



United States International Trade Commission

Year in Review

The Commissioners

Stephen Koplun,
Chairman
Deanna Tanner Okun,
Vice Chairman
Marcia E. Miller
Jennifer A. Hillman
Charlotte R. Lane
Daniel R. Pearson

Fiscal Year 2004

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Message from the Chairman

I am pleased to introduce the International Trade Commission's *Year in Review* for fiscal year 2004. Over the past 12 months our Commissioners and staff have ably faced the challenges posed by import injury investigations, sunset reviews, renewed growth of our unfair import investigations, and the increasing demands placed upon our research program in order to meet several strategic trade initiatives undertaken by the Administration.

In the area of import injury investigations, the agency initiated 38 title VII investigations including frozen and canned warmwater shrimp and prawns, wooden bedroom furniture, outboard engines from Japan and live swine from Canada. The value of imports from these investigations alone exceeded \$5.3 billion.

Also, in FY 2004 there were 44 active Section 337 investigations. Approximately one-third of our active investigations focused on products in high technology areas such as display controllers for LCD monitors and storage and retrieval devices for digital cameras and cellular phones.

The Commission completed 16 investigations under its Industry and Economic Analysis Program, of which seven were 332 investigations, in FY 2004. Technical assistance was provided in 73 issue areas.

On the administrative front, we have continued several information technology initiatives including a revamping of our web site to make it more user-friendly. Commission staff is now developing a content management system for the web site in order to better manage the information collected and disseminated by the agency. Also, in order to meet our workload demands, we have continued several initiatives to support and implement a comprehensive human capital management strategy. We continue to define the agency's human capital requirements, develop staffing standards and models, identify future staffing needs, and prepare occupational guides for key occupations. These efforts will result in ensuring a workforce with the necessary skills and knowledge to address the requirements of the agency's strategic plans, now and in the future.

On a personal note, I am honored to have been designated by the President to again serve the agency as Chairman. Any success I have and will accomplish in this capacity is due in large part to the efforts of my colleagues on the Commission and the able and talented management team and professional staff who work so diligently to meet the agency's statutory mandates and requests of the President, Capitol Hill, and the public. In this respect, I am particularly pleased to note that shortly after the fiscal year ended, the United States Senate confirmed Charlotte Lane and Daniel Pearson for full terms as ITC Commissioners. Both Charlotte and Dan worked extremely hard and served with distinction on the

Commission as recess appointees for over a year prior to their confirmations. We welcome their continued dedication to carrying out the agency's mission. Finally, I look forward to my continued public service and remain dedicated to increasing the efficiency and effectiveness of the ITC in meeting our strategic goals for the coming fiscal year.

Stephen Koplan

A handwritten signature in blue ink that reads "Stephen Koplan". The signature is written in a cursive, flowing style.

Chairman

May 2005

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;
- industry and economic analysis**, 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

Stephen Koplán, a Democrat of Virginia, was designated Chairman of the ITC by President Bush for the term ending June 16, 2006. He previously served as Chairman of the ITC from June 17, 2000, through June 16, 2002. He 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. Mr. Koplán 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 the Graduate Tax Program of New York University School of Law.

Deanna Tanner Okun, a Republican of Idaho, was designated Vice Chairman of the ITC by President Bush for the term ending June 16, 2006. She served as Chairman of the ITC from June 17, 2002, to June 16, 2004, and previously 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 to 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 sworn in as a member of the Commission on August 4, 1998, for the term ending December 16, 2006. She served as Vice Chairman of the ITC from June 17, 2002, through June 16, 2004. Prior to her appointment, Ms. Hillman served as General Counsel for the United States Trade Representative (USTR) from 1995 to 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, DC, 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.

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. (Editor's note: On November 21, 2004, she was confirmed by the U.S. Senate and was sworn in on December 7, 2004, for the Commission term ending December 16, 2009.) 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, 2003. (Editor's note: On November 21, 2004, he was confirmed by the U.S. Senate and was sworn in on December 7, 2004, for the Commission term ending June 16, 2011.) 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

The ITC experienced a busy year in FY 2004, with a steady workload in all five lines of business and advances on internal initiatives intended to position the agency to move into the future more effectively.

The Commission's trade remedy investigation caseload returned to a normal level following FY 2003's heavy focus on the steel global safeguard investigation. However, in FY 2004 the agency began preparing for an increase in the number of five-year (sunset) reviews it will have to conduct as the fifth anniversary of cases reviewed during the 1999-2002 phase-in period of the sunset review law approaches. During that period, all outstanding antidumping and countervailing duty orders issued prior to 1995 were systematically reviewed to determine whether revoking them would be likely to lead to continuation or recurrence of material injury to a U.S. industry (orders issued since 1995 are reviewed on their fifth anniversary). The second review of these "transition" cases began late in FY 2004, and the second review caseload will peak during FY 2005.

The Commission's section 337 caseload remained heavy during FY 2004, with a high level of filings and extremely interesting intellectual property infringement cases. The Commission received the news that Administrative Law Judge Delbert R. Terrill, one of the agency's four administrative law judges who conduct the litigation in section 337 cases, planned to retire in early FY 2005, and it immediately began recruiting for his replacement to ensure a smooth succession under the heavy section 337 caseload.

The agency adopted a new name for its research program during FY 2004 to more accurately reflect its work; it is now called the Industry and Economic Analysis program. As the pace of trade policy work (particularly free trade agreement negotiations and miscellaneous tariff bills) has increased in recent years, often requiring the quick provision of accurate, complex, objective information, the nature of the ITC's assistance to policymakers is evolving. ITC industry and economic experts increasingly are called upon, often on a rapid-response basis, for direct technical assistance to policymakers as they conduct negotiations and write legislation. The ITC experienced a marked increase in requests for certain types of quick-turnaround data during FY 2004, and that is expected to continue.

The U.S. Trade Representative pursued and completed numerous free trade agreement negotiations during the year, and these efforts had a direct effect on the Commission's workload. ITC analysts and economists were called upon to provide formal reports analyzing the probable effects of each proposed agreement for use by USTR during the negotiations, and they also produced non-confidential reports for the USTR, the Congress, and the public on the economic effect on U.S. industries and consumers of the completed proposed agreements, as required by law. In addition, the Commission completed a number of general factfinding investigations during the year, which are described in the Industry and Economic Analysis section and appendix B of this report.

Internally, the ITC prepared to move into the future with the development of a Human Capital Plan; it also completed work on a comprehensive emergency response plan that outlines procedures for reacting quickly and safely should a crisis – from severe weather to a terrorist attack – develop while staff are at work. As the year ended, the agency was preparing to launch a revamped Internet site and to upgrade the agency's information technology infrastructure.

Finally, while the agency saw no changes among the Commissioners during FY 2004, the Commission did receive word that its resident nomenclature expert would be leaving early in

FY 2005. Gene Rosengarden, the Director of the ITC's Office of Tariff Affairs and Trade Agreements, will step down in January 2005. Rosengarden, a recipient of the Presidential Meritorious Executive Award, is recognized internationally for his expertise in tariff-related matters, and he will be greatly missed at the Commission and in his field. The Commission congratulates him on a remarkable career.

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.

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 2004, see appendix E.

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.

Thirty-eight title VII petitions were filed with the Commission in FY 2004. The majority concerned allegations of dumping (33 of the 38). The petitions covered a variety of products, including aluminum plate, processed hazelnuts, wooden bedroom furniture, hand trucks, carbazole violet pigment 23, kosher chicken, frozen and canned warmwater shrimp and prawns, outboard engines, tissue and crepe paper products, magnesium, circular welded carbon quality line pipe, live swine, polyethylene terephthalate resin, silicon metal, chlorinated isocyanurates, purified carboxymethylcellulose, and polyvinyl alcohol. The Commission also finished work on a number of other cases that had been filed during FY 2003. See appendix A for a complete list of investigations and accompanying details.

The ITC instituted 47 five-year (sunset) reviews during FY 2004. 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.

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 2004, the Commission instituted no global safeguard investigations and conducted no global safeguard reviews.

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. During FY 2004, the Commission instituted and completed one China safeguard investigation concerning uncovered innerspring units and completed one investigation instituted in FY 2003 concerning certain 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 2004.

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 2004 was extremely broad. Approximately one-third of the 44 active investigations in FY 2004 concerned products in high technology areas, especially in the computer and telecommunications fields, such as controllers used to display images on LCD monitors, recordable and rewritable compact discs, power adapters and converters for mobile electronic products, disk drives, digital image storage and retrieval devices for digital cameras and cellular phones, 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, medical devices used for spinal surgery, point of sale terminals, breath test systems for detecting medical disorders, and transmitters for garage door openers. Other section 337 investigations active during the year concerned bearings used in industrial applications, alkaline batteries, automotive transmission systems, and automotive measuring devices.

During FY 2004, there were 44 active section 337 investigations and related proceedings, 27 of which were instituted in FY 2004. A full list of investigations and related proceedings completed appears in appendix A. All of the section 337 matters active in FY 2004 were based on allegations of patent infringement except for five investigations, which were based on trademark or trade dress infringement.

The Commission's caseload also included a formal enforcement proceeding, an advisory opinion proceeding, and a bond forfeiture proceeding, all of which related to a previously concluded section 337 investigation. In FY 2004, the Commission issued three general exclusion orders, three limited exclusion orders, and 11 cease and desist orders.

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 2004, see appendix E.

Operation 3: Industry and Economic Analysis

The ITC conducts research and analysis 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. ITC Industry and Economic Analysis 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.

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.

During FY 2004, the ITC undertook and published its first probable effects study that included likely economic effects on a state-by-state basis.

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 industry and economic analysis 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 on the following pages. Detailed information on other ITC reports and publications completed during FY 2004 or pending on September 30, 2004, is provided in appendix B.

Studies on Special Areas of Congressional or USTR Interest

Conditions 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 report, submitted in May 2004, found that imports of milk protein concentrate, casein, and caseinate may have displaced 318 million pounds (on a protein basis) of U.S.-produced milk protein products over the 1998-2002 period covered by the investigation.

Further information:

http://www.usitc.gov/ext_relations/news_release/2004/er0518bb1.htm

View report: <http://hotdocs.usitc.gov/docs/pubs/332/pub3692.pdf>

Express Delivery Services: Competitive Conditions Facing U.S.-based Firms 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 Committee requested that the ITC 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. The ITC report, submitted in April 2004, found that U.S.-based express delivery service providers encounter a range of trade impediments in foreign markets, and that postal reform, trade negotiations, and customs improvements may reduce the severity of these impediments and likely improve the competitive posture of these firms in foreign markets.

Further information:

http://www.usitc.gov/ext_relations/news_release/2004/er0406bb1.htm

View report: <http://hotdocs.usitc.gov/docs/pubs/332/pub3678.pdf>

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 USTR requested that the ITC 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 report, submitted in April 2004, found that there seems to be a significant relationship between economic welfare and the character of national solid and hazardous waste services markets. In most developed countries, the environmental services sector as a whole, and the solid and hazardous waste services segments in particular, are considered mature industries characterized by reduced profitability and excess capacity. By contrast, solid and hazardous waste services markets in many developing countries are small, but are experiencing rapid growth.

Further information:

http://www.usitc.gov/ext_relations/news_release/2004/er0416bb1.htm

View report: <http://hotdocs.usitc.gov/docs/pubs/332/pub3679.pdf>

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

Probable economic effect of various proposed U.S. free trade agreements (TA-131-25, 26, 27, 28, and 29; TA-2104-7, 8, 9, 10, and 12)

As the USTR announced plans to pursue free trade agreements with a number of countries during FY 2004, the ITC was called upon to investigate the probable economic effects of each of those proposed FTAs. In each investigation, 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 the countries under investigation 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 the countries under investigation on U.S. industries producing like or directly competitive products and the economy as a whole. The ITC's reports, which were confidential, included:

U.S.-Dominican Republic FTA: Advice Concerning the Probable Economic Effect, submitted to the USTR in December 2003;

U.S.-Bahrain FTA: Advice Concerning the Probable Economic Effect of Duty-Free Imports, submitted to the USTR in December 2003;

U.S.-Panama FTA: Advice Concerning the Probable Economic Effect of Duty-Free Treatment for Imports, submitted to the USTR in April 2004;

U.S.-Andean Countries FTA: Advice Concerning the Probable Economic Effect of Duty-Free Treatment for Imports, submitted to the USTR in April 2004; and

U.S.-Thailand FTA: Advice Concerning the Probable Economic Effect of Providing Duty-Free Treatment for Imports, submitted to the USTR in August 2004.

Potential economywide and selected sectoral effects of various proposed free trade agreements (TA-2104-11, 13, and 14)

The Trade Act of 2002 requires the ITC to prepare a report that assesses the likely impact of proposed free trade agreements on the U.S. economy as a whole and on specific industry sectors and the interests of U.S. consumers. The ITC's reports, which are public, are due to the President and the Congress no more than 90 days after the President actually signs the agreement, which he can do 90 days after he notifies the Congress of his intent to do so. During FY 2004, such studies included:

U.S.-Australia Free Trade Agreement: Potential Economywide and Selected Sectoral Effects, submitted to the USTR and the Congress and released to the public in May 2004.

Further information:

http://www.usitc.gov/ext_relations/news_release/2004/er0524bb2.htm

View report: <http://hotdocs.usitc.gov/docs/pubs/2104F/pub3697.pdf>

U.S.-Central America-Dominican Republic Free Trade Agreement: Potential Economywide and Selected Sectoral Effects, submitted to the USTR and the Congress and released to the public in August 2004.

Further information:

http://www.usitc.gov/ext_relations/news_release/2004/er0826bb2.htm

View report: <http://hotdocs.usitc.gov/docs/pubs/2104F/pub3717.pdf>

U.S.-Morocco Free Trade Agreement: Potential Economywide and Selected Sectoral Effects, submitted to the USTR and the Congress and released to the public in June 2004.

Further information:

http://www.usitc.gov/ext_relations/news_release/2004/er0625bb1.htm

View report: <http://hotdocs.usitc.gov/docs/pubs/2104F/pub3704.pdf>

Studies Analyzing the Competitiveness of U.S. Industry

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 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. The ITC submitted a confidential report to the USTR in June 2003. In early 2004, the USTR declassified the report, and in February 2004, the ITC issued a public version of the report.

The ITC report found that China is expected to become the “supplier of choice” for most U.S. textile and apparel importers (large apparel companies and retailers) following the expiration of quotas under the Uruguay Round Agreement on Textiles and Clothing (ATC) in 2005. U.S. importers also plan to source from other major supplies, including India, to spread supply risks.

Further information:

http://www.usitc.gov/ext_relations/news_release/2004/er0209bb1.htm

View report:

http://hotdocs.usitc.gov/docs/pubs/332/pub3671/pub3671_I.pdf (volume I)

and

http://hotdocs.usitc.gov/docs/pubs/332/pub3671/pub3671_II.pdf (volume II).

Studies Conducted on a Recurring Basis

Recent Trends in U.S. Services Trade, 2004 Annual Report
Shifts in U.S. Merchandise Trade 2003 (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 76 percent of U.S. private-sector gross domestic product and 83 percent of U.S. employment in 2002.

The current report on services, published in June 2004, presents a statistical overview of U.S. trade in services and provides industry-specific analyses focused on exports, imports, and trade balances during 2002. The report also compares the 2002 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. The sector-specific chapters conclude by discussing the factors that underlay growth or decline in these industries during 1990-2001.

