

# **United States International Trade Commission**

## **Year in Review**

### **The Commissioners**

Shara L. Aranoff,

Chairman

Daniel R. Pearson,

Vice Chairman

Deanna Tanner Okun

Charlotte R. Lane

Irving A. Williamson

Dean A. Pinkert

**Fiscal Year 2009**

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# Message from the Chairman

I am pleased to introduce the U.S. International Trade Commission's Year in Review for fiscal 2009. Over the past 12 months, our agency has continued to successfully administer the trade remedy laws within our jurisdiction, conduct our research program to provide timely, objective, and expert information and analysis regarding trade issues to the Administration and Congress, and make our work products widely available to the public.

In FY 2009, the Commission saw 85 active section 337 intellectual property investigations or ancillary proceedings, similar to the historic level in FY 2008. These investigations are principally patent-based, focusing on technologies related to telecommunications, pharmaceuticals, and microelectronic devices. In FY 2009, the Commission instituted 36 new investigations and completed 39 investigations. We remain committed to the goals of comprehensive, high quality, and timely decision making in section 337 investigations. To these ends, the Commission in FY 2009 brought on board a sixth administrative law judge and reached agreement to acquire needed additional courtroom space in the Commission building in FY 2010, completing a multi-year effort to expand agency resources commensurate with the rising section 337 caseload.

The Commission's import injury, or title VII, workload also continued at a strong pace in FY 2009. Thirty-six import injury investigations were instituted and 35 investigations were completed, including original antidumping and countervailing duty investigations as well as five-year reviews. Petitions for preliminary title VII cases increased, with 15 filed compared to 13 petitions in FY 2008; further, eight final investigations were instituted in FY 2009 compared to 16 in FY 2008. Products investigated included lightweight thermal paper, citric acid, and welded and seamless steel pipe. The number of five-year sunset reviews was consistent with FY 2008, reflecting a low point in the review cycle that will begin reversing in FY 2010. The Commission also considered its seventh China-specific safeguard investigation, involving consumer tires, under section 421 of the Trade Act of 1974.

In FY 2009, the Commission instituted nine new requests for factfinding and probable economic effects studies under section 332 of the Tariff Act of 1930, section 131 of the Trade Act of 1974, and section 2104 of the Trade Act of 2002, requested by the United States Trade Representative or the Congress. A total of 27 investigations were active during the year, and 10 reports were completed. These studies covered topics including property and casualty insurance services, agricultural exports to India, and the effects of infrastructure conditions on export competitiveness in sub-Saharan Africa. We continue to build our expertise on emerging trade issues, such as those related to environmental goods and climate change. In addition, Commission staff completed close to 100 research initiatives related to U.S. and global trade, investment, and competitiveness, most of which are publicly available as staff papers, formal presentations, or our newly introduced Executive Briefings on Trade.

In the past year, the Commission has focused significant efforts on enhancing public access to our products and services by rolling out a re-engineered version of EDIS, our online docketing system; introducing online search capability for the Harmonized Tariff Schedule; and redesigning the Commission web site. Meanwhile, the Commission

continued to take steps to meet its human capital, financial management, technology, and security needs through strategic and long-term planning and the development of improved internal controls.

The Commission's principle resource is our talented and dedicated professional staff. After several years with a vacancy rate that left critical gaps in our expertise, we succeeded in FY 2009 in recruiting to fill a number of key positions, helping to ensure continuity as many long-serving experts near retirement. I am continually impressed by the professionalism and commitment to public service exhibited by our career staff and am privileged to serve with them as we fulfill the Commission's mission in the coming year.

Shara L. Aranoff  
Chairman  
December 2009

# The Commission

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

Under its factfinding authority, the USITC exercises broad investigative powers on matters of trade. In its adjudicative role, the USITC makes determinations with respect to certain unfair trade practices. Through its research, the USITC 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 USITC'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 USITC serves the public by implementing U.S. law and contributing to the development and implementation of sound and informed U.S. trade policy.

The USITC 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 USITC 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

Shara L. Aranoff, a Democrat of Maryland, was designated Chairman of the USITC by President George W. Bush for the term ending June 16, 2010. She was appointed by President Bush and sworn in as a member of the Commission on September 6, 2005, for the term ending December 16, 2012. She served as USITC Vice Chairman from June 17, 2006, through June 16, 2008. Prior to her USITC appointment, Ms. Aranoff was Senior International Trade Counsel on the Democratic staff of the U.S. Senate Committee on Finance, where she was responsible for legislative and policy issues on international trade and investment, including the Trade Act of 2002; negotiations involving the World Trade Organization, the Free Trade Area of the Americas, and numerous free trade agreements; trade remedy laws; Trade Adjustment Assistance; and trade-related environment and labor issues. From June 1993 until her Senate Finance Committee appointment in January 2001, she served as an Attorney-Advisor in the Office of the General Counsel at the U.S. International Trade Commission. Earlier in her career, Ms. Aranoff was an Associate at the Washington, DC, law firm of Steptoe & Johnson, specializing in international trade and public international law. Prior to that, she served as a judicial clerk for the Honorable Herbert P. Wilkins, Associate Justice, Massachusetts Supreme Judicial Court. Ms. Aranoff holds a bachelor of arts degree from the Woodrow Wilson School of Public and International Affairs at Princeton University. She received her J.D. from Harvard Law School. She attended the Institut Universitaire de Hautes Etudes Internationales at the University of Geneva in Switzerland as a Fulbright Scholar from 1984-1985.

Daniel R. Pearson, a Republican of Minnesota, was designated Vice Chairman of the USITC by President George W. Bush for the term ending June 16, 2010. He was appointed by President Bush on August 22, 2003, as a recess appointment. 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. He served as USITC Chairman from June 17, 2006, through June 16, 2008. Prior to his USITC 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. Mr. Pearson served as a member of the Board of Overseers of the Baldrige National Quality Program, administered by the National Institute of Standards and Technology, U.S. Department of Commerce. He holds Bachelor of Science and Master of Science degrees in agriculture and applied economics from the University of Minnesota.

