



United States International Trade Commission

Year in Review

The Commissioners

Deanna Tanner Okun,
Chairman
Jennifer A. Hillman,
Vice Chairman

Marcia E. Miller
Stephen Koplan
Charlotte R. Lane
Daniel R. Pearson

Fiscal Year 2003

The U.S. International Trade Commission is an independent, nonpartisan, quasi-judicial federal agency that provides trade expertise to both the legislative and executive branches of government, determines the impact of imports on U.S. industries, and directs actions against certain unfair trade practices, such as patent, trademark, and copyright infringement. ITC analysts and economists investigate and publish reports on U.S. industries and the global trends that affect them. The agency also maintains the National Library of International Trade, a specialized library open to the public.

Editor's Note: This report covers Commission activities during fiscal year 2003 (October 1, 2002, through September 30, 2003). Lynn M. Bragg served as a Commissioner during that timeframe. Commissioner Bragg resigned from the Commission in March 2003.

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Message from the Chairman

I am pleased to introduce this edition of our annual *Year in Review* with some reflections on the significant events and developments of Fiscal Year 2003.

Import injury investigations continued to account for a significant portion of the Commission's workload. In addition to antidumping/countervailing duty investigations on diverse products ranging from DRAMs to frozen fish fillets, the Commission also completed three investigations under the relatively new China safeguard provision, section 421 of the Trade Act of 1974. Intellectual property-based import investigations continued at an active pace during FY 2003 on technologies ranging from recordable compact discs and rewritable compact discs to universal transmitters for garage door openers. There were also three requests for temporary relief under section 337, the first such requests since 1999. In defending ITC determinations, agency lawyers were active in several different fora, including the U.S. Court of Appeals for the Federal Circuit, the Court of International Trade, North American Free Trade Agreement (NAFTA) panels, and the World Trade Organization (WTO).

Another significant undertaking started in March 2003, when the Commission instituted its midterm monitoring review of the developments related to the U.S. steel industry since the President imposed steel safeguard measures. In the same month, the U.S. House of Representatives' Committee on Ways and Means requested that the Commission also investigate the current competitive conditions facing U.S. steel consuming industries with respect to the steel safeguard measures. Notwithstanding the fact that a major hurricane swept through the Washington area causing the federal government to close for two days, dedicated Commission staff worked through the hurricane to deliver the publication on its due date in September.

Throughout the year there was continued demand from both the executive and legislative branches for trade analysis. The Commission completed several major section 332 studies, provided technical assistance, and drafted numerous bill reports. In addition, the Commission completed the first of its fast-paced reports analyzing the economywide effects of trade agreements negotiated under Trade Promotion Authority (TPA). The United States Trade Representative, Ambassador Robert Zoellick, was the keynote speaker for our awards ceremony and highlighted the critical nature of our assistance to trade negotiators and trade policy decision makers.

At the beginning of my chairmanship, I initiated a series of on-going "listening sessions" with employees. These sessions were completed during FY 2003, and they provided valuable insight into the workings of the agency and issues facing the Commission and a useful background for developing a human capital vision statement. Work continues on a strategic human capital plan to ensure that the Commission has the resources to achieve its mission now and in the future.

The Commission also has undertaken significant information technology initiatives during this fiscal year, including replacing its internal network. Work also continued on the electronic docket information system (EDIS), with ongoing initiatives aimed at increasing our ability to accept electronic filings from the public. Our continued work in the information technology area will enable the agency to implement the President's e-government goals and to better serve the public.

Finally, this was also a year with several personnel changes. We said farewell to Commissioner Bragg and welcomed Commissioners Lane and Pearson. As my Chairmanship draws to an end, I want to thank my colleagues, old and new, for their tremendous assistance and support and to thank the exceptionally talented agency staff who have guided me along the way.

Deanna Tanner Okun
Chairman

May 2004

The Commission

The ITC is an independent quasi-judicial federal agency established by Congress with a wide range of trade-related mandates.

Under its factfinding authority, the ITC exercises broad investigative powers on matters of trade. In its adjudicative role, the ITC makes determinations with respect to certain unfair trade practices. Through its research, the ITC is also a national resource where trade data are gathered and analyzed. Information and analysis are provided to the executive branch and the Congress to assist them in developing U.S. trade policy.

The ITC's mission is threefold: to administer U.S. trade remedy laws in a fair and objective manner; to provide the President, the U.S. Trade Representative (USTR), and the Congress with independent, quality analysis, information, and support on matters of tariffs and international trade and competitiveness; and to maintain the Harmonized Tariff Schedule (HTS) of the United States. In doing so, the ITC serves the public by implementing U.S. law and contributing to the development and implementation of sound and informed U.S. trade policy.

The ITC fulfills its mission and serves the nation through five major operations. These are:

- import injury investigations**, which involve determining whether certain unfairly traded imports (antidumping and countervailing duty investigations) as well as increased imports (global and bilateral safeguard investigations) injure or threaten to injure U.S. industries;
- intellectual property-based import investigations**, which involve directing actions, subject to Presidential disapproval, against certain unfair practices in import trade, such as patent and trademark infringement;
- the research program**, which involves conducting objective analyses of major trade-related issues; estimating the probable economic effects of trade agreements; and analyzing the competitiveness of specific industries, seeking to identify economic factors within the industry as well as external factors that affect the industry's competitiveness;
- trade information services**, through which reliable and timely trade information and analysis is developed and delivered to the Commission, the Congress, the executive branch, and the general public; and
- trade policy support**, which involves direct technical support by ITC staff to the USTR, congressional committees and Members of Congress, interagency committees, and U.S. delegations to multilateral trade organizations, such as the World Trade Organization.

The six Commissioners are appointed by the President and confirmed by the Senate for terms of nine years, unless appointed to fill an unexpired term. The terms are set by statute and are staggered so that a different term expires every 18 months. A Commissioner who has served for more than five years is ineligible for reappointment. No more than three Commissioners may be members of the same political party. The Chairman and the Vice Chairman are designated by the President and serve for a statutory two-year term. The Chairman may not be of the same political party as the preceding Chairman, nor may the President designate two Commissioners of the same political party as the Chairman and Vice Chairman.

The Commissioners

Deanna Tanner Okun, a Republican of Idaho, was designated Chairman of the ITC by President Bush for the term ending June 16, 2004. She served as Vice Chairman of the ITC from June 17, 2000, through June 16, 2002. She was appointed by President Clinton and sworn in as a member of the Commission on January 3, 2000, for the Commission term expiring on June 16, 2008. Prior to her appointment, Ms. Okun served as counsel for international affairs to Senator Frank Murkowski (R-AK) from 1993-1999, where she was responsible for the international trade issues with which the Senator was involved as a member of the Senate Committee on Finance. She also handled international energy and foreign relations issues for the Senator in his position as Chairman of the Senate Energy and Natural Resources Committee. Earlier, Ms. Okun served as a legislative assistant to Senator Murkowski, responsible for his Foreign Relations Committee work, with an emphasis on East Asian affairs. Prior to her work with the Senator, Ms. Okun was an associate attorney and member of the International Trade Group at the Washington, DC, law firm of Hogan & Hartson. Earlier in her career, she was a research associate specializing in trade at the Competitive Enterprise Institute in Washington, DC. She holds a Bachelor of Arts degree in political science with honors from Utah State University and received her J.D. with honors from the Duke University School of Law.

Jennifer A. Hillman, a Democrat of Indiana, was designated Vice Chairman of the ITC by President Bush for the term ending June 16, 2004. She was appointed by President Clinton and sworn in as a member of the Commission on August 4, 1998, for the term ending December 16, 2006. Prior to her appointment, Ms. Hillman served as General Counsel for the United States Trade Representative (USTR) from 1995-1997, where she was responsible for a wide variety of trade matters, including all U.S. government submissions in dispute settlement cases pending before either the World Trade Organization or the North American Free Trade Agreement panels as well as all legal work done in connection with trade negotiations. Prior to that position, she served as Chief Textile Negotiator with the Rank of Ambassador for the USTR. Before joining the USTR, she was the Legislative Director and Counsel to Senator Terry Sanford (D-NC). She began her career as an attorney in the Washington firm of Patton, Boggs & Blow. Ms. Hillman holds a Bachelor of Arts degree in political science and a Master of Arts degree in higher education administration from Duke University; she received her J.D. from Harvard Law School.

Marcia E. Miller, a Democrat of Indiana, became a member of the Commission on August 5, 1996, to fill the Commission term ending December 16, 2003. She served as Chairman of the ITC from August 5, 1996, through June 16, 1998, and as Vice Chairman of the ITC from June 17, 1998, through June 16, 2000. Prior to her appointment, Ms. Miller was the Minority Chief International Trade Counselor with the U.S. Senate Committee on Finance, which has jurisdiction over U.S. foreign trade policy, customs and import matters, and the budgets of several related agencies. She was named Chief International Trade Counselor to the Finance Committee by then-Chairman Daniel Patrick Moynihan in February 1993 following five years of service as a professional staff member with the Committee. Earlier in her career, Ms. Miller was an international economist with the law firm of Wilmer, Cutler, and Pickering. Prior to that, she handled international trade issues for the American Textile Manufacturers Institute. Ms. Miller holds a Master of Arts degree from the School of Advanced International Studies, Johns Hopkins University, and a Bachelor of Arts degree from Miami University in Oxford, Ohio.

Stephen Koplan, a Democrat of Virginia, was appointed by President Clinton and sworn in as a member of the Commission on August 4, 1998, for the Commission term ending June 16, 2005. He served as Chairman of the ITC from June 17, 2000, through June 16, 2002. Mr. Koplan has been admitted to practice law in both Massachusetts and the District of Columbia. He began his career as a prosecutor in the Tax Division of the U.S. Department of Justice. He served in the Department's Tax Division for five years and its Civil Rights Division for seven years. Subsequently, he was the Legislative Representative for tax and international trade issues for the AFL-CIO for six-and-one-half years. He also served as staff attorney to former Senator Lee Metcalf (D-MT), with responsibility for all tax and foreign trade legislation referred to the Senate Committee on Finance,

and later as the General Counsel of the former Senate Post Office and Civil Service Committee. He served as the Vice President of Governmental Affairs of Joseph E. Seagram & Sons, Inc.; as a principal in two Washington, DC, law firms; and most recently, as the Director for Governmental and Conservation Affairs of Safari Club International. He holds a Bachelor of Arts degree from Brandeis University, a Juris Doctor degree from Boston University School of Law, and a Master of Laws (in Taxation) degree from New York University.

Charlotte R. Lane, a Republican of West Virginia, was appointed by President George W. Bush and sworn in as a member of the Commission on August 27, 2003, for the period that will expire at the end of the second session of the 108th Congress. Prior to her appointment, Ms. Lane served as a member of the West Virginia Public Service Commission from 1997 to 2003 and was Chairman of that Commission from 1997 to 2001. She previously served as a Commissioner on the West Virginia Public Service Commission from 1985 to 1989. Ms. Lane served as a Member of the West Virginia House of Delegates from Kanawha County in the years 1979 to 1980, 1984, and 1990 to 1992. Ms. Lane has practiced law since 1972 in federal and state courts in West Virginia. She also served as Interim United States Attorney for the Southern District of West Virginia in 1987. Ms. Lane has been active in local and state organizations and previously served as president of the West Virginia Bar Association, president of the Charleston Rotary Club, and president of the Mid-Atlantic Conference of Regulatory Utility Commissioners. Ms. Lane holds a Bachelor of Arts degree from Marshall University and received her Juris Doctor degree from West Virginia University College of Law.

Daniel R. Pearson, a Republican of Minnesota, was appointed by President George W. Bush on August 22, 2003, for the period that will expire at the end of the second session of the 108th Congress. He was sworn in on October 8, 2004. Prior to his appointment, Mr. Pearson was Assistant Vice President of Public Affairs for Cargill, Inc., in Minneapolis, MN, where his work focused primarily on trade policy issues, including the World Trade Organization agricultural negotiations, the efforts of China and other countries to join the WTO, the global "level playing field" initiative for the oilseed sector, the U.S.-Mexico sweetener dispute, and the effects of domestic agricultural policies on U.S. competitiveness. Before his appointment to Assistant Vice President, he served as a policy analyst in the public affairs department from 1987 to 1998. From 1981 to 1987, Mr. Pearson was the agricultural legislative assistant to Senator Rudy Boschwitz in Washington, DC, where he was responsible for legislative and regulatory issues under the jurisdiction of the Senate Agricultural Committee. He also served as staff for the Subcommittee on Foreign Agricultural Policy, chaired by Senator Boschwitz. From 1979 to 1980, Mr. Pearson farmed in a diversified 800-acre operation with his father and brother in Ogilvie, Minnesota. His extensive experience encompasses both trade-related matters and hands-on agricultural work. He holds Bachelor of Science and Master of Science degrees in agriculture and applied economics from the University of Minnesota.

Introduction

Fiscal Year 2003 (October 1, 2002, through September 30, 2003) will be remembered as the year the ITC weathered its own perfect storm — a dramatic convergence of Mother Nature in the form of Hurricane Isabel and a deadline for two greatly anticipated reports.

As the government closed and the storm raged on September 18, 2003, a cadre of dedicated individuals worked through the night inside the ITC's headquarters. Their goal was to finalize, print, and deliver on time an anxiously awaited publication that contained two reports: the agency's statutorily required midterm review of the steel industry's efforts to adjust to import competition following President Bush's 2002 imposition of tariffs on certain steel imports, and a separate general factfinding investigation on the impact of the tariffs on steel consuming industries. The ITC Building never lost power, and the ITC staff, including the Chairman, weathered the night and met the goal. The reports were delivered to the President and Congress and posted on the ITC's Internet site for public access on September 19, 2003, as scheduled.

Hollywood writers could not have scripted a more fitting end to the fiscal year. The steel investigation that preceded the imposition of the tariffs under review had dominated the agency's agenda during the previous two years, drawing on the resources of nearly every office in the ITC. FY 2003's midterm review of the industry's adjustment efforts and the general factfinding investigation on the impact of the tariffs on steel consuming industries likewise proved to be a massive undertaking, again involving the entire agency to conduct the investigation, manage the hearings, and produce the reports. The two reports are profiled on pages 20-21 of this report.

The ITC's import injury workload continued at traditional levels during FY 2003, with a moderate number of antidumping and countervailing duty cases filed and a number of existing antidumping and countervailing duty orders coming up for review under the five-year (sunset) review process. A marked increase in five-year (sunset) review activity will begin next year when the initial reviews completed after the sunset provisions were enacted come up for their second review.

Intellectual property-based import investigations continued to be filed at a high level during FY 2003. These cases often involve high-technology products or processes, and the Commission's workload in this area has increased steadily over the last several years.

The ITC's Research Program continued to support trade policy formulation and implementation during FY 2003 through objective reports and technical support to policymakers. Research program staff completed a wide variety of probable economic effect and general factfinding investigations during the year. The Commission also completed a review of the economic impact on the United States of five trade agreements enacted over the last 25 years — the Tokyo Round, the U.S.-Israel Free Trade Agreement (FTA), the U.S.-Canada FTA, the NAFTA, and the Uruguay Round. The investigation was required by section 2111 of the Trade Act of 2002; it is profiled on page 22.

The agency also completed the first two assessments of proposed FTAs required under the Trade Act of 2002, which granted the President authority to negotiate trade agreements that can only be approved or disapproved (but not amended) by the U.S. Congress. The law requires the ITC to prepare a report that assesses the likely impact of a proposed FTA on the U.S. economy as a whole and on specific industry sectors and the interests of U.S. consumers. The ITC's public report is due to the President and the Congress no more than 90

days after he actually signs the agreement, which he can do 90 days after he notifies the Congress of his intent to do so. The two completed reports, involving proposed FTAs with Chile and Singapore, are profiled on page 22.

Details on the ITC's investigations during FY 2003 can be found in the tables included in appendix A of this report, and descriptions of the factfinding reports conducted during the year are found starting at page 20 and continuing in appendix B.

Under the umbrella of the ITC's Research Program, ITC staff often participate in international seminars and workshops. During FY 2003, Australia and the United States, with support from the Asia-Pacific Economic Cooperation (APEC) Trade and Investment Liberalization Fund, sponsored a workshop in quantitative methods for assessing non-tariff measures (NTMs) and trade facilitation. The workshop objective was to build on the momentum achieved by research organizations in the Asia-Pacific region in improving techniques for the quantitative assessment of trade policies other than tariffs. The workshop, which was held in Bangkok, Thailand, was organized by staff from the Australian Productivity Commission and the ITC. Commission staff also presented significant work that is the outgrowth of a continuing research effort at the ITC on the estimation of the economic effects of NTMs.

Internally, the Commission consolidated its information technology resources under the direction of the agency's first Chief Information Officer (CIO) during FY 2003. The reorganization brought the Offices of the Secretary, Information Services, and Publishing together as the new Office of the CIO. The agency also completed the upgrade of its computer network during FY 2003. More information can be found in the Agencywide Accomplishments section on page 28.

FY 2003 also brought changes within the Commission. Lynn M. Bragg resigned as a Commissioner during March 2003 after nine years of service. In August 2003, President George W. Bush announced two recess appointments to fill vacancies on the Commission. In August, Charlotte R. Lane was sworn in as a Commissioner for a period that will end at the end of the 108th Congress. Daniel R. Pearson received a recess appointment for the same period and was sworn in on October 8, 2004, just after the end of the fiscal year.

Part One:

Commission Activities and Accomplishments

Operation 1: Import Injury Investigations

The ITC determines whether imports are injuring or threatening to injure U.S. industries under a number of trade laws. Import injury investigations at the ITC include antidumping and countervailing duty investigations and five-year (sunset) reviews under title VII of the Tariff Act of 1930; global safeguard (escape clause), China safeguard, and market disruption investigations under the Trade Act of 1974; bilateral safeguard investigations under section 302 of the North American Free Trade Agreement (NAFTA) Implementation Act of 1994; and investigations under section 22 of the Agricultural Adjustment Act.

The Commissioners base their determinations in import injury investigations on the requirements of the appropriate law and the factual record built in each investigation. The Commissioners publish their opinions in import injury investigations, which are subject to judicial review (see appendix C for details on each investigation type).

In each investigation, the Commission and an investigative staff team (which includes a supervisory investigator, an investigator, an accountant/auditor, an economist, a commodity-industry analyst, and an attorney) develop a thorough record of the conditions of competition within the domestic market of the industry under investigation. The Commissioners and the staff team employ a variety of fact-gathering techniques, which include (but are not limited to) industry-specific questionnaires, telephone interviews, plant visits, consultations with technical and marketing specialists, statements by the parties, public hearings, and reviews of industry and market literature.

The investigative team collects and analyzes the extensive data in each investigation, then presents an objective and comprehensive report to the Commission. Data presented in the staff's report include (but are not limited to) the industry's productive capacity, actual production, capacity utilization, domestic and export shipments, inventories, imports, domestic market shares held by U.S. and foreign suppliers, employment, hours worked, productivity, wages and total compensation paid, unit labor costs, pricing, distribution channels, and full financial data on the U.S. companies producing the product under investigation. Somewhat more limited information about the foreign industry producing the product under investigation is also collected and analyzed.

In the course of import injury investigations, ITC staff work closely with officials at the U.S. Department of Commerce, the U.S. Customs Service, parties to the investigations and their attorneys, and company officials for U.S. producers, importers, and purchasers of the product. In addition, members of Congress frequently testify at import injury hearings to enter the views and concerns of their constituents into the record of the investigation. During FY 2003, members of Congress made 51 appearances before the Commission in connection with import injury investigations.

ITC determinations under the antidumping and countervailing duty and the five-year (sunset) review laws can be appealed to the Court of International Trade (and further appealed to the Court of Appeals for the Federal Circuit). ITC attorneys represent the Commission in these proceedings, and litigation is another critical aspect of the ITC's import injury investigation work. For information concerning import injury appeals during FY 2003, see appendix D.

Antidumping/countervailing duty investigations, five-year (sunset) reviews, and global safeguard investigations are the import injury investigations most frequently conducted by the ITC.

Antidumping/Countervailing Duty Investigations and Five-Year (Sunset) Reviews

Under title VII of the Tariff Act of 1930, U.S. industries may petition the government for relief from imports that are sold in the United States at less than fair value (“dumped”) or that benefit from countervailable subsidies provided through foreign government programs (“subsidized”). Dumping and subsidizing are considered unfair trade practices.

Under the law, the U.S. Department of Commerce (Commerce) determines whether the dumping or subsidizing exists, and, if so, the margin of dumping or amount of the subsidy. The ITC determines whether the dumped or subsidized imports materially injure or threaten to materially injure the U.S. industry. If both agencies make affirmative final determinations on their separate issues, Commerce will issue an antidumping duty order to address dumping or a countervailing duty order to address subsidies. Commerce is required to revoke an antidumping or countervailing duty order, or terminate a suspension agreement, after five years unless Commerce determines that revoking the order or terminating the suspension agreement would be likely to lead to continuation or recurrence of dumping or subsidies and the ITC determines that revoking the order or terminating the suspension agreement would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

A more detailed explanation of the antidumping/countervailing duty laws, including the five-year (sunset) review process, is included in appendix C.

Forty-one title VII petitions were filed with the Commission in FY 2003. The majority concerned allegations of dumping (35 of the 41). The petitions covered a variety of products, including malleable iron pipe fittings, DRAMs and DRAM modules, refined brown aluminum oxide, ceramic station post insulators, prestressed concrete steel wire strand, allura red coloring, fluorescent whitening agents, hydraulic magnetic circuit breakers, color television receivers, DAS chemistry, wax and wax/resin thermal transfer ribbons, colored synthetic organic oleoresinous pigment dispersions, polyethylene retail carrier bags, tetrahydrofurfuryl alcohol, ironing tables, electrolytic manganese dioxide, and light-walled rectangular pipe and tube. The Commission also finished work on a number of other cases that had been filed during FY 2002. See appendix A for a complete list of investigations and accompanying details.

The ITC instituted 10 five-year (sunset) reviews during FY 2003. A list of reviews is presented in appendix A, and the status of each review can also be found on the ITC’s Internet site at www.usitc.gov/webinv.htm.

Global Safeguard Investigations

Under section 201 of the Trade Act of 1974, domestic industries seriously injured or threatened with serious injury by increased imports may petition the ITC for import relief.

Section 201 does not require a finding of an unfair trade practice, as do the antidumping/countervailing duty laws. If the Commission makes an affirmative determination in a section 201 investigation, it recommends to the President relief that would remedy the injury and facilitate industry adjustment to import competition. The President makes the final decision whether to provide relief and the amount of relief.

Under section 204 of the law, the ITC conducts reviews to monitor industry adjustment during a period of relief granted under the global safeguard laws as well as to determine the effectiveness of relief provided under the laws at the conclusion of a relief period. A more detailed description of the global safeguard laws appears in appendix C.

During FY 2003, the Commission instituted no global safeguard investigations but conducted three global safeguard reviews involving steel, circular welded carbon quality line pipe, and wire rod.

China Safeguard Investigations

Section 421 was added to the Trade Act of 1974 by the U.S.-China Relations Act of 2000 and implements a transitional bilateral safeguard provision in the U.S.-China agreement relating to China's accession to the World Trade Organization. Domestic producers can obtain relief under this provision if the Commission finds that Chinese products are being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products. Similar to global safeguard investigations, if the Commission makes an affirmative determination, it also proposes a remedy to the President. The President makes the final decision concerning whether to provide relief to the U.S. industry and if so, the type and duration of relief. The Commission instituted three China safeguard investigations during FY 2003. They concerned steel wire garment hangers, brake drums and rotors, and ductile iron waterworks fittings.

NAFTA Implementation Act

Under section 312 of the North American Free Trade Agreement Implementation Act (NAFTA), the Commission conducts investigations to determine whether a surge in imports from a NAFTA country or countries is undermining the effectiveness of a global safeguard relief action taken by the President. The Commission instituted no NAFTA safeguard (section 312) investigations during FY 2003.

Operation 2: Intellectual Property-Based Import Investigations

Under section 337 of the Tariff Act of 1930, the ITC conducts investigations into certain alleged unfair practices in import trade. Most complaints filed under this provision involve allegations of patent infringement or trademark infringement. A more detailed explanation of section 337 is included in appendix C.

Parties to section 337 investigations include the complainants, the respondents, and an attorney from the ITC's Office of Unfair Import Investigations (OUII), whose role is to investigate the allegations in the complaint and to represent the public interest. Representation of the public interest is important because the remedies available in section 337 investigations may also affect nonparties and U.S. consumers.

Section 337 investigations are conducted in accordance with the Administrative Procedure Act and require formal evidentiary hearings before an Administrative Law Judge (ALJ). After the Commission has instituted an investigation, the matter is referred to the ITC's Office of the Administrative Law Judges. Cases are assigned to one of the ITC's four ALJs, who, after an extensive discovery process, holds a hearing. The judge considers the

evidentiary record and the arguments of the parties and makes an initial determination, including findings of fact and conclusions of law. Temporary relief may be granted in certain cases.

The Commission may review and adopt, modify, or reverse the ALJ's initial determination. If the Commission does not review the judge's decision, it becomes the Commission's final determination.

If the Commission determines that there is a violation of section 337, it may issue remedial orders that would exclude the products from entry into the United States and/or order entities to cease and desist from certain actions. Those orders are effective when issued and become final 60 days after issuance unless disapproved for policy reasons by the President within that 60-day period.

Section 337 investigations usually involve complex factual and legal determinations. The spectrum of products and intellectual property rights that were the subject of section 337 investigations in FY 2003 was extremely broad. Approximately one-third of the 41 active investigations in FY 2003 concerned products in high technology areas, especially in the computer and telecommunications fields, such as high speed wireless local area network systems, hardware and software systems for storing, managing, and protecting collections of data, recordable and rewritable compact discs, various memory chips and related integrated circuit devices, and processes for semiconductor fabrication. Several other investigations involved sophisticated technologies relating to items such as pharmaceuticals, machines used for manufacturing microelectronic devices, apparatus used to convey and sort packages, and transmitters for garage door openers. Other section 337 investigations active during the year concerned bearings used in industrial applications, video game systems, electronic educational devices, self-stick repositionable notes, electrical safety devices used as wall outlets in bathrooms and kitchens, alkaline batteries, and home vacuum packaging machines.