View report: <http://hotdocs.usitc.gov/docs/pubs/332/pub3703.pdf>

In FY 2004, the ITC recast the merchandise trade publication in a more concise web-based format that focuses more on reasons for key shifts in trade, provides more sector detail, and can be searched by country or commodity sector, according to each user's individual interests. Users will find a comprehensive review of U.S. trade performance in 2003, 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. Also available are profiles of the U.S. industry and market for over 250 industry/commodity groups and subgroups, offering data for 1999-2003 on domestic consumption, production, employment, trade, and import penetration.

View report: <http://www.usitc.gov/tradeshifts/default.htm>

The Year in Trade 2003

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 2003, published in July 2004, 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 2003.

Further information:

http://www.usitc.gov/ext_relations/news_release/2004/er0721bb1.htm

View report: <http://www.usitc.gov/wais/pub3700.pdf>

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/tata/hts/index.htm>). In December 2003, the agency published the 2004 edition of the HTS (in hard copy and electronically). A printed supplement was published in July 2004, 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 41 such petitions during FY 2004. 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 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 2004 and now total over 70,000 users. The system generates up to 80,000 data reports per month; about 22 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).

During FY 2004, the ITC completed bill reports for 85 tariff-related bills introduced by the 108th Congress. An omnibus miscellaneous tariff bill, which included legislation that had been analyzed by the ITC in the framework of the 107th Congress, had not passed by the end of that session. That omnibus bill was reintroduced early in the 108th Congress and remained pending at the end of FY 2004. (Editor’s note: the omnibus bill was expanded to include new provisions arising from additional bills of the 108th Congress and was passed in December 2004.) Information on tariff bill reports prepared by the ITC can be found on the ITC’s Internet site at http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm.

The agency provided information and assistance to 128 business, public, academic, and congressional customers through the Trade Remedy Assistance Program during FY 2004.

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 2004, ITC staff were active participants in interagency committees and subcommittees and international organizations in more than 73 different issue areas. The

bulk of staff participation was focused upon WTO dispute settlement and litigation, nine Free Trade Agreement negotiations, NAFTA-related activities, and China safeguards.

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 WTO panels and the appellate body. During FY 2004, this WTO-related work covered the ITC's safeguard determination involving steel imports, its antidumping and countervailing duty determinations involving softwood lumber, DRAMs, and wheat, and its five-year (sunset) reviews of the orders covering oil country tubular goods and cement. 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 activities of the Negotiating Group on Rules. 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 Negotiating Group on Rules in Geneva, Switzerland.

Throughout FY 2004, the Commission provided support and information to the Congress on a wide range of trade-related matters, responding to formal and informal requests for technical assistance, trade data and statistical information, explanations of U.S. trade laws, updates on ongoing investigations, and quick-response answers to diverse trade-related inquiries. The ITC responded to more than 103 congressional letters as well as hundreds of requests for informal technical assistance during FY 2004. One Member of Congress appeared at a Commission hearing 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 ITC's information technology program undertook several projects during FY 2004 to meet the needs of the Commission and its external customers. IT staff completed the migration to a new operating environment and implemented enhanced information security measures during the year, and undertook improvements to the electronic document information system as well, setting the stage for the eventual electronic filing of confidential business information. IT staff also laid the groundwork for significant planned upgrades to the agency's Internet site and the physical wiring infrastructure of its network, as well as for the replacement of all of the agency's personal computers.

The "Building Emergency Action Plan" for the building that houses the agency was finalized in August 2004 and distributed to all building tenants and the building owner. All Commission employees received an emergency procedures pamphlet that provides instructions for dealing with various related emergencies, including weather-related situations, bomb threats, medical emergencies, earthquakes, and bio-terrorism.

Commission staff made significant headway in developing the agency's Strategic Human Capital Plan, which is now in the coordination and approval process. As a part of this effort, the agency conducted a workforce survey and held numerous employee and manager focus groups.

Agency staff also submitted unaudited quarterly financial statements and prepared a full set of financial statements for audit at the end of the fiscal year, as called for in the FY 2004 Performance Accountability Report.

The agency processed 20,941 documents during FY 2004. The ITC held 26 meetings in FY 2004 (compared to 47 meetings in FY 2003) and 28 days of hearings during the year (compared to 37 days of hearings in FY 2003).

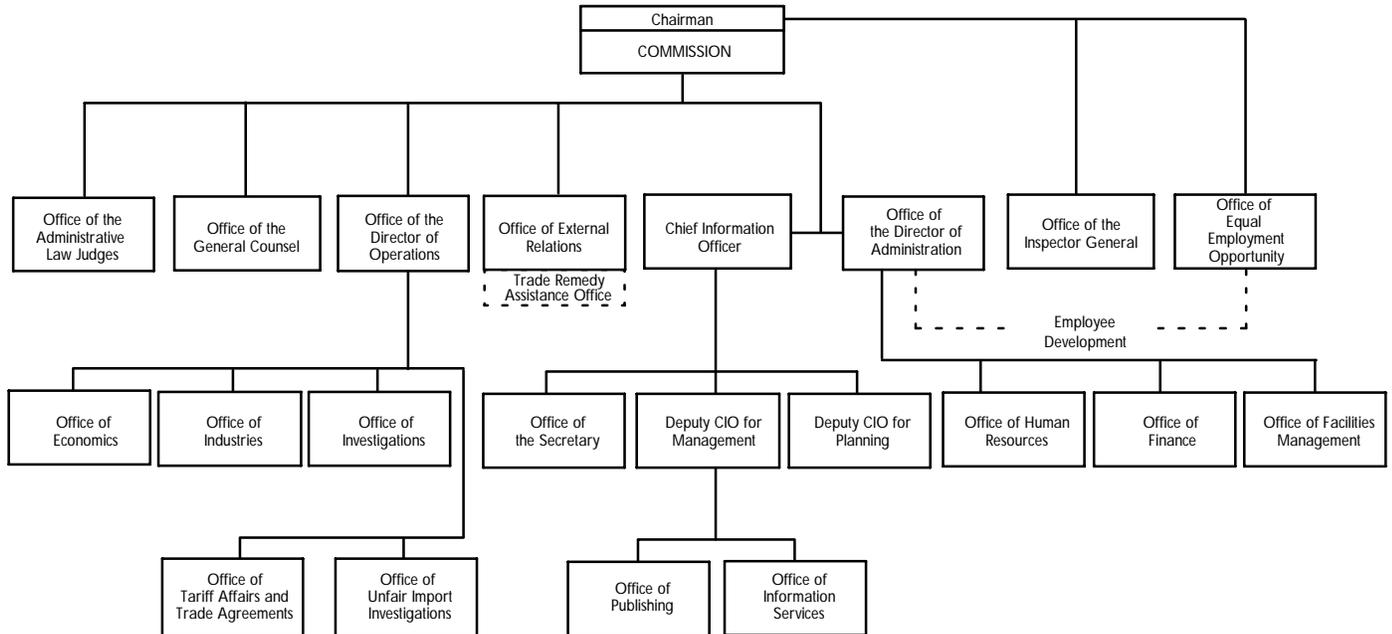
Staff processed 393 requests for confidential treatment of information in its investigations and 143 requests for release of confidential business information under protective order during FY 2004. Under the Freedom of Information Act (FOIA), the ITC received 48 requests, 21 of which were granted in whole or in part.

The ITC's visitor program arranged visits for 195 individuals from 31 foreign countries and the United States during FY 2004. Visitors included government representatives, journalists, business officials, economists, bankers, attorneys, professors, and students.

During FY 2004, the Inspector General conducted audits of the Commission's information security program and practices and discretionary document and mail distribution program. One inspection addressed the topic of the Commission's implementation of the Continued Dumping and Subsidy Offset Act of 2003 (known as the Byrd Amendment).

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

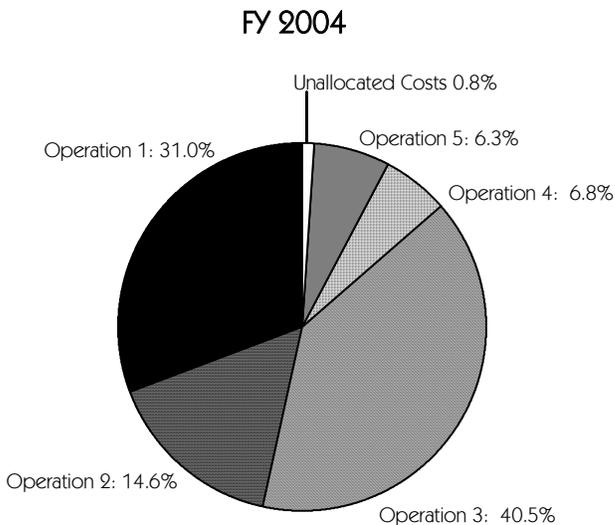
The Office of Equal Employment Opportunity (EEO) administers the ITC affirmative action program. The Director advises the Chairman and ITC managers on all equal employment issues; evaluates the sufficiency of the agency's EEO program and recommends improvements or corrections, including remedial and 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:	Industry and Economic Analysis
Operation 4:	Trade Information Services
Operation 5:	Trade Policy Support
Unallocated Costs	

ITC Personnel, FY 2004

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 2004, a total of 344.5 permanent employees were employed by the ITC.

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

Organizational unit	Number as of September 30, 2004
Commissioners	6
Offices of the Commissioners	18
Office of the General Counsel	36
Office of the Administrative Law Judges	12
Office of External Relations	5
Office of the Director of Operations	13
Office of Investigations	31
Office of Industries	91.5
Office of Economics	37.5
Office of Tariff Affairs and Trade Agreements	14
Office of Unfair Import Investigations	16
Office of the Chief Information Officer	4
Office of Information Services	8
Office of Publishing	10
Office of the Secretary	12
Office of the Director of Administration	5
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	344.5

ITC Budget, FY 2004

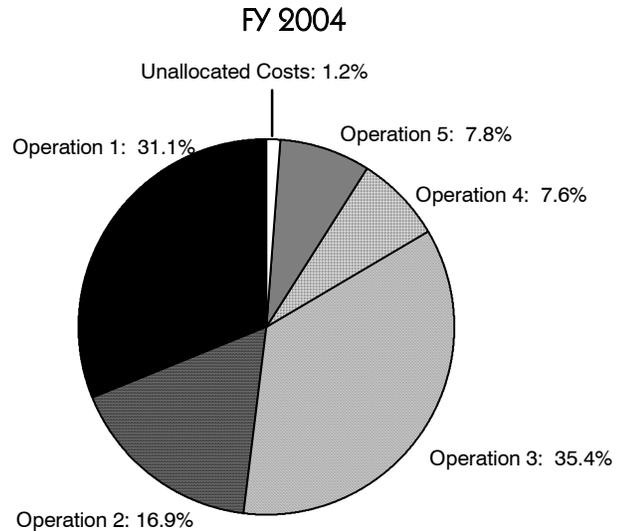
The ITC submits its budget to the President for transmittal to Congress. Because of the unique role of the ITC as a quasi-judicial, nonpartisan, independent agency designed to provide trade expertise to the legislative and executive branches of government, Congress provided in section 175 of the Trade 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 2004, appropriated funds made available to the ITC amounted to \$58,742,244. Appropriated funds included an FY 2004 appropriation of \$58,295,000, recoveries and deobligations of \$685,329, a rescission of \$613,341, and a carryover of \$375,256.

Obligations for FY 2003 and FY 2004 (in thousands of dollars) are shown below:

Item	FY 2003	FY 2004
Salaries	31,873,299	33,222,661
Benefits	6,849,532	7,378,326
Rent	5,583,285	5,942,039
Services	6,562,837	6,929,228
Supplies and Material	812,635	691,696
Equipment	1,047,470	1,544,540
Other	1,454,386	2,415,054
Total	54,183,444	58,123,544

Dollar Cost: Comparison by Operation



Operations

	Operation 1:	Import Injury Investigations
	Operation 2:	Intellectual Property-Based Import Investigations
	Operation 3:	Industry and Economic Analysis
	Operation 4:	Trade Information Services
	Operation 5:	Trade Policy Support
	Unallocated Costs	

**Appendix A:
Summary of Investigations Completed During Fiscal
Year 2004 and Pending on September 30, 2004**

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Table I-A
Antidumping and Countervailing Duty Investigations Conducted
in Fiscal Year 2004

Investigation No. and Title	Date Instituted	Staff Conference	Preliminary Determination	Pub. No.	Public Hearing	Final Determination	Pub. No.
701-TA-414 <i>(Section 129 Consistency Determination)</i> <i>Softwood Lumber from Canada</i>	07-27-04	N/A	N/A	N/A	Pending	Pending	Pending
731-TA-928 <i>(Section 129 Consistency Determination)</i> <i>Softwood Lumber from Canada</i>	07-27-04	N/A	N/A	N/A	Pending	Pending	Pending
701-TA-430A <i>Durum Wheat from Canada</i>	09-13-02	10-04-02	Affirmative 11-25-02	3563	09-04-03	Negative 10-16-03	3639
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	Affirmative 10-16-03	3639
731-TA-1019A <i>Durum Wheat from Canada</i>	09-13-02	10-04-02	Affirmative 11-25-02	3563	09-04-03	Negative 10-16-03	3639
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	Affirmative 10-16-03	3639
731-TA-1021 <i>Malleable Iron Pipe Fittings from China</i>	10-30-02	11-20-02	Affirmative 12-17-02	3568	10-23-03	Affirmative 12-03-03	3649
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	Affirmative 11-10-03	3643
731-TA-1023 <i>Certain Ceramic Station Post Insulators from Japan</i>	12-31-02	01-21-03	Affirmative 02-14-03	3578	10-29-03	Affirmative 12-19-03	3655
701-TA-432 <i>Prestressed Concrete Steel Wire Strand from India</i>	01-31-03	02-21-03	Affirmative 03-17-03	3589	12-02-03	Affirmative 01-21-04	3663
731-TA-1024 <i>Prestressed Concrete Steel Wire Strand from Brazil</i>	01-31-03	02-21-03	Affirmative 03-17-03	3589	12-02-03	Affirmative 01-21-04	3663
731-TA-1025 <i>Prestressed Concrete Steel Wire Strand from India</i>	01-31-03	02-21-03	Affirmative 03-17-03	3589	12-02-03	Affirmative 01-21-04	3663
731-TA-1026 <i>Prestressed Concrete Steel Wire Strand from Korea</i>	01-31-03	02-21-03	Affirmative 03-17-03	3589	12-02-03	Affirmative 01-21-04	3663

Table I-A-Continued
 Antidumping and Countervailing Duty Investigations Conducted
 in Fiscal Year 2004