Deanna Tanner Okun, a Republican of Idaho, was appointed by President Bill Clinton and sworn in as a member of the Commission on January 3, 2000, for the Commission term expiring on June 16, 2008. She served as Chairman of the USITC from June 17, 2002, to June 16, 2004, and as Vice Chairman of the USITC from June 17, 2004, through June 16, 2006, and from June 17, 2000, through June 16, 2002. 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.

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, as a recess appointment. 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.

Irving A. Williamson, a Democrat of New York, was appointed by President George W. Bush and sworn in as a member of the Commission on February 7, 2007, for a term ending June 16, 2014. Mr. Williamson has more than 40 years of experience in the international and trade policy fields. Prior to his appointment, he was for seven years President of Williamson International Trade Strategies, Inc., a New York-based consulting firm that advised clients on legal, policy, and regulatory issues affecting international trade and business. As a consultant, he worked with over 20 U.S. Agency for International Development (USAID) and other donor-funded projects, advising countries on World Trade Organization (WTO) accession, compliance, and participation; he has also conducted WTO and other trade-related training programs all over the world. Much of his work focused on trade with Africa and the Middle East. From 1993 to 1998, Mr. Williamson was Deputy General Counsel in the Office of the U.S. Trade Representative (USTR), where he served as chairman of the interagency Section 301 Committee, which investigated foreign trade barriers, and worked on implementing legislation for the WTO and the North American Free Trade Agreement. He served as acting general counsel for seven months, helping manage a 14-attorney office that was engaged in more than 30 dispute settlement proceedings and which was named best government international law office in May 1997. He played a role in developing President Bill Clinton's Partnership for Economic Growth and Opportunity in Africa initiative and represented USTR in negotiations with the Congress on the African Growth and Opportunity Act legislation. Following his USTR service, Mr. Williamson was Vice President for Trade, Investment, and Economic Development Programs at the Africa-America Institute in New York. From 1985-1993, he was the manager of trade policy for the Port Authority of New York and New Jersey. Prior to that, he served for 18 years as a Foreign Service Officer with the U.S. Department of State. Mr. Williamson holds a Bachelor of Arts degree in history from Brown University, a Master of Arts degree in international relations with an emphasis on African studies and international economics from the Johns Hopkins School of Advanced International Studies, and a Juris Doctor degree from the George Washington University Law School.

Dean A. Pinkert, a Democrat of Virginia, was appointed by President George W. Bush and sworn in as a member of the Commission on February 26, 2007, for the term ending December 16, 2015. Prior to his appointment, Mr. Pinkert was a senior attorney in the Office of the Chief Counsel for Import Administration at the U.S. Department of Commerce. In that position, his work included serving as liaison with U.S. Customs and Border Protection, counsel to the Foreign Trade Zone program, advisor to the U.S. Trade Representative in various trade negotiations (including the softwood lumber negotiations), and litigation counsel in antidumping and countervailing duty matters before domestic and international tribunals. He was an attorney-advisor in the Office of the Chief Counsel for Import Administration at an earlier stage of his career. Between his Commerce Department positions, during 2001, Mr. Pinkert served as the Trade and Judiciary Counsel to Senator Robert C. Byrd (D-WV), and from 1998 through 2000, he was a senior associate in the Litigation and Trade group in the Washington, DC, office of King & Spalding, where he represented U.S. companies in antidumping and countervailing duty investigations. He also handled, and supervised, export control matters for the group. Mr. Pinkert holds a Bachelor of Arts degree with high honors from Oberlin College, a Juris Doctor degree with honors from the University of Texas School of Law, and a Master of Laws degree with merit from the London School of Economics and Political Science.



# Introduction

The U.S. International Trade Commission continued to address a heavy caseload during fiscal year 2009.

The Commission saw a high number of investigations filed under section 337 of the Tariff Act of 1930 during FY 2009, including 29 new investigations and seven new ancillary proceedings based on previously concluded section 337 investigations. As part of its efforts to deal with the continuing high section 337 caseload, the USITC welcomed a sixth Administrative Law Judge, Robert K. Rogers, Jr., during the year. In addition, the Commission took steps to acquire additional space within the USITC building to develop new courtroom space. The agency also used courtroom space at the District Courthouse in Washington, DC, as a temporary measure during FY 2009. Detailed information on the Commission's section 337 activity can be found starting on page 14 of this report.

Filings under title VII of the Tariff Act of 1930 (antidumping and countervailing duty investigations) rose during FY 2009, with 36 new title VII investigations filed and 23 five-year (sunset) reviews instituted. The Commission also conducted the first China-specific safeguard investigation filed since 2005, involving certain passenger vehicle and light truck tires. Details on the agency's import injury investigations can be found starting on page 11 of this report.

The Commission continued to produce quality reports and provide expert technical assistance to policymakers under its Research and Economic Analysis program during FY 2009. Synopses of the general factfinding and economic effect investigations completed and in progress during the year can be found starting on page 18 and in Appendix B of this report.

The USITC's information technology activities during FY 2009 involved a re-engineering of the agency's Electronic Document Information System (EDIS), the launch of a new Internet site interface, and the release of a new tool that provides more user-friendly access to the Commission's web-based version of the Harmonized Tariff Schedule (HTS). The HTS Online Reference Tool is a sophisticated search engine designed to assist government agencies, customs brokers, and the importing public in determining proper tariff classifications. It offers access to current and accurate information related to the HTS, including the most recent classification rules on the Customs Ruling Online Search System (CROSS), direct links to HTS Chapter 99 entries and footnotes, and a thesaurus that allows the use of common terminology to search the HTS. Details on these and other agencywide activities can be found starting on page 26 of this report.

Finally, the Commission continued to work to enhance its information technology security operations during FY 2009, as well as to address issues that arose when the agency migrated to a new financial system during the year. The Commission has focused significant effort toward improving internal controls and implementing new and more rigorous accounting procedures to correct weaknesses identified in its financial management systems, and work in these areas will continue throughout FY 2010.



# Part One: Commission Activities and Accomplishments

## Operation 1: Import Injury Investigations

The USITC determines whether imports are injuring or threatening to injure U.S. industries under a number of trade laws. Import injury investigations at the USITC 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, an attorney, and a statistician) 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, USITC 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.