During FY 2003, there were 41 active section 337 investigations and related proceedings, 21 of which were instituted in FY 2003. A full list of investigations and related proceedings completed appears in appendix A. All of the section 337 matters active in FY 2003 included allegations of patent infringement except for seven investigations, one of which was based on misappropriation of trade secrets and other non-patent unfair acts, and six of which were based on trademark or trade dress infringement and other non-patent unfair acts. Among the patent-based investigations, two involved design as well as utility patents and one involved only a design patent. The Commission's caseload included a formal enforcement proceeding, a combined advisory opinion and formal enforcement proceeding, a separate advisory opinion proceeding, and a bond forfeiture proceeding, all of which related to a previously concluded section 337 investigation. In FY 2003, the Commission issued five limited exclusion orders and five cease and desist orders and imposed civil penalties on two entities.

ITC determinations in section 337 investigations can be appealed to the Court of Appeals for the Federal Circuit. ITC attorneys represent the Commission in these proceedings, and this appellate litigation is another critical aspect of the ITC's work under this operation. For information concerning section 337 appeals during FY 2003, see appendix D.

Operation 3: The Research Program

The ITC conducts research to support trade negotiators and policy decisionmakers. By maintaining the highest level of industry, economic, and regional trade expertise, the ITC has become a recognized leader in independent research and analysis through objective and timely studies. While most of the ITC's formal research is conducted through its general factfinding investigations under section 332 of the Tariff Act of 1930, the agency's work in this area also includes probable economic effect investigations under the Trade Act of 1974 as well as other major research initiatives, including an extensive array of staff publications, working papers, and research notes.

General Factfinding Investigations

Under section 332 of the Tariff Act of 1930, the ITC conducts general investigations on any matter involving tariffs or international trade.

These investigations include:

- probable effect studies, which analyze the likely effect of a proposed change in trade policy on U.S. trade levels, industry, and consumers (typically, these involve proposed multilateral trade agreements, free trade agreements between the United States and other countries, or changes in the tariff status of products under the U.S. Generalized System of Preferences or NAFTA);
- industry assessments, which analyze specific U.S. industries and provide information such as industry profiles, trade levels and trends, government policies affecting the industry, and strengths and weaknesses relative to foreign industry;
- negotiation background information, which examines specific foreign industries or countries to identify existing foreign trade barriers and compiles other background information to assist U.S. trade negotiators;
- customs or nomenclature investigations, which examine current practice, seek public input, and propose alternative methods or structures in the areas of customs procedures or tariff nomenclature;
- trade agreement analysis and sanctions analysis; and
- country and industry monitoring.

ITC general factfinding investigations are generally conducted at the request of the U.S. Trade Representative, the U.S. Senate's Committee on Finance, or the U.S. House of Representatives' Committee on Ways and Means. The resulting reports convey the Commission's objective findings and independent analyses on the subjects investigated. The Commission makes no recommendations on policy or other matters in its general factfinding reports. Upon completion of each investigation, the ITC submits its findings and analyses to the requester. General factfinding investigation reports are subsequently released to the public, unless they are classified by the requester for national security reasons.

Investigative teams for general factfinding investigations typically include trade analysts, economists, and attorneys; nomenclature experts are also sometimes part of these teams. Fact-gathering techniques in ITC general factfinding investigations may include public hearings; written or phone surveys of U.S. producers, importers, and consumers; domestic

and foreign fieldwork; interviews with industry, government, and academic experts; extensive literature review; and data compilation and analysis. Members of Congress often testify at Commission hearings in general factfinding investigations to share the views and concerns of their constituents. During FY 2003, members of Congress made 13 appearances at Commission general factfinding investigation hearings.

ITC Research Program work incorporates numerous analytical approaches, including statistical (econometric) and simulation analyses. The type of simulation analysis used varies, depending on the nature of the investigation, and ranges from single-sector (partial-equilibrium) to multisector and multicountry (general equilibrium). In order to support its general equilibrium modeling capabilities, the ITC uses both a global database and a more detailed (500 sector) database of the U.S. economy. During FY 2003, the ITC launched an effort to enhance its computable general equilibrium modeling capabilities. This effort will continue into FY 2004.

Probable Economic Effect Investigations

Under section 131 of the Trade Act of 1974, at the request of the President, the ITC investigates the effects on U.S. industries and consumers of possible tariff modifications resulting from trade agreements and of duty-free entry of specific products from developing countries under the Generalized System of Preferences.

Under section 2104(b) of the Trade Act of 2002, at the request of the USTR, the ITC assesses the probable economic effect on the U.S. industry producing the product concerned and on the U.S. economy as a whole of a tariff reduction on import-sensitive agricultural products.

Under section 2104(f) of the Trade Act of 2002, the ITC provides the President and the Congress with a report that assess the likely impact on the U.S. economy as a whole and on specific industry sectors and the interests of U.S. consumers of proposed free trade agreements with foreign countries.

Other Major Research Initiatives

Under section 1205 of the Omnibus Trade and Competitiveness Act of 1988, the ITC is responsible for reviewing the Harmonized Tariff Schedule of the United States (HTS) and for recommending to the President modifications that it considers necessary or appropriate to conform the HTS with amendments to the global Harmonized System Convention.

The ITC periodically issues a series of detailed reports on thousands of products imported into and exported from the United States. These publications, known as Industry and Trade Summary reports, include information on product uses, U.S. and foreign producers, and customs treatments of the products being studied; they also analyze the basic factors bearing on the competitiveness of the U.S. industry in domestic and foreign markets.

In addition, ITC staff produce a variety of staff publications under the research program that are intended to keep the Commission and trade policymakers in Congress and the executive branch informed of the latest developments in the international trade arena.

These staff publications represent the views of the individual staff authors and are not the views of the Commission or of any individual Commissioner. Publications of this genre include staff research papers, which are in-depth studies on topics of current interest; the *Industry Trade and Technology Review*, a quarterly publication of the ITC Office of Industries; and the *International Economic Review*, a regular publication of the ITC Office of

Economics. In addition, as a means of honing their analytical skills and staying current in their individual fields of specialization, ITC staff in the Offices of Economics and Industries produce working papers and ITC economists publish research notes, which are available to their peers and the public through the ITC's Internet site. Some of the most significant general factfinding reports completed during the year are highlighted below. Detailed information on other ITC reports and publications completed during FY 2003 or pending on September 30, 2003, is provided in appendix B.

Studies on Special Areas of Congressional or USTR Interest

Steel: Monitoring Developments in the Domestic Industry (TA-204-9) and *Steel-Consuming Industries: Competitive Conditions with Respect to Steel Safeguard Measures* (332-452)

In March 2002, following an ITC finding (under section 202 of the Trade Act of 1974) that certain steel products were being imported in such increased quantities as to be a substantial cause of serious injury or threat of serious injury to the U.S. industry, President George W. Bush imposed tariffs and tariff-rate quotas on a variety of steel products for a period of three years and one day. As required by the global safeguard law under which the action was taken, on March 5, 2003, the Commission instituted a midterm review investigation (under section 204(a) of the Trade Act of 1974) to report to the President and the Congress on the results of its monitoring of developments related to the U.S. steel industry since the President imposed the steel safeguard measures.

On March 18, 2003, the Committee on Ways and Means, U.S. House of Representatives, requested that the ITC conduct a general factfinding investigation under section 332 of the Tariff Act of 1930 to examine the current competitive conditions facing U.S. steel-consuming industries with respect to the steel safeguard measures imposed by the President. In its request letter for the general factfinding investigation, the Ways and Means Committee requested that the ITC provide its section 332 report and the section 204(a) monitoring report in a single document. In a March 27, 2003, letter to the Commission, the Office of the U.S. Trade Representative (USTR) informed the Commission that USTR had no objection to receiving the section 204(a) report and the section 332 report in a single document. The publication containing the two reports was submitted to the USTR and the Congress and was released to the public on September 19, 2003.

Oil and Gas Field Services: Impediments to Trade and Prospects for Liberalization (332-444)

On June 17, 2002, the USTR requested that the ITC investigate and report on global oil and gas field services markets. The investigation followed two previous studies completed by the ITC on electric power and natural gas industries. The ITC report, submitted in April 2003, found that ongoing negotiations under the General Agreement on Trade in Services offer a means of addressing many of the trade impediments encountered by oil and gas field service providers. The ITC reported that the most frequently encountered impediments to trade in oil and gas field services are poor transparency, specific labor requirements, joint-venture requirements, limitations on foreign investment, and technology transfer requirements; that to date, 51 of 144 WTO members had made binding commitments that pertained to oil and gas field services under the GATS; that on the basis of existing commitments, there appears to be considerable room for pursuing further liberalization of oil and gas field services under the GATS; and that further liberalization would improve the general business environment for oil and gas field service providers.

Studies Analyzing Various Aspects of U.S. Trade Agreements and Other Special Trade Programs

The Impact of Trade Agreements: Effect of the Tokyo Round, U.S.-Israel FTA, U.S.-Canada FTA, NAFTA, and the Uruguay Round on the U.S. Economy (TA-2111-1)

In September 2002, the Commission initiated an investigation of the economic impact on the United States of five trade agreements enacted over the last 25 years. The investigation was required by section 2111 of the Trade Act of 2002. The ITC report, submitted in August 2003, found that between 1974 and 2001, the value of U.S. exports and imports grew from \$0.5 trillion to \$2.5 trillion. The five trade agreements contributed to the growth in U.S. trade, but other sources of trade were probably at least as important as the trade agreements. Among the five agreements covered in the study, the greatest economic effects resulted from the multilateral Tokyo and Uruguay Round Agreements. Estimates of the direct effect of trade policy changes on trade growth attribute 15 percent to 25 percent of the historical increase in U.S. trade across all sectors to tariff reductions.

U.S.-Taiwan FTA: Likely Economic Impact of a Free Trade Agreement Between the United States and Taiwan (332-438)

On January 17, 2002, the Committee on Finance, U.S. Senate, requested that the ITC investigate and report on the impact on the U.S. economy of establishing a free trade agreement between the United States and Taiwan. The ITC report, submitted in October 2002, found that trade between Taiwan and the United States would increase if a free trade arrangement were to be established between the two economies. The ITC reported that the Taiwan economy is only about 3 percent of the size of the U.S. economy but has experienced strong, steady growth of about 8.2 percent annually since 1961; that the bulk of the bilateral trade between Taiwan and the United States consists of manufactured products; that Taiwan's average nominal tariff is currently 7.1 percent, while that of the United States stands at 2.8 percent; that in gaining accession to the WTO, Taiwan improved its regulatory regime, but important nontariff barriers remain; that it is estimated that both economies would likely experience relatively small economywide effects from an FTA, though some sectoral trade flows would increase substantially; and that removal of certain nontariff measures would have additional effects on services.

U.S.-Chile Free Trade Agreement: Potential Economywide and Selected Sectoral Effects (TA-2104-5) and U.S.-Singapore Free Trade Agreement: Potential Economywide and Selected Sectoral Effects (TA-2104-6)

The Trade Act of 2002 granted the President authority to negotiate trade agreements, which can only be approved or disapproved (but not amended) by the U.S. Congress. The law requires the ITC to prepare a report that assesses the likely impact of a proposed FTA on the U.S. economy as a whole and on specific industry sectors and the interests of U.S. consumers. In preparing its assessment, the ITC also is required to review available economic assessments regarding the agreement in question, including literature regarding any substantially equivalent proposed agreement. Under the law, the ITC's report is due to the President and the Congress no more than 90 days after the President actually signs a free trade agreement, which he can do 90 days after he notifies the Congress of his intent to do so. The ITC's reports in these investigations were submitted to the USTR and the Congress and released to the public in June 2003.

Studies Analyzing the Competitiveness of U.S. Industry

Conditions of Competition in the U.S. Market for Wood Structural Building Components (332-429)

On July 31, 2002, the Committee on Finance, U.S. Senate, requested that the ITC assess the conditions of competition in the U.S. wood structural building components industry. The ITC report, submitted in April 2003, found that U.S. production of wood structural building components, driven principally by strong residential construction, increased from \$7.5 billion in 1997 to \$10.7 billion in 2002. The advantages of wood structural building components include labor savings, reduced construction time, specific engineered design values, design flexibility, and efficient utilization of wood fiber, according to the report. These advantages helped wood maintain its dominance in the U.S. residential market for structural building materials compared with its principal substitutes. The ITC reported that manufacturers of trusses and prefabricated panels, both in the United States and Canada, are typically small, often family-owned firms located close to the markets they serve. These firms usually sell directly to home builders and framers. Manufacturers of engineered wood products are generally much larger, integrated forest products firms that usually sell to building material dealers. The ITC further reported that U.S. imports of wood structural building components, principally from Canada, increased irregularly from \$169.2 million in 1997 to \$394.3 million in 2002. Wood structural building components account for a growing part of the Canadian wood products industry, and the United States accounts for more than 90 percent of Canadian exports of wood structural building components. The Commission reported that its questionnaire responses and industry officials indicated that the impact of U.S. imports of Canadian trusses is primarily on U.S. border states.

Tools, Dies, and Industrial Molds: Competitive Conditions in the United States and Selected Foreign Markets (332-423)

On December 21, 2001, the Committee on Ways and Means, U.S. House of Representatives, requested that the ITC investigate the conditions of competition facing U.S. producers in the tool, die, and industrial mold (TDM) industries. The ITC's report, submitted in October 2002, found that the current global competitive conditions in the TDM markets pose new challenges with potentially significant implications for the U.S. industry, as well as many foreign industry competitors. Producers worldwide report a constant challenge to reduce costs and shorten delivery times, all within the context of an increasingly competitive and dynamic global market, according to the report. The ITC reported that the United States is one of the world's leading producers of tools, dies, and industrial molds and is also a major importer. The principal challenges facing the U.S. TDM industry include the downturn in the U.S. economy and its slow recovery, a shrinking domestic market due to the migration of manufacturing customers to foreign locations, excess capacity due to reduced domestic market demand and to increased productivity resulting from new technologies, customer demands for lower prices and more services, increasing foreign competition, and rising costs, particularly labor-related costs. The ITC reported that for easy-to-ship products, such as small appliances and electronics or telecommunications items, it has become cost-effective for manufacturers to produce in low-cost foreign locations, such as Asia, for shipment to the U.S. market; that technological advances within the tooling industry have improved productivity and competitiveness significantly while increasing capacity and reducing the need for highly skilled labor; that demand for tooling is heavily dependent on new product introduction in the automotive industry; that the compression of product cycles in many key industries has required toolmakers to shorten their lead times to supply tooling to customers; that price was by far the leading factor of competition reported by TDM

producers; that competitive conditions constantly force U.S. and foreign TDM producers to minimize their production costs; and that Canada is the largest U.S. TDM trade partner, Mexico is a major export market, and other important trade partners include Japan and the EU.

Studies Conducted on a Recurring Basis

Recent Trends in U.S. Services Trade, 2003 Annual Report
Shifts in U.S. Merchandise Trade 2002 (332-345)

On August 27, 1993, the Commission instituted on its own motion an annual investigation to review U.S. trade performance, focusing on changes in U.S. imports, exports, and trade balances of key agricultural and manufactured products and on changes in U.S. bilateral trade with major trading partners. In FY 1995, the ITC expanded the scope of its investigation and launched a separate publication focusing on the U.S. service sector, which accounted for 81 percent of both U.S. private-sector gross domestic product in 1999 and U.S. employment in 2001.

The current report on services, published in May 2003, presents a statistical overview of U.S. trade in services and provides industry-specific analyses focused on exports, imports, and trade balances during 2001. The report also compares the 2001 data to the trend of the previous five years. It also examines services provided to U.S. and foreign consumers by multinational firms' overseas affiliates. Industry discussions include a brief examination of issues and trends influencing global competitive conditions.

The 2002 annual report on merchandise trade, published in July 2003, reviews U.S. trade performance in 2002, focusing on changes in U.S. exports, imports, and trade balances of key natural resource, agricultural, and manufacturing industries, as well as changes in U.S. bilateral/multilateral trade with major partners. It also profiles the U.S. industry and market for about 250 industry and commodity groups and subgroups, providing data for 1998-2002 on domestic consumption, production, employment, trade, and import penetration. The report also covers macroeconomic factors affecting U.S. and global markets in 2002 and the significance of international trade in the U.S. gross domestic product compared with those of its major trade partners; noteworthy bilateral shifts in trade with the top five U.S. trading partners (in terms of total trade); factors affecting 10-year trade trends for cut flowers, medicinal chemicals, medical goods, wine and certain other fermented beverages, and motor vehicles; industry/commodity groups that experienced the most significant shifts in trade; the status of WTO dispute settlement cases involving the United States; and the influence of foreign currency exchange rates on trade patterns and the rate shifts that occurred in 2002.

The Year in Trade 2002

The ITC has submitted to the Congress an annual report on the operations of the trade agreements program for more than 50 years. The report, now known as *The Year in Trade*, provides the Congress with factual information on trade policy and its administration. It also serves as a record of the major trade-related activities of the United States for use as a general reference by government officials and others with an interest in U.S. trade relations.

The Year in Trade 2002, published in August 2003, provides a practical review of U.S. international trade law, a survey of actions under U.S. trade laws, a summary of the operation of the World Trade Organization, an overview of U.S. free trade agreements and negotiations, and a review of U.S. bilateral trade relations with major trading partners. The

report also examines the operation of such programs as the U.S. Generalized System of Preferences, the African Growth and Opportunity Act, the Andean Trade Preference and Drug Eradication Act, and the Caribbean Basin Economic Recovery Act, as well as developments in the U.S. textile and apparel program. The publication includes complete listings of antidumping, countervailing duty, intellectual property rights infringement, and section 301 cases undertaken by the U.S. government in 2002.

Operation 4: Trade Information Services

The ITC's trade information services offer the Commission, policymakers, international trade negotiators, and the public a rich array of international trade-related resources. Through this operation, the ITC:

- maintains the Harmonized Tariff Schedule of the United States (HTS), which provides the applicable tariff rates and statistical categories for all merchandise imported into the United States;
- develops and maintains the on-line interactive Tariff and Trade DataWeb, which provides worldwide interactive access to current and historical U.S. trade data;
- operates the National Library of International Trade, one of the most extensive libraries specializing in international trade matters in the United States, which serves the Commission and the public;
- operates the Trade Remedy Assistance Office, which provides information to small businesses concerning the remedies and benefits available under U.S. trade laws and provides technical and legal assistance and advice to eligible small businesses seeking remedies; and
- prepares legislative analyses, known as "bill reports," which investigate the legal and economic effects of proposed tariff reductions and duty suspensions for specific products, for use by the House Committee on Ways and Means and the Senate Committee on Finance during consideration of tariff-related legislation.

Under this operation, the ITC also contributes to the development of the International Trade Data System (ITDS), an integrated trade data system to be shared by all federal trade agencies; the maintenance of U.S. commitments under Schedule XX of the General Agreement on Tariffs and Trade/World Trade Organization (GATT/WTO); the maintenance of an electronic version of the U.S. Schedule of Services under the General Agreement on Trade in Services (GATS); and the preparation of the electronic database that supports U.S. submissions to the WTO Integrated Database.

The HTS is based on the International Harmonized Commodity Description and Coding System (known simply as the Harmonized System), a global tariff classification system that covers most world trade in goods. The ITC publishes a new edition of the HTS annually and updates it as needed throughout the year. Each revision of the HTS is posted on the ITC's Internet site (<http://www.usitc.gov/taffairs.htm#HTS>). In January 2003, the agency published the 2003 edition of the HTS (in hard copy and electronically). A printed supplement was published in July 2003, and several interim updates were posted on the ITC's Internet site to reflect modifications to the HTS.

The ITC's Director of Tariff Affairs and Trade Agreements chairs the Committee for Statistical Annotation of the Tariff Schedule, which also includes representatives of the U.S.

Customs Service and the Census Bureau. The committee analyzes and evaluates petitions requesting changes in HTS statistical reporting categories; it received 34 such petitions during FY 2003. The Director also serves as chair of the Board of Directors of the ITDS.

The ITC continued to make its popular DataWeb available to the public on a full-time, free-of-charge basis. The ITC DataWeb is an interactive, self-service, Internet-based system that provides access to extensive tariff and trade data. The system provides tariff and trade data relied upon by ITC staff as well as by staff at various federal government agencies, congressional offices, U.S. trade negotiating groups, and U.S. embassies. The ITC DataWeb is also used extensively by educational institutions, the U.S. private sector, and numerous private and public entities in other countries. The DataWeb garners notable public accolades, which in FY 2003 included a feature article in the Harvard Business School's online publication "Working Knowledge."

The ITC DataWeb, updated monthly, integrates international trade transactions with complex tariff and customs treatment. Data are available for 1989 through 2003 on a monthly, quarterly, annual, or year-to-date basis and can be retrieved in a number of classification systems, including the Harmonized Tariff Schedule, the Standard Industrial Classification (SIC), the Standard International Trade Classification (SITC), or the North American Industry Classification System (NAICS). A "Commodity Translation Wizard" translates between these classification systems. The ITC DataWeb offers data on imports and exports; U.S. import duties, preferential tariff programs, and staged tariff reductions; U.S. trade by global region and by partner country; and detailed ITC trade database tables. It can be accessed at <http://dataweb.usitc.gov> or from the ITC's Internet site (www.usitc.gov).

Registrations on the DataWeb, including public registrations, grew substantially during FY 2003 and now total over 50,000 users. The system generates up to 80,000 data reports per month; about 27 percent of these are generated for government staff, and the remainder are generated for the general public, multilateral institutions, and universities.

The ITC's National Library of International Trade houses over 100,000 volumes and approximately 2,500 periodical titles related to U.S. industry and international trade laws and practices, as well as more than three dozen CD-ROM and on-line information databases. It is open to the public during agency hours (8:45 a.m. to 5:15 p.m. (Eastern time), Monday through Friday). The library's catalog is posted on the ITC's Internet site (<http://www.usitc.gov/websearc.htm>).

During FY 2003, the Congress did not formally request any bill reports. An omnibus miscellaneous tariff bill, which included legislation that previously had been analyzed by the ITC, did not pass at the end of the 107th Congress. The bill was subsequently reintroduced in the 108th Congress, and it remained pending at the end of FY 2003. Information on tariff bill reports prepared by the ITC can be found on the ITC's Internet site at www.usitc.gov/billrpts.htm.

The agency provided information and assistance to 153 business, public, academic, and congressional customers through the Trade Remedy Assistance Program during FY 2003.

Operation 5: Trade Policy Support

The ITC supports trade policymakers in the executive branch and in the Congress by providing technical expertise and objective information on international trade issues. The ITC offers technical advice through research, informal briefings and meetings, and testimony at congressional hearings. The agency also drafts Presidential proclamations and other Presidential documents, as well as final decisions by various executive branch agencies that modify the HTS to implement congressional legislation or trade policy decisions of the executive branch.

On request, the Commission provides ITC staff for long-term detail assignments with the USTR and the Congress, which offers support and expertise to U.S. policymakers while developing the professional skills of ITC staff. ITC staff also serve as technical advisors on the interagency Trade Policy Staff Committee and its many subcommittees, all of which are chaired by the USTR. Through its activities in this area, the ITC supports U.S. trade policy formulation and U.S. representation in international fora.

During FY 2003, ITC staff were active participants in interagency committees and international organizations in more than 65 different issue areas. The bulk of participation was focused in WTO litigation, FTAA negotiations, eight Free Trade Agreement negotiations, WTO/agriculture and services negotiations, WTO/domestic safeguard issues, and issues relating to the monitoring and enforcement of trade agreements.

WTO dispute settlement and litigation issues are having an increasing impact on the agency, as, together with USTR attorneys, ITC attorneys participate in dispute settlement consultations, prepare numerous briefs and other submissions, and appear in hearings before both WTO panels and the appellate body. During FY 2003, this WTO-related work concerned the ITC safeguard determinations involving imported steel products, the antidumping and countervailing duty determinations regarding softwood lumber, as well as the first disputes relating to ITC five-year reviews of antidumping and countervailing duty orders. In addition, ITC staff provided support to the USTR in connection with both reviewing the antidumping, countervailing duty, and safeguard laws of other countries for consistency with WTO requirements and pursuing U.S.-initiated actions under the WTO dispute settlement procedures relative to the measures of other countries in those areas. ITC attorneys from the Office of the General Counsel provided technical assistance to the executive branch in conjunction with the Doha Round trade negotiations, particularly the Rules Negotiation Committee activities. More specifically, Commission staff provided support to executive branch officials by reviewing and helping draft U.S. submissions and talking points and attended formal meetings of the Rules Negotiating Committee in Geneva, Switzerland.

Commission staff provided substantial assistance to congressional policymakers in their consideration of a wide range of trade policy issues, including various regional issues, such as trade liberalization with Africa and the Andean, Caribbean, Central American, and overall Western Hemispheric regions. ITC staff also provided assistance to policymakers concerning a range of pending free trade agreements, including those with Singapore, Chile, Morocco, the Dominican Republic, Australia, Bahrain, Central America, the Southern Africa Customs Union, and the Free Trade Area of the Americas. The ITC also provided information on sectoral issues, such as agriculture, a variety of fishery matters (catfish, salmon, shrimp, and tuna), numerous manufactured items, steel, and textiles and apparel. The ITC responded to more than 330 congressional letters as well as hundreds of requests for informal technical assistance during FY 2003. In addition, Members of Congress made 64 appearances at ITC hearings in connection with a variety of investigations (51 import injury

investigation appearances and 13 general factfinding investigation appearances) during the year.

ITC staff participate in the World Customs Organization (WCO), an international organization headquartered in Brussels, Belgium, which oversees the continuous development and maintenance of the global Harmonized System (HS). ITC staff also represent the U.S. government on the central committee for nomenclature and classification matters (the Harmonized System Committee), the Technical Committee on Rules of Origin, and the HS Review Subcommittee.

Agencywide Accomplishments

The impact of imports on the domestic steel industry has been an investigative focus of the Commission for the last several years, and FY 2003 was no different. Following the Commission's affirmative global safeguard injury determinations for certain steel products in FY 2002, President George W. Bush imposed tariffs on some steel imports to provide temporary relief for the industry as it adjusted to import competition. As required by the global safeguard law, during FY 2003 the ITC undertook a midterm review of the industry's efforts to adjust to import competition. In March 2003, the U.S. House of Representatives requested that the ITC complete a general factfinding investigation concerning the impact of the President's relief on steel consuming industries and asked that the two reports be prepared as a single publication. The U.S. Trade Representative did not object to this request, and the ITC delivered the two separate reports as a single publication in September 2003.