Investigation No. and Title	Date Instituted	Staff Conference	Preliminary Determination	Pub. No.	Public Hearing	Final Determination	Pub. No.
731-TA-1027 <i>Prestressed Concrete Steel Wire Strand from Mexico</i>	01-31-03	02-21-03	Affirmative 03-17-03	3589	12-02-03	Affirmative 01-21-04	3663
731-TA-1028 <i>Prestressed Concrete Steel Wire Strand from Thailand</i>	01-31-03	02-21-03	Affirmative 03-17-03	3589	12-02-03	Affirmative 01-21-04	3663
731-TA-1034 <i>Certain Color Television Receivers from China</i>	05-02-03	05-23-03	Affirmative 06-16-03	3607	04-15-04	Affirmative 05-26-04	3695
731-TA-1035 <i>Certain Color Television Receivers from Malaysia</i>	05-02-03	05-23-03	Affirmative 06-16-03	3607	04-15-04	Terminated 04-16-04	3695
731-TA-1039 <i>Certain Wax and Wax/Resin Thermal Transfer Ribbons from France</i>	05-30-03	06-20-03	Affirmative 07-14-03	3613	03-09-04	Negative 04-19-04	3683
731-TA-1040 <i>Certain Wax and Wax/Resin Thermal Transfer Ribbons from Japan</i>	05-30-03	06-20-03	Affirmative 07-14-03	3613	03-09-04	Negative 04-19-04	3683
731-TA-1041 <i>Certain Wax and Wax/Resin Thermal Transfer Ribbons from Korea</i>	05-30-03	06-20-03	Affirmative 07-14-03	3613	03-09-04	Terminated 04-06-04	3683
731-TA-1043 <i>Polyethylene Retail Carrier Bags from China</i>	06-20-03	07-11-03	Affirmative 08-04-03	3618	06-10-04	Affirmative 08-02-04	3710
731-TA-1044 <i>Polyethylene Retail Carrier Bags from Malaysia</i>	06-20-03	07-11-03	Affirmative 08-04-03	3618	06-10-04	Affirmative 08-02-04	3710
731-TA-1045 <i>Polyethylene Retail Carrier Bags from Thailand</i>	06-20-03	07-11-03	Affirmative 08-04-03	3618	06-10-04	Affirmative 08-02-04	3710
731-TA-1046 <i>Tetrahydrofurfuryl Alcohol from China</i>	06-23-03	07-14-03	Affirmative 08-07-03	3620	06-14-04	Affirmative 07-29-04	3709
731-TA-1047 <i>Ironing Tables and Certain Parts Thereof from China</i>	06-30-03	07-21-03	Affirmative 08-14-03	3623	06-16-04	Affirmative 07-28-04	3711
731-TA-1048 <i>Electrolytic Manganese Dioxide from Australia</i>	07-31-03	08-21-03	Affirmative 09-15-03	3633	N/A	Terminated 03-02-04	N/A

Table I-A-Continued

Antidumping and Countervailing Duty Investigations Conducted in Fiscal Year 2004

Investigation No. and Title	Date Instituted	Staff Conference	Preliminary Determination	Pub. No.	Public Hearing	Final Determination	Pub. No.
731-TA-1050 <i>Electrolytic Manganese Dioxide from Greece</i>	07-31-03	08-21-03	Affirmative 09-15-03	3633	N/A	Terminated 03-02-04	N/A
731-TA-1051 <i>Electrolytic Manganese Dioxide from Ireland</i>	07-31-03	08-21-03	Affirmative 09-15-03	3633	N/A	Terminated 03-02-04	N/A
731-TA-1052 <i>Electrolytic Manganese Dioxide from Japan</i>	07-31-03	08-21-03	Affirmative 09-15-03	3633	N/A	Terminated 03-02-04	N/A
731-TA-1054 <i>Light-Walled Rectangular Pipe and Tube from Mexico</i>	09-09-03	09-30-03	Affirmative 10-24-03	3644	08-31-04	Pending	Pending
731-TA-1055 <i>Light-Walled Rectangular Pipe and Tube from Turkey</i>	09-09-03	09-30-03	Affirmative 10-24-03	3644	08-31-04	Pending	Pending
731-TA-1056 <i>Certain Aluminum Plate from South Africa</i>	10-16-03	11-06-03	Affirmative 12-01-03	3654	Pending	Pending	Pending
731-TA-1057 <i>Certain Processed Hazelnuts from Turkey</i>	10-21-03	11-12-03	Affirmative 12-12-03	3656	N/A	Terminated 02-19-04	N/A
731-TA-1058 <i>Wooden Bedroom Furniture from China</i>	10-31-03	11-21-03	Affirmative 01-12-04	3667	Pending	Pending	Pending
731-TA-1059 <i>Hand Trucks from China</i>	11-13-03	12-04-03	Affirmative 12-29-03	3660	Pending	Pending	Pending
701-TA-437 <i>Carbazole Violet Pigment 23 from India</i>	11-21-03	12-12-03	Affirmative 01-05-04	3662	Pending	Pending	Pending
731-TA-1060 <i>Carbazole Violet Pigment 23 from China</i>	11-21-03	12-12-03	Affirmative 01-05-04	3662	Pending	Pending	Pending
731-TA-1061 <i>Carbazole Violet Pigment 23 from India</i>	11-21-03	12-12-03	Affirmative 01-05-04	3662	Pending	Pending	Pending
731-TA-1062 <i>Kosher Chicken from Canada</i>	12-01-03	12-22-03	Negative 01-15-04	3669	N/A	N/A	N/A
731-TA-1063 <i>Certain Frozen or Canned Warmwater Shrimp and Prawns from Brazil</i>	12-31-03	01-21-04	Affirmative 02-17-04	3672	Pending	Pending	Pending

Table I-A-Continued

Antidumping and Countervailing Duty Investigations Conducted in Fiscal Year 2004

Investigation No. and Title	Date Instituted	Staff Conference	Preliminary Determination	Pub. No.	Public Hearing	Final Determination	Pub. No.
731-TA-1064 <i>Certain Frozen or Canned Warmwater Shrimp and Prawns from China</i>	12-31-03	01-21-04	Affirmative 02-17-04	3672	Pending	Pending	Pending
731-TA-1065 <i>Certain Frozen or Canned Warmwater Shrimp and Prawns from Ecuador</i>	12-31-03	01-21-04	Affirmative 02-17-04	3672	Pending	Pending	Pending
731-TA-1066 <i>Certain Frozen or Canned Warmwater Shrimp and Prawns from India</i>	12-31-03	01-21-04	Affirmative 02-17-04	3672	Pending	Pending	Pending
731-TA-1067 <i>Certain Frozen or Canned Warmwater Shrimp and Prawns from Thailand</i>	12-31-03	01-21-04	Affirmative 02-17-04	3672	Pending	Pending	Pending
731-TA-1068 <i>Certain Frozen or Canned Warmwater Shrimp and Prawns from Vietnam</i>	12-31-03	01-21-04	Affirmative 02-17-04	3672	Pending	Pending	Pending
731-TA-1069 <i>Outboard Engines from Japan</i>	01-08-04	01-29-04	Affirmative 02-23-04	3673	Pending	Pending	Pending
731-TA-1070 <i>Certain Tissue and Crepe Paper Products from China</i>	02-17-04	03-09-04	Affirmative 04-02-04	3682	Pending	Pending	Pending
731-TA-1071 <i>Magnesium from China</i>	02-27-04	03-19-04	Affirmative 04-12-04	3685	Pending	Pending	Pending
731-TA-1072 <i>Magnesium from Russia</i>	02-27-04	03-19-04	Affirmative 04-12-04	3685	Pending	Pending	Pending
731-TA-1073 <i>Certain Circular Welded Carbon Line Pipe from China</i>	03-03-04	03-24-04	Affirmative 04-19-04	3687	Pending	Pending	Pending
731-TA-1074 <i>Certain Circular Welded Carbon Line Pipe from Korea</i>	03-03-04	03-24-04	Affirmative 04-19-04	3687	Pending	Pending	Pending
731-TA-1075 <i>Certain Circular Welded Carbon Line Pipe from Mexico</i>	03-03-04	03-24-04	Affirmative 04-19-04	3687	Pending	Pending	Pending

Table I-A-Continued
 Antidumping and Countervailing Duty Investigations Conducted
 in Fiscal Year 2004

Investigation No. and Title	Date Instituted	Staff Conference	Preliminary Determination	Pub. No.	Public Hearing	Final Determination	Pub. No.
701-TA-438 <i>Live Swine from Canada</i>	03-05-04	03-26-04	Affirmative 05-10-04	3693	Pending	Pending	Pending
731-TA-1076 <i>Live Swine from Canada</i>	03-05-04	03-26-04	Affirmative 05-10-04	3693	Pending	Pending	Pending
701-TA-439 <i>Polyethylene Terephthalate (PET) Resin from India</i>	03-24-04	04-14-04	Affirmative 05-10-04	3694	Pending	Pending	Pending
701-TA-440 <i>Polyethylene Terephthalate (PET) Resin from Thailand</i>	03-24-04	04-14-04	Affirmative 05-10-04	3694	Pending	Pending	Pending
731-TA-1077 <i>Polyethylene Terephthalate (PET) Resin from India</i>	03-24-04	04-14-04	Affirmative 05-10-04	3694	Pending	Pending	Pending
731-TA-1078 <i>Polyethylene Terephthalate (PET) Resin from Indonesia</i>	03-24-04	04-14-04	Affirmative 05-10-04	3694	Pending	Pending	Pending
731-TA-1079 <i>Polyethylene Terephthalate (PET) Resin from Taiwan</i>	03-24-04	04-14-04	Affirmative 05-10-04	3694	Pending	Pending	Pending
731-TA-1080 <i>Polyethylene Terephthalate (PET) Resin from Thailand</i>	03-24-04	04-14-04	Affirmative 05-10-04	3694	Pending	Pending	Pending
701-TA-441 <i>Silicon Metal from Brazil</i>	03-31-04	N/A	Terminated 04-16-04	N/A	N/A	N/A	N/A
731-TA-1081 <i>Silicon Metal from South Africa</i>	03-31-04	N/A	Terminated 04-16-04	N/A	N/A	N/A	N/A
731-TA-1082 <i>Chlorinated Isocyanurate from China</i>	05-14-04	06-04-04	Affirmative 06-28-04	3705	Pending	Pending	Pending
731-TA-1083 <i>Chlorinated Isocyanurate from Spain</i>	05-14-04	06-04-04	Affirmative 06-28-04	3705	Pending	Pending	Pending
731-TA-1084 <i>Purified Carboxymethylcellulose from Finland</i>	06-09-04	06-30-04	Affirmative 07-26-04	3713	Pending	Pending	Pending
731-TA-1085 <i>Purified Carboxymethylcellulose from Mexico</i>	06-09-04	06-30-04	Affirmative 07-26-04	3713	Pending	Pending	Pending

Table I-A-Continued

Antidumping and Countervailing Duty Investigations Conducted in Fiscal Year 2004

Investigation No. and Title	Date Instituted	Staff Conference	Preliminary Determination	Pub. No.	Public Hearing	Final Determination	Pub. No.
731-TA-1086 <i>Purified Carboxymethylcellulose from the Netherlands</i>	06-09-04	06-30-04	Affirmative 07-26-04	3713	Pending	Pending	Pending
731-TA-1087 <i>Purified Carboxymethylcellulose from Sweden</i>	06-09-04	06-30-04	Affirmative 07-26-04	3713	Pending	Pending	Pending
731-TA-1088 <i>Polyvinyl Alcohol from Taiwan</i>	09-07-04	09-28-04	Pending	Pending	Pending	Pending	Pending

NOTES - In fiscal year 2004, the following suspended investigations remained suspended: Inv. No. 731-TA-539C (Final), *Uranium from Russia* (suspended 10-16-92); and Inv. No. 731-TA-747 (Final), *Fresh Tomatoes from Mexico* (suspended 12-16-02).

In fiscal year 2004, the Commission conducted the following trade litigation remand proceedings: Inv. Nos. 701-TA-414 and 731-TA-928 (Final), *Softwood Lumber from Canada*; Inv. Nos. 701-TA-393 and 731-TA-829-840 (Final), *Cold-Rolled Steel from Argentina, Brazil, China, Indonesia, Japan, Russia, Slovakia, South Africa, Taiwan, Thailand, Turkey and Venezuela*; Inv. No. 731-TA-860 (Final), *Tin- and Chromium-Coated Steel Sheet from Japan*; Inv. Nos. 303-TA-23 and 731-TA-566-570, and 641 (Final), *Ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela*; Inv. No. 731-TA-991(Final), *Silicon Metal from Russia*; and Inv. No. 731-TA-954, *Carbon and Certain Alloy Steel Wire Rod from Canada*. Information regarding these remand proceedings may be found in Table VI.

Table I-B
Changed Circumstances and Five-Year (Sunset) Reviews
Conducted in Fiscal Year 2004

Investigation No. and Title	Date Instituted	Type of Review	Public Hearing	Final Determination	Pub. No.
701-TA-373 <i>Stainless Steel Wire Rod from Italy</i>	08-01-03	N/A	05-18-04	Terminated 06-29-04	3707
731-TA-770 <i>Stainless Steel Wire Rod from Italy</i>	08-01-03	Full	05-18-04	Affirmative 07-22-04	3707
731-TA-771 <i>Stainless Steel Wire Rod from Japan</i>	08-01-03	Full	05-18-04	Affirmative 07-22-04	3707
731-TA-772 <i>Stainless Steel Wire Rod from Korea</i>	08-01-03	Full	05-18-04	Affirmative 07-22-04	3707
731-TA-773 <i>Stainless Steel Wire Rod from Spain</i>	08-01-03	Full	05-18-04	Affirmative 07-22-04	3707
731-TA-774 <i>Stainless Steel Wire Rod from Sweden</i>	08-01-03	Full	05-18-04	Affirmative 07-22-04	3707
731-TA-775 <i>Stainless Steel Wire Rod from Taiwan</i>	08-01-03	Full	05-18-04	Affirmative 07-22-04	3707
731-TA-776 <i>Preserved Mushrooms from Chile</i>	11-03-03	Full	09-09-04	Pending	Pending
731-TA-777 <i>Preserved Mushrooms from China</i>	11-03-03	Full	09-09-04	Pending	Pending
731-TA-778 <i>Preserved Mushrooms from India</i>	11-03-03	Full	09-09-04	Pending	Pending
731-TA-779 <i>Preserved Mushrooms from Indonesia</i>	11-03-03	Full	09-09-04	Pending	Pending
AA1921-167 <i>Pressure Sensitive Plastic Tape from Italy</i>	01-02-04	Expedited	N/A	Affirmative 06-07-04	3698
AA1921-188 <i>Prestressed Concrete Steel Wire Strand from Japan</i>	01-02-04	Expedited	N/A	Affirmative 06-07-04	3699
731-TA-044 <i>Sorbitol from France</i>	02-02-04	Expedited	N/A	Affirmative 07-16-04	3706
731-TA-149 <i>Barium Chloride from China</i>	02-02-04	Expedited	N/A	Affirmative 07-01-04	3702
731-TA-101 <i>Greige Polyester Cotton Printcloth from China</i>	03-01-04	Full	Pending	Pending	Pending
731-TA-130 <i>Chloropicrin from China</i>	03-01-04	Expedited	N/A	Affirmative 08-03-04	3712
701-TA-376 <i>Certain Stainless Steel Plate from Belgium</i>	04-01-04	Full	Pending	Pending	Pending

Table I-B-Continued

Changed Circumstances and Five-Year (Sunset) Reviews Conducted in Fiscal Year 2004