USITC 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). USITC attorneys represent the

Commission in these proceedings, and litigation is another critical aspect of the USITC's import injury investigation work. For information concerning import injury appeals during FY 2009, see appendix E.

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

## **Antidumping and 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 USITC 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 USITC 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 and countervailing duty laws, including the five-year (sunset) review process, is included in appendix C.

Thirty-six title VII petitions were filed with the Commission in FY 2009. Twenty-one concerned allegations of dumping and 15 involved allegations of subsidies. The petitions covered a variety of products, including commodity matchbooks; Ni-resist piston inserts; oil country tubular goods; steel grating; wire decking; woven electric blankets; narrow woven ribbons; magnesia carbon brick; seamless pipe; coated paper; steel fasteners; phosphate salts; and seamless copper pipe and tube. The Commission also completed work on a number of other cases that had been filed during FY 2008. See appendix A for a complete list of investigations and accompanying details.

The USITC instituted 23 five-year (sunset) reviews during FY 2009. A list of reviews is presented in appendix A, and the status of each review also can be found on the USITC's Internet site at [www.usitc.gov](http://www.usitc.gov).

## **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 USITC for import relief.

Section 201 does not require a finding of an unfair trade practice, as do the antidumping and 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 USITC 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.

The Commission instituted no global safeguard investigations or reviews during FY 2009.

## **China Safeguard Investigations**

Section 421 was added to the Trade Act of 1974 by the U.S.-China Relations Act of 2000 and implements a transitional bilateral safeguard provision in the U.S.-China agreement relating to China's accession to the World Trade Organization. Domestic producers can obtain relief under this provision if the Commission finds that Chinese products are being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products. Similar to global safeguard investigations, if the Commission makes an affirmative determination, it also proposes a remedy to the President.

The President makes the final decision concerning whether to provide relief to the U.S. industry and if so, the type and duration of relief.

The Commission instituted one China safeguard investigation during FY 2009; this investigation concerned certain passenger vehicle and light truck tires. See appendix A for details on this investigation.

## **NAFTA Implementation Act**

Under section 312 of the North American Free Trade Agreement (NAFTA) Implementation Act, 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 2009.

## **Operation 2: Intellectual Property-Based Import Investigations**

Under section 337 of the Tariff Act of 1930, the USITC 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 USITC'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 USITC's Chief Administrative Law Judge. Cases are assigned to one of the USITC's six 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 U.S. Trade Representative 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 2009 was very broad. Most of the investigations that were active during FY 2009 concerned products in high technology areas. Indeed, almost 60 percent of the 85 active investigations involved integrated circuit, computer, telecommunications, and other electronic technologies, including laser diodes, semiconductor ICs using tungsten metallization, liquid crystal displays, and cellular telephones. There were also a number of investigations involving consumer items, including refrigerators and ink cartridges, as well as industrial/construction/transportation items, such as laser imageable lithographic printing plates, hydraulic excavators, and cast steel railway wheels. Other section 337 investigations active during the year focused on a variety of chemical and medical technologies.

During FY 2009, there were 85 active section 337 investigations and related (ancillary) proceedings. Of those 85, the Commission instituted 29 new section 337 investigations and seven new ancillary proceedings based on previously concluded section 337 investigations. All but six of the section 337 matters active in FY 2009 involved allegations of patent infringement. Two of these patent-based investigations also included allegations of trademark infringement. Three matters active in FY 2009 were based solely on allegations of trademark infringement, one investigation was based on alleged trademark and copyright infringement, one investigation was based on accusations of false advertising, and one investigation was based on allegations of trade secret misappropriation.

Eleven of the section 337 matters active during FY 2009 were ancillary proceedings. These consisted of six enforcement proceedings, four investigations remanded from the Court of Appeals for the Federal Circuit, and one bond forfeiture proceeding. In FY 2009, the Commission issued three general exclusion orders, eight limited exclusion orders, and 23 cease and desist orders. A full list of investigations and related proceedings completed appears in appendix A.

USITC determinations in section 337 investigations can be appealed to the Court of Appeals for the Federal Circuit. USITC attorneys represent the Commission in these proceedings, and this appellate litigation is another critical aspect of the USITC's work under this operation. For information concerning section 337 appeals during FY 2009, see appendix E.

## **Operation 3: Industry and Economic Analysis**

The USITC conducts research and analysis to support trade negotiators and policy decisionmakers. By maintaining the highest level of industry, economic, and regional trade expertise, the USITC has become a recognized leader in independent research and analysis through objective and timely studies. While most of the USITC'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 USITC 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.

USITC general factfinding investigations are generally conducted at the request of the U.S. Trade Representative, the U.S. House of Representatives' Committee on Ways and Means, or the U.S. Senate's Committee on Finance. 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 USITC 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 USITC 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. USITC 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 USITC 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 USITC 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 USITC 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 USITC 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.

### **Other Investigations**

Section 3(a) of Public Law 110-436, approved October 16, 2008, repealed section 112(c)(2) of the African Growth and Opportunity Act (AGOA) under which the USITC made determinations relating to the commercial availability and use of regional fabric or yarn in lesser developed beneficiary sub-Saharan African countries in the production of apparel articles receiving U.S. preferential treatment under the AGOA. The USITC made no determinations under this section during fiscal 2009 prior to the repeal.

Section 3(b) of Public Law 110-436 required the USITC to conduct a review and submit a report to the House Committee on Ways and Means, the Senate Committee on Finance, and the Comptroller General that identified the yarns, fabrics, and other textile and apparel inputs that, through new or increased investment or other measures, could be produced competitively in beneficiary sub-Saharan African countries. The USITC submitted the report in May 2009.