Once again, the impact of conducting and producing these reports was felt throughout the agency. The Commission held four days of hearings in July in conjunction with its monitoring report, and it held a two-day hearing in June in conjunction with the general factfinding report. Staff from the Offices of the Secretary, External Relations, Facilities Management, and Publishing once again shouldered extensive organizational, logistical, and administrative requirements during these hearings. As the investigations drew to their respective closes and production work on the reports began, the ITC staff's mettle was truly tested. The reports were due for delivery to the President, the Congress, and the public on September 19, 2003, and delivered they were — despite the fact that Hurricane Isabel came ashore and bore down on the Washington, DC, area on the crucial date of September 18, 2003. ITC Chairman Deanna Tanner Okun and key investigative and production staff stayed at the ITC Building throughout the ordeal, and their dedication and hard work allowed printed copies of the reports to be delivered to the White House and congressional requesters and electronic versions of each to be posted on the ITC's Internet site for all other users on the evening of September 19 — on schedule.

The agency's information technology program advanced significantly during FY 2003 as the Commission named the agency's first Chief Information Officer (CIO). Concurrent with the formal designation of a CIO, the Commission authorized an internal reorganization to consolidate most of its IT resources, bringing the offices of the Secretary, Information Services, and Publishing together under the direction of the CIO. The reorganization combined information resources management, information dissemination (including the Electronic Document Information System (EDIS)), the management and administration of the ITC's website, and the agency's publishing services in order to better utilize the technical expertise and systems administration experience of the agency's IT professionals.

During FY 2003, the agency also completed a major upgrade to its computer-networking infrastructure. The ITC-Net replaced an outdated proprietary system and provides a more

robust computing environment to the agency's staff. The new network significantly improves enterprise network management, automated asset management, information security, and hardware and software configuration management. It also provides better tools for remote access to agency network resources, meeting the need for a secure, mobile computing environment by staff who telecommute or travel. The agency also upgraded the resources it offers to visitors to the ITC during the year. Visitors now have external Internet access as well as public access to library resources and the EDIS system.

New internal procedures implemented during FY 2003 allow for a better accounting of the documents processed by the agency. The agency processed 20,374 documents during FY 2003. The ITC held 47 meetings in FY 2003 (compared to 35 meetings in FY 2002) and 37 days of hearings during the year (compared to 35 days of hearings in FY 2002).

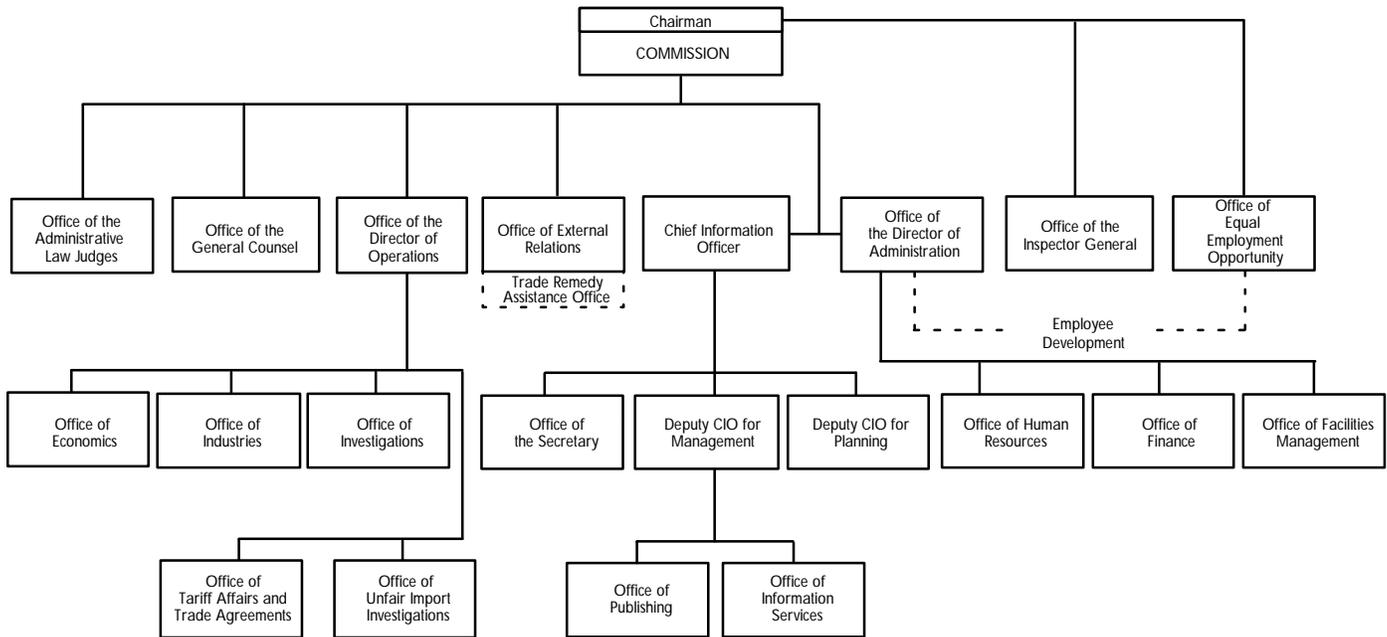
The agency processed 454 requests for confidential treatment of information in its investigations and 153 requests for release of confidential business information under protective order during FY 2003. Under the Freedom of Information Act (FOIA), the ITC received 54 requests, 24 of which were granted in whole or in part.

The ITC's visitor program arranged visits for 208 individuals from 35 foreign countries and the United States during FY 2003. Visitors included government representatives, journalists, business officials, economists, bankers, attorneys, professors, and students.

During FY 2003, the Inspector General conducted audits of the Commission's information security program and practices, financial management system controls, and purchase card program. One inspection addressed the topic of the Commission's occupant emergency program.

Part Two: Organization

U.S. International Trade Commission



Commission Organization

Office of Operations

The ITC's core of investigative, industry, economic, nomenclature, and technical expertise is found within the Office of Operations. Under the supervision of the Director, staff in the component Offices in Operations complete all statutory investigations, studies, and special work projects assigned by the Commission. The ITC's Library Services is a component of the Office of Operations. Library Services staff manage the ITC's National Library of International Trade, a specialized technical library that serves as the agency's information and research center.

Office of Investigations

The Office of Investigations conducts the ITC's countervailing duty, antidumping, and review investigations under title VII of the Tariff Act of 1930; safeguard and market disruption investigations under the Trade Act of 1974; investigations under section 302 of the North American Free Trade Agreement (NAFTA) Implementation Act of 1994; and investigations under section 22 of the Agricultural Adjustment Act.

Office of Industries

The Office of Industries maintains technical expertise related to the performance and global competitiveness of U.S. industries and the impact of international trade on those industries. International trade analysts in the office produce studies on a range of issues each year. Investigative activity includes various types of import injury investigations, studies requested by the President or specific committees of the Congress under section 332 of the

Tariff Act of 1930, and other monitoring and research activity. In addition, analysts provide technical assistance to the Congress, the USTR, other executive branch agencies, and the public.

Office of Economics

The Office of Economics provides expert economic analysis for various types of import injury investigations, studies requested by the Congress and the President under section 332 of the Tariff Act of 1930, and various other research products. In addition, staff economists provide technical assistance to the Congress, the USTR, other executive branch agencies, and the public.

Office of Tariff Affairs and Trade Agreements

The Office of Tariff Affairs and Trade Agreements (TATA) carries out the ITC's responsibilities with respect to the Harmonized Tariff Schedule of the United States and the international Harmonized System. TATA staff also work with the Office of Industries to prepare bill reports requested by Congress pertaining to proposed tariff reductions and duty suspensions for specific products. The office provides technical advice and assistance to the Congress and the USTR and participates in Trade Policy Staff Committee activities. The office participates in the World Customs Organization, and TATA's Director chairs both the Committee for Statistical Annotation of the Tariff Schedule and the Board of Directors of the International Trade Data System (ITDS).

Office of Unfair Import Investigations

The Office of Unfair Import Investigations (OUII) participates as a full party representing the public interest in adjudicatory investigations conducted under section 337 of the Tariff Act of 1930. These investigations most frequently involve allegations of patent or trademark infringement. Allegations of copyright infringement, misappropriation of trade secrets, passing off, false advertising, and antitrust violations also can be litigated in these investigations. In addition to the investigation of a complaint under section 337, the Commission may conduct an enforcement proceeding to determine whether the importation or sale of a specific product violates an existing Commission order. Also, the Commission may issue advisory opinions regarding whether certain anticipated conduct would violate an outstanding Commission order.

Office of the General Counsel

The General Counsel serves as the ITC's chief legal advisor. The General Counsel and the staff attorneys in the office provide legal advice and support to the Commissioners and ITC staff on investigations and research studies, prepare briefs and represent the ITC in court and before dispute resolution panels and administrative tribunals, and provide assistance and advice on general administrative matters, including personnel, labor relations, and contract issues.

Office of the Administrative Law Judges

The Commission's Administrative Law Judges (ALJs) hold hearings and make initial determinations in investigations under section 337 of the Tariff Act of 1930. These investigations require formal evidentiary hearings in accordance with the Administrative Procedure Act (5 U.S.C. 551 et seq.). After the Commission has instituted an investigation,

the matter is referred to the Office of the Administrative Law Judges. Cases are assigned on a rotating basis to one of the Commission's four ALJs, who, after an extensive discovery process, holds a hearing. The judge considers the evidentiary record and the arguments of the parties and makes an initial determination, including findings of fact and conclusions of law, which may be reviewed by the Commission. Temporary relief may be granted in certain cases.

Office of External Relations

The Office of External Relations develops and maintains liaison between the ITC and its diverse external customers. The office is the focal point for contacts with the USTR and other executive branch agencies, Congress, foreign governments, international organizations, the public, and the international, national, and local news media. It also coordinates meetings with international visitors. External Relations keeps Commissioners and senior ITC staff informed of developing issues that might affect the agency's mission and reputation, coordinates Presidential requests for advice and information on trade issues, and manages interactions between the ITC and the international trade community. The ITC's Trade Remedy Assistance Office is a component of External Relations that assists small businesses seeking benefits or relief under U.S. trade laws.

Office of Administration

The Office of Administration oversees the preparation of the Commission's budget; manages its financial systems; supervises all human resource matters, including collective bargaining with union representatives; provides procurement and facilities management services; and is responsible for all agency security matters. Component offices include Finance, Facilities Management, and Human Resources.

Office of Finance

The Office of Finance maintains the ITC's financial information system and its payroll functions.

Office of Facilities Management

The Office of Facilities Management directs and coordinates ITC administrative support services as well as all procurement functions.

Office of Human Resources

The Office of Human Resources manages the ITC's recruitment, training, and personnel management operations and serves as a resource for managers and staff on employee relations, employee development, and benefits matters.

Office of the Chief Information Officer

The Office of the Chief Information Officer provides information technology leadership, a comprehensive services and applications support portfolio, and a sound technology infrastructure to the ITC and its customers. Component offices include the Office of Information Services, the Office of the Secretary, and the Office of Publishing.

Office of the Secretary

The Office of the Secretary compiles and maintains the Commission's official records, including petitions, briefs, and other legal documents. Under the direction of the Secretary, the office issues Commission notices, reports, and orders, and it schedules and participates in all Commission meetings and hearings. The office makes determinations on requests for confidential treatment of information, requests for information to be released under protective order, and requests under the Freedom of Information Act.

Office of Publishing

The Office of Publishing oversees the ITC's publishing activities and is responsible for producing all ITC publications.

Office of Information Services

The Office of Information Services administers all ITC computer and telecommunications services.

Office of Equal Employment Opportunity

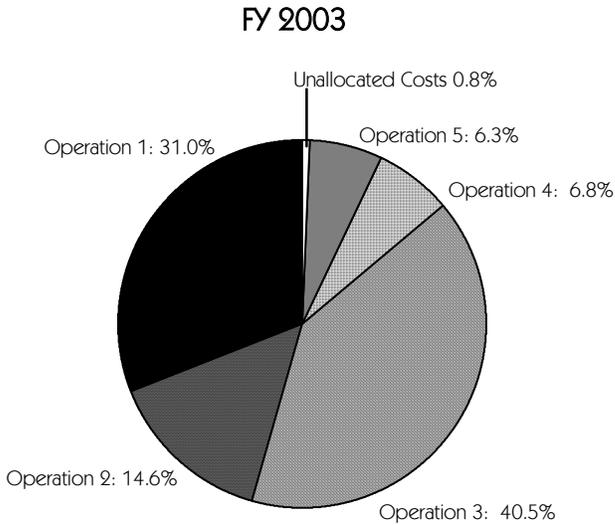
The Office of Equal Employment Opportunity (EEO) administers the ITC affirmative action program. The Director advises the Chairman and ITC managers on all equal employment issues; evaluates the sufficiency of the agency's EEO program and recommends improvements or corrections, including remedial and disciplinary action; establishes and maintains a diversity outreach program; and monitors recruitment activities to assure fairness in agency hiring practices.

Office of Inspector General

The Inspector General conducts all audits and investigations related to ITC programs and operations and recommends and comments on proposed legislation, regulations, and procedures that affect the agency's efficiency and effectiveness. The accomplishments of the Inspector General are detailed in semiannual reports submitted to Congress in May and November.

Agency Management

Workyear: Comparison by Operation



Operations

Operation 1:	Import Injury Investigations
Operation 2:	Intellectual Property-Based Import Investigations
Operation 3:	Research Program
Operation 4:	Trade Information Services
Operation 5:	Trade Policy Support
Unallocated Costs	

ITC Personnel, FY 2003

The ITC maintains an expert staff of professional international trade and nomenclature analysts, investigators, attorneys, economists, computer specialists, and administrative support personnel. All ITC personnel are located at 500 E Street SW, Washington, DC 20436. At the end of FY 2003, a total of 354.5 permanent employees were employed by the ITC.

A breakdown of staff, by organization, is shown below:

Organizational unit	Number as of September 30, 2003
Commissioners	5
Offices of the Commissioners	15
Office of the General Counsel	40
Office of the Administrative Law Judges	13
Office of External Relations	5
Office of the Director of Operations	12
Office of Investigations	32
Office of Industries	98
Office of Economics	40
Office of Tariff Affairs and Trade Agreements	14
Office of Unfair Import Investigations	14
Office of the Chief Information Officer	7
Office of Information Services	8
Office of Publishing	10
Office of the Secretary	12
Office of the Director of Administration	4
Office of Finance	5
Office of Facilities Management	10
Office of Human Resources	6
Office of Equal Employment Opportunity	1
Office of Inspector General	3.5
Total	354.5

ITC Budget, FY 2003

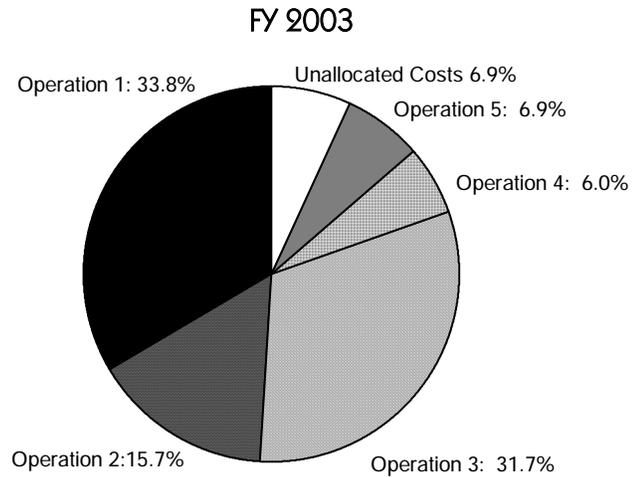
The ITC submits its budget to the President for transmittal to Congress. Because of the unique role of the ITC as a quasi-judicial, nonpartisan, independent agency designed to provide trade expertise to the legislative and executive branches of government, Congress provided in section 175 of the Trade Act of 1974 (19 U.S.C. 2232) that the ITC budget would not be subject to control by the Office of Management and Budget, but would instead be submitted directly to Congress.

During FY 2003, appropriated funds made available to the ITC amounted to \$54,542,000. Appropriated funds included an FY 2003 appropriation of \$53,649,000, recoveries and deobligations of \$416,000, and a carryover of \$477,000.

Obligations for FY 2002 and FY 2003 (in thousands of dollars) are shown below:

Item	FY 2002	FY 2003
Salaries and personnel benefits	37,874	38,723
Travel and transportation	443	456
Rental and communication services	5,648	5,838
Other services	6,953	6,920
Printing and reproduction	162	167
Equipment, supplies, and material	1,268	1,860
Land and structures	283	220
Total	52,631	54,184

Dollar Cost: Comparison by Operation



Operations

- Operation 1: Import Injury Investigations
- Operation 2: Intellectual Property-Based Import Investigations
- Operation 3: Research Program
- Operation 4: Trade Information Services
- Operation 5: Trade Policy Support
- Unallocated Costs

**Appendix A:
Summary of Investigations Completed During Fiscal
Year 2003 and Pending on September 30, 2003**

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Table I-A
Antidumping and Countervailing Duty Investigations
Conducted in Fiscal Year 2003

Investigation No. and Title	Date Instituted	Staff Conference	Preliminary Determination	Pub. No.	Public Hearing	Final Determination	Pub. No.
701-TA-417 <i>Carbon and Alloy Steel Wire Rod from Brazil</i>	08-31-01	09-21-01	Affirmative 10-15-01	3456	08-27-02	Affirmative 10-15-02	3546
701-TA-418 <i>Carbon and Alloy Steel Wire Rod from Canada</i>	08-31-01	09-21-01	Affirmative 10-15-01	3456	08-27-02	Affirmative 10-15-02	3546
701-TA-419 <i>Carbon and Alloy Steel Wire Rod from Germany</i>	08-31-01	09-21-01	Affirmative 10-15-01	3456	08-27-02	Negligible ¹ 10-15-02	3546
731-TA-953 <i>Carbon and Alloy Steel Wire Rod from Brazil</i>	08-31-01	09-21-01	Affirmative 10-15-01	3456	08-27-02	Affirmative 10-15-02	3546
731-TA-954 <i>Carbon and Alloy Steel Wire Rod from Canada</i>	08-31-01	09-21-01	Affirmative 10-15-01	3456	08-27-02	Affirmative 10-15-02	3546
731-TA-956 <i>Carbon and Alloy Steel Wire Rod from Germany</i>	08-31-01	09-21-01	Affirmative 10-15-01	3456	08-27-02	Negligible ¹ 10-15-02	3546
731-TA-957 <i>Carbon and Alloy Steel Wire Rod from Indonesia</i>	08-31-01	09-21-01	Affirmative 10-15-01	3456	08-27-02	Affirmative 10-15-02	3546
731-TA-958 <i>Carbon and Alloy Steel Wire Rod from Mexico</i>	08-31-01	09-21-01	Affirmative 10-15-01	3456	08-27-02	Affirmative 10-15-02	3546
731-TA-959 <i>Carbon and Alloy Steel Wire Rod from Moldova</i>	08-31-01	09-21-01	Affirmative 10-15-01	3456	08-27-02	Affirmative 10-15-02	3546
731-TA-961 <i>Carbon and Alloy Steel Wire Rod from Trinidad and Tobago</i>	08-31-01	09-21-01	Affirmative 10-15-01	3456	08-27-02	Affirmative 10-15-02	3546
731-TA-962 <i>Carbon and Alloy Steel Wire Rod from Ukraine</i>	08-31-01	09-21-01	Affirmative 10-15-01	3456	08-27-02	Affirmative 10-15-02	3546
701-TA-422 <i>Cold-Rolled Steel from Argentina</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Terminated 10-03-02	N/A
701-TA-423 <i>Cold-Rolled Steel from Brazil</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
701-TA-424 <i>Cold-Rolled Steel from France</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551

Table I-A-Continued

Antidumping and Countervailing Duty Investigations Conducted in Fiscal Year 2003

Investigation No. and Title	Date Instituted	Staff Conference	Preliminary Determination	Pub. No.	Public Hearing	Final Determination	Pub. No.
701-TA-425 <i>Cold-Rolled Steel from Korea</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
731-TA-964 <i>Cold-Rolled Steel from Argentina</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
731-TA-966 <i>Cold-Rolled Steel from Belgium</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
731-TA-967 <i>Cold-Rolled Steel from Brazil</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
731-TA-968 <i>Cold-Rolled Steel from China</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
731-TA-969 <i>Cold-Rolled Steel from France</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
731-TA-970 <i>Cold-Rolled Steel from Germany</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
731-TA-973 <i>Cold-Rolled Steel from Korea</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
731-TA-974 <i>Cold-Rolled Steel from the Netherlands</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
731-TA-975 <i>Cold-Rolled Steel from New Zealand</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
731-TA-976 <i>Cold-Rolled Steel from Russia</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
731-TA-977 <i>Cold-Rolled Steel from South Africa</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
731-TA-978 <i>Cold-Rolled Steel from Spain</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
731-TA-980 <i>Cold-Rolled Steel from Taiwan</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551

Table I-A-Continued

Antidumping and Countervailing Duty Investigations Conducted in Fiscal Year 2003

Investigation No. and Title	Date Instituted	Staff Conference	Preliminary Determination	Pub. No.	Public Hearing	Final Determination	Pub. No.
731-TA-982 <i>Cold-Rolled Steel from Turkey</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
731-TA-983 <i>Cold-Rolled Steel from Venezuela</i>	09-28-01	10-19-01	Affirmative 11-13-01	3471	07-18-02	Negative 10-28-02	3551
701-TA-426 <i>Sulfanilic Acid from Hungary</i>	09-28-01	10-18-01	Affirmative 11-13-01	3472	09-24-02	Affirmative 11-01-02	3554
731-TA-984 <i>Sulfanilic Acid from Hungary</i>	09-28-01	10-18-01	Affirmative 11-13-01	3472	09-24-02	Affirmative 11-01-02	3554
731-TA-985 <i>Sulfanilic Acid from Portugal</i>	09-28-01	10-18-01	Affirmative 11-13-01	3472	09-24-02	Affirmative 11-01-02	3554
731-TA-986 <i>Ferrovandium from China</i>	11-26-01	12-17-01	Affirmative 01-10-02	3484	11-22-02	Affirmative 01-13-03	3570
731-TA-987 <i>Ferrovandium from South Africa</i>	11-26-01	12-17-01	Affirmative 01-10-02	3484	11-22-02	Affirmative 01-13-03	3570
731-TA-989 <i>Ball Bearings from China</i>	02-13-02	03-06-02	Affirmative 04-29-02	3504	03-06-03	Negative 04-21-03	3593
731-TA-990 <i>Non-Malleable Cast Iron Pipe Fittings from China</i>	02-21-02	03-14-02	Affirmative 04-08-02	3500	02-11-03	Affirmative 03-24-03	3586
731-TA-991 <i>Silicon Metal from Russia</i>	03-07-02	03-26-02	Affirmative 04-22-02	3502	02-05-03	Affirmative 03-19-03	3584
731-TA-1006 <i>Urea Ammonium Nitrate Solutions from Belarus</i>	04-19-02	05-10-02	Affirmative 06-03-02	3517	02-20-03	Negative 04-10-03	3591
731-TA-1008 <i>Urea Ammonium Nitrate Solutions from Russia</i>	04-19-02	05-10-02	Affirmative 06-03-02	3517	02-20-03	Negative 04-10-03	3591

Table I-A-Continued

Antidumping and Countervailing Duty Investigations Conducted in Fiscal Year 2003

Investigation No. and Title	Date Instituted	Staff Conference	Preliminary Determination	Pub. No.	Public Hearing	Final Determination	Pub. No.
731-TA-1009 <i>Urea Ammonium Nitrate Solutions from Ukraine</i>	04-19-02	05-10-02	Affirmative 06-03-02	3517	02-20-03	Negative 04-10-03	3591
731-TA-1010 <i>Lawn and Garden Steel Fence Posts from China</i>	05-01-02	05-22-02	Partial Affirmative ² 06-17-02	3521	04-22-03	Affirmative 06-02-03	3598
731-TA-1012 <i>Certain Frozen Fish Fillets from Vietnam</i>	06-28-02	07-19-02	Affirmative 08-12-02	3533	06-17-03	Affirmative 08-06-03	3617
731-TA-1013 <i>Saccharin from China</i>	07-11-02	08-01-02	Affirmative 08-26-02	3535	05-15-03	Affirmative 06-25-03	3606
731-TA-1014 <i>Polyvinyl Alcohol from China</i>	09-05-02	09-26-02	Affirmative 10-21-02	3553	05-08-03	Affirmative 09-24-03	3634
731-TA-1015 <i>Polyvinyl Alcohol from Germany</i>	09-05-02	09-26-02	Affirmative 10-21-02	3553	05-08-03	Negative 06-18-03	3604
731-TA-1016 <i>Polyvinyl Alcohol from Japan</i>	09-05-02	09-26-02	Affirmative 10-21-02	3553	05-08-03	Affirmative 06-18-03	3604
731-TA-1017 <i>Polyvinyl Alcohol from Korea</i>	09-05-02	09-26-02	Affirmative 10-21-02	3553	05-08-03	Affirmative 09-24-03	3634
731-TA-1018 <i>Polyvinyl Alcohol from Singapore</i>	09-05-02	09-26-02	Negligible ¹ 10-21-02	3553	N/A	N/A	N/A
701-TA-430A <i>Durum Wheat from Canada</i>	09-13-02	10-04-02	Affirmative 11-25-02	3563	09-04-03	Pending	Pending
701-TA-430B <i>Hard Red Spring Wheat from Canada</i>	09-13-02	10-04-02	Affirmative 11-25-02	3563	09-04-03	Pending	Pending
731-TA-1019A <i>Durum Wheat from Canada</i>	09-13-02	10-04-02	Affirmative 11-25-02	3563	09-04-03	Pending	Pending
731-TA-1019B <i>Hard Red Spring Wheat from Canada</i>	09-13-02	10-04-02	Affirmative 11-25-02	3563	09-04-03	Pending	Pending