Investigation No. and Title	Date Instituted	Type of Review	Public Hearing	Final Determination	Pub. No.
701-TA-377 <i>Certain Stainless Steel Plate from Italy</i>	04-01-04	Full	Pending	Pending	Pending
701-TA-379 <i>Certain Stainless Steel Plate from South Africa</i>	04-01-04	Full	Pending	Pending	Pending
731-TA-788 <i>Certain Stainless Steel Plate from Belgium</i>	04-01-04	Full	Pending	Pending	Pending
731-TA-789 <i>Certain Stainless Steel Plate from Canada</i>	04-01-04	Full	Pending	Pending	Pending
731-TA-790 <i>Certain Stainless Steel Plate from Italy</i>	04-01-04	Full	Pending	Pending	Pending
731-TA-791 <i>Certain Stainless Steel Plate from Korea</i>	04-01-04	Full	Pending	Pending	Pending
731-TA-792 <i>Certain Stainless Steel Plate from South Africa</i>	04-01-04	Full	Pending	Pending	Pending
731-TA-793 <i>Certain Stainless Steel Plate from Taiwan</i>	04-01-04	Full	Pending	Pending	Pending
731-TA-208 <i>Barbed Wire and Barbless Wire Strand from Argentina</i>	04-01-04	Expedited	N/A	Affirmative 08-30-04	3718
731-TA-326 <i>Frozen Concentrated Orange Juice from Brazil</i>	04-01-04	Full	Pending	Pending	Pending
731-TA-653 <i>Sebacic Acid from China</i>	04-01-04	Full	Pending	Pending	Pending
731-TA-787 <i>Extruded Rubber Thread from Indonesia</i>	04-01-04	N/A	N/A	Terminated 05-21-04	N/A
701-TA-384 <i>Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from Brazil</i>	05-03-04	Full	Pending	Pending	Pending
731-TA-806 <i>Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from Brazil</i>	05-03-04	Full	Pending	Pending	Pending
731-TA-807 <i>Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from Japan</i>	05-03-04	Full	Pending	Pending	Pending
731-TA-808 <i>Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from Russia</i>	05-03-04	Full	Pending	Pending	Pending
731-TA-244 <i>Natural Bristle Paint Brushes from China</i>	05-03-04	Expedited	N/A	Pending	Pending
701-TA-381 <i>Stainless Steel Sheet and Strip from Italy</i>	06-01-04	Full	Pending	Pending	Pending
701-TA-382 <i>Stainless Steel Sheet and Strip from Korea</i>	06-01-04	Full	Pending	Pending	Pending
731-TA-798 <i>Stainless Steel Sheet and Strip from Germany</i>	06-01-04	Full	Pending	Pending	Pending

Table I-B-Continued

Changed Circumstances and Five-Year (Sunset) Reviews Conducted in Fiscal Year 2004

Investigation No. and Title	Date Instituted	Type of Review	Public Hearing	Final Determination	Pub. No.
731-TA-797 <i>Stainless Steel Sheet and Strip from France</i>	06-01-04	Full	Pending	Pending	Pending
731-TA-799 <i>Stainless Steel Sheet and Strip from Italy</i>	06-01-04	Full	Pending	Pending	Pending
731-TA-800 <i>Stainless Steel Sheet and Strip from Japan</i>	06-01-04	Full	Pending	Pending	Pending
731-TA-801 <i>Stainless Steel Sheet and Strip from Korea</i>	06-01-04	Full	Pending	Pending	Pending
731-TA-802 <i>Stainless Steel Sheet and Strip from Mexico</i>	06-01-04	Full	Pending	Pending	Pending
731-TA-803 <i>Stainless Steel Sheet and Strip from Taiwan</i>	06-01-04	Full	Pending	Pending	Pending
731-TA-804 <i>Stainless Steel Sheet and Strip from the United Kingdom</i>	06-01-04	Full	Pending	Pending	Pending
AA1921-129 <i>Polychloroprene Rubber from Japan</i>	07-01-04	Pending	Pending	Pending	Pending
731-TA-364 <i>Aspirin from Turkey</i>	07-01-04	N/A	N/A	Terminated 8-20-04	N/A
AA1921-162 <i>Melamine from Japan</i>	08-02-04	Pending	Pending	Pending	Pending
731-TA-282 <i>Petroleum Wax Candles from China</i>	08-02-04	Pending	Pending	Pending	Pending
104-TAA-7 <i>Sugar from the European Union</i>	09-01-04	Pending	Pending	Pending	Pending
AA1921-198 <i>Sugar from Belgium</i>	09-01-04	Pending	Pending	Pending	Pending
AA1921-199 <i>Sugar from France</i>	09-01-04	Pending	Pending	Pending	Pending
AA1921-200 <i>Sugar from Germany</i>	09-01-04	Pending	Pending	Pending	Pending
731-TA-25 <i>Anhydrous Sodium Metasilicate from France</i>	09-01-04	Pending	Pending	Pending	Pending

NOTE - In fiscal year 2004, the Commission conducted the following trade litigation remand proceedings: Inv. Nos. 731-TA-391-394, 396 and 399 (Review), *Ball Bearings from France, Germany, Italy, Japan, Singapore, and the United Kingdom*; and Inv. Nos. 701-TA-355 and 731-TA-659-660 (Review), *Grain-Oriented Silicon Electrical Steel (GOES) from Italy and Japan*. Information regarding these remand proceedings may be found in Table VI.

Table I-C Other Import Injury Investigations Conducted in Fiscal Year 2004

Investigation No. and Title	Petitioner or Requester	Date of Petition/ Request or Institution	Public Hearing	Commission Finding	Transmitted to the President	Pub. No.
TA-421-4 <i>Certain Ductile Iron Waterworks Fittings from China</i>	McWane, Inc., Birmingham, AL	09-05-03	11-06-03	Affirmative	10-20-03 ¹ 12-04-03 12-24-03	3642 ² 3657
TA-421-5 <i>Uncovered Innerspring Units from China</i>	The American Innerspring Manufacturers (AIM), Memphis, TN. (Petitioning firms include Atlas Spring Manufacturing Co., Gardena, CA; Hickory Springs Manufacturing Co., Hickory, NC; Leggett & Platt, Carthage, MO; and Joseph Saval Spring & Wire Co., Inc., Taylor, MI)	01-06-04	02-19-04	Negative	03-26-04	3676

¹ The first date is the date that the critical circumstances determination was transmitted to the President; the second date is the date that the determination on market disruption was transmitted to the President; and the third date is the date that the report was transmitted to the President.

² The first publication number is for the critical circumstances phase; the second publication number is the report.

NOTE - In fiscal year 2004, 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 2004

Investigation No. and Title	Complainant	Fed. Reg. Notice	Final Determination	Date Orders Issued	Pub. No.
337-TA-406 <i>Certain Lens-Fitted Film Packages (Advisory Opinion Proceeding II)</i>	Fuji Photo Film Co., Ltd., Tokyo, Japan	09-09-03	Commission found non-infringement	03-30-04	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 (Enforcement Proceeding II)</i>	Fuji Photo Film Co., Ltd., Tokyo, Japan	N/A	Commission ordered forfeiture of portion of bond posted by a respondent	08-27-04	N/A
337-TA-469 <i>Certain Bearings and Packaging Thereof</i>	SKF USA Inc., Norristown, PA	04-16-02	No violation	05-12-04	N/A
337-TA-474 <i>Certain Recordable Compact Discs and Rewritable Compact Discs</i>	U.S. Philips Corporation, Tarrytown, NY	07-26-02	No violation	03-11-04	3686
337-TA-481 <i>Certain Display Controllers with Upscaling Functionality and Products Containing Same</i>	Genesis Microchip (Delaware), Inc., Alviso, CA	10-18-02	Limited exclusion order ¹	08-20-04	N/A
337-TA-487 <i>Certain Agricultural Vehicles and Components Thereof</i>	Deere and Company, Moline, IL	02-13-03	General exclusion order; two limited exclusion orders; 11 cease and desist orders	05-14-04	3625
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	General exclusion order	02-06-04	3715
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	No violation found	05-20-04	N/A
337-TA-491 <i>Certain Display Controllers and Products Containing Same</i>	Genesis Microchip (Delaware) Inc., Alviso, CA	04-14-03	Limited exclusion order ¹	08-20-04	N/A
337-TA-492 <i>Certain Plastic Grocery and Retail Bags</i>	Superbag Corp., Houston, TX	05-08-03	General exclusion order	08-10-04	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 and Eveready Battery Company, Inc., St. Louis, MO	06-02-03	Pending	N/A	N/A

Table II-Continued

Intellectual Property-Based Import Investigations and Related Proceedings Conducted in Fiscal Year 2004

Investigation No. and Title	Complainant	Fed. Reg. Notice	Final Determination	Date Orders Issued	Pub. No.
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 and Medquest PTY, Ltd., Perth, Australia	07-30-03	Consent order	10-01-03	N/A
337-TA-496 <i>Certain Home Vacuum Packaging Machines</i>	Tilia, Inc., San Francisco, CA and Tilia International, Inc., San Francisco, CA	08-18-03	Settlement agreement	05-20-04	3681
337-TA-497 <i>Certain Universal Transmitters for Garage Door Openers</i>	The Chamberlain Group, Inc., Elmhurst, IL	08-26-03	No violation	02-17-04	3670
337-TA-498 <i>Certain Insect Traps</i>	American Biophysics Corporation, East Greenwich, RI	09-12-03	Pending	N/A	N/A
337-TA-499 <i>Certain Audio Digital-to-Analog Converters and Products Containing Same</i>	Cirrus Logic, Inc., Austin, TX	11-14-03	Pending	N/A	N/A
337-TA-500 <i>Certain Purple Protective Gloves</i>	Kimberly-Clark Corporation, Irving, TX and Safeskin Corporation, Roswell, GA	11-26-03	Pending	N/A	N/A
337-TA-501 <i>Certain Encapsulated Integrated Circuit Devices and Products Containing Same</i>	Amkor Technology, Inc., West Chester, PA	12-19-03	Pending	N/A	N/A
337-TA-502 <i>Certain Automobile Tail Light Lenses and Products Incorporating Same</i>	Jens E. Sorensen, Trustee of the Sorensen Research and Development Trust, San Diego, CA and Jens Ole Sorensen, Rancho Santa Fe, CA	01-07-04	No violation	08-20-04	N/A
337-TA-503 <i>Certain Automated Mechanical Transmission Systems for Medium-Duty and Heavy-Duty Trucks, and Components Thereof</i>	Eaton Corporation, Cleveland, OH	01-07-04	Pending	N/A	N/A

Table II-Continued

Intellectual Property-Based Import Investigations and Related Proceedings Conducted in Fiscal Year 2004

Investigation No. and Title	Complainant	Fed. Reg. Notice	Final Determination	Date Orders Issued	Pub. No.
337-TA-504 <i>Certain Signature Capture Transaction Devices and Component Parts Thereof, and Systems that Employ Such Devices</i>	NCR Corporation, Dayton, OH	01-13-04	Settlement agreement and withdrawal of the complaint.	03-22-04	N/A
337-TA-505 <i>Certain Gun Barrels Used in Firearms Training Systems</i>	Beamhit, LLC, Columbia, MD; SafeShot, LLC, Columbia, MD; and SafeShot, Inc., New York, NY	03-16-04	Pending	Pending	N/A
337-TA-506 <i>Certain Optical Disk Controller Chips and Chipsets and Products Containing Same, Including DVD Players and PC Optical Storage Devices</i>	Zoran Corporation, Sunnyvale, CA; and Oak Technology, Inc., Sunnyvale, CA	04-14-04	Pending	Pending	N/A
337-TA-507 <i>Certain Medical Devices Used to Compact Inner Bone Tissue and Products Containing Same</i>	Kyphon, Inc., Sunnyvale, CA	05-07-04	Consent order	08-30-04	N/A
337-TA-508 <i>Certain Absorbent Garments</i>	Tyco Healthcare Retail Group, Inc., King of Prussia, PA, and Paragon Trade Brands, Inc., King of Prussia, PA	05-07-04	Pending	N/A	N/A
337-TA-509 <i>Certain Personal Computers, Server Computers, and Components Thereof</i>	Hewlett-Packard Development Company, LP, Houston, TX and Hewlett-Packard Company, Palo Alto, CA	06-07-04	Pending	N/A	N/A
337-TA-510 <i>Certain Systems for Detecting and Removing Viruses or Worms, Components Thereof, and Products Containing Same</i>	Trend Micro Incorporated, Cupertino, CA	06-08-04	Pending	N/A	N/A
337-TA-511 <i>Certain Pet Food Treats</i>	Thomas J. Baumgartner, Rogers, AR and Hillbilly Smokehouse, Inc., Rogers, AR	06-08-04	Pending	N/A	N/A
337-TA-512 <i>Certain Light-Emitting Diodes and Products Containing Same</i>	OSRAM GmbH, Munich, Germany and OSRAM Opto Semiconductors GmbH, Regensburg, Germany	06-08-04	Pending	N/A	N/A

Table II-Continued

Intellectual Property-Based Import Investigations and Related Proceedings Conducted in Fiscal Year 2004

Investigation No. and Title	Complainant	Fed. Reg. Notice	Final Determination	Date Orders Issued	Pub. No.
337-TA-513 <i>Certain Electronic Devices, Including Power Adapters, Power Converters, External Batteries and Detachable Tips, Used to Power and/or Charge Mobile Electronic Products, and Components Thereof</i>	Mobility Electronics, Inc. Scottsdale, AZ	06-14-04	Pending	N/A	N/A
337-TA-514 <i>Certain Plastic Food Containers</i>	Newspring Industrial Corporation, Kearny, NJ	06-22-04	Pending	N/A	N/A
337-TA-515 <i>Certain Injectable Implant Compositions</i>	Inamed Corporation, Santa Barbara, CA	06-25-04	Pending	N/A	N/A
337-TA-516 <i>Certain Disk Drives, Components Thereof, and Products Containing Same</i>	Seagate Technology, LLC, Scotts Valley, CA	08-05-04	Pending	N/A	N/A
337-TA-517 <i>Certain Shirts With Pucker-Free Seams and Methods of Producing Same</i>	TALTECH Limited, Tortola, British Virgin Island; TAL Apparel Limited, Kowloon, Hong Kong; and The Apparel Group Limited, Addison, TX	08-06-04	Pending	N/A	N/A
337-TA-518 <i>Certain Ear Protection Devices</i>	180s, Inc., Baltimore, MD; and 180s, LLC, Baltimore, MD	08-06-04	Pending	N/A	N/A
337-TA-519 <i>Certain Personal Computers, Monitors, and Components Thereof</i>	Gateway, Inc., Poway, CA	08-06-04	Pending	N/A	N/A
337-TA-520 <i>Certain Digital Image Storage and Retrieval Devices</i>	Ampex Corporation, Redwood City, CA	08-16-04	Pending	N/A	N/A
337-TA-521 <i>Certain Voltage Regulator Circuits, Components Thereof and Products Containing Same</i>	Linear Technology Corporation, Milpitas, CA	08-17-04	Pending	N/A	N/A
337-TA-522 <i>Certain Ink Markers and Packaging Thereof</i>	Sanford, L.P., Freeport, IL	08-24-04	Pending	N/A	N/A

Table II-Continued

Intellectual Property-Based Import Investigations and Related Proceedings Conducted in Fiscal Year 2004

Investigation No. and Title	Complainant	Fed. Reg. Notice	Final Determination	Date Orders Issued	Pub. No.
337-TA-523 <i>Certain Optical Disk Controller Chips and Chipsets and Products Containing the Same, Including DVD Players and PC Optical Storage Devices II</i>	MediaTek Inc., Hsin-Chu City, Taiwan	08-31-04	Pending	N/A	N/A
337-TA-524 <i>Certain Point of Sale Terminals and Components Thereof</i>	Verve, L.L.C., Austin, TX	09-03-04	Pending	N/A	N/A
337-TA-525 <i>Certain Semiconductor Devices and Products Containing Same</i>	Taiwan Semiconductor Manufacturing Company, Ltd., Hsinchu, Taiwan; TSMC North America, San Jose, CA; and WaferTech L.L.C., Camas, WA	09-21-04	Pending	N/A	N/A

³ One limited exclusion order was issued in connection with consolidated investigations 337-TA-481 and 337-TA-491.