## Other Major Research Initiatives

Under section 1205 of the Omnibus Trade and Competitiveness Act of 1988, the USITC 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 USITC 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, USITC 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, and short briefing papers known as Executive Briefings that keep the Commission and the public current on domestic and global activities that affect U.S. trade, investment, and competitiveness. In addition, as a means of honing their analytical skills and staying current in their individual fields of specialization, USITC staff in the Offices of Economics and Industries produce working papers and USITC economists publish research notes, which are available to their peers and the public through the USITC's Internet site. Staff also author articles on matters related to international trade that appear in *The Journal of International Commerce & Economics*, a web-based journal that can be found at <http://www.usitc.gov/journals/index.htm>.

Some of the most significant general factfinding reports completed during the year are highlighted on the following pages. Detailed information on other USITC reports and publications completed during FY 2009 or pending on September 30, 2009, is provided in appendix B.

## Studies on Special Areas of Congressional or USTR Interest

### ***Textiles and Apparel Imports from China: Statistical Reports (332-501)***

On October 9, 2008, the Committee on Ways and Means, U.S. House of Representatives, requested that the USITC monitor certain textile and apparel imports from China. On December 1, 2008, the USITC began providing statistical reports every two weeks on the volume, value, unit value, and import market share of textile and apparel items that are covered by the Memorandum of Understanding (MOU) Concerning Trade in Textile and Apparel Products, an agreement between the United States and China that was entered into in late 2005 and expired on December 31, 2008. In requesting the monitoring, the Committee said it was concerned that a market disrupting surge in textile and apparel imports from China could occur following the MOU's expiration. The Committee noted that textile and apparel imports from China increased dramatically following the 2005 termination of import restrictions under the World Trade Organization's Agreement on

Textiles and Clothing. The USITC's December 1, 2008, report included an historical compilation of the volume, value, unit value, and import market share of the articles being monitored from January 1, 2003, to the most recent month then available. Subsequently, the USITC has provided the Committee with reports every two weeks as the data become available. The USITC will also publish an annual data compilation.

Further information:

[http://www.usitc.gov/press\\_room/news\\_release/2008/er1031ff1.htm](http://www.usitc.gov/press_room/news_release/2008/er1031ff1.htm)

View the most recent report:

[http://www.usitc.gov/research\\_and\\_analysis/What\\_We\\_Are\\_Working\\_On.htm](http://www.usitc.gov/research_and_analysis/What_We_Are_Working_On.htm)

(scroll down to Textiles and Apparel Imports from China: Statistical Reports)

### ***Sub-Saharan Africa: Effects of Infrastructure Conditions on Export Competitiveness, Third Annual Report (332-477)***

On July 27, 2006, the USTR requested that the USITC investigate and report on the competitive factors affecting industries in sub-Saharan Africa (SSA) that have experienced significant increases or decreases in exports in recent years. The investigation yielded three annual reports. In the first two reports in the series, which examined factors affecting SSA exports in the agricultural, mining and manufacturing, and services sectors, the USITC identified three infrastructure sectors (land transport, maritime transport, and electricity) as having a considerable effect on the export competitiveness of many SSA industries. The USITC's third report, submitted in April 2009, examined conditions in those three sectors, efforts to improve those conditions, and the effects of those conditions on the export competitiveness of the following industries in SSA: coffee, shea butter, and certain tropical fruit (pineapples and bananas) in the agricultural sector; natural rubber and related downstream products, textiles and apparel, and leather in the manufacturing sector; and tourism services in the services sector. The USITC found that poor infrastructure conditions in the land transport, maritime transport, and electricity sectors undermine significantly the export competitiveness of many SSA industries. The USITC further found that SSA governments and the private sector are pursuing government reform, increased investment, new applications of technology, and other strategies to improve infrastructure conditions, and that many of these strategies have been implemented in cooperation with neighboring countries, SSA regional organizations, multilateral institutions, and development agencies.

Further information:

[http://www.usitc.gov/press\\_room/news\\_release/2009/er0508gg3.htm](http://www.usitc.gov/press_room/news_release/2009/er0508gg3.htm)

View report: <http://www.usitc.gov/publications/332/pub4071.pdf>

### ***The Economic Effects of Significant U.S. Import Restraints: Sixth Update (332-325)***

On May 15, 1992, the USTR requested that the USITC assess the quantitative economic effects of significant U.S. import restraint programs operating in the U.S. economy. The request called for an initial investigation and subsequent updates. The USITC's sixth update of the report, submitted to the USTR in August 2009, estimated changes in U.S. welfare, output, employment, and trade that would result from the unilateral elimination of significant import restraints, specifically U.S. tariffs and tariff-rate quotas on certain agricultural products, textiles and apparel, and other manufactured products. Another

chapter of the report summarized U.S. trade policy since 1934. This part of the report also contained a survey of the economic literature on trade policy, including the literature on the quantitative effects of changes in trade policy.

Further information:

[http://www.usitc.gov/press\\_room/news\\_release/2009/er0930gg1.htm](http://www.usitc.gov/press_room/news_release/2009/er0930gg1.htm)

View report: <http://www.usitc.gov/publications/332/pub4094.pdf>

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

### ***Sub-Saharan African Textile and Apparel Inputs: Potential for Competitive Production (332-502)***

Section 3 of Public Law 110-436, an Act to Extend the Andean Trade Preferences Act and for other purposes, enacted in October 2008, required the USITC conduct a review to identify yarns, fabrics, and other textile and apparel inputs that can be produced competitively in sub-Saharan African (SSA) countries that are beneficiaries of the African Growth and Opportunity Act through new or increased investment or other measures. The USITC report, submitted to the Committee on Ways and Means, U.S. House of Representatives; the Committee on Finance, U.S. Senate; and the Comptroller General in May 2009, found that SSA countries have the greatest potential to be competitive in the production of cotton yarn, fabric, and other textile and apparel inputs, but they face numerous challenges. SSA countries have an insufficient apparel base through which to develop and sustain upstream production in yarn, fabric, and other inputs, and they also face severe challenges with their infrastructure that raise the cost of existing production and also deter significant new investment in the capital-intensive textile industry.