Table I-A-Continued

Antidumping and Countervailing Duty Investigations Conducted in Fiscal Year 2003

Investigation No. and Title	Date Instituted	Staff Conference	Preliminary Determination	Pub. No.	Public Hearing	Final Determination	Pub. No.
731-TA-1020 <i>Barium Carbonate from China</i>	09-30-02	10-22-02	Affirmative 11-14-02	3561	07-31-03	Affirmative 09-19-03	3631
731-TA-1021 <i>Malleable Iron Pipe Fittings from China</i>	10-30-02	11-20-02	Affirmative 12-16-02	3568	Pending	Pending	Pending
701-TA-431 <i>DRAMS and DRAM Modules from Korea</i>	11-01-02	11-22-02	Affirmative 12-16-02	3569	06-24-03	Affirmative 08-04-03	3616
731-TA-1022 <i>Refined Brown Aluminum Oxide from China</i>	11-20-02	12-11-02	Affirmative 01-06-03	3572	09-23-03	Pending	Pending
731-TA-1023 <i>Ceramic Station Post Insulators from Japan</i>	12-31-02	01-21-03	Affirmative 02-14-03	3578	Pending	Pending	Pending
701-TA-432 <i>Prestressed Concrete Steel Wire Strand from India</i>	01-31-03	02-21-03	Affirmative 03-17-03	3589	Pending	Pending	Pending
731-TA-1024 <i>Prestressed Concrete Steel Wire Strand from Brazil</i>	01-31-03	02-21-03	Affirmative 03-17-03	3589	Pending	Pending	Pending
731-TA-1025 <i>Prestressed Concrete Steel Wire Strand from India</i>	01-31-03	02-21-03	Affirmative 03-17-03	3589	Pending	Pending	Pending
731-TA-1026 <i>Prestressed Concrete Steel Wire Strand from Korea</i>	01-31-03	02-21-03	Affirmative 03-17-03	3589	Pending	Pending	Pending
731-TA-1027 <i>Prestressed Concrete Steel Wire Strand from Mexico</i>	01-31-03	02-21-03	Affirmative 03-17-03	3589	Pending	Pending	Pending
731-TA-1028 <i>Prestressed Concrete Steel Wire Strand from Thailand</i>	01-31-03	02-21-03	Affirmative 03-17-03	3589	Pending	Pending	Pending
701-TA-433 <i>Allura Red from India</i>	03-04-03	03-25-03	Negative 04-18-03	3595	N/A	N/A	N/A

Table I-A-Continued

Antidumping and Countervailing Duty Investigations Conducted in Fiscal Year 2003

Investigation No. and Title	Date Instituted	Staff Conference	Preliminary Determination	Pub. No.	Public Hearing	Final Determination	Pub. No.
731-TA-1029 <i>Allura Red from India</i>	03-04-03	03-25-03	Negative 04-18-03	3595	N/A	N/A	N/A
701-TA-434 <i>Whitening Agents from India</i>	03-31-03	N/A	Terminated 04-14-03	N/A	N/A	N/A	N/A
731-TA-1030 <i>Whitening Agents from China</i>	03-31-03	N/A	Terminated 04-14-03	N/A	N/A	N/A	N/A
731-TA-1031 <i>Whitening Agents from Germany</i>	03-31-03	N/A	Terminated 04-14-03	N/A	N/A	N/A	N/A
731-TA-1032 <i>Whitening Agents from India</i>	03-31-03	N/A	Terminated 04-14-03	N/A	N/A	N/A	N/A
731-TA-1033 <i>Hydraulic Magnetic Circuit Breakers from South Africa</i>	04-14-03	05-05-03	Negative 05-29-03	3600	N/A	N/A	N/A
731-TA-1034 <i>Color Television Receivers from China</i>	05-02-03	05-23-03	Affirmative 06-16-03	3607	Pending	Pending	Pending
731-TA-1035 <i>Color Television Receivers from Malaysia</i>	05-02-03	05-23-03	Affirmative 06-16-03	3607	Pending	Pending	Pending
701-TA-435 <i>DAS Chemistry from India</i>	05-14-03	06-04-03	Negative ³ 06-30-03	3608	N/A	N/A	N/A
731-TA-1036 <i>DAS Chemistry from China</i>	05-14-03	06-04-03	Negative ³ 06-30-03	3608	N/A	N/A	N/A
731-TA-1037 <i>DAS Chemistry from Germany</i>	05-14-03	06-04-03	Negative 06-30-03	3608	N/A	N/A	N/A
731-TA-1038 <i>DAS Chemistry from India</i>	05-14-03	06-04-03	Negative ³ 06-30-03	3608	N/A	N/A	N/A
731-TA-1039 <i>Thermal Transfer Ribbons from France</i>	05-30-03	06-20-03	Affirmative 07-14-03	3613	Pending	Pending	Pending
731-TA-1040 <i>Thermal Transfer Ribbons from Japan</i>	05-30-03	06-20-03	Affirmative 07-14-03	3613	Pending	Pending	Pending

Table I-A-Continued

Antidumping and Countervailing Duty Investigations Conducted in Fiscal Year 2003

Investigation No. and Title	Date Instituted	Staff Conference	Preliminary Determination	Pub. No.	Public Hearing	Final Determination	Pub. No.
731-TA-1041 <i>Thermal Transfer Ribbons from Korea</i>	05-30-03	06-20-03	Affirmative 07-14-03	3613	Pending	Pending	Pending
701-TA-436 <i>Oleoresinous Pigment Dispersions from India</i>	06-05-03	06-27-03	Negative 07-21-03	3615	N/A	N/A	N/A
731-TA-1042 <i>Oleoresinous Pigment Dispersions from India</i>	06-05-03	06-27-03	Negative 07-21-03	3615	N/A	N/A	N/A
731-TA-1043 <i>Polyethylene Retail Carrier Bags from China</i>	06-20-03	07-11-03	Affirmative 08-04-03	3618	Pending	Pending	Pending
731-TA-1044 <i>Polyethylene Retail Carrier Bags from Malaysia</i>	06-20-03	07-11-03	Affirmative 08-04-03	3618	Pending	Pending	Pending
731-TA-1045 <i>Polyethylene Retail Carrier Bags from Thailand</i>	06-20-03	07-11-03	Affirmative 08-04-03	3618	Pending	Pending	Pending
731-TA-1046 <i>Tetrahydrofurfuryl Alcohol from China</i>	06-23-03	07-14-03	Affirmative 08-07-03	3620	Pending	Pending	Pending
731-TA-1047 <i>Ironing Tables from China</i>	06-30-03	07-21-03	Affirmative 08-14-03	3623	Pending	Pending	Pending
731-TA-1048 <i>Electrolytic Manganese Dioxide from Australia</i>	07-31-03	08-21-03	Affirmative 09-15-03	3633	Pending	Pending	Pending
731-TA-1049 <i>Electrolytic Manganese Dioxide from China</i>	07-31-03	08-21-03	Negligible ¹ 09-15-03	3633	N/A	N/A	N/A
731-TA-1050 <i>Electrolytic Manganese Dioxide from Greece</i>	07-31-03	08-21-03	Affirmative 09-15-03	3633	Pending	Pending	Pending
731-TA-1051 <i>Electrolytic Manganese Dioxide from Ireland</i>	07-31-03	08-21-03	Affirmative 09-15-03	3633	Pending	Pending	Pending
731-TA-1052 <i>Electrolytic Manganese Dioxide from Japan</i>	07-31-03	08-21-03	Affirmative 09-15-03	3633	Pending	Pending	Pending

Table I-A-Continued Antidumping and Countervailing Duty Investigations Conducted in Fiscal Year 2003

Investigation No. and Title	Date Instituted	Staff Conference	Preliminary Determination	Pub. No.	Public Hearing	Final Determination	Pub. No.
731-TA-1053 <i>Electrolytic Manganese Dioxide from South Africa</i>	07-31-03	08-21-03	Affirmative 09-15-03	3633	Pending	Pending	Pending
731-TA-1054 <i>Light-Walled Rectangular Pipe and Tube from Mexico</i>	09-09-03	09-30-03	Pending	Pending	Pending	Pending	Pending
731-TA-1055 <i>Light-Walled Rectangular Pipe and Tube from Turkey</i>	09-09-03	09-30-03	Pending	Pending	Pending	Pending	Pending

¹ If the ITC finds that imports from a country are negligible, then the investigation regarding those imports is terminated.

² Affirmative with respect to imports of U-shaped or hat-shaped lawn and garden fence posts made of steel and/or any other metal, weighing one pound or less per foot.

³ Two commissioners found one like product and voted in the negative for all three countries. Two commissioners found two like products: 4,4'-diamino-2,2'-stilbenedisulfonic acid (DAS) and stilbenic fluorescent whitening agents (SFWA). With respect to DAS, they made negative determinations. With respect to SFWA, they found that imports from China and India were negligible and made a negative determination with respect to imports from Germany.

NOTES-In fiscal year 2003, the following suspended investigations remained suspended: Inv. No. 731-TA-539C (Final), Uranium from Russia (suspended 10-21-92); and Inv. No. 731-TA-747 (Final), Tomatoes from Mexico (suspended 12-16-2002).

The Commission made a negative determination in Inv. No. 731-TA-965 (Final), Cold-rolled Steel from Australia, on 09-05-02. Publication no. 3536 contains the views of the Commission and information developed during the investigation.

The Commission conducted the following trade litigation remand proceedings in fiscal year 2003: Inv. Nos. 701-TA-309A-B and 731-TA-528 (Final) (Remand), Magnesium from Canada; 303-TA-23, 731-TA-566-570, and 731-TA-641 (Reconsideration) (Remand), Ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela; and 731-TA-951-952 (Preliminary) (Remand), Blast Furnace Coke from China and Japan. Information regarding these remand proceedings may be found in Table V.

Table I-B Changed Circumstances and Five-Year (Sunset) Reviews Conducted in Fiscal Year 2003

Investigation No. and Title	Date Instituted	Type of Review	Public Hearing	Final Determination	Pub. No.
731-TA-745 <i>Steel Concrete Reinforcing Bars from Turkey</i>	03-01-02	Full	12-12-02	Affirmative 02-24-03	3577
731-TA-749 <i>Persulfates from China</i>	06-03-02	Expedited	N/A	Affirmative 10-31-02	3555
731-TA-752 <i>Crawfish Tail Meat from China</i>	08-02-02	Full	06-03-03	Affirmative 07-28-03	3614
731-TA-753 <i>Cut-to-Length Carbon Steel Plate from China</i>	09-03-02	Full	07-08-03	Affirmative 08-29-03	3626
731-TA-754 <i>Cut-to-Length Carbon Steel Plate from Russia</i>	09-03-02	Full	07-08-03	Affirmative 08-29-03	3626
731-TA-755 <i>Cut-to-Length Carbon Steel Plate from South Africa</i>	09-03-02	Full	07-08-03	Negative 08-29-03	3626
731-TA-756 <i>Cut-to-Length Carbon Steel Plate from Ukraine</i>	09-03-02	Full	07-08-03	Affirmative 08-29-03	3626
731-TA-757 <i>Collated Roofing Nails from China</i>	10-01-02	N/A	N/A	Terminated 11-19-02	N/A
731-TA-759 <i>Collated Roofing Nails from Taiwan</i>	10-01-02	N/A	N/A	Terminated 11-25-02	N/A
731-TA-768 <i>Fresh Atlantic Salmon from Chile</i>	06-02-03	N/A	N/A	Terminated 08-13-03	N/A
701-TA-373 <i>Stainless Steel Wire Rod from Italy</i>	08-01-03	Pending	Pending	Pending	Pending
731-TA-770 <i>Stainless Steel Wire Rod from Italy</i>	08-01-03	Pending	Pending	Pending	Pending
731-TA-771 <i>Stainless Steel Wire Rod from Japan</i>	08-01-03	Pending	Pending	Pending	Pending
731-TA-772 <i>Stainless Steel Wire Rod from Korea</i>	08-01-03	Pending	Pending	Pending	Pending
731-TA-773 <i>Stainless Steel Wire Rod from Spain</i>	08-01-03	Pending	Pending	Pending	Pending

Table I-B-Continued

Changed Circumstances and Five-Year (Sunset) Reviews Conducted in Fiscal Year 2003

Investigation No. and Title	Date Instituted	Type of Review	Public Hearing	Final Determination	Pub. No.
731-TA-774 <i>Stainless Steel Wire Rod from Sweden</i>	08-01-03	Pending	Pending	Pending	Pending
731-TA-775 <i>Stainless Steel Wire Rod from Taiwan</i>	08-01-03	Pending	Pending	Pending	Pending

Note.—The Commission conducted the following trade litigation remand proceedings in fiscal year 2003: Inv. Nos. 701-TA-319 and 322 and 731-TA-573 and 578 (Review) (Remand), Cut-to-Length Carbon Steel Plate from Belgium and Germany; AA1921-143 and 731-TA-343 (Review) (Remand), Tapered Roller Bearings from Japan; 701-TA-355 and 731-TA-659-660 (Review) (Remand), Grain-Oriented Silicon Electrical Steel (GOES) from Italy and Japan; and 731-TA-391-394, 396, and 399, (Review) (Remand), Ball Bearings from France, Germany, Italy, Japan, Singapore, and the United Kingdom. Information regarding these remand proceedings may be found in Table V.

Table I-C
Other Import Injury Investigations Conducted in Fiscal Year 2003

Investigation No. and Title	Petitioner or Requester	Date of Petition/ Request or Institution	Public Hearing	Commission Finding	Transmitted to the President	Pub. No.
TA-204-9 <i>Steel: Monitoring Developments in the Domestic Industry</i>	Required by Statute	02-03-03	07-10-03 07-17-03 07-22-03 07-24-03	Completed	09-19-03	3632 ¹
TA-204-10 <i>Certain Circular Welded Carbon Quality Line Pipe: Evaluation of the Effectiveness of Import Relief</i>	Required by Statute	03-03-03	06-25-03	Completed	08-28-03	3628
TA-204-11 <i>Certain Steel Wire Rod: Evaluation of the Effectiveness of Import Relief</i>	Required by Statute	03-03-03	06-26-03	Completed	08-28-03	3629
TA-421-1 <i>Pedestal Actuators from China</i>	Motion Systems Corp., Eatontown, NJ	08-19-02	10-01-02	Affirmative	11-07-02	3557
TA-421-2 <i>Certain Steel Wire Garment Hangers from China</i>	CHC Industries, Inc., Palm Harbor, FL M&B Hangers Co., Leeds, AL UnitedWireHangerCorp., South Hackensack, NJ	11-27-02	01-09-03	Affirmative	02-18-03	3575
TA-421-3 <i>Certain Brake Drums and Rotors from China</i>	Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers	06-06-03	07-18-03	Negative	08-25-03	3622
TA-421-4 <i>Certain Ductile Iron Waterworks Fittings from China</i>	McWane, Inc., Birmingham, AL	09-05-03	Pending	Pending	Pending	Pending

¹ One report was issued in connection with investigation numbers TA-204-9, Steel: Monitoring Developments in the Domestic Industry and 332-452, Steel-Consuming Industries: Competitive Conditions with Respect to Steel Safeguard Measures.

Note.—In fiscal year 2003, the following suspended investigation remained suspended: Inv. No. 22-55, Peanut Butter and Peanut Paste (suspended 06-28-94).

Table II
Intellectual Property-Based Import Investigations and Related Proceedings Conducted in Fiscal Year 2003

Investigation No. and Title	Complainant	Fed. Reg. Notice	Final Determination	Date Orders Issued	Pub. No.
337-TA-406 <i>Certain Lens-Fitted Film Packages (Consolidated Enforcement and Advisory Opinion Proceedings)</i>	Fuji Photo Film Co., Ltd., Tokyo, Japan	08-03-01	Cease and desist orders (4)	5-15-03	N/A
337-TA-406 <i>Certain Lens-Fitted Film Packages (Advisory Opinion Proceeding II)</i>	Fuji Photo Film Co., Ltd., Tokyo, Japan	09-09-03	Pending	N/A	N/A
337-TA-406 <i>Certain Lens-Fitted Film Packages (Enforcement Proceeding II)</i>	Fuji Photo Film Co., Ltd., Tokyo, Japan	09-27-02	Pending	N/A	N/A
337-TA-406 <i>Certain Lens-Fitted Film Packages (Bond Forfeiture II)</i>	Fuji Photo Film Co., Ltd., Tokyo, Japan	N/A	Pending	N/A	N/A
337-TA-450 <i>Certain Integrated Circuits, Processes for Making Same, and Products Containing Same</i>	United Microelectronics Corporation, Hsincho City, Taiwan UMC Group (USA), Sunnyvale, CA United Foundry Service, Inc., Hopewell Junction, NY	03-06-01	Limited exclusion order ¹	10-07-02	3624
337-TA-455 <i>Certain Network Interface Cards and Access Points for Use in Direct Sequence Spread Spectrum Wireless Local Area Networks and Products Containing Same</i>	Proxim, Inc., Sunnyvale, CA	04-09-01	Settlement agreement	06-11-03	N/A
337-TA-456 <i>Certain Gel-Filled Wrist Rests and Products Containing Same</i>	3M Innovative Properties Company, St. Paul, MN Minnesota Mining and Manufacturing Company, St. Paul, MN	05-17-01	No violation	11-25-02	3573
337-TA-460 <i>Certain Sortation Systems, Parts Thereof, and Products Containing Same</i>	Rapistan Systems Advertising Corp., Grand Rapids, MI Siemens Dematic Corp., Grand Rapids, MI	07-25-01	Limited exclusion order	01-27-03	3588
337-TA-462 <i>Certain Plastic Molding Machines with Control Systems Having Programmable Operator Interfaces Incorporating General Purpose Computers, and Components Thereof II</i>	Milacron Inc., Cincinnati, OH	08-23-01	Settlement agreement	01-21-03	3609
337-TA-467 <i>Certain Canary Yellow Self-Stick Repositionable Note Products</i>	Minnesota Mining and Manufacturing Company, St. Paul, MN	01-07-02	Settlement agreement	11-15-02	N/A

Table II-Continued

Intellectual Property-Based Import Investigations and Related Proceedings Conducted in Fiscal Year 2003

Investigation No. and Title	Complainant	Fed. Reg. Notice	Final Determination	Date Orders Issued	Pub. No.
337-TA-468 <i>Certain Microlithographic Machines and Components Thereof</i>	Nikon Corporation, Tokyo, Japan Nikon Precision Inc., Belmont, CA Nikon Research Corporation of America, Belmont, CA	01-29-02	No violation	03-17-03	N/A
337-TA-469 <i>Certain Bearings and Packaging Thereof</i>	SKF USA Inc., Norristown, PA	04-16-02	Pending	N/A	N/A
337-TA-470 <i>Certain Semiconductor Memory Devices and Products Containing Same</i>	Mosel Vitelic Inc., Hsinchu, Taiwan Mosel Vitelic Corp., San Jose, CA	05-09-02	Settlement agreement	11-15-02	N/A
337-TA-471 <i>Certain Data Storage Systems and Components Thereof</i>	EMC Corporation, Hopkinton, MA	05-14-02	Settlement agreement	03-28-03	N/A
337-TA-472 <i>Certain Semiconductor Devices and Products Containing Same</i>	Toshiba Corporation, Tokyo, Japan	05-29-02	Settlement agreement	10-28-02	N/A
337-TA-473 <i>Certain Video Game Systems, Accessories, and Components Thereof</i>	Microsoft Corporation, Redmond, WA	07-26-02	Cease and desist order and limited exclusion order	12-24-02	N/A
337-TA-474 <i>Certain Recordable Compact Discs and Rewritable Compact Discs</i>	U.S. Philips Corporation, Tarrytown, NY	07-26-02	Pending	N/A	N/A
337-TA-475 <i>Certain Electronic Educational Devices and Components Thereof</i>	Franklin Electronic Publishers, Inc., Burlington, NJ	08-09-02	Withdrawal of the complaint	12-06-02	N/A
337-TA-476 <i>Certain Radios and Components Thereof</i>	Bose Corporation, Framingham, MA	08-14-02	Withdrawal of the complaint	03-10-03	N/A
337-TA-477 <i>Certain Ammonium Octamolybdate Isomers</i>	Climax Molybdenum Company, Phoenix, AZ	08-20-02	No violation	08-20-03	N/A
337-TA-478 <i>Certain Ground Fault Circuit Interrupters and Products Containing Same</i>	Leviton Manufacturing Co., Inc., Little Neck, NY	08-23-02	Withdrawal of the complaint ²	05-27-03	N/A
337-TA-479 <i>Certain Coamoxiclav Products, Potassium Clavulanate Products, and Other Products Derived from Clavulanic Acid</i>	GlaxoSmithKline, plc, Brantford, Middlesex, United Kingdom SmithKlineBeecham Corp., d/b/a GlaxoSmithKline, Philadelphia, PA	09-12-02	Settlement agreement	08-05-03	N/A

Table II-Continued

Intellectual Property-Based Import Investigations and Related Proceedings Conducted in Fiscal Year 2003

Investigation No. and Title	Complainant	Fed. Reg. Notice	Final Determination	Date Orders Issued	Pub. No.
337-TA-480 <i>Certain Panel Fasteners, Products Containing Same and Components Thereof</i>	Kason Industries, Inc., Shenandoah, GA	10-04-02	Consent order	05-13-03	N/A
337-TA-481 <i>Certain Display Controllers with Upscaling Functionality and Products Containing Same</i>	Genesis Microchip (Delaware), Inc., Alviso, CA	10-18-02	Pending	N/A	N/A
337-TA-482 <i>Certain Compact Disc and DVD Holders</i>	DuBois Limited, Corby, Northamptonshire, United Kingdom	10-22-02	Limited exclusion order	06-26-03	N/A
337-TA-483 <i>Certain Tool Handles, Tool Holders, Tool Sets, and Components Therefor</i>	Allen-Pal, LLC, Los Gatos, CA	12-27-02	No violation	07-28-03	N/A
337-TA-484 <i>Certain Machine Vision Systems, Parts and Components Thereof and Products Containing Same</i>	Cognex Corporation, Natick, MA	01-13-03	Settlement agreement	05-07-03	N/A
337-TA-485 <i>Certain Truck Bed Ramps and Components Thereof</i>	Charles D. Walkden, Homer, AK	01-24-03	No violation	08-06-03	N/A
337-TA-486 <i>Certain Agricultural Tractors, Lawn Tractors, Riding Lawnmowers, and Components Thereof</i>	New Holland North America, Inc., New Holland, PA	02-10-03	Limited exclusion order	07-01-03	3625
337-TA-487 <i>Certain Agricultural Vehicles and Components Thereof</i>	Deere & Company, Moline, IL	02-13-03	Pending	N/A	N/A
337-TA-488 <i>Certain Screen Printing Machines, Vision Alignment Devices Used Therein, and Component Parts Thereof</i>	Speedline Technologies, Inc., Franklin, MA	02-26-03	Settlement agreement	07-28-03	N/A
337-TA-489 <i>Certain Sildenafil or Any Pharmaceutically Acceptable Salt Thereof, Such as Sildenafil Citrate, and Products Containing Same</i>	Pfizer, Inc., New York, NY	03-06-03	Pending	N/A	N/A
337-TA-490 <i>Certain Power Amplifier Chips, Broadband Tuner Chips, Transceiver Chips, and Products Containing Same</i>	Broadcom Corporation, Irvine, CA	04-04-03	Pending	N/A	N/A
337-TA-491 <i>Certain Display Controllers and Products Containing Same</i>	Genesis Microchip (Delaware) Inc., Alviso, CA	04-14-03	Pending	N/A	N/A

Table II-Continued

Intellectual Property-Based Import Investigations and Related Proceedings Conducted in Fiscal Year 2003

Investigation No. and Title	Complainant	Fed. Reg. Notice	Final Determination	Date Orders Issued	Pub. No.
337-TA-492 <i>Certain Plastic Grocery and Retail Bags</i>	Superbag Corp., Houston, TX	05-08-03	Pending	N/A	N/A
337-TA-493 <i>Certain Zero-Mercury-Added Alkaline Batteries, Parts Thereof, and Products Containing Same</i>	Energizer Holdings, Inc., St. Louis, MO Eveready Battery Company, Inc., St. Louis, MO	06-02-03	Pending	N/A	N/A
337-TA-494 <i>Certain Automotive Measuring Devices, Products Containing Same, and Bezels for Such Devices</i>	Auto Meter Products, Inc., Sycamore, IL	06-20-03	Pending	N/A	N/A
337-TA-495 <i>Certain Breath Test Systems for the Detection of Gastrointestinal Disorders and Components Thereof</i>	Meretek Diagnostics, Inc., Lafayette, CO Medquest PTY, Ltd., Perth, Australia	07-30-03	Pending	N/A	N/A
337-TA-496 <i>Certain Home Vacuum Packaging Machines</i>	Tilia, Inc., San Francisco, CA Tilia International, Inc., San Francisco, CA	08-18-03	Pending	N/A	N/A
337-TA-497 <i>Certain Universal Transmitters for Garage Door Openers</i>	The Chamberlain Group, Inc., Elmhurst, IL	08-26-03	Pending	N/A	N/A
337-TA-498 <i>Certain Insect Traps</i>	American Biophysics Corporation, Greenwich, RI	09-12-03	Pending	N/A	N/A

¹ Limited exclusion order in Inv. No. 337-TA-450 rescinded 4-23-03 based on settlement agreement.

² Although Inv. No. 337-TA-478 was terminated on 5-27-03 with regard to issues of violation, a sanctions motion remains pending before the ALJ.

