently than once each calendar quarter on the effect of such imports on the production of like or directly competitive articles in the United States and on employment within the industry. (Sec. 407, Trade Act of 1974; 19 U.S.C. 2440.)

Trade With Communist Countries

The Commission makes investigations to determine whether increased imports of an article produced in a Communist country are causing market disruption in the United States. If the Commission's determination is in the affirmative, the President may take the same action as in a case involving injury to an industry, except that the action would apply only to imports of the article from the Communist country. (Sec. 406, Trade Act of 1974; 19 U.S.C. 2436.)