Table III
General Factfinding Investigations Conducted in Fiscal
Year 2004

Investigation No. and Title	Requester	Date Instituted	Public Hearing	Pub. No.	Date Published
163-1 <i>The Year in Trade: Operation of the Trade Agreements Program</i>	Section 163(c) of the Trade Act of 1974	01-01-48	N/A	3700	07-04
NAFTA-103-6 <i>Probable Effect of Certain Modifications to the North American Free Trade Agreement Rules of Origin</i>	United States Trade Representative	07-23-04	N/A	N/A	Pending
NAFTA-103-7 <i>Certain Textile Articles: Effect of Modifications of NAFTA Rules of Origin for Goods of Canada and Mexico</i>	United States Trade Representative	09-01-04	N/A	N/A	Pending
NAFTA-103-8 <i>Certain Textile Articles: Effect of Modifications of NAFTA Rules of Origin for Goods of Canada</i>	United States Trade Representative	09-01-04	N/A	N/A	Pending
TA-1205-6 <i>Proposed Modifications to the Harmonized Tariff Schedule of the United States</i>	Article 16, Harmonized System Convention	09-08-04	N/A	N/A	Pending
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	10-07-03	Confidential	N/A
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	Confidential	N/A
TA-131-27 and TA-2104-9 <i>U.S.-Panama Free Trade Agreement: Advice Concerning the Probable Economic Effect of Providing Duty-Free Treatment for Imports</i>	United States Trade Representative	12-24-03	02-10-04	Confidential	N/A
TA-131-28 and TA-2104-10 <i>U.S.-Andean Countries Free Trade Agreement: Advice Concerning the Probable Economic Effect of Providing Duty-Free Treatment for Imports</i>	United States Trade Representative	12-24-03	02-10-04	Confidential	N/A
TA-2104-11 <i>U.S.-Australia Free Trade Agreement: Potential Economywide and Selected Sectoral Effects</i>	United States Trade Representative	03-02-04	03-30-04	3697	05-04
TA-131-29 and TA-2104-12 <i>U.S.-Thailand Free Trade Agreement: Advice Concerning the Probable Economic Effect of Providing Duty-Free Treatment for Imports</i>	United States Trade Representative	03-03-04	04-20-04	Confidential	N/A
TA-2104-13 <i>U.S. Free Trade Agreement with Central America and the Dominican Republic: Potential Economywide and Selected Sectoral Effects</i>	United States Trade Representative	03-11-04	04-27-04	3717	08-04

Table III-Continued

General Factfinding Investigations Conducted in Fiscal Year 2004

Investigation No. and Title	Requester	Date Instituted	Public Hearing	Pub. No.	Date Published
TA-2104-14 <i>U.S.-Morocco Free Trade Agreement: Potential Economywide and Selected Sectoral Effects</i>	United States Trade Representative	03-16-04	N/A	3704	06-04
332-227 <i>Biennial Report 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	N/A	Pending
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 of 1989, as amended (19 U.S.C. 2703)	03-09-90	N/A	N/A	Pending
332-325 <i>The Economic Effects of Significant U.S. Import Restraints</i>	United States Trade Representative	06-05-92	N/A	3701	06-04
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	3703	06-04
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	3714	07-04
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	3646	11-03
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	3647	11-03
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	3725	09-04
332-360 <i>International Harmonization of Customs Rules of Origin</i>	United States Trade Representative	04-06-95	N/A	N/A	N/A
332-415 <i>U.S. Trade and Investment with Sub-Saharan Africa</i>	United States Trade Representative	05-15-00	N/A	3650	12-03

Table III-Continued

General Factfinding Investigations Conducted in Fiscal Year 2004

Investigation No. and Title	Requester	Date Instituted	Public Hearing	Pub. No.	Date Published
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	3671	01-04
332-449 <i>U.S. Market Conditions for Certain Wool Articles in 2002-04</i>	United States Trade Representative	01-24-03	03-25-04	3719	09-04
332-450 <i>Commercial Availability (2003): Effect of Providing Preferential Treatment to Apparel from Sub-Saharan African, Caribbean Basin, and Andean Countries</i>	United States Trade Representative	01-28-03	N/A	3677	03-04
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	12-11-03	3692	05-04
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	N/A	N/A	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	N/A	3679	04-04
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	11-05-03	3678	04-04
332-457 <i>Economywide Simulation Modeling: Technical Analysis of the Free Trade Area of the Americas</i>	United States Trade Representative	08-11-03	N/A	Confidential	N/A
332-458 <i>Commercial Availability of Apparel Inputs (2004): Effect of Providing Preferential Treatment to Apparel from Sub-Saharan African, Caribbean Basin, and Andean Countries</i>	United States Trade Representative	02-02-04	N/A	N/A	Pending
332-459 <i>Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2003 Review</i>	United States Trade Representative	02-18-04	03-31-04	3696	05-04
332-460 <i>Foundry Products: Competitive Conditions in the U.S. Market</i>	Committee on Ways and Means, U.S. House of Representatives	06-03-04	Pending	N/A	Pending
332-461 <i>Air and Noise Pollution Abatement Services: An Examination of U.S. and Foreign Markets</i>	United States Trade Representative	08-04-04	N/A	N/A	Pending
332-462 <i>Renewable Energy Services: An Examination of U.S. and Foreign Markets</i>	United States Trade Representative	08-03-04	N/A	N/A	Pending

Table III-Continued General Factfinding Investigations Conducted in Fiscal Year 2004

Investigation No. and Title	Requester	Date Instituted	Public Hearing	Pub. No.	Date Published
332-463 <i>Logistic Services: An Overview of the Global Market and Potential Effects of Removing Trade Impediments</i>	United States Trade Representative	08-26-04	Pending	N/A	Pending

NOTE - In fiscal year 2004, the following investigations remained inactive: Inv. 332-354, *Program to Maintain U.S. Schedule of Services Commitments* (instituted 05-13-94); and Inv. 332-377, *Program to Maintain Investment Restrictions Database* (instituted 01-22-97).

**Appendix B:
Reports Completed During Fiscal Year 2004
and in Progress on September 30, 2004**

Studies Completed During FY 2004

In addition to the reports discussed below, details on a number of other factfinding investigations completed during FY 2004 appear in the **Commission Activities and Accomplishments** section of this report. See pages 21–25 for details on:

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

Express Delivery Services: Competitive Conditions Facing U.S.-based Firms in Foreign Markets (332-456);

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

Probable economic effect of various proposed U.S. free trade agreements (TA-131-25, 26, 27, 28, and 29; TA-2104-7, 8, 9, 10, and 12);

Potential economywide and selected sectoral effects of various proposed U.S. free trade agreements (TA-2104-11, 13, and 14); and

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

Information on the ITC's recurring annual reports *Recent Trends in U.S. Services Trade, 2004 Annual Report* and *Shifts in U.S. Merchandise Trade, 2003* (332-345), as well as *The Year in Trade 2003*, may also be found in the **Commission Activities and Accomplishments** section.

U.S. Market Conditions for Certain Wool Articles in 2002-2004 (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 and asked the ITC 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 ITC submitted its first monitoring report in this investigation to the USTR in September 2003. The second ITC monitoring report in this investigation, providing data for 2003 and year-to-date 2004, was submitted to the USTR in September 2004.

Further information:

http://www.usitc.gov/ext_relations/news_release/2004/er0921bb1.htm

View report: <http://hotdocs.usitc.gov/docs/pubs/332/pub3719.pdf>

Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2003 Review (332-459)

On February 13, 2004, the USTR requested that the ITC investigate possible modifications to the U.S. Generalized System of Preferences, providing advice as to whether any industry in the United States is likely to be adversely affected by the addition of mufflers and exhaust pipes for motor vehicles and wheel rims for bicycles or the removal from eligibility for duty-free treatment under the GSP for adipic acid and high-density polyethylene resins in primary forms, PET film, and PET bottle-grade resins in primary

forms. The ITC was also asked to provide advice as to the adverse impacts of the granting of a waiver of the competitive need limits for fancy leather from Argentina, cookware from Thailand, and camcorders from Indonesia.

The ITC submitted its confidential report to the USTR and issued a public version in May 2004.

Further information:

http://www.usitc.gov/ext_relations/news_release/2004/er0524bb1.htm

View report: <http://hotdocs.usitc.gov/docs/pubs/332/pub3696.pdf>

Economic Effect of U.S. Import Restraints, 4th Update (332-352)

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. In August 2003, the ITC undertook the fourth update of its report, in which the Commission examined 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 does not include import restraints resulting from final antidumping or countervailing duty investigations, section 337 and section 406 investigations, or section 301 actions.

Further information:

http://www.usitc.gov/ext_relations/news_release/2003/er0815aa1.htm

View report: <http://hotdocs.usitc.gov/docs/pubs/332/pub3701.pdf>

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 was 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 employed 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 used the ITC's output as input into its model which describes water and air pollution emissions and water use. The ERS used the ITC's output as input into its models which describe changes in water use and land use. The ITC's report, which was confidential, was submitted to USTR in January 2004.

Recurring Industry Surveys

Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution, Tenth Report, 2003 (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 current ITC report found that the overall effect of imports under the ATPA continued to be negligible in 2003. The ATPA continued to have a small, indirect, but positive effect on drug-crop eradication and crop substitution efforts in the ATPA countries in 2003.

Further information:

http://www.usitc.gov/ext_relations/news_release/2004/er1007bb1.htm

View report: <http://hotdocs.usitc.gov/docs/pubs/332/pub3725.pdf>

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, 2003, the ITC determined that the base quantity for 2004 was 186.9 million gallons. The ITC announced this determination in December 2003.

View determination:

http://www.usitc.gov/secretary/fed_reg_notices/332/332_288determination12182003.pdf

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. The current reports were published in November 2003.

View report on tomatoes: <http://hotdocs.usitc.gov/docs/pubs/332/pub3646.pdf>

View report on peppers: <http://hotdocs.usitc.gov/docs/pubs/332/pub3647.pdf>

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 as 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 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 2004.

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. The fourth report was submitted in December 2003. 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.

Further information:

http://www.usitc.gov/ext_relations/news_release/2004/er0127bb1.htm

View report: http://hotdocs.usitc.gov/pub3650/pub3650_main.html

Commercial Availability of Apparel Inputs (2003): Effect of Providing Preferential Treatment to Apparel from Sub-Saharan African, Caribbean Basin, and Andean Countries (332-450) and Commercial Availability of Apparel Inputs (2004): Effect of Providing Preferential Treatment to Apparel from Sub-Saharan African, Caribbean Basin, and Andean Countries (332-458)

During FY 2004, the Commission continued to 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 African Growth and Opportunity Act (AGOA), the U.S.-Caribbean Basin Trade Partnership Act (CBTPA), and the Andean Trade Promotion and Drug Eradication Act (ATPDEA). As in the past, the USTR requested that the ITC conduct these investigations under an “umbrella” investigation. 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 2003 under Inv. No. 332-450 and in 2004 under Inv. No. 332-458.

During FY 2004, the ITC completed 20 such reviews. The public versions of these reports can be viewed on the ITC’s website.

View the reports:

http://www.usitc.gov/ind_econ_ana/research_ana/pres_cong/332/short_supply/shortsupintro.htm

Studies in Progress at the End of FY 2004

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 Impact of the Caribbean Basin Economic Recover Act, Seventeenth Report (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 affords preferential tariff treatment to most products of 24 designated Caribbean, Central American, and South American countries; amendments in 2000 under the Caribbean Basin Trade Partnership Act (CBTPA) 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. Scheduled completion for 17th report: September 2005.

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.

Foundry Products: Competitive Conditions In the U.S. Market (332-460)

On May 4, 2004, the Committee on Ways and Means, U.S. House of Representatives, requested that the ITC investigate and report on competitive conditions in the U.S. foundry products market. The ITC investigation will provide an overview of the industry together with a detailed analysis of selected key iron-, steel-, aluminum-, and copper-based cast products which are representative of the major segments of the foundry industry. Scheduled completion: May 2005.

Air and Noise Pollution Abatement Services: An Examination of U.S. and Foreign Markets (332-461)

On July 12, 2004, the USTR requested that the ITC investigate and report on U.S. and foreign markets for air and noise pollution abatement services. The ITC report will provide an overview of foreign and domestic markets for such services; examine trade and investment in such markets, including barriers affecting such trade and investment, if any; and if possible, discuss existing regulatory practices that generate demand for such services. The ITC's report will include examples from both developed- and developing-country markets and, as appropriate, from economies with which the United States has established or is negotiating a free trade arrangement. Scheduled completion: April 2005.

Renewable Energy Services: An Examination of U.S. and Foreign Markets (332-462)

On July 12, 2004, the USTR requested that the ITC investigate and report on U.S. and foreign markets for renewable energy services. The ITC will provide an overview of foreign and domestic markets for such services; examine trade and investment in such markets, including barriers affecting such trade and investment, if any; and if possible, discuss existing regulatory practices that generate demand for such services. The ITC will include examples from both developed- and developing-country markets and, as appropriate, from economies with which the United States has established or is negotiating a free trade arrangement. Scheduled completion: October 2005.

Logistic Services: An Overview of the Global Market and Potential Effects of Removing Trade Impediments (332-463)

On August 6, 2004, the USTR requested that the ITC investigate and report on foreign markets for logistic services. The USTR noted that the globalization of manufacturing and electronic commerce have increased the demand for logistic services, which involve planning, implementing, managing, and controlling the flow and storage of goods, services, and related information from the point of origin to the point of consumption. The ITC will report on foreign logistic services markets and will, to the extent possible, provide an overview of the global logistic services market; examine trade and investment in selected regional logistic service markets, including impediments to the provision of international logistic services, if any; and discuss and analyze the potential effects of removing impediments to logistic services on trade and economic welfare. Scheduled completion: May 2005.

Certain Textile Articles: Effect of Modifications of NAFTA Rules of Origin for Goods of Canada and Mexico (NAFTA-103-7) and *Certain Textile Articles: Effect of Modifications of NAFTA Rules of Origin for Goods of Canada (NAFTA-103-8)*

On August 20, 2004, the USTR requested that the ITC provide advice on the probable effect of proposed modifications to the NAFTA rules of origin for five affected textile articles on U.S. trade under the NAFTA, on total U.S. trade, and on domestic producers of the affected articles. The goods from Canada and Mexico covered by Inv. No. NAFTA-103-7 are gimped nylon yarns and woven fabrics of viscose rayon filament yarns. The goods of Canada covered by Inv. No. NAFTA-103-8 are yarns spun from acid-dyeable acrylic tow, fabrics woven from yarns of combed camel hair or cashmere, and pile fabrics containing dry spun acrylic fibers. Scheduled completion: October 2004.

Proposed Modifications to the Harmonized Tariff Schedule of the United States (1205-6)

On September 8, 2004, the ITC instituted an investigation under section 1205 of the Omnibus Trade and Competitiveness Act of 1988, which directs the ITC to keep the Harmonized Tariff Schedule of the United States (HTS) under continuous review and to recommend to the President modifications to the HTS when amendments to the International Convention on the Harmonized Commodity Description and Coding System (Harmonized System) are recommended by the World Customs Organization (WCO) for adoption, and as other circumstances warrant. The majority of proposed changes in this investigation are the result of the work of the WCO and the Harmonized System Committee to update and clarify the Harmonized System nomenclature, as part of the WCO's long-term program to periodically review the nomenclature structure. The WCO has recommended the adoption of certain modifications to the Harmonized System that are due to become effective in January 2007. Scheduled completion: March 2006.