Table III
General Factfinding Investigations Conducted in Fiscal
Year 2003

Investigation No. and Title	Requester	Date Instituted	Public Hearing	Pub. No.	Date Published
TA-131-21 and TA-2104-1 <i>U.S.-Morocco Free Trade Agreement: Advice Concerning the Probable Economic Effect</i>	United States Trade Representative	09-13-02	N/A	Confidential	N/A
TA-131-22 and TA-2104-2 <i>U.S.-Central America Free Trade Agreement: Advice Concerning the Probable Economic Effect</i>	United States Trade Representative	09-16-02	10-08-02	Confidential	N/A
TA-131-23 and TA-2104-3 <i>U.S.-Southern African Customs Union Free Trade Agreement: Advice Concerning the Probable Economic Effect</i>	United States Trade Representative	11-19-02	01-28-03	Confidential	N/A
TA-131-24 and TA-2104-4 <i>U.S.-Australia Free Trade Agreement: Advice Concerning the Probable Economic Effect</i>	United States Trade Representative	12-20-02	02-06-03	Confidential	N/A
TA-131-25 and TA-2104-7 <i>U.S.-Dominican Republic Free Trade Agreement: Advice Concerning the Probable Economic Effect of Duty-Free Imports</i>	United States Trade Representative	08-15-03	Pending	Pending	Pending
TA-131-26 and TA-2104-8 <i>U.S.-Bahrain Free Trade Agreement: Advice Concerning the Probable Economic Effect of Duty-Free Imports</i>	United States Trade Representative	08-19-03	09-25-03	Pending	Pending
TA-2104-5 <i>U.S.-Chile Free Trade Agreement: Potential Economywide and Selected Sectoral Effects</i>	United States Trade Representative	02-28-03	N/A	3605	06-03
TA-2104-6 <i>U.S.-Singapore Free Trade Agreement: Potential Economywide and Selected Sectoral Effects</i>	United States Trade Representative	02-28-03	04-24-03	3603	06-03
163-1 <i>The Year in Trade: Operation of the Trade Agreements Program</i>	Required by sec. 163(c) of the Trade Act of 1974	01-01-48	N/A	3630	08-03
TA-2111-1 <i>The Impact of Trade Agreements: Effect of the Tokyo Round, U.S.-Israel FTA, U.S.-Canada FTA, NAFTA, and the Uruguay Round on the U.S. Economy</i>	Required by the Trade Act of 2002	09-12-02	01-14-03	3621	08-03
332-227 <i>Biannual Reports of the Impact of the Caribbean Basin Economic Recovery Act on U.S. Industries and Consumers</i>	Required by sec. 215(a) of the Caribbean Basin Economic Recovery Act	03-21-86	N/A	3636	09-03
332-288 <i>Ethyl Alcohol for Fuel Use: Determination of the Base Quantity of Imports</i>	Required by the Steel Trade Liberalization Program Implementation Act	03-09-90	N/A	N/A	N/A
332-325 <i>The Economic Effects of Significant U.S. Import Restraints</i>	United States Trade Representative	06-05-92	Pending	Pending	Pending

Table III-Continued

General Factfinding Investigations Conducted in Fiscal Year 2003

Investigation No. and Title	Requester	Date Instituted	Public Hearing	Pub. No.	Date Published
332-345 <i>U.S. Trade Shifts in Selected Industries and Recent Trends in U.S. Services Trade</i>	Instituted by the U.S. International Trade Commission on its own motion	08-27-93	N/A	3611 3599	07-03 05-03
332-350 <i>Monitoring of U.S. Imports of Tomatoes</i>	Required by the North American Free Trade Agreement Implementation Act	12-30-93	N/A	N/A	Pending
332-351 <i>Monitoring of U.S. Imports of Peppers</i>	Required by the North American Free Trade Agreement Implementation Act	12-30-93	N/A	3559	11-02
332-352 <i>Andean Trade Preference Act: Effect on the U.S. Economy and on Andean Drug Crop Eradication and Crop Substitution</i>	Required by sec. 206 of the Andean Trade Preference Act	02-17-94	N/A	3637	09-03
332-354 <i>Program to Maintain U.S. Schedule of Services Commitments</i>	United States Trade Representative	05-13-94	N/A	N/A	N/A
332-360 <i>International Harmonization of Customs Rules of Origin</i>	United States Trade Representative	04-06-95	N/A	N/A	N/A
332-377 <i>Program to Maintain Investment Restrictions Database</i>	United States Trade Representative	01-22-97	N/A	N/A	N/A
332-415 <i>U.S. Trade and Investment with Sub-Saharan Africa</i>	United States Trade Representative	05-15-00	N/A	3552	12-02
332-435 <i>Tools, Dies, and Industrial Molds: Competitive Conditions in the United States and Selected Foreign Markets</i>	Committee on Ways and Means, U.S. House of Representatives	01-10-02	05-21-02	3556	10-02
332-436 <i>Apparel Inputs in "Short Supply" (2002): Effect of Providing Preferential Treatment to Apparel from Sub-Saharan African and Caribbean Basin Countries</i>	United States Trade Representative	01-17-02	N/A	3581	02-03
332-438 <i>U.S.-Taiwan FTA: Likely Economic Impact of a Free Trade Agreement (FTA) Between the United States and Taiwan</i>	Committee on Finance, U.S. Senate	02-04-02	05-13-02	3548	10-02
332-441 <i>Probable Economic Effect of the Reduction or Elimination of Foreign Tariffs</i>	United States Trade Representative	02-28-02	05-03-02	Confidential	N/A
332-444 <i>Oil and Gas Field Services: Impediments to Trade and Prospects for Liberalization</i>	United States Trade Representative	07-08-02	10-01-02	Confidential	N/A
332-445 <i>Conditions of Competition in the U.S. Market for Wood Structural Building Components</i>	Committee on Finance, U.S. Senate	08-19-02	12-05-02	3596	04-03

Table III-Continued

General Factfinding Investigations Conducted in Fiscal Year 2003

Investigation No. and Title	Requester	Date Instituted	Public Hearing	Pub. No.	Date Published
332-446 <i>Agriculture: Probable Economic Effects on the U.S. Economy of Eliminating or Reducing U.S. Tariffs on Certain Products from FTAA Countries and WTO Members</i>	United States Trade Representative	08-29-02	N/A	Confidential	N/A
332-447 <i>Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences</i>	United States Trade Representative	09-04-02	10-17-02	3567	12-02
332-448 <i>Textiles and Apparel: Assessment of the Competitiveness of Certain Foreign Suppliers to the U.S. Market</i>	United States Trade Representative	10-10-02	01-22-03	Confidential	N/A
332-449 <i>U.S. Market Conditions for Certain Wool Articles in 2002-03</i>	United States Trade Representative	01-24-03	N/A	3641	09-03
332-450 <i>Commercial Availability (2003): Effect of Providing Preferential Treatment to Apparel from Sub-Saharan African, Caribbean Basin Countries, and Andean Countries</i>	United States Trade Representative	01-28-03	N/A	N/A	Pending
332-451 <i>Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences</i>	United States Trade Representative	02-27-03	04-08-03	3601	05-03
332-452 <i>Steel-Consuming Industries: Competitive Conditions with Respect to Steel Safeguard Measures</i>	Committee on Ways and Means, U.S. House of Representatives	04-03-03	06-19-03 06-20-03	3632 ¹	09-03
332-453 <i>Conditions of Competition for Milk Protein Products in the U.S. Market</i>	Committee on Finance, U.S. Senate	06-05-03	Pending	Pending	Pending
332-454 <i>Remediation and Nature and Landscape Protection Services: An Examination of U.S. and Foreign Markets</i>	United States Trade Representative	07-22-03	Pending	Pending	Pending
332-455 <i>Solid and Hazardous Waste Services: An Examination of U.S. and Foreign Markets</i>	United States Trade Representative	07-29-03	Pending	Pending	Pending
332-456 <i>Express Delivery Services: Competitive Conditions Facing U.S.-based Firms in Foreign Markets</i>	Committee on Ways and Means, U.S. House of Representatives	08-01-03	Pending	Pending	Pending
332-457 <i>Economy-wide Simulation Modeling: Technical Analysis of the Free Trade Area of the Americas</i>	United States Trade Representative	08-11-03	N/A	Pending	Pending

¹ One publication was issued in connection with investigation numbers TA-204-9, Steel: Monitoring Developments in the Domestic Industry and 332-452, Steel-Consuming Industries: Competitive Conditions with Respect to Steel Safeguard Measures.

**Appendix B:
Reports Completed During Fiscal Year 2003
and in Progress on September 30, 2003**

Studies Completed During FY 2003

In addition to the reports discussed below, details on a number of other factfinding investigations completed during FY 2003 appear in the **Commission Activities and Accomplishments**, section of this report. See pages 20–25 for details on:

Steel: Monitoring Developments in the Domestic Industry (TA-204-9) and Steel-Consuming Industries: Competitive Conditions with Respect to Steel Safeguard Measures (332-452);

Oil and Gas Field Services: Impediments to Trade and Prospects for Liberalization (332-444);

The Impact of Trade Agreements: Effect of the Tokyo Round, U.S.-Israel FTA, U.S.-Canada FTA, NAFTA, and the Uruguay Round on the U.S. Economy (TA-2111-1);

U.S.-Taiwan FTA: Likely Economic Impact of a Free Trade Agreement Between the United States and Taiwan (332-438);

U.S.-Chile Free Trade Agreement: Potential Economywide and Selected Sectoral Effects (TA-2104-5) and U.S.-Singapore Free Trade Agreement: Potential Economywide and Selected Sectoral Effects (TA-2104-6);

Conditions of Competition in the U.S. Market for Wood Structural Building Components (332-429); and

Tools, Dies, and Industrial Molds: Competitive Conditions in the United States and Selected Foreign Markets (332-423).

Information on the ITC's recurring annual reports *Recent Trends in U.S. Services Trade, 2003 Annual Report* and *Shifts in U.S. Merchandise Trade, 2002* (332–345), as well as *The Year in Trade 2002*, may also be found in the **Commission Activities and Accomplishments** section.

U.S.-Southern African Customs Union FTA: Advice Concerning the Probable Economic Effect (TA-131-23 and TA-2104-3)

On November 7, 2002, the USTR requested that the ITC investigate the probable economic effect of a U.S.-South African Customs Union (SACU) free trade agreement. The USTR noted that the United States plans to pursue a free trade agreement with SACU countries, which are Botswana, Lesotho, Namibia, South Africa, and Swaziland. The ITC advised the President, with respect to each item in chapters 1 through 97 of the Harmonized Tariff Schedule of the United States, as to the probable economic effect of providing duty-free treatment for imports from SACU countries on industries in the United States producing like or directly competitive articles and on consumers. The ITC also advised the President as to the probable economic effect of eliminating tariffs on imports of certain agricultural products of SACU countries on U.S. industries producing like or directly competitive products and the economy as a whole. The ITC's confidential report was submitted in April 2003.

U.S.-Australia FTA: Advice Concerning the Probable Economic Effect (TA-131-24 and TA-2104-4)

On December 6, 2002, the USTR requested that the ITC investigate the probable economic effect of a U.S.-Australia free trade agreement. The USTR noted that the United States plans to pursue a free trade agreement with Australia. The ITC advised the President, with respect to each item in chapters 1 through 97 of the Harmonized Tariff Schedule of the United States, as to the probable economic effect of providing duty-free treatment for imports from Australia on industries in the United States producing like or directly competitive articles and on consumers. The ITC also advised the President as to the probable economic effect of eliminating tariffs on imports of certain agricultural products of Australia on U.S. industries producing like or directly competitive products and the economy as a whole. The ITC's confidential report was submitted in June 2003.

Textiles and Apparel: Assessment of the Competitiveness of Certain Foreign Suppliers to the U.S. Market (332-448)

On September 16, 2002, the USTR requested that the ITC investigate the textile and apparel industries of certain countries that are currently suppliers to the U.S. market. In requesting the investigation, the USTR referred to the Uruguay Round Agreement on Textiles and Clothing (ATC), which entered into force with the World Trade Organization (WTO) agreements in 1995 and created special interim rules to govern trade in textiles and apparel among WTO members for 10 years. The ATC called for the gradual and complete elimination by January 1, 2005, of import quotas on textiles and apparel that were established by the United States and other importing countries under the Multifiber Arrangement and predecessor arrangements. The USTR further stated that, in anticipation of the final completion of the quota phaseout required by the ATC, "it may be that significant changes will occur in the global pattern of production, trade, and consumption of these products. It would be most helpful for the Administration to be able to anticipate the nature of these changes as much as possible." The ITC investigated the textile and apparel industries of certain countries and assessed their competitiveness and other factors pertinent to their adjustment to ATC completion. The countries included Bangladesh, China, Egypt, Hong Kong, India, Indonesia, Korea, Malaysia, Macao, Pakistan, the Philippines, Sri Lanka, Taiwan, Thailand, Turkey, Mexico, Israel, Jordan, and certain designated beneficiary countries under the African Growth and Opportunity Act, the Andean Trade Promotion and Drug Eradication Act, and the United States-Caribbean Basin Trade Partnership Act. To the extent possible, the ITC analyzed factors such as textile and apparel consumption, production, employment, and prices in major textile and apparel exporting countries, as well as their textile and apparel trade, particularly with industrial country markets. The ITC's confidential report was submitted to the USTR in June 2003.

Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences (332-447)

On August 22, 2002, the USTR requested that the ITC investigate and report on possible modifications of the General System of Preferences for selected articles from Argentina, the Philippines, and Turkey. The ITC provided advice as to whether any industry in the United States is likely to be adversely affected by the addition to the GSP of certain cheeses, peanuts, dairy preparations, pineapple and grape juices, grape must, other rosin and resin acids, certain ferroalloys, and ball and tapered roller bearings. The ITC also provided advice as to the adverse impacts of granting a waiver of the competitive need limits with respect to the following: from Argentina, certain peanuts and grape juice; from the Philippines, certain pineapple juice; and from Turkey, certain gold or platinum jewelry. Competitive need limits

represent the maximum import level of a product that is eligible for duty-free treatment under the GSP; once the limit is reached, trade is considered competitive, benefits are no longer needed, and imports of the article become ineligible for GSP treatment unless a waiver is granted. As requested, with respect to the competitive need limits, the ITC used the dollar value limit of \$100,000,000. The ITC's confidential report was submitted in December 2002, and a public version containing only the unclassified sections was released later that month.

Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2002 Review (332-451)

On February 20, 2003, the USTR requested that the ITC provide advice as to whether any industry in the United States is likely to be adversely affected by the addition of certain items to the Generalized System of Preferences (GSP). The items included certain cheeses, figs, peanut oil, mixed vegetables and fruits, filberts, canned sardines, frozen lemon juice, adipic acid, toluidines and its salts, MSG, certain dichlorobenzotrifluorides, ferroniobium, titanium sponge, non-high definition color TVs, and flat-panel color video monitors. The Commission also provided advice as to whether any industry in the United States is likely to be adversely affected by the addition of certain knives, forks, and spoons of base metals for countries designated as least-developed beneficiaries. In addition, the Commission provided advice as to the probable economic effect on U.S. industries producing like or directly competitive articles and on consumers of the removal of Russia from eligibility for duty-free treatment under the GSP for other titanium articles. The report also provided advice as to the adverse impact of the granting of a waiver of the competitive need limits for Argentina for peanut oil and frozen lemon juice; for Brazil for MTBE, ferroniobium, and certain power train parts for motor vehicles; for India for copper kitchen ware and non-electrical lamps; for Kazakhstan for ferrosilicon chromium and titanium sponges; for Morocco for other processed vegetables and canned sardines; for Thailand for certain ceiling fans, certain color TV/VCRs, and ignition wiring harnesses; and for Turkey for dried apricots and gold necklaces. The ITC's confidential report was submitted in May 2003, and a report containing only the unclassified sections was released to the public in June 2003.

Agriculture: Probable Economic Effects on the U.S. Economy of Eliminating or Reducing U.S. Tariffs on Certain Products from FTAA Countries and WTO Members (332-446)

On August 16, 2002, the USTR requested that the ITC investigate and report on the probable economic effects on the economy as a whole of eliminating U.S. tariffs on certain specified agricultural products from 33 nations comprising the Free Trade Area of the Americas and of eliminating and reducing by 50 percent U.S. tariffs on certain specified agricultural products from World Trade Organization members. The ITC's confidential report was submitted to the USTR in November 2002.

U.S.-Morocco FTA: Advice Concerning the Probable Economic Effect (TA-131-21 and TA-2104-1)

On August 30, 2002, the USTR requested that the ITC investigate and report on the probable economic effect of a U.S.-Morocco free trade agreement. The ITC advised the President as to the probable economic effect of providing duty-free treatment for imports of products of Morocco on industries in the United States producing like or directly competitive articles and on consumers. In preparing its advice, the ITC considered each article in chapters 1 through 97 of the Harmonized Tariff Schedule of the United States for which U.S. tariffs will remain after the United States fully implements its Uruguay Round tariff commitments. In

addition, the ITC advised the President as to the probable economic effect of eliminating tariffs on imports of certain agricultural products of Morocco on U.S. industries producing like or directly competitive products and the economy as a whole. The ITC's confidential report was submitted to the USTR in November 2002.

U.S.-Central America FTA: Advice Concerning the Probable Economic Effect (TA-131-99 and TA-2104-2)

On August 30, 2002, the USTR requested that the ITC investigate and report on the probable economic effect of a U.S.-Central America free trade agreement. The ITC advised the President as to the probable economic effect on industries in the United States producing like or directly competitive articles and on consumers of providing duty-free treatment for imports of products of the five member countries of the Central American Economic Integration System (CAEIS), which are Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. In preparing its advice, the ITC considered each article in chapters 1 through 97 of the Harmonized Tariff Schedule of the United States for which U.S. tariffs will remain after the United States fully implements its Uruguay Round tariff commitments. In addition, the ITC advised the President as to the probable economic effect of eliminating tariffs on imports of certain agricultural products of CAEIS members on U.S. industries producing like or directly competitive products and the economy as a whole. The ITC's confidential report was submitted to the USTR in December 2002.

Recurring Industry Surveys

Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution, Ninth Report, 2002 (332-352)

Section 206 of the Andean Trade Preference Act (ATPA) requires the ITC to submit annual reports to the Congress and the President evaluating the economic impact of the ATPA on U.S. industries and consumers and discussing the ATPA's effectiveness in promoting drug-related crop eradication and crop substitution in the four Andean beneficiary countries — Bolivia, Colombia, Ecuador, and Peru. The ATPA was renewed and amended in August 2002 under the Andean Trade Promotion and Drug Eradication Act (ATPDEA), which authorized the extension of tariff preferences to additional products. Expanded imports under the ATPA began in October 2002.

The current ITC report found that the overall effect of imports under the ATPA continued to be negligible in 2002. U.S. imports under the ATPA declined 40 percent in 2002 compared with 2001, largely due to the fact that the ATPA expired in December 2001 and was not renewed until August 2002. Total U.S. imports from ATPA countries in 2002 amounted to \$9.6 billion, of which \$1 billion (10.4 percent) entered under the ATPA. Copper cathodes remained the leading item imported under the ATPA in 2002. Additionally, for the first time, five petroleum-related items were among the 20 leading U.S. imports under the ATPA during 2002; petroleum and petroleum derivatives became newly eligible for duty-free treatment when the ATPDEA was implemented on October 31, 2002. One U.S. industry — asparagus — was identified as potentially experiencing displacement by ATPA imports of more than an estimated 5 percent of the value of U.S. production. U.S. imports of all of the 20 leading ATPA-exclusive items produced net welfare gains for U.S. consumers in 2002. The ATPA continued to have a small, indirect, but positive effect on drug-crop eradication and crop substitution efforts in the ATPA countries in 2002. Coca eradication in the region reached a record high in 2002, driven primarily by the largest-ever eradication efforts in Colombia. As

a result, net cultivation in Colombia declined for the first time in a decade. The ATPA also remained an important source of employment creation for workers who might otherwise have grown illicit coca or entered the drug trade by supporting such industries as flowers in Colombia and asparagus in Peru.

The Impact of the Caribbean Basin Economic Recovery Act, Sixteenth Report 2001-2002 (332-227)

Section 215 of the Caribbean Basin Economic Recovery Act (CBERA) requires the ITC to assess biennially the actual and the probable future effects of the CBERA on the U.S. economy generally, on U.S. industries, and on U.S. consumers. The CBERA program, operative since January 1, 1984, affords preferential tariff treatment to most products of 24 designated Caribbean, Central American, and South American countries. The CBERA was amended in 2000 by the Caribbean Basin Trade Partnership Act (CBTPA) which broadened the scope of products eligible for the tariff preferences. The CBTPA also instructed the Commission to report on the impact of the overall preference program on the beneficiary countries themselves.

The ITC's current report, submitted in September 2002, found that the overall effect of imports under the CBERA on the U.S. economy and consumers continued to be negligible in 2001-2002, but that given recent changes in the preference program with Central American and Caribbean trading partners, future effects in the textiles and apparel sector could be significant. Total U.S. imports from CBERA beneficiary countries amounted to \$21.3 billion in 2002, of which \$10 billion (47 percent) entered under CBERA preferences. While the introduction of CBTPA resulted in a \$7.2 billion increase in the value of U.S. imports under the CBERA program from 2000 to 2002, total imports from CBERA countries (all goods, regardless of duty treatment) actually decreased 4.1 percent during the same period. Four countries — the Dominican Republic, Honduras, Trinidad and Tobago, and Costa Rica — accounted for 70 percent of all U.S. imports under the CBERA program. The composition of leading U.S. imports under the CBERA program changed significantly because CBTPA opened preferential treatment to apparel and petroleum products. While the total value of apparel imported from CBERA countries decreased 1.1 percent from 2000 to 2002, that portion of apparel imports entering under the CBERA program increased significantly. Apparel accounted for only 8.3 percent of total imports under the CBERA program in 2000, but it accounted for 61 percent of the total in 2002. While the total value of mineral fuels imported from CBERA countries decreased 7.5 percent from 2000 to 2002, imports of mineral fuels under the CBERA program increased from zero in 2000 to 10 percent of total imports under the program in 2002. Of the 20 leading import items entering under the CBERA program in 2002, 11 were apparel items. Imports of apparel under the CBERA program expanded significantly (up 34.8 percent) in the 2001-2002 period; however, the CBTPA enhanced preferences did not result in an overall increase in imports of apparel from the region. Rather, CBTPA prompted importers to switch from using the production sharing program to using the new preferences. A number of beneficiary countries consistently maintain that the outcome of the ongoing negotiations toward a Central American Free Trade Agreement with the United States will be a greater determinant of future trading relationships in the increasingly significant textile/apparel sector than any unilateral preference program of the United States.

Ethyl Alcohol for Fuel Use: Determination of the Base Quantity of Imports (332-288)

Section VII of the 1989 Steel Trade Liberalization Program Implementation Act requires the ITC to determine annually the U.S. domestic market for fuel ethyl alcohol during the 12-month period ending on the preceding September 30. Section VII of the Act concerns local feedstock requirements for fuel ethyl alcohol imported into the United States from Caribbean Basin Initiative (CBI) beneficiary countries. The ITC's domestic market estimate is used to establish the "base quantity" of imports that can be imported with a zero percent local feedstock requirement. Beyond the base quantity of imports, progressively higher local feedstock requirements are placed on imports of fuel ethyl alcohol and mixtures from the CBI beneficiary countries. The ITC uses official statistics of the U.S. Department of Energy to make its determinations. For the 12-month period ending September 30, 2002, the ITC determined that the base quantity for 2003 was 132.5 million gallons. The ITC announced this determination in December 2002.

Monitoring of U.S. Imports of Tomatoes (332-350)

Monitoring of U.S. Imports of Peppers (332-351)

Section 316 of the NAFTA Implementation Act requires the ITC to monitor U.S. imports of "fresh or chilled tomatoes" and "fresh or chilled peppers, other than chili peppers" until January 1, 2009. The reports include current conditions in the U.S. industry in such areas as production, imports, exports, and prices. Because there was an ongoing investigation involving tomato imports during FY 2003, the ITC did not publish a report on its monitoring of certain tomatoes in 2002. The current report on imports of certain peppers was published in November 2002.

U.S. Schedule of Services Commitments (332-354)

On April 18, 1994, the USTR requested that the ITC initiate an ongoing program to compile and maintain the United States Schedule of Services Commitments. The establishment of such a schedule was required by the General Agreement on Trade in Services (GATS), which was negotiated as part of the GATT Uruguay Round of multilateral trade negotiations. The GATS provides for the establishment of national schedules of commitments by countries setting forth their national commitments pertaining to specific service sectors. These schedules bind countries to maintain a minimum level of market access and bind them to a national treatment obligation. The GATS also provides for a broad most favored nation (MFN) obligation, unless nations provide a list of exceptions for MFN treatment. The schedules and MFN exceptions will provide the basis for efforts to further liberalize international trade in services. The USTR requested that the ITC compile an initial U.S. Schedule reflecting the final services commitments made in the Uruguay Round and work with the USTR to update the U.S. Schedule, as necessary, to reflect all future commitments resulting from the post-Uruguay Round negotiations on financial, telecommunications, and maritime services, and future bilateral and multilateral services negotiations undertaken by the USTR. The ITC compiled an initial U.S. Schedule and submitted it to the USTR in October 1994 and has made some subsequent changes. No additional changes were made in FY 2002.

Program to Maintain Investment Restrictions Database (332-377)

On January 8, 1997, the USTR requested that the ITC develop a confidential database that identifies and provides pertinent information regarding foreign investment restrictions. In the request letter, the USTR indicated that the database would assist the USTR in assessing

the value of commitments undertaken by other countries and reporting on the final outcome of negotiations currently underway to develop a multilateral agreement on investment within the Organization for Economic Cooperation and Development. The Commission continues to maintain the database.

U.S. Trade and Investment with Sub-Saharan Africa (332-415)

On April 12, 2000, the USTR requested that the ITC monitor and assess U.S. trade with sub-Saharan Africa. The investigation will yield five annual reports and is a follow-on to the ITC's five-year monitoring investigation from 1995 through 1999 concerning trade between the U.S. and sub-Saharan Africa and the effects of the Uruguay Round Agreements on U.S. trade and development policy. The third report, submitted in December 2002, provides information on U.S.-Africa trade and investment flows in major sectors during 2001; information on the African Growth and Opportunity Act; major developments in U.S. trade and economic policies that significantly affect bilateral trade and investment with the region; an update on progress in regional integration in sub-Saharan Africa; and a compilation of multilateral assistance, U.S. bilateral assistance, and trade-related initiatives related to sub-Saharan Africa. The report also contains an economic profile for each of the countries of sub-Saharan Africa. Quarterly data concerning U.S. trade with the countries of sub-Saharan Africa, as well as sectoral trade with those countries, is maintained on the ITC web site at http://reportweb.usitc.gov/africa/trade_data.html. The ITC is scheduled to complete the fourth report in December 2003.

Studies in Progress at the End of FY 2003

International Harmonization of Customs Rules of Origin (332-360)

On January 25, 1995, the USTR requested that the ITC investigate the international harmonization of customs rules of origin. The investigation will provide the basis for ITC participation in work related to the Uruguay Round Agreement on Rules of Origin, negotiated in the GATT Uruguay Round negotiations and adopted along with the Agreement Establishing the World Trade Organization. The ITC investigation will include soliciting public input to ensure that U.S. business interests are recognized in the development of U.S. proposals, participating in the development and representation of U.S. proposals before the World Customs Organization and the WTO, and conducting other research as required. Completion date to be determined.