Further information:

[http://www.usitc.gov/press\\_room/news\\_release/2009/er0515gg1.htm](http://www.usitc.gov/press_room/news_release/2009/er0515gg1.htm)

View report: <http://www.usitc.gov/publications/332/pub4078.pdf>

## **Studies Analyzing the Competitiveness of U.S. Industry**

### ***Property and Casualty Insurance Services: Competitive Conditions in Foreign Markets (332-499)***

On June 18, 2008, the USTR requested that the USITC investigate the competitive conditions facing U.S. property and casualty (P&C) insurance companies in foreign markets. The USITC report, submitted in March 2009, provided an overview of the global market for P&C insurance services; examined the nature and extent of trade in P&C insurance services; and identified and examined policies and practices that affect U.S. firms' access to, and competitiveness in, foreign markets for such services. The USITC found that U.S. P&C insurance service providers are hampered in their efforts to expand abroad by nontariff measures employed by many countries, and that even a small reduction in such measures could increase both cross-border insurance exports and affiliate sales significantly.

Further information:

[http://www.usitc.gov/press\\_room/news\\_release/2009/er0426gg1.htm](http://www.usitc.gov/press_room/news_release/2009/er0426gg1.htm)

View report: <http://www.usitc.gov/publications/332/pub4068.pdf>

## Studies Conducted on a Recurring Basis

### ***Recent Trends in U.S. Services Trade, 2009 Annual Report Shifts in U.S. Merchandise Trade (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 USITC expanded the scope of its investigation and launched a separate publication focusing on the U.S. service sector.

The current report on services, published in July 2009, presented a statistical overview of U.S. trade in services and highlighted the services and geographic markets that contributed substantially to recent service trade performance. The report focused primarily on professional services and included separate chapters on advertising, education, healthcare, and legal services that analyzed global competitive conditions in the industry, examined recent trade performance, and summarized efforts to remove sectoral trade impediments.

Further information:

[http://www.usitc.gov/press\\_room/news\\_release/2009/er0706gg1.htm](http://www.usitc.gov/press_room/news_release/2009/er0706gg1.htm)

View report: <http://www.usitc.gov/publications/332/pub4084.pdf>

The USITC now presents its data and analysis regarding merchandise trade shifts in a 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. The FY 2009 update provided a comprehensive review of U.S. trade performance in 2008, 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. trade with major partners and groups. Profiles of the U.S. industry and market for more than 250 industry/commodity groups and subgroups, offering data for 2004-2008 on consumption, production, employment, and trade, were also provided.

Further information:

[http://www.usitc.gov/press\\_room/news\\_release/2009/er0803gg1.htm](http://www.usitc.gov/press_room/news_release/2009/er0803gg1.htm)

View report: <http://www.usitc.gov/publications/332/pub4089.pdf>

### ***The Year in Trade 2008***

The USITC 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 U.S. trade policy and 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 2008*, published in July 2009, reviewed U.S. international trade laws and actions under them in 2008, activities of the WTO, U.S. free trade agreements and negotiations, and U.S. bilateral trade relations with major trading partners. The report also provided an overview of U.S. trade in goods and services during 2008; examined 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; and included complete listings of antidumping, countervailing duty, intellectual property rights infringement, and section 301 cases undertaken by the U.S. government in 2008.

Further information:

[http://www.usitc.gov/press\\_room/news\\_release/2009/er0730gg1.htm](http://www.usitc.gov/press_room/news_release/2009/er0730gg1.htm)

View report: <http://www.usitc.gov/publications/332/pub4091.pdf>

## Operation 4: Trade Information Services

The USITC'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 USITC:

- 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 online interactive Tariff and Trade DataWeb, which provides worldwide interactive access to current and historical U.S. trade data;
- operates the USITC's Main Library, which has an extensive collection specializing in international trade matters and 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 USITC 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 nearly all world trade in goods. The USITC generally 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 USITC's internet site (<http://www.usitc.gov/tata/hts/bychapter/index.htm>). During FY 2009, the agency published the 2009 edition of the HTS (effective January 1, 2009) in print, and an electronic version in PDF format was posted on the USITC website. An electronic revision was posted on February 1, 2009, to reflect the implementation of the U.S.-Peru Free Trade Agreement. A print supplement was published, effective July 1, 2009,

mainly to reflect the annual review of the Generalized System of Preferences; changes were also reflected in the on-line version. On September 3, 2009, a second electronic revision was posted to reflect recent Presidential proclamations concerning changes in NAFTA Rules of Origin and duties on certain tires from China.

In February 2009, the Commission launched a new HTS Online Reference Tool (*hts.usitc.gov*), an enhanced search engine designed to assist government agencies, customs brokers, and the importing public in determining proper tariff classifications. The HTS Online Reference Tool provides an Internet-based, user-friendly version of the Harmonized Tariff Schedule. The tool includes sophisticated navigation and search features and links to classification rulings by U.S. Customs and Border Protection.

The USITC's Director of Tariff Affairs and Trade Agreements chairs the Committee for Statistical Annotation of the Tariff Schedules which also includes representatives of U.S. Customs and Border Protection and the Census Bureau. The committee analyzes and evaluates petitions requesting changes in HTS statistical reporting categories; it received 29 such petitions during FY 2009.

The USITC continued to make its DataWeb available to the public on a full-time, free-of-charge basis. The USITC DataWeb is an interactive, self-service, Internet-based system that provides access to extensive tariff and trade data. USITC staff as well as staff at various federal government agencies, congressional offices, U.S. trade negotiating groups, and U.S. embassies rely on these data. The DataWeb is also used extensively by educational institutions, the U.S. private sector, and numerous private and public entities in other countries.

The Trade DataWeb, updated monthly, provides U.S. import and export data 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 Tariff DataWeb offers extensive information on U.S. import duties, preferential tariff programs, and staged tariff reductions. The DataWeb also provides prepared reports concerning U.S. trade on a product and regional basis and links to pertinent USITC publications. It can be accessed at <http://dataweb.usitc.gov>, or from the USITC's Internet site ([www.usitc.gov](http://www.usitc.gov)).

Registrations on the Trade DataWeb, including public registrations, continued to grow during FY 2009 and now total over 165,000 users. The system generates more than 110,000 data reports per month; about 26 percent of these are generated for government staff, and the remainder are generated for the general public, multilateral institutions, and universities.