Other Publications Issued During FY 2004

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 2004: *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 was a 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 and suspension agreements are 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 sets its schedule for the review and publishes this information in a Federal Register notice. The notice in each review is 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 and, if applicable, prior review determinations, 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 completes 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, or termination of the suspended investigation, 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

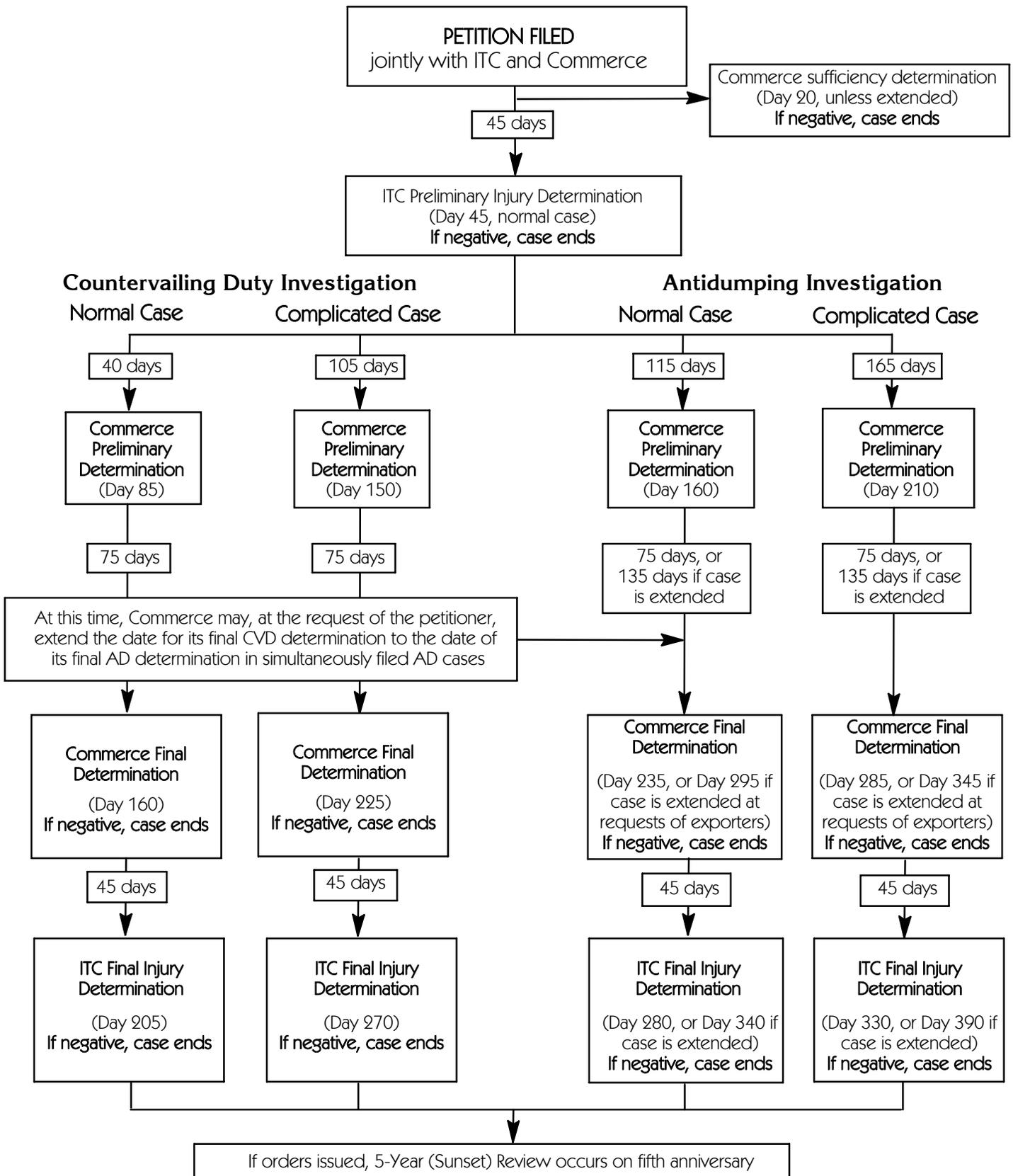


Figure 2
Statutory Timetable for Intellectual Property Infringement and Other Unfair Practices in Import Trade Investigations

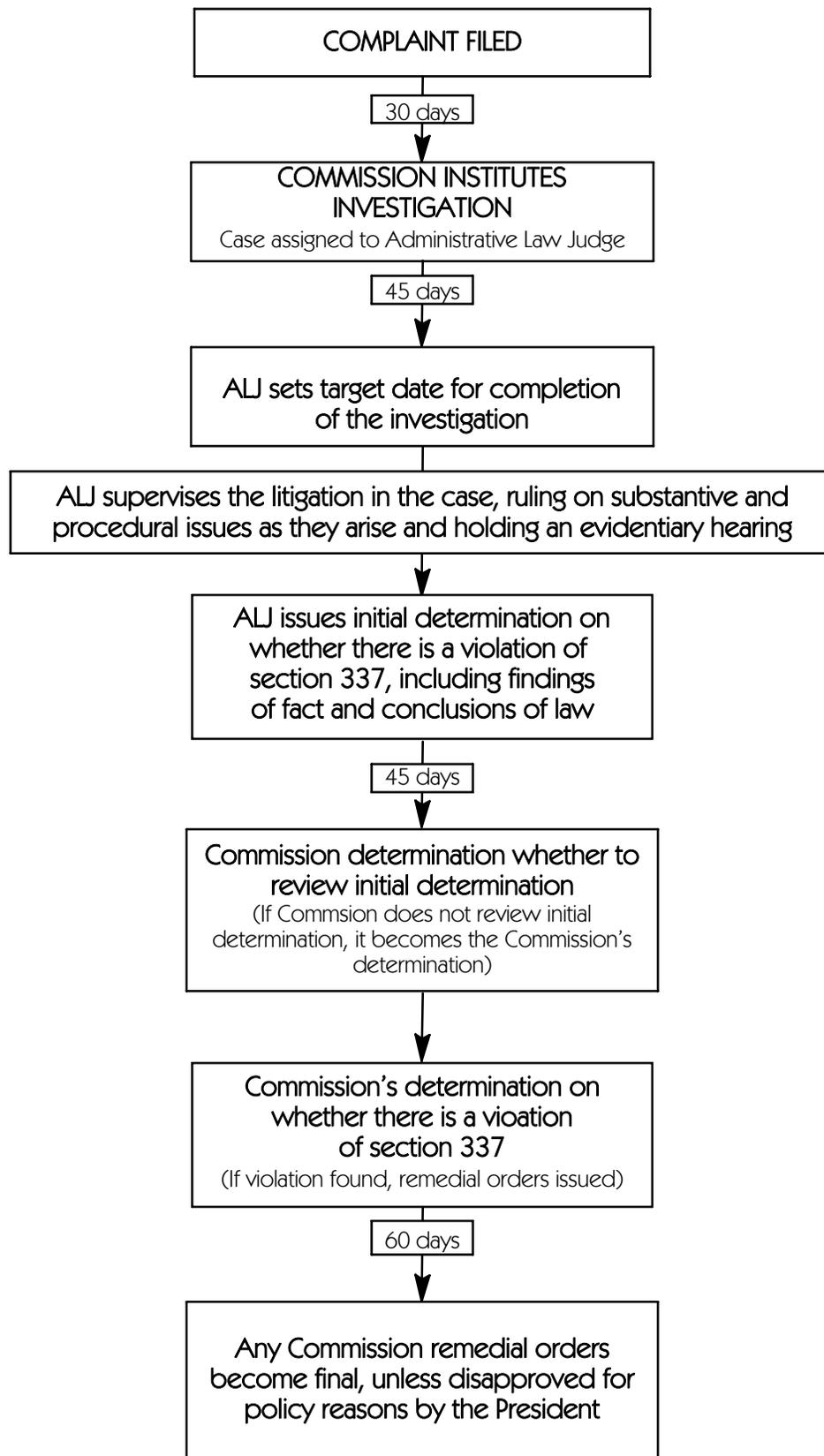
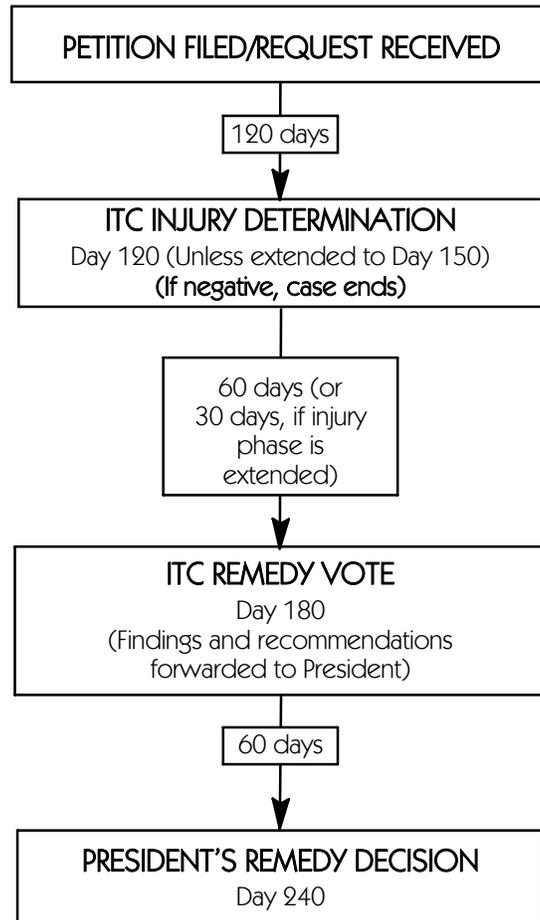


Figure 3
Statutory Timetable for Global Safeguard Investigations



**Appendix D:
Analyses Submitted to Congress on
Proposed Legislation, Fiscal Year 2004**

Table IV

Analyses Submitted to Congress on Proposed Legislation in Fiscal Year 2004

Number	Sponsor	Proposed Legislation	Date Submitted
S. 446	Mr. Bond	To suspend the duty on Triethyleneglycol Bis (2-Ethyl Hexanoate).	03-25-04
S. 1006	Mr. Burns	To reduce temporarily the duty on certain articles of natural cork.	04-13-04
S. 1722	Mr. Santorum	To suspend temporarily the duty on electron guns for cathode ray tubes (CRT's) with a high definition television screen aspect ratio of 16:9.	04-13-04
S. 1723	Mr. Santorum	To suspend temporarily the duty on plasma display panels for use in plasma flat panel screen televisions.	04-07-04
S. 1724	Mr. Santorum	To suspend temporarily the duty on Liquid Crystal Display (LCD) panel assemblies for use in LCD projection type televisions.	04-13-04
S. 1739	Mr. Kerry	To provide duty-free treatment for certain tuna.	04-13-04
S. 1782	Mr. Daschle	To provide duty-free treatment for certain tuna.	04-13-04
S. 1794	Mr. Santorum	To suspend temporarily the duty on electron guns for cathode ray tubes (CRT's) with a high definition television screen aspect ratio of 16:9 and other parts used in plasma and LCD televisions.	04-13-04
S. 2078	Mr. Santorum	To suspend temporarily the duty on Liquid Crystal Device panel assemblies for use in Liquid Crystal Device projection type televisions.	04-19-04
S. 2079	Mr. Santorum	To suspend temporarily the duty on electron guns for cathode ray tubes (CRT's) for high definition televisions with a high definition television screen aspect ratio of 16:9.	04-19-04
S. 2080	Mr. Santorum	To suspend temporarily the duty on Flat panel screen assemblies for use in plasma flat panel screen televisions.	04-19-04
S. 2246	Mr. Lautenberg	To reduce temporarily the duty on certain sorbic acid.	08-10-04
S. 2247	Mr. Lautenberg	To reduce temporarily the duty on potassium sorbic.	08-10-04
S. 2248	Mr. Lautenberg	To clarify the Harmonized Tariff Schedule classification of certain leather goods.	09-02-04
S. 2446	Mr. Lautenberg	To clarify the Harmonized Tariff Schedule classification of certain leather goods.	09-02-04
S. 2521	Ms. Collins	To suspend temporarily the duty on certain rayon staple fibers.	09-02-04
H.R. 705	Mr. Schrock	To suspend temporarily the duty on certain table tennis tables.	04-13-04
H.R. 929	Mr. Isakson	To suspend temporarily the duty on 1,8 Dichloroanthraquinone.	03-25-04

Table IV-Continued

Analyses Submitted to Congress on Proposed Legislation in Fiscal Year 2004

Number	Sponsor	Proposed Legislation	Date Submitted
H.R. 1833	Mr. Simmons	To reduce temporarily the duty on certain articles of natural cork.	04-13-04
H.R. 1967	Ms. Kaptur	To suspend temporarily the duty on Allyl Pentaerythritol (APE).	03-25-04
H.R. 1968	Ms. Kaptur	To suspend temporarily the duty on Butyl Ethyl Propanediol (BEPD).	03-25-04
H.R. 1969	Ms. Kaptur	To suspend temporarily the duty on BEPD70L.	03-25-04
H.R. 1970	Ms. Kaptur	To suspend temporarily the duty on Boltom-1 (Bolt-1).	03-25-04
H.R. 1971	Ms. Kaptur	To suspend temporarily the duty on Boltom-2 (Bolt-2).	03-25-04
H.R. 1972	Ms. Kaptur	To suspend temporarily the duty on Cyclie TMP Formal (CTF).	03-25-04
H.R. 1973	Ms. Kaptur	To suspend temporarily the duty on DiTMP.	03-25-04
H.R. 1974	Ms. Kaptur	To suspend temporarily the duty on Polyol (DPP).	03-25-04
H.R. 1975	Ms. Kaptur	To suspend temporarily the duty on Hydroxyipivalic Acid (HPA).	03-25-04
H.R. 1976	Ms. Kaptur	To suspend temporarily the duty on TMPDE.	03-25-04
H.R. 1977	Ms. Kaptur	To suspend temporarily the duty on TMPDE.	03-25-04
H.R. 1978	Ms. Kaptur	To suspend temporarily the duty on TMP Oxctane (TMPO).	03-25-04
H.R. 1979	Ms. Kaptur	To suspend temporarily the duty on TMPO Ethoxylate (TMPOE).	03-25-04
H.R. 2019	Mr. McNulty	To extend the existing temporary duty suspension on certain chemical compounds.	03-25-04
H.R. 2099	Mr. McNulty	To extend the existing temporary duty suspension on 2,4-Dicumylphenol.	03-25-04
H.R. 2100	Mr. McNulty	To extend the existing temporary duty suspension on o-Cumyl-Octyphenol.	03-25-04
H.R. 2642	Mrs. Myrick	To suspend temporarily the duty on Procion Yellow H-EXL.	03-25-04
H.R. 2643	Mrs. Myrick	To suspend temporarily the duty on Procion Yellow H-EXL.	03-25-04
H.R. 2644	Mrs. Myrick	To suspend temporarily the duty on Procion Navy H-EXL.	05-03-04
H.R. 2645	Mrs. Myrick	To suspend temporarily the duty on Procion Black H-EXL.	05-03-04
H.R. 2646	Mrs. Myrick	To suspend temporarily the duty on Dianix.Crimson SF.	03-25-04