The Economic Effects of Significant U.S. Import Restraints: Fourth Update (332-415)

On May 15, 1992, the USTR requested that the ITC assess the quantitative economic effects of significant U.S. import restraint programs operating in the U.S. economy. The request called for an initial investigation and subsequent updates. The first report was delivered to the USTR in November 1993, the first update was transmitted in December 1995, the second update was transmitted in May 1999, and the third update was transmitted in June 2002. In August 2003, the ITC launched an investigation that will lead to the fourth update of its report. In the fourth update, the Commission will examine the effects of import restraints on U.S. consumers, on the activities of U.S. firms, on the income and employment of U.S. workers, and on the net economic welfare of the United States. The assessment will not include import restraints resulting from final antidumping or countervailing duty investigations, section 337 and section 406 investigations, or section 301 actions. Scheduled completion: June 2004.

Apparel Inputs in "Short Supply": Effect of Providing Preferential Treatment to Apparel Imported from Sub-Saharan African and Caribbean Basin Countries (332-436) and Commercial Availability of Apparel Inputs (2003): Effect of Providing Preferential Treatment to Apparel from Sub-Saharan African, Caribbean Basin, and Andean Countries (332-450)

On March 5, 2001, the USTR requested that the ITC institute an "umbrella" investigation under which it would conduct individual product-specific reviews on the probable economic effect of granting duty-free and quota-free treatment to certain apparel imports under the apparel-related "short supply" provisions of the African Growth and Opportunity Act (AGOA) and the U.S.-Caribbean Basin Trade Partnership Act (CBTPA). In January 2003, the USTR requested a similar but expanded "umbrella" investigation under which it would conduct individual product-specific reviews on the probable economic effect of granting duty-free and quota-free treatment to certain apparel imports under the apparel-related "commercial availability" (formerly "short-supply") provisions of the AGOA, the CBTPA, and the Andean Trade Promotion and Drug Eradication Act (ATPDEA).

The AGOA and CBTPA, both part of the Trade and Development Act of 2000, and the ATPDEA, part of the Trade Act of 2002, extend duty-free and quota-free treatment to imports of apparel assembled in AGOA, CBTPA, and ATPDEA beneficiary countries from fabrics made in the United States from U.S. yarns. They also authorize the President, on request of an interested party, to grant preferential treatment to apparel made in AGOA, CBTPA, and ATPDEA beneficiary countries from fabrics or yarns which "cannot be supplied by the domestic industry in commercial quantities in a timely manner," regardless of the source of the fabrics or yarns. Before proclaiming such preferential treatment, the President is required to submit a report to the U.S. House of Representatives' Committee on Ways and Means and the U.S. Senate's Committee on Finance that sets forth the proposed action, the reasons for it, advice from the ITC on the probable economic effect of the action, and advice from the appropriate industry advisory committee. The ITC's advice was provided on an ongoing basis during 2002 under Inv. No. 332-436 and in 2003 under Inv. No. 332-450.

During FY 2003, the ITC had completed seven such reviews: apparel, such as trousers and skirts, made in CBTPA countries with certain fusible interlinings used in waistbands (Inv. No. 332-436-006); blouses made in CBTPA countries of certain shirting fabrics (Inv. No. 332-436-007); apparel made in AGOA and CBTPA countries with lastol elastic yarn (Inv. No. 332-450-001); apparel made in ATPDEA countries of certain corduroy fabrics (Inv. No. 332-450-002); certain apparel made in AGOA countries of certain cotton velvet fabrics (Inv. No. 332-450-004); men's and boy's shirts made in AGOA countries of certain fabrics (Inv. No. 332-450-005); and certain apparel made in CBTPA, AGOA, and ATPDEA countries of Micro Modal Fiber/Cotton Yarn (Inv. No. 332-450-006). Public versions of the confidential reports submitted under this investigation are posted on the ITC's Internet site at <http://www.usitc.gov/332s/shortsup/shortsupstat.htm>.

U.S. Market Conditions for Certain Wool Articles in 2002-04 (332-449)

On January 30, 2003, the USTR requested that the ITC continue to monitor U.S. market conditions for certain wool products that will benefit from temporary tariff reductions through December 31, 2005. The USTR noted that Section 5102 of the Trade Act of 2002 extends temporary reductions of tariffs and tariff-rate quotas (TRQs) for imports of certain worsted wool fabric that is used in men's or boys' suits, suit-type jackets, and trousers. The TRQs were initially set under Title V of the Trade and Development Act of 2000 for a three-year period that ended December 31, 2002, and the ITC monitored and reported on

U.S. market conditions for these wool products during that time. The USTR noted that the TRQs will now be in effect for an additional three years and, as before, may be modified by the President if certain market conditions develop. As before, the 2002 Act requires the President to monitor domestic demand for, supply of, and production of men's and boys' worsted wool suits, suit-type jackets, and trousers; worsted wool fabric and yarn used in the manufacture of such clothing; and wool fibers used in the manufacture of such fabrics and yarn. The USTR has again requested that the ITC launch an investigation to conduct the monitoring and provide additional data in two annual reports. The ITC will submit its first report, providing data for 2002 and year-to-date 2002-03, by October 27, 2003. The second report, providing data for 2003 and year-to-date 2003-04, will be submitted by October 25, 2004. Public versions of these reports will be made available as soon as possible after submission to the USTR.

Condition of Competition for Milk Protein Products in the U.S. Market (332-453)

On May 14, 2003, the Committee on Finance, U.S. Senate, requested that the ITC investigate and report on U.S. market conditions for milk protein products. The Committee requested that the study provide information on the competitiveness of a variety of milk proteins in the U.S. market, focusing on milk protein concentrate, casein, and caseinate, and the market for those products compared with other milk proteins, including whole milk, skim milk, dried whole milk, dried skim milk, whey, dried whey, and whey protein concentrates. The ITC will provide an overview of the global market for milk proteins in their various forms, including such factors as consumption, production, and trade during the 1998-2002 period; profiles of the milk protein industries of the United States and major dairy exporting countries, and in particular, the industries of Australia, New Zealand, and the European Union; information on the overall level of government support and other government intervention affecting producers of milk proteins in the United States and in each of the above-referenced trading partners, together with a discussion of competitive factors, including government policies, that impact U.S. production, use, and trade in milk protein products in their various forms; information on U.S. imports and exports of milk protein in its various forms with data broken down, to the extent possible, by protein content, end use, and manufacturing processes; a history of U.S. tariff classification of milk proteins and tariff treatment of these products, including any fees or quotas imposed under section 22 of the Agricultural Adjustment Act, tariff rate quotas established pursuant to the Uruguay Round Agreements, and U.S. Customs Service classification decisions; a qualitative and, to the extent possible, quantitative assessment of how imported milk proteins affect farm level milk prices in the United States; and, other information relating to competitive factors affecting the U.S. industry that imports and consumes milk proteins, the U.S. industry that supplies competitive products, and the competitive factors, including government policies, that impact potential U.S. production of milk proteins in their various forms. Scheduled completion: May 2004.

Remediation and Nature and Landscape Protection Services: An Examination of U.S. and Foreign Markets (332-454)

On July 1, 2003, the USTR requested that the ITC investigate and report on U.S. and foreign markets for remediation and nature and landscape protection services. The ITC will provide an overview of foreign and domestic markets for remediation and nature and landscape protection services; examine trade and investment in such markets, including barriers affecting such trade and investment, if any; and if possible, discuss existing regulatory practices. The ITC will include examples from both developed- and developing-country

markets. The range of services to be investigated was to be determined upon further consultation with USTR. Scheduled completion: October 1, 2004.

Solid and Hazardous Waste Services: An Examination of U.S. and Foreign Markets
(332-455)

On July 1, 2003, the USTR requested that the ITC investigate and report on U.S. and foreign markets for solid and hazardous waste services. The ITC will provide an overview of foreign and domestic markets for solid and hazardous waste services; examine trade and investment in such markets, including barriers affecting such trade and investment, if any; and if possible, discuss existing regulatory practices. The ITC will include examples from both developed- and developing-country markets. The ITC will define the solid and hazardous waste management services industry to include the collection of solid and hazardous waste from households and industry; the treatment and disposal of solid and hazardous waste by various means; the collection, separation, and sorting of recyclable materials; waste compacting; waste reduction services; and incidental services. Scheduled completion: April 2004.

Express Delivery Services: An Examination of Competitive Conditions in Foreign Markets
(332-456)

On July 1, 2003, the Committee on Ways and Means, U.S. House of Representatives, requested that the ITC investigate and report on competitive conditions faced by U.S.-based express delivery companies in foreign markets. The ITC will examine the composition of the global industry, major market participants, and factors driving change, including regulatory reform, in major markets; examine the extent to which competition among express delivery service suppliers in foreign markets may be affected by government-sanctioned monopolies competing in those markets; and identify, to the extent possible, additional trade impediments encountered by U.S.-based express delivery service suppliers in foreign markets. For the purpose of this report, express delivery services will be defined as the expedited collection, transport and delivery of documents, printed matter, parcels and/or other goods, while tracking the location of, and maintaining control over, such items throughout the supply of the service; and services provided in connection therewith, such as customs facilitation and logistics services. Scheduled completion: April 2004.

Economywide Simulation Modeling: Technical Analysis of the Free Trade Area of the Americas (332-457)

On July 21, 2003, the USTR requested that the ITC investigate and report on the economic impacts that may result from the Free Trade Area of the Americas (FTAA) that is currently being negotiated. The USTR noted that the Administration was conducting an environmental review of the proposed FTAA and stated that as a possible contribution to the review, staff at USTR and other agencies had been discussing cooperation among the ITC, the Environmental Protection Agency (EPA), and the U.S. Department of Agriculture's Economic Research Service (ERS) to attempt to link large-scale models, on an experimental basis, in order to estimate and examine aspects of the environmental effects of the trade agreement. To assist this effort, the ITC will employ its U.S. computable general equilibrium (CGE) and Global Trade Analysis Project (GTAP) models to quantify the expected changes in production, trade, and prices that may be associated with the FTAA. The EPA will use the ITC's output as input into its model which describes water and air pollution emissions and water use. The ERS will use the ITC's output as input into its models which describe changes in water use and land use. The ITC's report will be confidential. Scheduled completion: January 2004.

U.S.-Dominican Republic FTA: Advice Concerning the Probable Economic Effect
(TA-131-25 and TA-2104-7)

On August 6, 2003, the USTR requested that the ITC investigate and report on the probable economic effect of a U.S.-Dominican Republic free trade agreement. The ITC will advise the President as to the probable economic effect of providing duty-free treatment for imports of products of the Dominican Republic on industries in the United States producing like or directly competitive articles and on consumers. In preparing its advice, the ITC will consider each article in chapters 1 through 97 of the Harmonized Tariff Schedule of the United States for which U.S. tariffs will remain after the United States fully implements its Uruguay Round tariff commitments. In addition, the ITC will advise the President as to the probable economic effect of eliminating tariffs on imports of certain agricultural products of the Dominican Republic on U.S. industries producing like or directly competitive products and the economy as a whole. The ITC's report will be confidential. Scheduled completion: December 2003.

U.S.-Bahrain FTA: Advice Concerning the Probable Economic Effect of Duty-Free Imports
(TA-131-26 and TA-2104-8)

On August 13, 2003, the USTR requested that the ITC investigate and report on the probable economic effect of a U.S.-Bahrain free trade agreement. The ITC will advise the President as to the probable economic effect of providing duty-free treatment for imports of products of Bahrain on industries in the United States producing like or directly competitive articles and on consumers. In preparing its advice, the ITC will consider each article in chapters 1 through 97 of the Harmonized Tariff Schedule of the United States for which U.S. tariffs will remain after the United States fully implements its Uruguay Round tariff commitments. In addition, the ITC will advise the President as to the probable economic effect of eliminating tariffs on imports of certain agricultural products of Bahrain on U.S. industries producing like or directly competitive products and the economy as a whole. The ITC's report will be confidential. Scheduled completion: December 2003.

Other Publications Issued During FY 2003

Industry and Trade Summary Reports

The ITC periodically issues a series of detailed reports on thousands of products imported into and exported from the United States. These reports include information on product uses, U.S. and foreign producers, and customs treatment of the products being studied; they also analyze the basic factors bearing on the competitiveness of the U.S. industry in domestic and foreign markets. The ITC published six such summaries in FY 2003: *Motor Vehicles* (USITC publication 3545); *Oilseeds* (USITC publication 3576); *Live Sheep and Meat of Sheep* (USITC publication 3579); *Cut Flowers* (USITC publication 3580); *Organic Commodity Chemicals* (USITC publication 3590); and *Pasta* (USITC publication 3592).

Appendix C: Statutes Involving the U.S. International Trade Commission

Antidumping and Countervailing Duty Laws Under the Tariff Act of 1930

Under the Tariff Act of 1930, U.S. industries may petition the government for relief from imports that are sold in the United States at less than fair value (“dumped”) or which benefit from subsidies provided through foreign government programs (“subsidized”). Under the law, the U.S. Department of Commerce determines whether the dumping or subsidizing exists and, if so, the margin of dumping or amount of the subsidy; the ITC determines whether the dumped or subsidized imports materially injure or threaten to materially injure the U.S. industry.

Antidumping and countervailing duty investigations are conducted under title VII of the Tariff Act of 1930. The ITC conducts the injury investigations in preliminary and final phases.

Preliminary Phase Antidumping Investigations (Imports Sold at Less Than Fair Value) and Preliminary Phase Countervailing Duty Investigations (Subsidized Imports)

When: After the simultaneous filing of a petition with the ITC and the U.S. Department of Commerce, the ITC conducts a preliminary phase injury investigation.

Duration: The preliminary phase of the investigation usually must be completed within 45 days of the receipt of the petition. If Commerce has extended its deadline for initiating the investigation, the ITC must make its preliminary injury determination within 25 days after Commerce informs the ITC of the initiation of the investigation.

Finding: The ITC determines, on the basis of the best information available to it at the time of the determination, (1) whether there is a “reasonable indication” that an industry is materially injured or is threatened with material injury, or (2) whether the establishment of an industry is materially retarded, by reason of imports under investigation by the Department of Commerce that are allegedly sold at less than fair value in the United States or subsidized.

If the ITC determination is affirmative, Commerce continues its investigation. If the ITC determination is negative, the investigation is terminated. However, if the ITC, in making a preliminary or final determination, finds that imports from a country are negligible, then the investigation regarding those imports must be terminated. Imports from a country under investigation are deemed negligible if they amount to less than 3 percent of the volume of all such merchandise imported into the United States in the most recent 12-month period preceding the filing of the petition for which data are available.

There are exceptions to this rule. One exception is that when imports from more than one country are subject to investigation as a result of petitions filed on the same day, imports from one or more of those countries under investigation will not be deemed negligible if the sum of imports from countries subject to investigation whose imports are less than 3 percent on an individual basis collectively amounts to more than 7 percent of the volume of all such merchandise imported into the United States.

Final Phase Antidumping Investigations (Imports Sold at Less Than Fair Value) and Final Phase Countervailing Duty Investigations (Subsidized Imports)

When: After a preliminary affirmative determination by the Secretary of Commerce (or after a final affirmative determination if the preliminary determination was negative) that

imported products are being, or are likely to be, sold at less than fair value or are subsidized, the ITC conducts the final phase of the injury investigation.

Duration: The ITC final phase injury investigation usually must be completed within 120 days after an affirmative preliminary determination by the Secretary of Commerce or within 45 days after an affirmative final determination by the Secretary of Commerce, whichever is later. However, in cases in which the Commerce preliminary determination is negative but the Commerce final determination is affirmative, then the ITC final injury determination must be made within 75 days.

Finding: The ITC determines (1) whether an industry in the United States is materially injured or threatened with material injury, or (2) whether the establishment of an industry in the United States is materially retarded, by reason of imports that the Department of Commerce has determined to be sold in the United States at less than fair value or subsidized.

If the ITC determination is affirmative, the Secretary of Commerce issues an antidumping duty order (in a dumping investigation) or a countervailing duty order (in a subsidy investigation), which is enforced by the U.S. Customs Service. ITC determinations may be appealed to the U.S. Court of International Trade in New York City, or, in cases involving Canada and/or Mexico, to a binational panel under the auspices of the North American Free Trade Agreement. (For further information on antidumping investigations, see section 731 et seq. of the Tariff Act of 1930, 19 U.S.C. 1673 et seq. For further information on countervailing duty investigations, see section 701 et seq. of the Tariff Act of 1930, 19 U.S.C. 1671 et seq.)

Section 753, Tariff Act of 1930 (Review Investigations)

In the case of a countervailing duty order with respect to which an affirmative determination of material injury by the Commission was not required at the time the order was issued, interested parties may request that the Commission initiate an investigation to determine whether an industry in the United States is likely to be materially injured by reason of imports of the subject merchandise if the order is revoked. Such requests must be filed with the Commission within six months of the date on which the country from which the subject merchandise originates becomes a signatory to the Agreement on Subsidies and Countervailing Measures. (For further information, see section 753, Tariff Act of 1930, 19 U.S.C. 1675b.)

Sunset reviews

The Uruguay Round Agreements Act, approved in late 1994, amended the antidumping and countervailing duty laws in several respects. The most significant change is a new provision that requires the Department of Commerce to revoke an antidumping or countervailing duty order, or terminate a suspension agreement, after five years unless the Department of Commerce and the ITC determine that revoking the order or terminating the suspension agreement would be likely to lead to continuation or recurrence of dumping or subsidies (Commerce) and of material injury (ITC) within a reasonably foreseeable time.

When: Five-year reviews of all antidumping and countervailing duty orders that were issued prior to 1995 were initiated by the Department of Commerce beginning in July 1998. A complete schedule for these “transition” reviews was published in the Federal Register on May 29, 1998, and can be found on the ITC’s Internet site at www.usitc.gov.

Five-year reviews of all antidumping and countervailing duty orders that have been issued since January 1, 1995, including those resulting from affirmative determinations in

transition reviews, will be initiated by the Department of Commerce by no later than 30 days prior to their five-year anniversary.

Following the Department of Commerce's initiation of each five-year review, the ITC will set its schedule for the review and publish this information in a Federal Register notice. The notice in each review will be posted in the Five-Year (Sunset) Reviews section of the ITC web site.

Duration: The ITC's notice of institution in five-year reviews requests that interested parties file with the ITC responses that discuss the likely effects of revoking the order under review and provide other pertinent information.

Generally within 95 days from institution, the ITC determines whether the responses it has received reflect an adequate or inadequate level of interest in the review. If the ITC determines that responses to its notice of institution are adequate, or if other circumstances warrant a full review, the ITC conducts a full review, which includes a public hearing and issuance of questionnaires. If the ITC determines that responses to its notice of institution are inadequate, the ITC conducts an expedited review. The ITC does not hold a hearing or conduct further investigative activities in expedited reviews. Commissioners base their injury determinations in expedited reviews on the facts available, including the ITC's prior injury determination, responses received to its notice of institution, publicly available data collected by staff in connection with the review, and information provided by the Department of Commerce.

The ITC usually will complete full five-year reviews within 360 days of initiation and expedited reviews within 150 days. Both Commerce and the ITC have the authority to extend these deadlines by up to 90 days in all transition reviews and other extraordinarily complicated cases.

Finding: In five-year reviews, the ITC determines whether revocation of the antidumping or countervailing duty order would be likely to lead to continuation or recurrence of material injury to the U.S. industry within a reasonably foreseeable time. If the ITC's determination is affirmative, the order will remain in place. If the ITC's determination is negative, the order will be revoked. (For further information on five-year (sunset) reviews, see section 751(c) of the Tariff Act of 1930, 19 U.S.C. 1675(c).)

Safeguard Investigations

Section 201, Trade Act of 1974 (Global Safeguard Investigations), Import Relief for Domestic Industries

Under section 201, domestic industries seriously injured or threatened with serious injury by increased imports may petition the ITC for import relief. The ITC determines whether an article is being imported in such increased quantities that it is a substantial cause of serious injury, or threat thereof, to the U.S. industry producing an article like or directly competitive with the imported article. If the Commission makes an affirmative determination, it recommends to the President relief that would prevent or remedy the injury and facilitate industry adjustment to import competition. The President makes the final decision whether to provide relief and the amount of relief.

Section 201 does not require a finding of an unfair trade practice, as do the antidumping and countervailing duty laws and section 337 of the Tariff Act of 1930. However, the injury

requirement under section 201 is considered to be more difficult than those of the unfair trade statutes. Section 201 requires that the injury or threatened injury be “serious” and that the increased imports must be a “substantial cause” (important and not less than any other cause) of the serious injury or threat of serious injury.

Criteria for import relief under section 201 track the criteria in the WTO Agreement on Safeguards. The global safeguard law permits a country to escape temporarily from its obligations under the Agreement with respect to a particular product when increased imports of that product are causing or are threatening to cause serious injury to domestic producers. Section 201 provides the legal framework under U.S. law for the President to invoke U.S. rights under the WTO Agreement on Safeguards.

When: The ITC conducts an investigation under section 201 upon receipt of a petition from a trade association, firm, certified or recognized union, or group of workers which is representative of a domestic industry; upon receipt of a request from the President or the USTR; upon receipt of a resolution of the House Committee on Ways and Means or Senate Committee on Finance; or upon its own motion.

Duration: The ITC generally must make its injury finding within 120 days (150 days in more complicated cases) of receipt of the petition, request, resolution, or institution on its own motion and must transmit its report to the President, together with any relief recommendations, within 180 days after receipt of the petition, request, resolution, or institution on its own motion.

Finding: If the ITC finding is affirmative, it must recommend a remedy to the President, who determines what relief, if any, will be imposed. Such relief may be in the form of a tariff increase, quantitative restrictions, or orderly marketing agreements.

Followup: If the President provides import relief, the ITC must monitor developments within the domestic industry and, if the duration of relief is more than three years, must provide a report to the President and the Congress on the results of its monitoring. Upon request, the ITC advises the President of the probable economic effect on the industry of the reduction, modification, or termination of the relief in effect. As the termination date of a relief action nears, the ITC, at the request of the President or the industry, may determine whether the relief provided continues to be necessary; the ITC submits a report to the President, who determines whether to extend the relief action. Upon termination of import relief, the ITC is required to report to the President and the Congress on the effectiveness of the relief action in facilitating the positive adjustment of the domestic industry to import competition. (For further information, see section 201 of the Trade Act of 1974, 19 U.S.C. 2251.)

Section 311, NAFTA Implementation Act

Under section 311 of the NAFTA Implementation Act, if the ITC makes an affirmative determination under the global safeguard law, it must also find and report to the President whether (1) imports from a NAFTA country account for a substantial share of total imports and (2) imports from a NAFTA country contribute importantly to the serious injury, or threat thereof, caused by imports. (For further information, see section 311, NAFTA Implementation Act, (19 U.S.C. 3371).) If the President makes a negative determination, he must exclude NAFTA country imports from any global safeguard relief action. (For further information, see section 312(a), NAFTA Implementation Act (19 U.S.C. 3372(a)).)

Section 312(c), NAFTA Implementation Act

If under section 312(a) of the NAFTA Implementation Act the President excludes imports from a NAFTA country or countries from a global safeguard relief action, the domestic industry may request that the ITC conduct an investigation to determine whether a subsequent surge in such imports undermines the effectiveness of the relief action. The ITC submits its findings to the President no later than 30 days after the request is received. The President then determines whether to terminate the NAFTA country's or countries' exclusion from the global safeguard relief action. (For further information, see section 312(c), NAFTA Implementation Act (19 U.S.C. 3372(c).))

Section 421, Trade Act of 1974 (China Safeguard Investigations)

Under section 421 of the Trade Act of 1974, the Commission determines whether imports of a product from China are being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products. If the Commission makes an affirmative determination, it proposes a remedy. The Commission sends its report to the President and the U.S. Trade Representative. The President makes the final remedy decision. (For further information, see section 421, Trade Act of 1974, 19 U.S.C. 2451.)

Section 422, Trade Act of 1974 (China Trade Diversion Investigations)

Under section 422 of the Trade Act of 1974, the Commission determines whether (a) an action by China to prevent or remedy market disruption in a WTO member country or (b) an action, including a provisional action, by a WTO member to prevent or remedy market disruption from imports from China has caused, or threatens to cause, a significant diversion of trade into the domestic market of the United States. If the Commission makes an affirmative determination, it recommends a remedy. The Commission sends its report to the President and the U.S. Trade Representative. The President makes the final remedy decision. (For further information, see section 422, Trade Act of 1974, 19 U.S.C. 2451a.)

Section 302, NAFTA Implementation Act (Bilateral Safeguard Investigations)

Under section 302 of the NAFTA Implementation Act, the Commission determines whether, as a result of the reduction or elimination in a duty under the NAFTA, increased imports from Canada or Mexico are a substantial cause of serious injury or threat of serious injury to a U.S. industry. If the Commission makes an affirmative determination, it makes a remedy recommendation to the President, who makes the final remedy decision. Section 302 investigations are similar procedurally to investigations under section 201 of the Trade Act of 1974. (For further information, see section 301, NAFTA Implementation Act, 19 U.S.C. 3352.)

Intellectual Property-Based Import Investigations

Section 337, Tariff Act of 1930, Investigations of Intellectual Property Infringement and Other Unfair Practices in Import Trade

Under section 337, the ITC determines whether there is unfair competition in the importation of products into, or their subsequent sale in, the United States. Section 337 declares the infringement of a U.S. patent, copyright, registered trademark, or mask work to be an unlawful practice in import trade. Section 337 also declares unlawful other unfair methods of

competition and unfair acts in the importation and subsequent sale of products in the United States, the threat or effect of which is to destroy or substantially injure a domestic industry, prevent the establishment of such an industry, or restrain or monopolize trade and commerce in the United States.

Section 337 investigations require formal evidentiary hearings in accordance with the Administrative Procedure Act (5 U.S.C. 551 et seq.). The hearings are held before an administrative law judge (ALJ). Parties to these investigations include complainants, respondents, and the ITC attorney representing the public interest. Following the evidentiary hearing, the ALJ issues an initial determination on all issues related to violations of section 337. The Commission may review and adopt, modify, or reverse the ALJ's decision. If the Commission does not review the initial determination, it becomes the ITC's decision. If a violation is found, the ITC may issue orders barring the importation of certain products into the United States. In addition to requesting long-term relief, complainants also may move for temporary relief pending final resolution of the investigation based on a showing of, among other things, irreparable harm in the absence of such temporary relief.