The USITC's Main Library collection includes roughly 40,000 book and serial titles covering U.S. industry and international trade laws and practices, as well as numerous CD-ROM and on-line information databases. Although its primary mission is to support Commission research, the USITC's Main Library is open to the public.

During FY 2009, the USITC approved 67 bill reports for tariff-related bills introduced by the 110th Congress (see Appendix D). All bill reports were prepared for the House Committee on Ways and Means. The Senate Committee on Finance did not request reports for the 110th Congress. Information on tariff bill reports prepared by the USITC can be found on

the USITC's Internet site at [http://www.usitc.gov/tariff\\_affairs/congress\\_reports/index.htm](http://www.usitc.gov/tariff_affairs/congress_reports/index.htm). Neither the House nor the Senate formally requested Commission reports on bills introduced in the 111th Congress during FY 2009. However, at the end of FY 2009, both the House and the Senate were preparing omnibus bills for possible enactment by the end of calendar year 2009.

The agency provided information and assistance to 72 business, public, academic, and congressional customers through the Trade Remedy Assistance Program during FY 2009.

## **Operation 5: Trade Policy Support**

The USITC supports trade policymakers in the executive branch and in the Congress by providing technical expertise and objective information on international trade issues. The USITC 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 USITC 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 USITC staff. USITC 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 USITC supports U.S. trade policy formulation and U.S. representation in international fora.

During FY 2009, USITC staff were active participants in interagency committees and subcommittees and participated with other U.S. agencies in international organization activities. The Commission responded to requests for technical support on more than 62 different issue areas, a slight decrease over the same period in FY 2008. As in FY 2008, requests from USTR for technical assistance covered a diverse range of issues, with no high concentration in any one area. Among the more significant recurring requests for support from USTR were issues of implementation of existing Free Trade Agreements, especially rules of origin, and continuing support to negotiators of the Doha Round. The Commission also provided substantial support to USTR's Generalized System of Preferences program and other preference program activities, developed supporting materials for use in multilateral activities, and developed information on bilateral investment treaties.

WTO dispute settlement and litigation issues required continued involvement of the agency, as, together with USTR attorneys, USITC attorneys participated in dispute settlement consultations, prepared briefs and other submissions, and appeared in hearings before WTO panels and the appellate body. In addition, USITC 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. USITC 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 attending formal meetings of the Negotiating Group on Rules in Geneva, Switzerland.

Throughout FY 2009, 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 USITC responded to hundreds of congressional requests, formal and informal, for technical assistance during FY 2009. Eighteen Members of Congress appeared at Commission hearings during the year.

USITC 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). USITC staff participate in the U.S. government delegation to the Harmonized System Committee, the HS Review Subcommittee, the Scientific Subcommittee, and, when appropriate, the Technical Committee on Rules of Origin.

## **Agencywide Accomplishments**

During FY 2009, the USITC's information technology (IT) staff released a re-engineered version of the Commission's Electronic Document Information System (EDIS). The new version improved overall performance, usability, security, and reliability of the docketing and document management tool. It also improved the user interface of the system and aligned its functionality to support the case management paradigm used by the agency's Administrative Law Judges and Dockets Services staff. IT staff were also instrumental in the launch of the USITC's new HTS On-Line Reference tool, and they worked with program offices to develop a redesigned web site for the agency in June 2009. The new web site interface features a new look-and-feel as well as improved navigation and search functions.

IT staff also implemented risk management practices to ensure that the USITC's information security program met the requirements of the E-Government Act of 2002, and they utilized technology to promote remote access to Commission resources, make better use of the Internet and other USITC resources, and improve government services for Commission staff, government operations, and the public.

The Commission has an excellent track record of unqualified (clean) audit reports, including in each of the last five years. In FY 2009, however, the Commission encountered difficulty during its FY 2009 migration to a new financial system. This resulted in inconsistent and delayed reporting that interfered with the FY 2009 financial statement audit schedule.

Because the auditor was unable to obtain sufficient information to render an opinion on the financial statements by reporting deadlines, the USITC's FY 2009 independent financial audit, monitored by the Office of the Inspector General, resulted in a disclaimer for the Commission's financial statements. The USITC is working to improve internal controls and implement additional and more rigorous accounting procedures to address these matters.

The agency processed 20,149 documents during FY 2009. During the year, the USITC held 32 meetings (compared to 41 meetings in FY 2008) and 27 days of hearings (compared to 32 days of hearings in FY 2008).

Staff processed 341 requests for confidential treatment of information in its investigations and 78 requests for release of confidential business information under protective order during FY 2009. Under the Freedom of Information Act (FOIA), the USITC received 55 requests, 29 of which were granted in whole or in part.

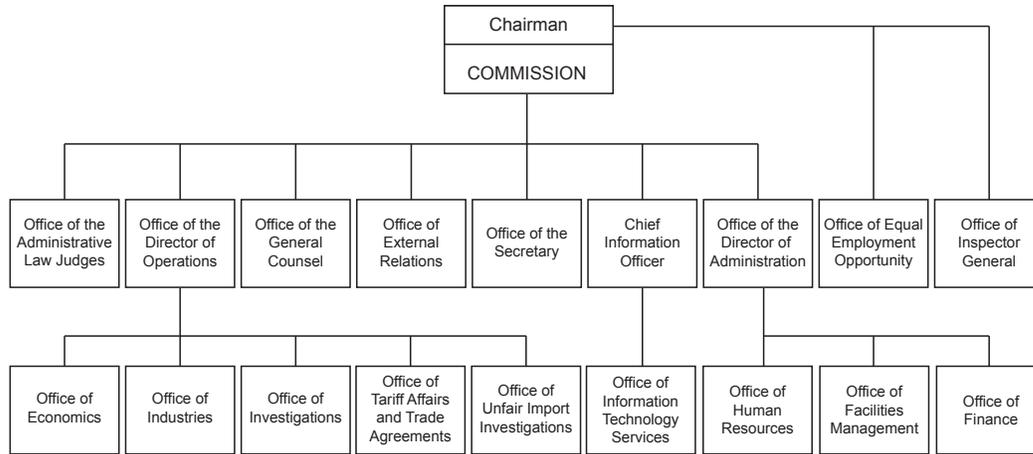
The USITC's visitor program arranged visits for 427 individuals from 25 foreign countries and the United States during FY 2009. Visitors included government representatives, journalists, business officials, economists, bankers, attorneys, professors, and students.