Table IV-Continued

Analyses Submitted to Congress on Proposed Legislation in Fiscal Year 2004

Number	Sponsor	Proposed Legislation	Date Submitted
H.R. 3399	Mr. Murtha	To suspend temporarily the duty on electron guns for certain cathode ray tubes, liquid crystal display panel assemblies for use in liquid crystal display projection type televisions, and plasma display panel assemblies for use in plasma flat plan screen television.	04-13-04
H.R. 3516	Mr. Waxman	To suspend temporarily the duty on 586 intermediate blended colorants in aqueous solution.	08-10-04
H.R. 3517	Mr. Waxman	To suspend temporarily the duty on 786 neutral vinyl acetate polymer in aqueous solution.	08-10-04
H.R. 3518	Mr. Waxman	To suspend temporarily the duty on 486 paint based on aqueous vinyl polymer.	08-10-04
H.R. 3620	Mr. Neal	To provide duty-free treatment for certain tuna.	04-13-04
H.R. 3679	Mr. Israel	To amend the Harmonized Tariff Schedule of the United States with respect to rattan webbing.	04-13-04
H.R. 4083	Mr. Baker	To suspend temporarily the duty on p-nitrobenzoic acid (PNBA).	08-10-04
H.R. 4085	Mr. Baker	To suspend temporarily the duty on 2-Naphthalenesulfonic acid, 7,7" - [(2-methyl-1,5-pentanediy) bis[imino(6-fluoro-1,3,5-triazine-4,2-diy) imino]] bis[4-hydroxy-3-[(4-methoxy sulfophenyl) azo]-, potassium sodium salt.	08-06-04
H.R. 4086	Mr. Baker	To suspend temporarily the duty on 1,5-Naphthalenedisulfonic acid, 3,3' -[1,3-propanediy]bis[imino(6-fluoro- 1,3,5-triazine-4-2-diy)imino [2-(acetyl-amino)-4,1-phenylene]azo]]bis-, sodium salt.	08-10-04
H.R. 4087	Mr. Baker	To suspend temporarily the duty on 2,7-Naphthalenedisulfonic acid,5'- [[4-Chloro-6-[[3-[[8-[4-fluoro- 6- (methylphenylamino)-1,3,5-triazine-2-yl) amino]-1-hydroxy-3,6- Dusyfi-2-naphthalenyl]azo]-4-sulfophenyl],amino]- 1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[(1-sulfo-2-naphthalenyl)azo]- sodium salt.	08-10-04
H.R. 4088	Mr. Baker	To suspend temporarily the duty on 4,11-Triphenodioxazinedisulfonic acid,6,13-dichloro-3, 10-bis[[2-[[[4-fluoro-6-(2-sulfophenyl) amino] - 1,3,5-triazin-2-yl]amino] propyl] amino]- lithium sodium salt.	08-10-04
H.R. 4197	Mr. Bonner	To suspend temporarily the duty on othro nitro aniline.	08-10-04
H.R. 4198	Mr. Bonner	To suspend temporarily the duty on Bix (2,2,6,6,-tetramethyl-4-piperidyl) sebacate.	08-10-04
H.R. 4199	Mr. Bonner	To suspend temporarily the duty on 2,5-thiophenediybis(5-tert-butyl-1,3-benzoxazole).	08-10-04
H.R. 4203	Mr. Coble	To suspend temporarily the duty on nitrocellulose.	08-10-04
H.R. 4266	Mr. Holt	To reduce until December 31, 2006, the duty on potassium sorbate.	08-10-04

Table IV-Continued

Analyses Submitted to Congress on Proposed Legislation in Fiscal Year 2004

Number	Sponsor	Proposed Legislation	Date Submitted
H.R. 4267	Mr. Holt	To reduce until December 31, 2006, the duty on sorbic acid.	08-10-04
H.R. 4287	Mr. Houghton	To amend the Harmonized Tariff Schedule of the United States relating to imports of certain wool products, and for other purposes.	09-02-04
H.R. 4328	Mr. Forbes	To suspend temporarily the duty on 3-Cyclohexene-1-carboxylic acid 6-[(di-2-propenylamino)carbonyl]-,(1R,6R)-rel-, reaction products with pentafluoroiodoethane-tetrafluoroethylene telomer, ammonium salt.	09-02-04
H.R. 4329	Mr. Forbes	To suspend temporarily the duty on Glycine, N,N-Bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylene telomer.	09-02-04
H.R. 4330	Mr. Forbes	To suspend temporarily the duty on 5,5-bis[(y,w-perfluoroC4-2Oalkylthio)methyl]-2-hydroxy-2-oxo -1,3,2-dioxaphosphorinane, ammonium salt and 2,2-bis[(y,w-perfluoroC4-2Oalkylthio)methyl]-3-hydroxy propyl phosphate, di-ammonium salt and Di-[2,2-bis[(y,w-perfluoroC4-2Oalkylthio)methyl]]-3-hydroxy propyl phosphate, ammonium salt and 2,2-bis[(y,w-perfluoroC4-2Oalkylthio)methyl]-1,3-di(dihydro genphosphate)-propane, tetra-ammonium salt.	09-02-04
H.R. 4331	Mr. Forbes	To suspend temporarily the duty on 1(3-H)-Isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)-.	09-02-04
H.R. 4398	Mr. Honda	To amend the Harmonized Tariff Schedule of the United States to provide that the calculation of the duty imposed on imported cherries that are provisionally preserved does not include the weight of the preservative materials of the cherries.	09-02-04
H.R. 4401	Mrs. Myrick	To suspend temporarily the duty on 9,10-Anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)-; 9,10-Anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino)-.	09-02-04
H.R. 4402	Mrs. Myrick	To suspend temporarily the duty on 2-Naphthalenesulfonic acid, 6-[2,4-diaminophenylazo]-3-[[4-[[4-[[7-[(2,4-diaminophenyl azo)-1-hydroxy-3-sulfo-2-naphthalenyl]azo]phenyl]amino]-3-sulfonyl]azo]-4-hydroxy-, trisodium salt.	09-02-04
H.R. 4403	Mrs. Myrick	To suspend temporarily the duty on Bis-Ethylhexyloxyphenol Methoxyphenol Triazine.	09-02-04
H.R. 4404	Mrs. Myrick	To suspend temporarily the duty on Benzamide, 3-amino-N-[2-[[2-(sulfoxy)ethyl]sulfonyl]ethyl]-.	09-02-04
H.R. 4405	Mrs. Myrick	To suspend temporarily the duty on Methylene Bis-Benzotriazolyl; Tetramethylbutylphenol.	09-02-04
H.R. 4428	Mr. Blunt	To extend trade benefits to certain tents imported into the United States.	09-02-04
H.R. 4451	Mr. McKeon	To amend the Harmonized Tariff Schedule of the United States to correct the definition of certain non-knit gloves designed for use in sports.	09-02-04

Table IV-Continued

Analyses Submitted to Congress on Proposed Legislation in Fiscal Year 2004

Number	Sponsor	Proposed Legislation	Date Submitted
H.R. 4483	Mr. Brown	To suspend temporarily the duty on 1,2 Hexanediol.	09-02-04
H.R. 4484	Mr. Brown	To suspend temporarily the duty on 1,2 Octanediol.	09-02-04
H.R. 4485	Mr. Brown	To suspend temporarily the duty on Methyl Salicylate.	09-02-04
H.R. 4486	Mr. Brown	To suspend temporarily the duty on Anisic Aldehyde.	09-02-04
H.R. 4487	Mr. Brown	To suspend temporarily the duty on 1,2 Pentanediol.	09-02-04
H.R. 4534	Mr. Langevin	To suspend temporarily the duty on Pigment Red 176.	09-02-04
H.R. 4535	Mr. Langevin	To extend the temporary suspension of duty on Pigment Red 208.	09-02-04
H.R. 4536	Mr. Langevin	To extend the temporary suspension of duty on Pigment Yellow 175.	09-02-04
H.R. 4537	Mr. Langevin	To extend the temporary suspension of duty on Pigment Yellow 154.	09-02-04
H.R. 4538	Mr. Langevin	To suspend temporarily the duty on Pigment Yellow 180.	09-02-04
H.R. 4539	Mr. Langevin	To suspend temporarily the duty on Pigment Yellow 214.	09-02-04
H.R. 4540	Mr. Langevin	To suspend temporarily the duty on Acid Blue 80.	09-02-04
H.R. 4541	Mr. Langevin	To extend the temporary suspension of duty on Pigment Red 185.	09-02-04
H.R. 4542	Mr. Langevin	To extend the temporary suspension of duty on Pigment Red 187.	09-02-04

Appendix E: Trade Litigation in Fiscal Year 2004

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Table V Trade Litigation Conducted in Fiscal Year 2004

Case	Venue	Underlying Investigation	Status
Argus Industries, Inc. 03-1489	Federal Circuit	337-TA-406: Certain Lens-fitted Film Packages	Pending
Bourdeau Bros. 04-1588	Federal Circuit	337-TA-487: Certain Agricultural Vehicles and Components Thereof	Pending
Cathedral Candle 04-1083	Federal Circuit	731-TA-282: Petroleum Wax Candles from China	Pending
Cossentino 04-1614	Federal Circuit	337-TA-406: Certain Lens-fitted Film Packages	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
Fuji Photo Film 04-1618	Federal Circuit	337-TA-406: Certain Lens-fitted Film Packages	Pending
Jazz Photo Corp. 04-1613	Federal Circuit	337-TA-406: Certain Lens-fitted Film Packages	Pending
Nikon Corp. 03-1378	Federal Circuit	337-TA-468: Certain Microlithographic Machines and Components Thereof	Pending
NMB Singapore 05-1016, 1029	Federal Circuit	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
Nucor Corporation 04-1373	Federal Circuit	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 04-1374	Federal Circuit	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
Photoworks Inc. 03-1496	Federal Circuit	337-TA-406: Certain Lens-fitted Film Packages	Pending
SKF USA 04-1460	Federal Circuit	337-TA-469: Certain Bearings and Packaging Thereof	Pending
The Chamberlain Group 04-1322	Federal Circuit	337-TA-497: Certain Universal Transmitters for Garage Door Openers	Pending
Timken Company 04-1325	Federal Circuit	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

Table V-Continued

Trade Litigation Conducted in Fiscal Year 2004

Case	Venue	Underlying Investigation	Status
U.S. Phillips Corporation 04-1361	Federal Circuit	337-TA-474: Certain Recordable Compact Discs and Rewritable Compact Discs	Pending
Usinor-Industeel 04-1081	Federal Circuit	701-TA-319 and 731-TA-573: Cut-to-length Carbon Steel Plate from Belgium	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, 731-TA-659: Grain-Oriented Silicon Electrical Steel from Italy	Pending
Allied Mineral Products 03-00936	Court of International Trade	731-TA-1092: Refined Brown Aluminum Oxide from China	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
Bratsk Aluminum 03-00200	Court of International Trade	731-TA-991: Silicon Metal from Russia	Pending
CC Metals 01-00138	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
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
Co-Steel Raritan, Inc. 01-00955	Court of International Trade	731-TA-955, 960 and 963: Carbon and Certain Alloy Steel Wire Rod From South Africa and Venezuela	Pending
Cogne Acciai 04-00411	Court of International Trade	701-TA-373: Stainless Steel Wire Rod from Italy, Japan, Korea, Spain, Sweden, and Taiwan	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
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

Table V-Continued
Trade Litigation Conducted in Fiscal Year 2004

Case	Venue	Underlying Investigation	Status
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
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
International Imaging Materials, Inc. 04-00215	Court of International Trade	731-TA-1039: Certain Wax and Wax Resin Thermal Transfer Ribbons from France and Japan	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
Nippon Steel 00-09-00479	Court of International Trade	731-TA-860: Tin and Chromium-coated Steel Sheet from Japan	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
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, 731-TA-1029: Allura Red Coloring from India	Pending
Sichuan Changhong Electric Co. 04-00266	Court of International Trade	731-TA-1034: Certain Color Television Receivers from China	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

Table V-Continued

Trade Litigation Conducted in Fiscal Year 2004

Case	Venue	Underlying Investigation	Status
Sual Holding 03-00177	Court of International Trade	731-TA-991: Silicon Metal from Russia	Pending
TCL Corporation 04-00269	Court of International Trade	731-TA-1034: Certain Color Television Receivers from China	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
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
ASAT, Inc. 1:04MS00395	U.S. District Court for the District of Columbia	337-406: Certain Lens Fitted Film Packages (Subpoena Enforcement Proceedings)	Pending
EMC Corp 04-40188	District of Massachusetts (Central Section)	337-TA-471: Certain Data Storage Systems and Components Thereof	Pending
Climax Molybdenum Company 02-M-311	U.S. District Court for the District of Colorado	337-TA-477: Ammonium Octamolybdate Isomers	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-2002-1904-09	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 Hard Red Spring Wheat from Canada USA-CDA-03-1904-06	NAFTA	731-TA-403A and 731-TA-1019A: Durum and Hard Red Spring Wheat from Canada	Pending
In the Matter of Magnesium from Canada USA-CDA-00-1904-09	NAFTA	701-TA-4309A-B and 731-TA-528: Magnesium from Canada	Pending

Table V-Continued

Trade Litigation Conducted in Fiscal Year 2004

Case	Venue	Underlying Investigation	Status
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
Tembec	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
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	Panel and Appellate Body Reports adopted December 2003
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	Panel and Appellate Body Reports adopted January 2004
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

Table V-Continued

Trade Litigation Conducted in Fiscal Year 2004

Case	Venue	Underlying Investigation	Status
US-Review of Antidumping Measures on OCTG from Mexico DS281	World Trade Organization	731-TA-711,713-716: 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-711,713-716: Sunset Review of Antidumping Duty Order on OCTG from Argentina	Panel Report issued July 2004
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	Panel Report adopted April 2004
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
US-CVD Investigation on DRAMS from Korea DS296	World Trade Organization	701-TA-431: Countervailing Duty investigation on DRAMS from Korea	Pending
United States-AD/CVD on Silicon Metal from Brazil DS239	World Trade Organization	DOC Antidumping Duties on Silicon Metal from Brazil	Pending
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
US-ITC Wheat from Canada DS310	World Trade Organization	701-TA-403B, 731-TA-1017B Hard Red Spring Wheat from Canada	Pending

Table V-Continued

Trade Litigation Conducted in Fiscal Year 2004

Case	Venue	Underlying Investigation	Status
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
India-AD Measures on Batteries from Bangladesh DS-306	World Trade Organization (3 rd Party)	India - AD Measures on Batteries	Pending
EC-CVD Measures on Drums from Korea DS-299	World Trade Organization (3 rd Party)	CVD Measures on Drums	Pending
Korea-Paper AD Duties DS-312	World Trade Organization (3 rd Party)	Antidumping Measures on Paper from Indonesia	Pending
Alloc, Inc. 02-1221	Federal Circuit	337-TA-443: Flooring Products	Agency determination affirmed; rehearing en banc denied 11-17-03
Alloc, Inc. 02-1291	Federal Circuit	337-TA-443: Flooring Products	Agency determination affirmed; rehearing en banc denied 06-02-04
AltX, Inc. 03-1320	Federal Circuit	731-TA-859: Circular Seamless Stainless Steel Hollow Products from Japan	Agency's 2 nd remand determination affirmed 06-02-04
Bhullar 03-1362	Federal Circuit	701-TA-414, 731-TA-928: Softwood Lumber from Canada	Affirmed CIT's dismissal for lack of jurisdiction 03-02-04
Candle Corp. 03-1348	Federal Circuit	731-TA-282: Wax Candles from China	Decision issued 07-02-04
Cathedral Candle 03-00196	Court of International Trade	731-TA-282: Petroleum Wax Candles from China	Appeal denied 10-14-03
Climax 04-1030	Federal Circuit	337-TA-477: Ammonium Octamolybdate Isomers	Order of dismissal granted 12-11-03
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	Agency determination affirmed 04-12-04; petition for rehearing denied 06-23-04