When: After receipt of a complaint alleging, under oath, a violation of section 337, the ITC determines whether the complaint satisfies the requirements of the Commission's rules and an investigation should be instituted. Following institution, the ITC conducts an investigation to determine whether the statute has been violated.

Duration: The ITC is required to conclude its investigation at the earliest practicable time, and must, within 45 days after an investigation is instituted, establish a target date for issuing its final determination.

Finding: If the accused imports are determined to infringe a valid and enforceable U.S. patent, copyright, registered trademark, or mask work, the ITC may issue orders excluding the products from entry into the United States and/or directing the violating parties to cease and desist from certain actions. Where such infringement is shown, injury need not be shown to establish a violation of section 337. In cases involving other unfair methods of competition or unfair acts, if the ITC finds that the importation of the accused articles substantially injures or threatens to substantially injure an industry, prevents the establishment of such an industry, or restrains or monopolizes trade and commerce in the United States, it may also issue exclusion and/or cease and desist orders. ITC orders are effective when issued and become final 60 days after issuance unless disapproved for policy reasons by the President of the United States within that 60-day period. Appeals of ITC determinations may be taken to the U.S. Court of Appeals for the Federal Circuit. Violators of ITC section 337 orders are liable for civil penalties of up to \$100,000 a day or twice the value of the imported articles. (For further information, see section 337 of the Tariff Act of 1930, 19 U.S.C. 1337.)

General Factfinding Investigations

Section 332, Tariff Act of 1930, General Factfinding Investigations

Under section 332, the ITC investigates a wide variety of trade matters.

When: Upon request from the President, the Senate Committee on Finance, the House Committee on Ways and Means, or the USTR, or upon its own motion, the ITC initiates a factfinding investigation on any matter involving tariffs or international trade, including conditions of competition between U.S. and foreign industries.

Duration: Unless otherwise directed, the ITC establishes an administrative deadline. Deadlines for investigations requested by the President, the USTR, or Congress are usually set by mutual agreement.

Finding: ITC general factfinding investigations cover matters related to tariffs or trade and are generally conducted at the request of the U.S. Trade Representative, the Senate Committee on Finance, or the House Committee on Ways and Means. The resulting reports convey the Commission's objective findings and independent analyses on the subjects investigated. The Commission makes no recommendations on policy or other matters in its general factfinding reports. Upon completion of each investigation, the ITC submits its findings and analyses to the requester. General factfinding investigation reports are subsequently released to the public, unless they are classified by the requester for national security reasons. (For further information, see section 332 of the Tariff Act of 1930, 19 U.S.C. 1332.)

Other ITC Activities Required by Statute

Section 22, Agricultural Adjustment Act, Import Interference With Agricultural Programs

Under section 22, the ITC conducts investigations at the direction of the President to determine whether products are being (or are practically certain to be) imported into the United States under such conditions and in such quantities that they render or tend to render ineffective or materially interfere with any program of the Department of Agriculture.

The ITC makes findings and recommendations to the President. The President may impose a fee or quota on the imports in question. However, no fee or quota may be imposed on any article produced by a member of the World Trade Organization. (For further information, see section 22 of the Agricultural Adjustment Act, 7 U.S.C. 624.)

Section 406, Trade Act of 1974, Trade With Communist Countries

Under section 406 of the Trade Act of 1974, the Commission determines whether imports from a Communist country are causing market disruption in the United States. Section 406 investigations are similar procedurally to Commission investigations under section 201 of the Trade Act of 1974. If the Commission finds market disruption, it then makes a remedy recommendation to the President. The President makes the final decision with respect to remedy. (For further information, see section 406, Trade Act of 1974, 19 U.S.C. 2436.)

Section 603, Trade Act of 1974 (Preliminary Investigations), Expedition of Preliminary Investigations

Section 603 of the Trade Act of 1974 authorizes the ITC to conduct preliminary investigations in order to expedite the performance of its functions under the Act. In recent years, the ITC has used this provision on several occasions in conjunction with section 337 of the Tariff Act of 1930 (which was amended by the Trade Act of 1974) to investigate allegations that may, with the gathering of additional information, provide a basis for an investigation under section 337. (For further information, see section 603, Trade Act of 1974, 19 U.S.C. 2482.)

Uniform Statistical Data

The ITC, 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. (For further information, see section 484(f), Tariff Act of 1930, 19 U.S.C. 1484(f).)

Harmonized Tariff Schedule of the United States

The ITC issues a publication containing the HTS and related material and considers questions concerning the arrangement of the HTS and the classification of articles. (For further information, see section 1207 of the Omnibus Trade and Competitiveness Act of 1988, 19 U.S.C. 3007; and sections 332(a) and 484(f), Tariff Act of 1930, 19 U.S.C. 1332(a), 1484(f).)

Harmonized System Convention

The ITC has responsibility, along with the Department of the Treasury and the Department of Commerce, to represent the U.S. government concerning the activities of the Customs Cooperation Council (now informally known as the World Customs Organization Council, or WCO) relating to the Harmonized System Convention and to formulate U.S. government positions on technical and procedural issues relating to the Convention. (For further information, see section 1210, Omnibus Trade and Competitiveness Act of 1988, 19 U.S.C. 3010.)

In addition, the ITC is responsible for reviewing the HTS and for recommending to the President such modifications as it considers necessary or appropriate to conform the HTS with amendments to the Harmonized System Convention, to ensure that the HTS is kept up to date, and to alleviate unnecessary administrative burdens. (For further information, see section 1205, Omnibus Trade and Competitiveness Act of 1988, 19 U.S.C. 3005.)

Advice Concerning Trade Negotiations

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

The ITC advises the USTR as to the probable economic effects on the U.S. industry producing the product concerned and on the U.S. economy as a whole of a tariff reduction on import-sensitive agricultural products. (For further information, see section 2104(b)(2)(A)(iii), Trade Act of 2002, 19 U.S.C. 3804(b)(2)(A)(iii).)

The ITC provides the President and the Congress with a report that assesses the likely impact on the U.S. economy as a whole and on specific industry sectors and the interests of U.S. consumers of proposed free trade agreements with foreign countries. (For further information, see section 2104(f), Trade Act of 2002, 19 U.S.C. 3804(f).)

Generalized System of Preferences

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

Annual Report on the U.S. Trade Agreements Program

The ITC annually prepares for Congress and the interested public a factual report on the operation of the trade agreements program. The report contains information on U.S. participation in multilateral and bilateral trade negotiations and agreements, as well as related material on foreign economic and trade developments and the administration of U.S. trade laws. (For further information, see section 163(c), Trade Act of 1974, 19 U.S.C. 2213(c).)

Caribbean Basin Economic Recovery Act

The ITC submits biennial reports to Congress and the President on the economic impact on U.S. industries and consumers of the Caribbean Basin Economic Recovery Act and on the impact of the overall preference program on the beneficiary countries themselves. (For further information, see 19 U.S.C. 2704.)

Andean Trade Preference Act

The ITC submits annual reports to Congress and the President on the impact on U.S. industries and consumers of the Andean Trade Preference Act and Andean drug crop eradication and crop substitution. (For further information, see 19 U.S.C. 3204.)

Timetables For ITC Statutory Investigations

Figure 1
Statutory Timetables for Antidumping and Countervailing Duty Investigations

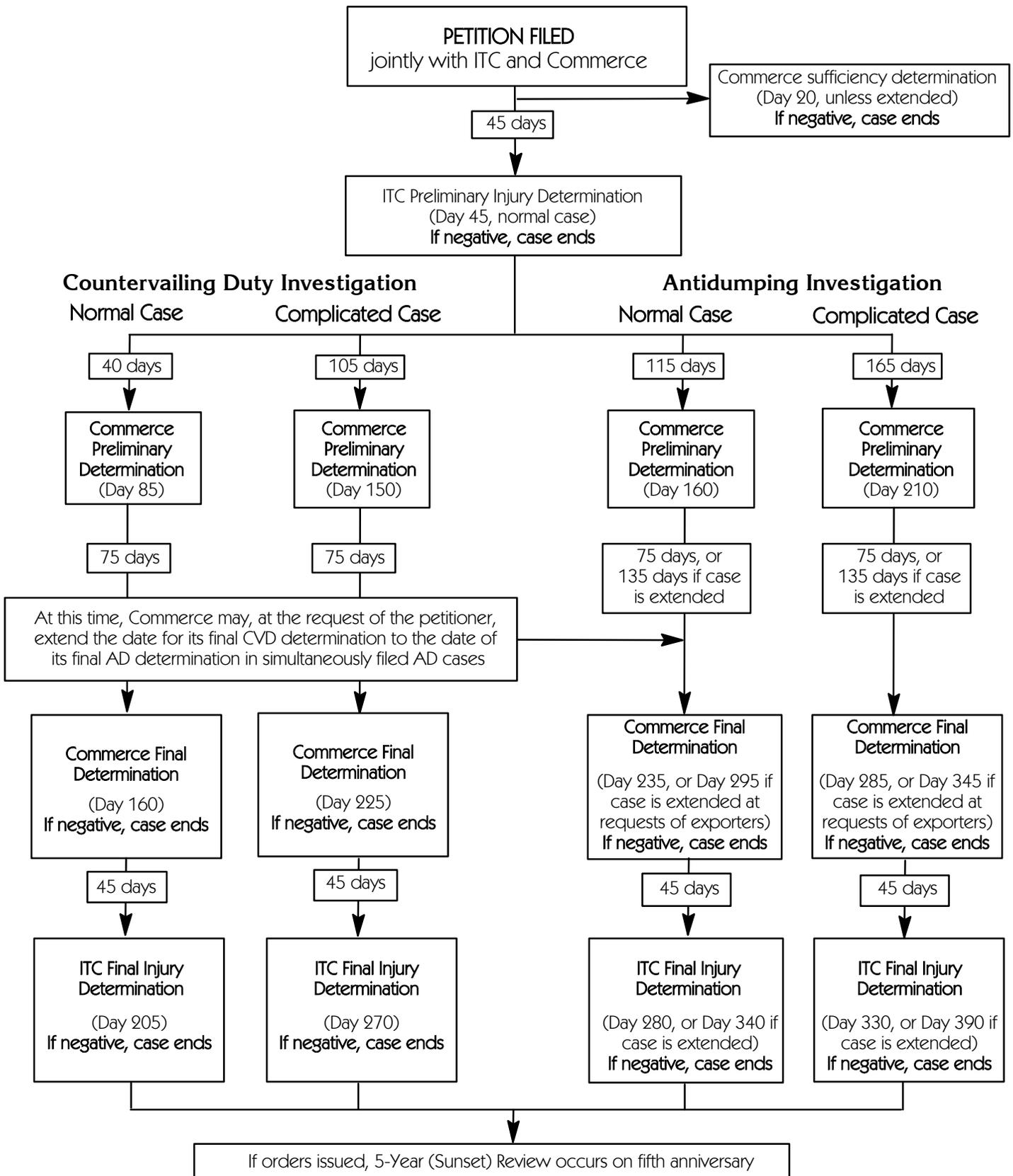


Figure 2
Statutory Timetable for Intellectual Property Infringement and Other Unfair Practices in Import Trade Investigations

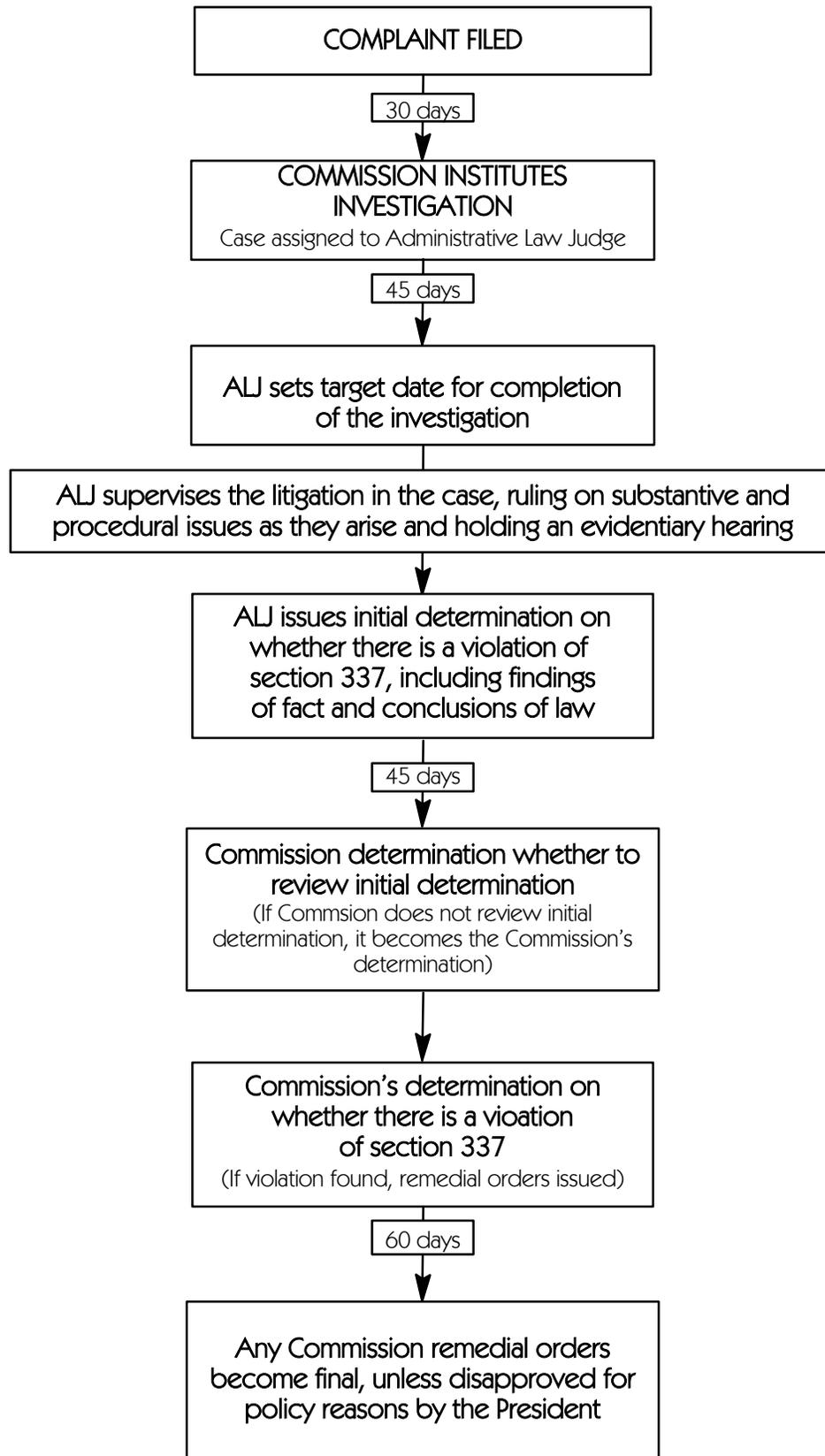
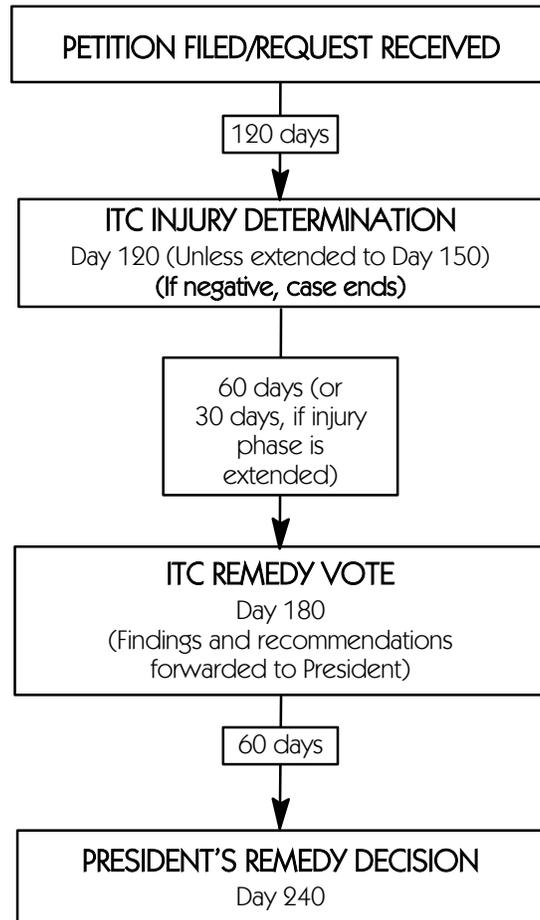


Figure 3
Statutory Timetable for Global Safeguard Investigations



Appendix D: Trade Litigation in Fiscal Year 2003

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Table IV
Trade Litigation Conducted in Fiscal Year 2003

Case	Venue	Underlying Investigation	Status
Alloc, Inc. 02-1221	Federal Circuit	337-TA-443: Flooring Products	Pending (Petition for rehearing)
Alloc, Inc. 02-1291	Federal Circuit	337-TA-443: Flooring Products	Pending (Petition for rehearing)
AltX, Inc. 03-1320	Federal Circuit	731-TA-859: Circular Seamless Stainless Steel Hollow Products from Japan	Pending
Argus Industries, Inc. 03-1489	Federal Circuit	337-TA-406: Certain Lens-fitted Film Packages	Pending
Bhullar 03-1362	Federal Circuit	701-TA-414, 731-TA-928: Softwood Lumber from Canada	Pending
Candle Corp. 03-1348	Federal Circuit	731-TA-282: Petroleum Wax Candles from China	Pending
Committee for Fair Beam Imports 03-1612	Federal Circuit	731-TA-935-936 and 938-42: Certain Structural Steel Beams from China, Germany, Luxembourg, Russia, South Africa, Spain, and Taiwan	Pending
Committee for Fairly Traded Venezuelan Cement 04-1016	Federal Circuit	303-TA-021, 731-TA-451, 461, and 519: Gray Portland Cement, Cement Clinker from Japan, Mexico, and Venezuela	Pending
Corus Group 03-1040	Federal Circuit	201-TA-073: Tin Mill Products	Pending
Corus Staal 03-1403	Federal Circuit	701-TA-405-408 and 731-TA-899-904 and 731-TA-906-908: Hot-rolled Steel Products from China, India, Indonesia, Kazakhstan, the Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine	Pending
Co-Steel Raritan, Inc. 03-1006	Federal Circuit	731-TA-955, 960 and 963: Carbon and Certain Alloy Steel Wire Rod From South Africa and Venezuela	Pending
Fuji Photo Film 03-1016	Federal Circuit	337-TA-406: Certain Lens-fitted Film Packages	Pending
Fuji Photo Film 03-1488	Federal Circuit	337-TA-406: Certain Lens-fitted Film Packages	Pending
Gemstar-TV Guide Int'l 03-1052	Federal Circuit	337-TA-454: Certain Set Top Boxes	Pending
Kinik 02-1550	Federal Circuit	337-TA-449: Abrasive Products Made Using a Process For Making Preforms	Pending
3M Innovative Properties 03-1219	Federal Circuit	337-TA-456: Certain Gel-filled Wrist Rests	Pending

Table IV-Continued
Trade Litigation Conducted in Fiscal Year 2003

Case	Venue	Underlying Investigation	Status
Nikon Corp. 03-1378	Federal Circuit	337-TA-468: Certain Microlithographic Machines and Components Thereof	Pending
Nippon Steel 03-1018	Federal Circuit	731-TA-860: Tin- and Chromium-coated Steel Sheet from Japan	Pending
Nippon Steel 03-1019	Federal Circuit	731-TA-860: Tin- and Chromium-coated Steel Sheet from Japan	Pending
Photoworks Inc. 03-1496	Federal Circuit	337-TA-406: Certain Lens-fitted Film Packages	Pending
Vanderlande Industries 03-1349	Federal Circuit	337-TA-460: Certain Sortation Systems, Parts Thereof, and Products Containing Same	Pending
Vastfame Camera, Ltd 03-1426	Federal Circuit	337-TA-406: Certain Lens-fitted Film Packages	Pending
Acciai Speciali 01-00104	Court of International Trade	701-TA-355 and 731-TA-659: Grain-Oriented Silicon Electrical Steel from Italy	Pending
Al Tech 98-10-03062	Court of International Trade	701-TA-373 and 731-TA-769-775: Stainless Steel Wire Rod from Germany, Italy, Japan, Korea, Spain, Sweden, and Taiwan	Pending
American Bearing 03-00280	Court of International Trade	731-TA-989: Certain Ball Bearing and Parts Thereof from the People's Republic of China	Pending
An Giang Agriculture 03-00655	Court of International Trade	731-TA-1012: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam	Pending
Bergeron's Seafood 03-00448	Court of International Trade	731-TA-752: Crawfish Tail Meat from China	Pending
Bethlehem Steel 00-04-00151	Court of International Trade	701-TA-393-396, 731-TA-829-830, 833-834, 836 and 838: Cold-Rolled Steel Products from Argentina, Brazil, Japan, Russia, South Africa, and Thailand	Pending
Bethlehem Steel 02-00654	Court of International Trade	701-TA-422-425 and 731-TA-964-983: Cold-Rolled Carbon Steel Flat Products from Argentina, Belgium, Brazil, China, France, Germany, Korea, The Netherlands, New Zealand, Russia, South Africa, Spain, Taiwan, Turkey, and Venezuela	Pending
Bethlehem Steel 02-00744	Court of International Trade	701-TA-422-425 and 731-TA-964-983: Cold-Rolled Carbon Steel Flat Products from Argentina, Belgium, Brazil, China, France, Germany, Korea, The Netherlands, New Zealand, Russia, South Africa, Spain, Taiwan, Turkey, and Venezuela	Pending
Bratsk Aluminum 03-00200	Court of International Trade	731-TA-991: Silicon Metal from Russia	Pending

Table IV-Continued
Trade Litigation Conducted in Fiscal Year 2003

Case	Venue	Underlying Investigation	Status
CC Metals 01-00138	Court of International Trade	303-TA-023, 751-TA-21-27 and 731-TA-566-570 & 641: Ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela	Pending
Candle Artisans 03-00538	Court of International Trade	731-TA-282: Petroleum Wax Candles from China	Pending
Caribbean Ispat 02-00756	Court of International Trade	701-TA-417-421 and 731-TA-953-963: Carbon and Alloy Steel Wire Rod from Brazil, Canada, Egypt, Germany, Indonesia, Mexico, Moldova, South Africa, Trinidad and Tobago, Ukraine, and Venezuela	Pending
Cathedral Candle 03-00196	Court of International Trade	731-TA-282: Petroleum Wax Candles from China	Pending
Ciba Specialty Chemicals 03-00550	Court of International Trade	701-TA-435 and 731-TA-1036-1038: 4' 4 Diamino- 2' 2 Stilbenedisulfonic Acid Chemistry from China, Germany, and India	Pending
Committee for Fair Coke Trade 01-00826	Court of International Trade	731-TA- 951-952: Blast Furnace Coke from China and Japan	Pending
Dalmine S.p.A. 01-00693	Court of International Trade	701-TA-364, 731-TA-711, 713-716: Oil Country Tubular Goods from Italy	Pending
Duferco Clabecq S.A. 01-00005	Court of International Trade	AA -1921-197, 701-TA-232, 319-320, 322, 325-328, 340, 342 and 348-350 and 731-TA-573-576, 578, 582-587, 604, 607-608, 612, and 614-618: Carbon Steel Products from Austria, Belgium, Brazil, Canada, Finland, France, Germany, Japan, Korea, Mexico, the Netherlands, Poland, Romania, Spain, Sweden, Taiwan, and United Kingdom	Pending
Dillinger Huttenwerke 01-00004	Court of International Trade	AA -1921-197, 701-TA-232, 319-320, 322, 325-328, 340, 342 and 348-350 and 731-TA-573-576, 578, 582-587, 604, 607-608, 612, and 614-618: Carbon Steel Products from Austria, Belgium, Brazil, Canada, Finland, France, Germany, Japan, Korea, Mexico, the Netherlands, Poland, Romania, Spain, Sweden, Taiwan, and United Kingdom	Pending
Elkem Metals 00-10-00628	Court of International Trade	303-TA-023, 751-TA-21-27 and 731-TA-566-570 and 641: Ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela	Pending
Eurodif S.A. 02-00220	Court of International Trade	701-TA-409-412 and 731-TA-909-912: Low Enriched Uranium From France, Germany, the Netherlands, and the United Kingdom	Pending
Georgetown Steel 02-00739	Court of International Trade	701-TA-417-421 and 731-953-963 Carbon and Alloy Steel Wire Rod from Brazil, Canada, Egypt, Germany, Indonesia, Mexico, Moldova, South Africa, Trinidad and Tobago, Ukraine, and Venezuela	Pending

Table IV-Continued

Trade Litigation Conducted in Fiscal Year 2003

Case	Venue	Underlying Investigation	Status
Giorgio Foods 03-00286	Court of International Trade	731-TA-776-779: Certain Preserved Mushrooms from Chile, China, and Indonesia	Pending
Hynix Semi-Conductor 03-00652	Court of International Trade	701-TA-431: Dynamic Random Access Memory of One Megabit or Above from the Republic of Korea	Pending
Kawasaki Steel 01-00105	Court of International Trade	701-TA-355 and 731-TA-649-660: Grain-oriented Silicon Electrical Steel from Italy and Japan	Pending
NKK Tubes 01-00694	Court of International Trade	701-TA-364, 731-TA-711, 713-716: Oil Country Tubular Goods from Japan	Pending
NMB Singapore 00-07-00373	Court of International Trade	AA-1921-143, 731-TA-341, 343-345, 391-397, and 399: Bearings from China, France, Germany, Hungary, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom	Pending
National Steel Corp. 02-00655	Court of International Trade	701-TA-422-425 and 731-TA-964-983: Cold-Rolled Carbon Steel Flat Products from Argentina, Belgium, Brazil, China, France, Germany, Korea, the Netherlands, New Zealand, Russia, South Africa, Spain, Taiwan, Turkey, and Venezuela	Pending
National Steel Corp. 02-00743	Court of International Trade	701-TA-422-425 and 731-TA-964-983: Cold-Rolled Carbon Steel Flat Products from Argentina, Belgium, Brazil, China, France, Germany, Korea, the Netherlands, New Zealand, Russia, South Africa, Spain, Taiwan, Turkey, and Venezuela	Pending
Nippon Steel 01-00103	Court of International Trade	701-TA-355 and 731-TA-649-660: Grain-oriented Silicon Electrical Steel from Italy and Japan	Pending
Nitrogen Solutions 03-00260	Court of International Trade	731-TA-1006, 1008, and 1009: Urea Ammonium Nitrate Solutions from Belarus, Russia, and Ukraine	Pending
Nucor Corporation 02-00612	Court of International Trade	701-TA-422-425 and 731-TA-964-983: Cold-Rolled Carbon Steel Flat Products from Argentina, Belgium, Brazil, China, France, Germany, Korea, the Netherlands, New Zealand, Russia, South Africa, Spain, Taiwan, Turkey, and Venezuela	Pending
Nucor Corporation 02-00729	Court of International Trade	701-TA-422-425 and 731-TA-964-983: Cold-Rolled Carbon Steel Flat Products from Argentina, Belgium, Brazil, China, France, Germany, Korea, the Netherlands, New Zealand, Russia, South Africa, Spain, Taiwan, Turkey, and Venezuela	Pending
Olin Corp. 00-05-00232	Court of International Trade	701-TA-269-270 and 731-TA-311-317 and 379-380: Brass Sheet and Strip from Brazil Canada, France, Germany, Italy, and Japan	Pending