The Office of Inspector General had two audits underway at the end of the fiscal year: a comprehensive audit of the USITC's financial statements, and an audit of the USITC's compliance with the Federal Information Security Management Act of 2002 (FISMA). The office, which experienced a change in leadership during the fiscal year, also entertained comments and suggestions from agency employees, contractors, and the public on matters of immediate concern that might impact the agency's mission.



# Part Two: Organization

## U.S. International Trade Commission



## Commission Organization

### Office of Operations

The USITC'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 USITC's Library Services is a component of the Office of Operations. Library Services staff manage the USITC's Main Library, a specialized technical library that serves as the agency's information and research center.

### Office of Investigations

The Office of Investigations conducts the USITC'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 USITC'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 USITC's chief legal advisor. The General Counsel and the staff attorneys in the office provide legal advice and support to the Commissioners and USITC staff on investigations and research studies, prepare briefs and represent the USITC 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 by the Chief Administrative Law Judge to one of the Commission's six 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 USITC 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 USITC 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 USITC and the international trade community. The USITC'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 USITC's financial information system and its payroll functions.

## **Office of Facilities Management**

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

## **Office of Human Resources**

The Office of Human Resources manages the USITC'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 USITC and its customers. CIO staff address information technology policy and information security as well as providing project management skills. The Office of Information Technology Services is a component of the office.

## **Office of Information Technology Services**

The Office of Information Technology Services oversees the day-to-day operation of the USITC's information technology systems and programs, including the network, e-business, publishing, and dockets services. The office manages the delivery of common automated office applications, all computer assets, and the Internet, internal web systems, and publishing activities; it also maintains the official repository for administrative proceedings and rulemaking documents.

## **Office of the Secretary**

The Office of the Secretary coordinates hearings and meetings of the Commission and is responsible for official record keeping, including petitions, briefs, and other legal documents. 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 Equal Employment Opportunity**

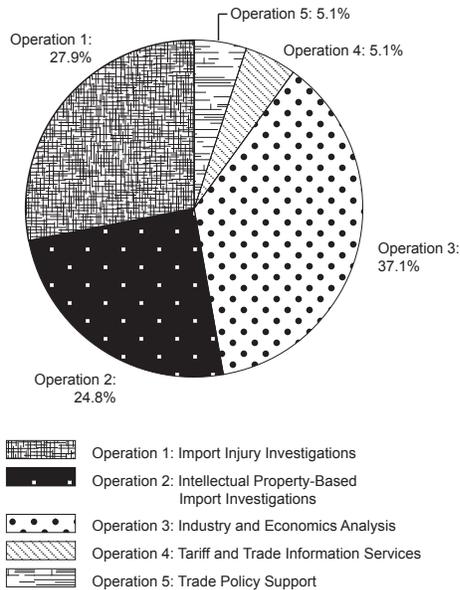
The Office of Equal Employment Opportunity (EEO) administers the USITC affirmative action program. The Director advises the Chairman, the Commission, and USITC managers on all EEO issues; manages and coordinates all EEO activities in accordance with relevant EEO laws and EEOC regulations; evaluates the sufficiency of the agency's EEO program and recommends improvements or corrections, including remedial and disciplinary action; encourages and promotes diversity outreach; 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 USITC 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



## USITC Personnel, FY 2009

The USITC maintains an expert staff of professional international trade and nomenclature analysts, investigators, attorneys, economists, information technology specialists, and administrative support personnel. All USITC personnel are located at 500 E Street SW, Washington, DC 20436. At the end of FY 2009, a total of 369 permanent employees were employed by the USITC.

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

Organizational unit	Number as of September 30, 2009
Commissioners	6
Offices of the Commissioners	21
Office of the General Counsel	42
Office of the Administrative Law Judges	20
Office of External Relations	5
Office of the Director of Operations	12
Office of Investigations	32
Office of Industries	84
Office of Economics	39
Office of Tariff Affairs and Trade Agreements	13
Office of Unfair Import Investigations	23
Office of the Chief Information Officer	35
Office of the Secretary	7
Office of the Director of Administration	6
Office of Finance	4
Office of Facilities Management	9
Office of Human Resources	8
Office of Equal Employment Opportunity	2
Office of Inspector General	1
<b>Total</b>	<b>369</b>

# USITC Budget, FY 2009

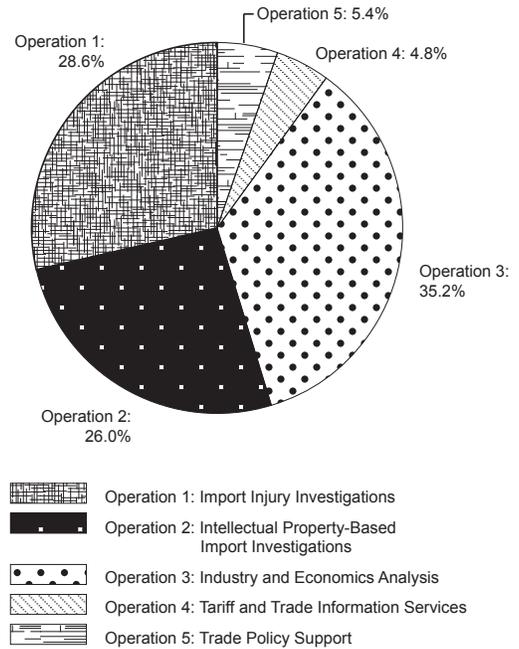
The USITC submits its budget to the President for transmittal to Congress. Because of the unique role of the USITC as a quasi-judicial, nonpartisan, independent agency designed to provide trade expertise to the legislative and executive branches of government, Congress provided in section 175 of the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

During FY 2009, appropriated funds made available to the USITC amounted to \$75,629,370. Appropriated funds included an FY 2009 appropriation of \$75,100,000, recoveries of \$207,000, and a carryover of \$322,370.