Table V-Continued

Trade Litigation Conducted in Fiscal Year 2004

Case	Venue	Underlying Investigation	Status
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	Agency determination affirmed 06-18-04
Corus Group 03-1040	Federal Circuit	201-TA-073: Steel	Agency determination affirmed 12-11-03
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, Karakstan, The Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine	Agency determination affirmed 01-14-04
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	CIT Decision vacated and remanded to CIT on 01-26-04
Gemstar-TV Guide Int'l 03-1052	Federal Circuit	337-TA-454: Certain Set Top Boxes	Affirmed in part, vacated in part, reversed in part and remanded 09-16-04
Honeywell Int'l Inc. 02-1393	Federal Circuit	337-TA-457: Polyethylene Terephthalate Yarn	Petition for panel rehearing and rehearing en banc denied 10-23-03
Honeywell Int'l Inc. 02-1448	Federal Circuit	337-TA-457: Polyethylene Terephthalate Yarn	Petition for panel rehearing and rehearing en banc denied 10-23-03
Kinik 02-1550	Federal Circuit	337-TA-449: Abrasive Products Made Using a Process For Making Preforms	Decision reversing ITC's infringement finding 03-25-04
3M Innovative Properties 03-1219	Federal Circuit	337-TA-456: Certain Gel-filled Wrist Rests	Agency's determination affirmed 02-09-04
Nippon Steel 03-1018	Federal Circuit	731-TA-860: Tin and Chromium-coated Steel Sheet from Japan	CIT decision vacated and remanded to CIT on 10-03-03

Table V-Continued
Trade Litigation Conducted in Fiscal Year 2004

Case	Venue	Underlying Investigation	Status
Nippon Steel 03-1019	Federal Circuit	731-TA-860: Tin and Chromium-coated Steel Sheet from Japan	CIT Decision vacated and remanded to CIT on 10-03-03
Vanderlande Industries 03-1349	Federal Circuit	337-TA-460: Certain Lens-fitted Film Packages	Agency determination affirmed 06-24-04
AI 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	Agency determination affirmed 12-16-03
American Bearing 03-00280	Court of International Trade	731-TA-989: Certain Ball Bearing and Parts Thereof from the People's Republic of China	Agency determination affirmed 09-16-04
An Giang Agriculture 03-00655	Court of International Trade	731-TA-1012: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam	Order of dismissal granted 02-18-04
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	Agency determination affirmed 02-19-04
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	Agency determination affirmed 02-19-04
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	Order of dismissal granted 11-17-03
Committee for Fair Coke Trade 01-00826	Court of International Trade	731-TA- 951-952: Blast Furnace Coke from China and Japan	Agency determination affirmed 06-10-04
International Brotherhood of Electrical Workers 04-00273	Court of International Trade	731-TA-1034: Certain Color Televisions Receivers from China	Order of dismissal granted 07-22-04
Phillips Consumer Electronics Co. 04-00263	Court of International Trade	731-TA-1034: Certain Color Televisions Receivers from China	Order of dismissal granted 08-25-04

Table V-Continued
Trade Litigation Conducted in Fiscal Year 2004

Case	Venue	Underlying Investigation	Status
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	Agency determination affirmed 02-19-04
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	Agency determination affirmed 02-19-04
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	Agency remand determination affirmed 08-05-04
North Dakota Wheat Board 03-00838	Court of International Trade	731-TA-403A and 731-TA-1019A: Durum and Hard Red Spring Wheat from Canada	Appeal dismissed 07-29-04
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	Agency determination affirmed 02-19-04
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	Agency determination affirmed 02-19-04
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, Japan, Korea, the Netherlands, and Sweden	Agency determination affirmed 01-09-04
Qingdao Red Star Chemical Group 03-00794	Court of International Trade	731-TA-1020: Barium Carbonate from the People's Republic of China	Dismissal granted 12-03-03
Qingdao Red Star Chemical Group 03-00795	Court of International Trade	731-TA-1020: Barium Carbonate from the People's Republic of China	Dismissal granted 12-03-03
Sinopec Sichuan Vinyon Works 03-00791	Court of International Trade	731-TA-1014 and 1017: Polyvinyl Alcohol from China and Korea	Dismissal granted 12-01-03
Timken/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	Agency remand determination affirmed 08-09-04

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Trade Litigation Conducted in Fiscal Year 2004

Case	Venue	Underlying Investigation	Status
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 the United Kingdom	Agency determination affirmed 06-09-04
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	Agency determination affirmed 06-09-04
Alloc, Inc. 03-1187	Supreme Court of the United States	337-TA-443: Flooring Products	Petition for for writ of certiorari denied 05-24-04
Jazz Photo Corp. 99-2505	U.S. District Court for District of New Jersey-Newark Vicinage	337-TA-406: Certain Lens-fitted Film Packages	Judgment entered 03-10-04
Single Use Camera Company 03-3876	U.S. District Court for the District of Columbia	337-TA-406: Certain Lens-fitted Film Packages (Enforcement Proceedings II)	Enforcement Order issued 04-16-04

Table VI
Trade Litigation Remand Proceedings Conducted in
Fiscal Year 2004

Investigation No. and Title	Date Instituted	Public Hearing	Final Determination	Pub. No.
731-TA-391 Ball Bearings from France (Review) (Remand) ¹	09-03-03	N/A	Affirmative 12-02-03	3648
731-TA-392 Ball Bearings from Germany (Review) (Remand) ¹	09-03-03	N/A	Affirmative 12-02-03	3648
731-TA-393 Ball Bearings from Italy (Review) (Remand) ¹	09-03-03	N/A	Affirmative 12-02-03	3648
731-TA-394 Ball Bearings from Japan (Review) (Remand) ¹	09-03-03	N/A	Affirmative 12-02-03	3648
731-TA-396 Ball Bearings from Singapore (Review) (Remand) ¹	09-03-03	N/A	Affirmative 12-02-03	3648
731-TA-399 Ball Bearings from the United Kingdom (Review) (Remand) ¹	09-03-03	N/A	Affirmative 12-02-03	3648
701-TA-414 Softwood Lumber from Canada (Final) (Remand) ²	09-05-03	N/A	Affirmative 12-15-03	3658
731-TA-928 Softwood Lumber from Canada (Final) (Remand) ²	09-05-03	N/A	Affirmative 12-15-03	3658
701-TA-393 Cold-Rolled Steel from Brazil (Final) (Remand) ¹	10-28-03	N/A	Affirmative 01-26-04	3691
731-TA-829 Cold-Rolled Steel from Argentina (Final) (Remand) ¹	10-28-03	N/A	Affirmative 01-26-04	3691
731-TA-830 Cold-Rolled Steel from Brazil (Final) (Remand) ¹	10-28-03	N/A	Affirmative 01-26-04	3691
731-TA-831 Cold-Rolled Steel from China (Final) (Remand) ¹	10-28-03	N/A	Affirmative 01-26-04	3691
731-TA-832 Cold-Rolled Steel from Indonesia (Final) (Remand) ¹	10-28-03	N/A	Affirmative 01-26-04	3691
731-TA-833 Cold-Rolled Steel from Japan (Final) (Remand) ¹	10-28-03	N/A	Affirmative 01-26-04	3691
731-TA-834 Cold-Rolled Steel from Russia (Final) (Remand) ¹	10-28-03	N/A	Affirmative 01-26-04	3691
731-TA-835 Cold-Rolled Steel from Slovakia (Final) (Remand) ¹	10-28-03	N/A	Affirmative 01-26-04	3691
731-TA-836 Cold-Rolled Steel from South Africa (Final) (Remand) ¹	10-28-03	N/A	Affirmative 01-26-04	3691

Table VI-Continued

Trade Litigation Remand Proceedings Conducted in Fiscal Year 2004

Investigation No. and Title	Date Instituted	Public Hearing	Final Determination	Pub. No.
731-TA-837 Cold-Rolled Steel from Taiwan (Final) (Remand) ¹	10-28-03	N/A	Affirmative 01-26-04	3691
731-TA-838 Cold-Rolled Steel from Thailand (Final) (Remand) ¹	10-28-03	N/A	Affirmative 01-26-04	3691
731-TA-839 Cold-Rolled Steel from Turkey (Final) (Remand) ¹	10-28-03	N/A	Affirmative 01-26-04	3691
731-TA-860 Tin- and Chromium-Coated Steel Sheet from Japan (Final)(Second Remand) ¹	12-04-03	N/A	Affirmative 02-09-04	3674
701-TA-355 Grain-Oriented Silicon Electrical Steel (GOES) from Italy (Review) (Second Remand) ¹	12-17-03	N/A	Affirmative 03-16-04	3680
731-TA-659 Grain-Oriented Silicon Electrical Steel (GOES) from Italy (Review) (Second Remand) ¹	12-17-03	N/A	Affirmative 03-16-04	3680
731-TA-660 Grain-Oriented Silicon Electrical Steel (GOES) from Japan (Review) (Second Remand) ¹	12-17-03	N/A	Affirmative 03-16-04	3680
731-TA-391 Cylindrical Roller Bearings from France (Review) (Remand) ¹	01-27-04	N/A	Negative 04-26-04	3689
731-TA-392 Cylindrical Roller Bearings from Germany (Review) (Remand) ¹	01-27-04	N/A	Negative 04-26-04	3689
731-TA-393 Cylindrical Roller Bearings from Italy (Review) (Remand) ¹	01-27-04	N/A	Negative 04-26-04	3689
731-TA-394 Cylindrical Roller Bearings from Japan (Review) (Remand) ¹	01-27-04	N/A	Negative 04-26-04	3689
731-TA-399 Cylindrical Roller Bearings from the United Kingdom (Review) (Remand) ¹	01-27-04	N/A	Negative 04-26-04	3689
701-TA-414 Softwood Lumber from Canada (Final) (Second Remand) ²	04-28-04	N/A	Affirmative 06-10-04	Pending
731-TA-928 Softwood Lumber from Canada (Final) (Second Remand) ²	04-28-04	N/A	Affirmative 06-10-04	Pending
303-TA-23 Ferrosilicon from Venezuela (Final)(Reconsideration) (Third Remand) ¹	05-12-04	N/A	Affirmative 08-10-04	Pending

Table VI-Continued

Trade Litigation Remand Proceedings Conducted in Fiscal Year 2004

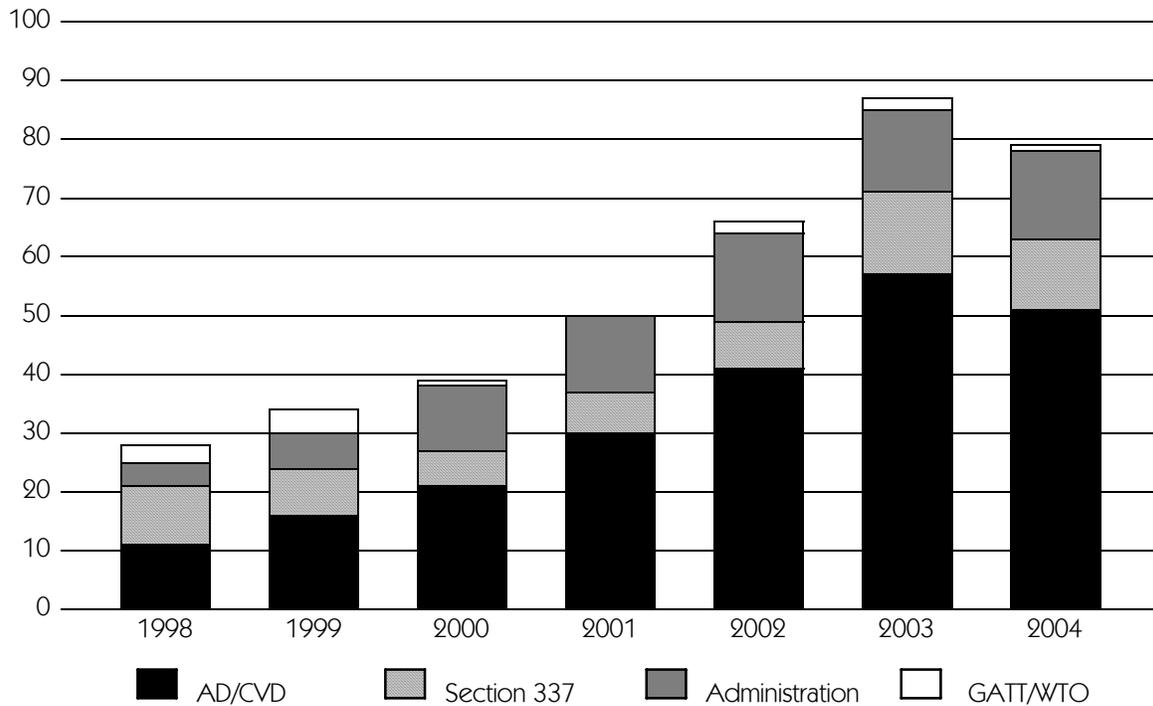
Investigation No. and Title	Date Instituted	Public Hearing	Final Determination	Pub. No.
731-TA-566 Ferrosilicon from Kazakhstan (Final)(Reconsideration) (Third Remand) ¹	05-12-04	N/A	Affirmative 08-10-04	Pending
731-TA-567 Ferrosilicon from China (Final)(Reconsideration) (Third Remand) ¹	05-12-04	N/A	Affirmative 08-10-04	Pending
731-TA-568 Ferrosilicon from Russia (Final)(Reconsideration) (Third Remand) ¹	05-12-04	N/A	Affirmative 08-10-04	Pending
731-TA-569 Ferrosilicon from Ukraine (Final)(Reconsideration) (Third Remand) ¹	05-12-04	N/A	Affirmative 08-10-04	Pending
731-TA-570 Ferrosilicon from Venezuela (Final)(Reconsideration) (Third Remand) ¹	05-12-04	N/A	Affirmative 08-10-04	Pending
731-TA-641 Ferrosilicon from Brazil (Final)(Reconsideration) (Third Remand) ¹	05-12-04	N/A	Affirmative 08-10-04	Pending
731-TA-991 Silicon Metal from Russia (Final)(Remand) ¹	06-22-04	N/A	Affirmative 09-15-04	3720
731-TA-954 Carbon and Certain Alloy Steel Wire Rod from Canada (Final)(Remand) ²	08-12-04	N/A	Pending	Pending
701-TA-414 Softwood Lumber from Canada (Final) (Third Remand) ²	08-31-04	N/A	Affirmative 09-10-04	Pending
731-TA-928 Softwood Lumber from Canada (Final)(Third Remand) ²	08-31-04	N/A	Affirmative 09-10-04	Pending

¹ Remanded by the U.S. Court of International Trade (CIT).

² Remanded by the Binational Panel established pursuant to the United States-Canada Free Trade Agreement.

Litigation Conducted in Fiscal Year 2004

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; information on 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.