Table IV-Continued
Trade Litigation Conducted in Fiscal Year 2003

Case	Venue	Underlying Investigation	Status
P.S. Chez Sidney 02-00635	Court of International Trade	731-TA-752: Crawfish Tail Meat from China	Pending
San Vicente Camalu 03-00517	Court of International Trade	731-TA-747: Fresh Tomatoes from Mexico	Pending
Sensient Technologies 03-00283	Court of International Trade	701-TA-433 and 731-TA-1029: Allura Red Coloring from India	Pending
Siderca 01-00603	Court of International Trade	701-TA-362 and 731-TA-707-710: Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Argentina, Brazil, Germany, and Italy.	Pending
Siderca 01-00692	Court of International Trade	731-TA-364, 731-TA-711, 713-717: Oil Country Tubular Goods from Argentina	Pending
Sual Holding 03-00177	Court of International Trade	731-TA-991: Silicon Metal from Russia	Pending
Thyssen Krupp 01-00001	Court of International Trade	AA1921-197, 701-TA-231, 319-320, 332, 325-328, 340, 342, 348-350 and 731-TA-573 576, 578, 582-587, 604, 607-608, 612 and 614-618: Corrosion-Resistant Carbon Steel Flat Products from Australia, Belgium, Brazil, Canada, Finland, France, Germany, Japan, Korea, Mexico, the Netherlands, Poland, Romania, Spain, Sweden, Taiwan, and United Kingdom	Pending
Timken 00-08-00386	Court of International Trade	AA-1921-143, 731-TA-341, 343-345, 391-397 and 399: Bearings from China, France, Germany, Hungary, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom	Pending
Torrington 00-07-00385	Court of International Trade	AA-1921-143, 731-TA-341, 343-345, 391-397 and 399: Bearings from China, France, Germany, Hungary, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom	Pending
Urenco 02-00236	Court of International Trade	701-TA-409-412 and 731-TA-909-912: Low Enriched Uranium From France, Germany, the Netherlands, and the United Kingdom	Pending
Usinor-Beautor 01-00010	Court of International Trade	AA1921-197, 701-TA-231, 319-320, 332, 325-328, 340, 342, 348-350 and 731-TA-573 576, 578, 582-587, 604, 607-608, 612 and 614-618: Corrosion-Resistant Carbon Steel Flat Products from Australia, Belgium, Brazil, Canada, Finland, France, Germany, Japan, Korea, Mexico, the Netherlands, Poland, Romania, Spain, Sweden, Taiwan, and the United Kingdom	Pending
Zhejiang Native 02-00064	Court of International Trade	701-TA-402 and 731-TA-892-893: Honey From Argentina and the People's Republic of China	Pending

Table IV-Continued

Trade Litigation Conducted in Fiscal Year 2003

Case	Venue	Underlying Investigation	Status
EMC Corp 04-40188	District of Massachusetts (Central Section)	337-TA-471: Certain Data Storage Systems and Components Thereof	Pending
Jazz Photo Corp. 99-2505	U.S. District Court for District of New Jersey-Newark Vicinage	337-TA-406: Certain Lens-fitted Film Packages	Pending
Jack C. Benun, Debtor Chapter 11 03-32195(MS)	U.S. Bankruptcy Court, District of New Jersey	337-TA-406: Certain Lens-fitted Film Packages	Pending
In the Matter of Carbon and Certain Alloy Steel Wire Rod from Canada USA-CDA-02-1904-09	NAFTA	701-TA-418 and 731-TA-954: Carbon and Alloy Steel Wire Rod from Canada	Pending
In the Matter of Gray Portland Cement and Clinker from Mexico USA-MEX-00-1904-10	NAFTA	731-TA-451: Gray Portland Cement and Clinker from Mexico	Pending
In the Matter of Corrosion Resistant Carbon Steel Flat Products from Canada USA-CDA-00-1904-11	NAFTA	731-TA-614: Corrosion Resistant Carbon Steel Flat Products from Canada	Pending
In the Matter of Magnesium from Canada USA-CDA-00-1904-09	NAFTA	701-TA-309A-B and 731-TA-528: Magnesium from Canada	Pending
In the Matter of Oil Country Tubular Goods from Mexico USA-MEX-01-1904-06	NAFTA	731-TA-716: Oil Country Tubular Goods from Mexico	Pending
In the Matter of Softwood Lumber Products from Canada USA-CDA-02-1904-07	NAFTA	701-TA-414 and 731-TA-928: Softwood Lumber Products from Canada	Pending
Canfor	NAFTA (Chapter 11- Investor-State Claim)	701-TA-414 and 731-TA-928: Softwood Lumber Products from Canada	Pending
Domain	NAFTA (Chapter 11- Investor-State Claim)	701-TA-414 and 731-TA-928: Softwood Lumber Products from Canada	Pending
Terminal	NAFTA (Chapter 11- Investor-State Claim)	701-TA-414 and 731-TA-928: Softwood Lumber Products from Canada	Pending

Table IV-Continued

Trade Litigation Conducted in Fiscal Year 2003

Case	Venue	Underlying Investigation	Status
In the Matter of Gray Portland Cement and Cement Clinker from Mexico USA-MEX-02-1904-01	NAFTA	731-TA-451: Gray Portland Cement and Cement Clinker from Mexico Changed Circumstance	Pending
US-Hot-Rolled Steel DS184	World Trade Organization	731-TA-807: United States- Antidumping Measures on Hot-rolled Steel from Japan	Implementation Pending
US-Steel Safeguards DS 248-251-254, 258-259	World Trade Organization	201-TA-73: US Safeguard Measures on Steel Products	Pending
US-Sunset Review of Antidumping Duties on Corrosion Resistant Steel Review DS244	World Trade Organization	731-TA-617: Five Year Review of Antidumping Duties on Corrosion Resistant Carbon Steel Flat Products from Japan	Pending
US-Sunset Reviews of Antidumping and Countervailing Measures on Cut to Length Steel Plate and Corrosion Resistant Steel DS262	World Trade Organization	701-TA-319-332, 334, 336-342, and 374-375; and 731-TA-573-579, 581-592, 594-597, 599-609, and 612-619: Five Year Review of Antidumping and Countervailing Duties on Corrosion Resistant Steel from France and Germany	Pending
US-Review of Antidumping Measures on OCTG from Mexico DS281	World Trade Organization	731-TA-711, and 713-716: Sunset Review of Antidumping Duty Order on OCTG from Mexico	Pending
US-Review of Antidumping Measures on OCTG from Argentina DS268	World Trade Organization	731-TA-711, and 713-716: Sunset Review of Antidumping Duty Order on OCTG from Argentina	Pending
US-USITC Softwood Lumber from Canada DS277	World Trade Organization	701-TA-414 and 731-TA-928: CVD and Antidumping injury Determination in Softwood Lumber from Canada	Pending
US-Antidumping Measures on Cement from Mexico DS281	World Trade Organization	731-TA-451, 461, 519: Administrative reviews, request for changed circumstances review, and sunset reviews on Cement from Mexico	Pending
US-Section 337 DS186	World Trade Organization	Section 337 of the Tariff Act of 1930	Pending
US-Laws, Regs, and Methodology for Calculating Dumping Margins (Zeroing) DS294	World Trade Organization	EC Challenges to US laws, regulations, and methodology for calculating dumping margins	Pending

Table IV-Continued

Trade Litigation Conducted in Fiscal Year 2003

Case	Venue	Underlying Investigation	Status
US-CVD Investigation on DRAMS from Korea DS296	World Trade Organization	701-TA-431: Countervailing Duty investigation on DRAMS from Korea	Pending
German Steel Countervailing Duties DS213	World Trade Organization	DOC Sunset Review on Corrosion Resistant Steel from Germany	Panel and Appellate Body reports adopted
US-Cotton Subsidies DS267	World Trade Organization	US Subsidies on Upland Cotton	Pending
US-Antidumping Act of 1916 DS136	World Trade Organization	Legislation Pending	Implementation
United States-AD/CVD on Silicon Metal from Brazil DS239	World Trade Organization	DOC Antidumping Duties on Silicon Metal from Brazil	Pending
US-Byrd Amendment DS 217 and 234	World Trade Organization	U.S. Legislation: Continued Dumping and Subsidy Offset Act of 2000	Panel and Appellate Body report adopted; Arbitration Award issued
EC-Provisional Safeguard Measure on Imports of Certain Steel Products DS260	World Trade Organization	EC- Provisional Safeguard Measure on Steel Products	Pending
Mexico-Antidumping Measures on Rice and Mexico Trade DS295	World Trade Organization	US Challenges to Mexico's Antidumping Measure on Long Grain White Rice and to Mexico's Foreign Trade Act	Pending
Mexico-Antidumping Measures on Beef DS295	World Trade Organization	US. Challenges to Mexico's Antidumping Measure on Beef	Pending
Argentina-Peach Safeguards DS238	World Trade Organization (3 rd Party)	Argentina- Definitive Safeguard Measures on Preserved Peaches from Chile	Panel Report adopted
Argentina-Poultry AD Duties DS241	World Trade Organization (3 rd Party)	Argentina- Antidumping Duties on Poultry from Brazil	Panel Report adopted
Chile-Price Band System DS207	World Trade Organization (3 rd Party)	Chile-Price Band System and Safeguard Measures Relating to Agricultural Products from Argentina	Panel and Appellate Body reports adopted; Arbitration Award issued
Egypt-Rebar DS211	World Trade Organization (3 rd Party)	Egypt- Definitive Antidumping Measures on Steel Rebar from Turkey	Panel Report adopted

Table IV-Continued

Trade Litigation Conducted in Fiscal Year 2003

Case	Venue	Underlying Investigation	Status
EC-Pipe Fittings DS219	World Trade Organization (3 rd Party)	EC-Definitive Antidumping Measures on Malleable Cast Iron Tube or Pipe Fittings from Brazil	Panel and Appellate Body reports adopted
EC-Bed Linen (Art. 21.5) DS141	World Trade Organization (3 rd Party)	Implementation of EC-Antidumping Duties on Imports of Cotton Type Bed Linen from India	Panel and Appellate Body reports Adopted
Korea-Measures Affecting Trade in Commercial Vessels DS273	World Trade Organization (3 rd Party)	EC Challenges to Korea's Measures affecting trade in Commercial Ships	Pending
Alloc, Inc. 02-1221	Federal Circuit	337-TA-443: Flooring Products	Agency determination affirmed 09-10-03
Alloc, Inc. 02-1291	Federal Circuit	337-TA-443: Flooring Products	Agency determination affirmed 09-10-03
Altima Communications 02-1110	Federal Circuit	337-TA-435: Integrated Repeaters, Switches, and Transceivers	Joint motion to dismiss granted 08-15-03
ASML Holding 03-1400	Federal Circuit	337-TA-468: Certain Microlithographic Machines and Components Thereof	Order granting dismissal 07-31-03
Argus Industries 03-1017	Federal Circuit	337-TA-406: Certain Lens-fitted Film Packages	Order of dismissal granted 01-29-03
Broadcom 02-1111	Federal Circuit	337-TA-435: Integrated Repeaters, Switches, and Transceivers	Joint motion to dismiss granted 08-15-03
Honeywell Int'l Inc. 02-1393	Federal Circuit	337-TA-457: Polyethylene Terephthalate Yarn	Agency determination affirmed 08-26-03
Honeywell Int'l Inc. 02-1448	Federal Circuit	337-TA-457: Polyethylene Terephthalate Yarn	Agency determination affirmed 08-26-03
Photoworks Inc. 03-1015	Federal Circuit	337-TA-406: Certain Lens-fitted Film Packages	Order of dismissal granted 01-29-03
P.S. Chez Sidney 03-1071	Federal Circuit	731-TA-752: Crawfish Tail Meat from China	Order of Dismissal granted 02-27-03

Table IV-Continued

Trade Litigation Conducted in Fiscal Year 2003

Case	Venue	Underlying Investigation	Status
United Microelectronics 03-1130	Federal Circuit	337-TA-450: In Re Certain Integrated Circuits, Processors for Making Same and Products Containing Same	Order of dismissal granted 03-28-03
Vastframe Camera 03-1014	Federal Circuit	337-TA-406: Certain Lens-fitted Film Packages	Order of dismissal granted 01-29-03
Allegheny Ludlum 9-06-00361	Court of International Trade	701-TA-376, 377 and 379; 731-TA-788-793: Stainless Steel Plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan	Agency determination affirmed 12-12-02
AltX, Inc. 00-09-00477	Court of International Trade	731-TA-859: Circular Seamless Stainless Steel Hollow Products from Japan	Agency's 2 nd remand determination affirmed 12-31-02
Bhullar 02-00668	Court of International Trade	701-TA-414 and 731-TA-928: Softwood Lumber from Canada	Order of dismissal granted 03-26-02
Candle Corp. 02-00751	Court of International Trade	731-TA-282: Petroleum-Wax Candles from the People's Republic of China	Agency determination affirmed 04-08-03
Chasyn Wood 02-00702	Court of International Trade	701-TA-414 and 731-TA-928: Softwood Lumber from Canada	Order of dismissal granted 05-20-03
Committee for Fair Beam Imports 03-1612	Court of International Trade	731-TA-935-936 and 938-42: Certain Structural Steel Beams from China, Germany, Luxembourg, Russia, South Africa, Spain, and Taiwan	Agency determination affirmed 06-27-03
Committee for Fairly Traded Venezuelan Cement 04-1016	Court of International Trade	303-TA-021, 731-TA-451, 461, and 519: Gray Portland Cement, Cement Clinker from Japan, Mexico, and Venezuela	Agency determination affirmed 09-26-03
Corus Staal BV 02-00002	Court of International Trade	701-TA-405-408 and 731-TA-899-904 and 906-908: Hot Rolled Steel Products from China, India, Indonesia, Kazakhstan, the Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine	Agency determination affirmed 03-21-03
Corus Group PLC 02-00253	Court of International Trade	201-TA-73: Tin Mill Products	Agency determination affirmed 09-05-02
Timken Co. 03-00279	Court of International Trade	731-TA-989: Ball Bearings from China	Order of dismissal granted 06-20-03

Table IV-Continued Trade Litigation Conducted in Fiscal Year 2003

Case	Venue	Underlying Investigation	Status
Usinor-Industeel 01-00006	Court of International Trade	701-TA-319 and 731-TA-573: Cut-to-length Carbon Steel Plate from Belgium	Agency 2 nd remand determination affirmed 09-08-03
Fuji Photo Film 99-CV-2937	U.S. District Court for District of New Jersey-Newark Vicinage	337-TA-406: Certain Lens-fitted Film Packages	Judgment for Fuji 03-21-03
PS Chez Sidney 02-2805	U.S. District Court Eastern District of Louisiana	731-TA-752: Crawfish Tail Meat from China	Order of dismissal granted 10-04-02
In the Matter of Carbon and Certain Steel Wire Rod from Mexico USA-MEX-02-1904-10	NAFTA	731-TA-958: Carbon and Alloy Steel Wire Rod from Mexico	Consent Motion to terminate Panel Review granted 08-04-03

Table V
Trade Litigation Remand Proceedings Conducted in
Fiscal Year 2003

Investigation No. and Title	Public Hearing	Determination on Remand	Pub. No.
701-TA-309A Pure Magnesium from Canada (Final) (Remand) ¹	N/A	Affirmative 10-15-02	3542
701-TA-309B Alloy Magnesium from Canada (Final) (Remand) ¹	N/A	Affirmative 10-15-02	3542
731-TA-528 Magnesium from Canada (Final) (Remand) ¹	N/A	Affirmative 10-15-02	3542
701-TA-319 Cut-to-Length Carbon Steel Plate from Belgium (Review) (Remand) ¹	N/A	Affirmative 03-28-03	3587
701-TA-322 Cut-to-Length Carbon Steel Plate from Germany (Review) (Remand) ²	N/A	Affirmative 03-28-03	3587
731-TA-573 Cut-to-Length Carbon Steel Plate from Belgium (Review) (Remand) ²	N/A	Affirmative 03-28-03	3587
731-TA-578 Cut-to-Length Carbon Steel Plate from Germany (Review) (Remand) ²	N/A	Affirmative 03-28-03	3587
303-TA-23 Ferrosilicon from Venezuela (Reconsideration) (Remand) ²	N/A	Negative 09-19-03	3627
731-TA-566 Ferrosilicon from Kazakhstan (Reconsideration) (Remand) ²	N/A	Negative 09-19-03	3627
731-TA-567 Ferrosilicon from China (Reconsideration) (Remand) ²	N/A	Negative 09-19-03	3627
731-TA-568 Ferrosilicon from Russia (Reconsideration) (Remand) ²	N/A	Negative 09-19-03	3627
731-TA-569 Ferrosilicon from Ukraine (Reconsideration) (Remand) ²	N/A	Negative 09-19-03	3627
731-TA-570 Ferrosilicon from Venezuela (Reconsideration) (Remand) ²	N/A	Negative 09-19-03	3627
731-TA-641 Ferrosilicon from Brazil (Reconsideration) (Remand) ²	N/A	Negative 09-19-03	3627

Table V-Continued

Trade Litigation Remand Proceedings Conducted in Fiscal Year 2003

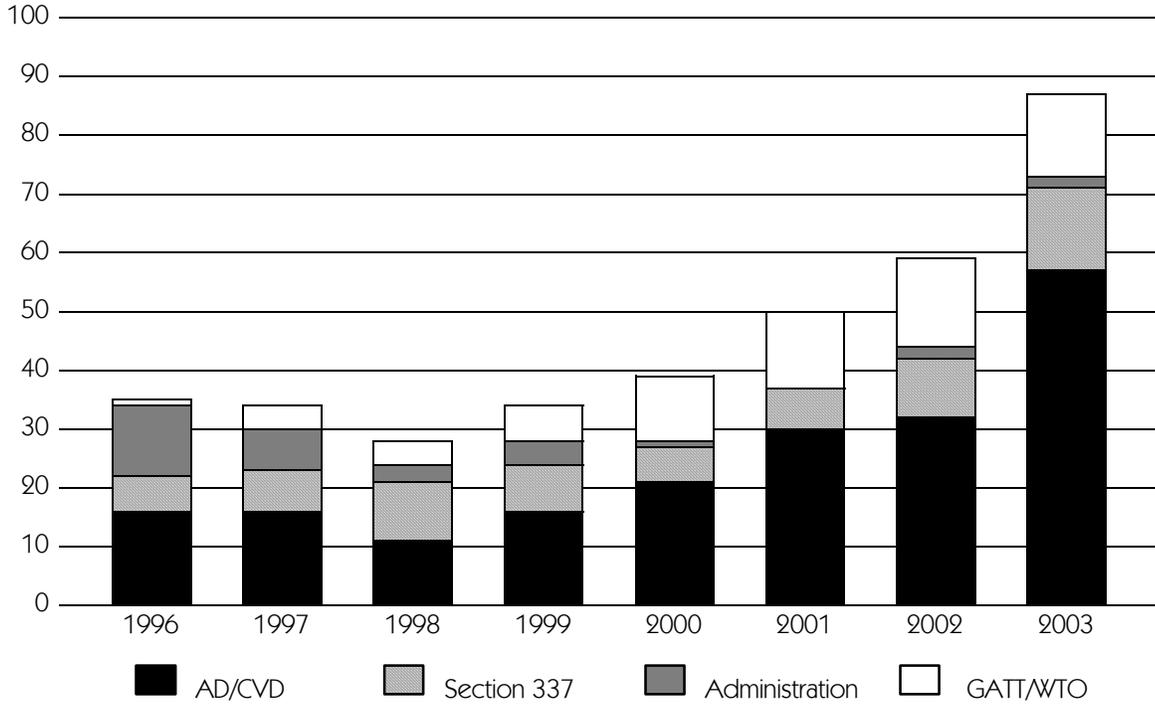
Investigation No. and Title	Public Hearing	Determination on Remand	Pub. No.
AA1921-143 Tapered Roller Bearings, Under 4 Inches, from Japan (Review) (Remand) ²	N/A	Negative 07-23-03	3610
731-TA-343 Tapered Roller Bearings, Over 4 Inches, from Japan (Review) (Remand) ²	N/A	Negative 07-23-03	3610
731-TA-951 Blast Furnace Coke from China (Preliminary) (Remand) ²	N/A	Negative 08-18-03	3619
731-TA-952 Blast Furnace Coke from Japan (Preliminary) (Remand) ²	N/A	Negative 08-18-03	3619
701-TA-355 Grain-Oriented Silicon Electrical Steel (GOES) from Italy (Review) (Remand) ²	N/A	Affirmative 03-24-03	3585
731-TA-659 Grain-Oriented Silicon Electrical Steel (GOES) from Italy (Review) (Remand) ²	N/A	Affirmative 03-24-03	3585
731-TA-660 Grain-Oriented Silicon Electrical Steel (GOES) from Japan (Review) (Remand) ²	N/A	Affirmative 03-24-03	3585
731-TA-391 Ball Bearings from France (Review) (Remand) ²	N/A	Pending	N/A
731-TA-392 Ball Bearings from Germany (Review) (Remand) ²	N/A	Pending	N/A
731-TA-393 Ball Bearings from Italy (Review) (Remand) ²	N/A	Pending	N/A
731-TA-394 Ball Bearings from Japan (Review) (Remand) ²	N/A	Pending	N/A
731-TA-396 Ball Bearings from Singapore (Review) (Remand) ²	N/A	Pending	N/A
731-TA-399 Ball Bearings from the United Kingdom (Review) (Remand) ²	N/A	Pending	N/A

¹ This investigation was remanded to the ITC by the NAFTA Binational Panel for further proceedings; the ITC determination on remand was submitted, as required, to the NAFTA Binational Panel, not to the Secretary of Commerce.

² This investigation was remanded to the ITC by the Court of International Trade (CIT) for further proceedings; the ITC determination on remand was submitted, as required, to the CIT, not to the Secretary of Commerce.

Litigation Conducted in Fiscal Year 2003

In recent years, the Commission's litigation case load has risen significantly. The following chart shows, for each of the last several years, the number of pending cases, calculated as an average of the number of cases open in the four quarters of the year:



ITC Services and Information Resources

Internet Web Site (www.usitc.gov) The ITC's Internet web site offers 24-hour access to an extensive variety of ITC information resources and workproducts, including: news releases; Federal Register notices; a daily event list; most ITC reports and publications, including the Harmonized Tariff Schedule of the United States and Congressional bill reports; the ITC DataWeb; the ITC Electronic Document Information System; information on recent petitions and complaints; the monthly calendar; a section focused on the ITC's five-year (sunset) reviews; the ITC's rules of practice and procedure, hearing guidelines, and an introduction to APO practices at the ITC; materials related to certain ongoing investigations; information related to the Freedom of Information Act; and general information about the agency, its work, and its Commissioners and staff.

Public Information News releases, the ITC annual report, and general information about the agency and its Commissioners can be obtained from the Public Affairs Officer, Office of External Relations, by calling 202-205-1819.

National Library of International Trade and the ITC Law Library The ITC maintains one of the most extensive libraries specializing in international trade matters in the United States. The National Library of International Trade, located on the third floor of the ITC Building (500 E Street SW, Washington, DC), houses over 100,000 volumes and approximately 2,500 periodical titles related to U.S. industry and international trade laws and practices, as well as more than three dozen CD-ROM and on-line information databases. In addition, the ITC maintains a Law Library, housed on the sixth floor of the ITC Building. Both libraries are open to the public during agency hours (8:45 a.m. to 5:15 p.m. (Eastern Time), Monday through Friday). For information, call 202-205-2630 (National Library of International Trade) or 202-205-3287 (Law Library).

Public Reading Room Public inspection files are maintained in every ITC investigation. These files can be reviewed in the ITC's Public Reading Room, located in the Office of the Secretary on the first floor of the ITC Building. Depending on the age of the records requested, the files are available electronically, in hard copy, and/or on microfiche. Photocopies of documents in the public files may be ordered for a fee from an on-site duplicating firm. The public reading room is open during agency hours. For information, call 202-205-1802.

Office of the Secretary Publications may be ordered 24 hours a day, seven days a week, by calling 202-205-1809. Recorded information on the latest petitions and complaints filed with the ITC can be obtained by calling 202-205-2196. Inquiries under the Freedom of Information Act should be filed with the Secretary. For information, call 202-205-2000.

Trade Remedy Assistance Office The ITC's Trade Remedy Assistance Office, part of the agency's Office of External Relations, assists small businesses seeking benefits or relief under U.S. trade laws, providing general information concerning the remedies and benefits available under those laws as well as technical and legal assistance and advice to eligible small businesses seeking remedies. For information, call 1-800-343-9822.

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Jennifer A. Hillman, Vice Chairman
Marcia E. Miller
Stephen Koplan
Charlotte R. Lane
Daniel R. Pearson (sworn in on October 8, 2003)

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Office of Economics, Director, Robert B. Koopman
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General Counsel, Lyn M. Schlitt

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Inspector General, Kenneth F. Clarke

Office of Equal Employment Opportunity

Director, Jacqueline Waters