Obligations for FY 2008 and FY 2009 are shown below:

Item	FY 2008	FY 2009
Salaries	\$37,568,800	\$41,821,500
Benefits	9,723,100	10,437,100
Rent	7,920,400	9,081,200
Services	9,486,300	9,114,500
Supplies and Material	778,600	983,500
Equipment	1,063,900	1,679,300
Other	2,417,600	2,298,200
<b>Total</b>	<b>\$69,958,700</b>	<b>\$75,415,300</b>

Dollar Cost: Comparison by Operation



**Appendix A:  
Summary of Investigations Completed  
During Fiscal Year 2009  
and Pending on September 30, 2009**



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**Table I-A**  
**Antidumping and Countervailing Duty Investigations**  
**Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Date Instituted</b>	<b>Staff Conference</b>	<b>Preliminary Determination</b>	<b>Pub. No.</b>	<b>Public Hearing</b>	<b>Final Determination</b>	<b>Pub. No.</b>
701-TA-451 <i>Certain Lightweight Thermal Paper from China</i>	09-19-07	10-10-07	Affirmative 11-27-07	3964	10-02-08	Affirmative 11-17-08	4043
731-TA-1131 <i>Polyethylene Terephthalate Film, Sheet, and Strip from Brazil</i>	09-28-07	10-19-07	Affirmative 11-13-07	3962	09-18-08	Affirmative 10-31-08	4040
731-TA-1133 <i>Polyethylene Terephthalate Film, Sheet, and Strip from Thailand</i>	09-28-07	10-19-07	Affirmative 11-13-07	3962	09-18-08	Negative 10-31-08	4040
731-TA-1134 <i>Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates</i>	09-28-07	10-19-07	Affirmative 11-13-07	3962	09-18-08	Affirmative 10-31-08	4040
731-TA-1135 <i>Sodium Metal from France</i>	10-23-07	11-13-07	Affirmative 12-07-07	3973	10-14-08	Negative 11-24-08	4045
731-TA-1140 <i>Uncovered Innerspring Units from China</i>	12-31-07	01-22-08	Affirmative 02-14-08	3983	10-22-08	Affirmative 02-11-09	4061
731-TA-1141 <i>Uncovered Innerspring Units from South Africa</i>	12-31-07	01-22-08	Affirmative 02-14-08	3983	10-22-08	Affirmative 12-04-08	4051
731-TA-1142 <i>Uncovered Innerspring Units from Vietnam</i>	12-31-07	01-22-08	Affirmative 02-14-08	3983	10-22-08	Affirmative 12-04-08	4051
731-TA-1143 <i>Small Diameter Graphite Electrodes from China</i>	01-17-08	02-07-08	Affirmative 03-03-08	3985	01-06-09	Affirmative 02-19-09	4062
701-TA-454 <i>Welded Stainless Steel Pressure Pipe from China</i>	01-30-08	02-21-08	Affirmative 03-17-08	3986	01-13-09	Affirmative 03-11-09	4064
731-TA-1144 <i>Welded Stainless Steel Pressure Pipe from China</i>	01-30-08	02-21-08	Affirmative 03-17-08	3986	01-13-09	Affirmative 03-02-09	4064
731-TA-1145 <i>Certain Steel Threaded Rod from China</i>	03-05-08	03-26-08	Affirmative 04-21-08	3996	02-25-09	Affirmative 04-06-09	4070
731-TA-1146 <i>1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP) from China</i>	03-19-08	04-09-08	Affirmative 05-05-08	3998	03-03-09	Affirmative 04-17-09	4072
731-TA-1147 <i>1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP) from India</i>	03-19-08	04-09-08	Affirmative 05-05-08	3998	03-03-09	Affirmative 04-17-09	4072
731-TA-1148 <i>Frontseating Service Valves from China</i>	03-19-08	04-08-08	Affirmative 05-05-08	3999	03-10-09	Affirmative 04-20-09	4073

**Table I-A**  
**Antidumping and Countervailing Duty Investigations**  
**Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Date Instituted</b>	<b>Staff Conference</b>	<b>Preliminary Determination</b>	<b>Pub. No.</b>	<b>Public Hearing</b>	<b>Final Determination</b>	<b>Pub. No.</b>
701-TA-455 <i>Certain Circular Welded Carbon Quality Steel Line Pipe from China</i>	04-03-08	04-24-08	Affirmative 05-19-08	4003	11-24-08	Affirmative 01-07-09	4055
731-TA-1149 <i>Certain Circular Welded Carbon Quality Steel Line Pipe from China</i>	04-03-08	04-24-08	Affirmative 05-19-08	4003	11-24-08	Affirmative 05-06-09	4075
731-TA-1150 <i>Certain Circular Welded Carbon Quality Steel Line Pipe from Korea</i>	04-03-08	04-24-08	Affirmative 05-19-08	4003	11-24-08	Terminated 11-25-08	N/A
701-TA-456 <i>Citric Acid and Certain Citrate Salts from China</i>	04-14-08	05-07-08	Affirmative 05-29-08	4008	04-07-09	Affirmative 05-22-09	4076
731-TA-1151 <i>Citric Acid and Certain Citrate Salts from Canada</i>	04-14-08	05-07-08	Affirmative 05-29-08	4008	04-07-09	Affirmative 05-22-09	4076
731-TA-1152 <i>Citric Acid and Certain Citrate Salts from China</i>	04-14-08	05-07-08	Affirmative 05-29-08	4008	04-07-09	Affirmative 05-22-09	4076
701-TA-457 <i>Tow-behind Groomers from China</i>	06-24-08	07-15-08	Affirmative 08-08-08	4028	06-16-09	Affirmative 07-27-09	4090
731-TA-1153 <i>Tow-behind Lawn Groomers from China</i>	06-24-08	07-15-08	Affirmative 08-08-08	4028	06-16-09	Affirmative 07-27-09	4090
701-TA-458 <i>Certain Kitchen Appliance Shelving and Racks from China</i>	07-31-08	08-21-08	Affirmative 09-15-08	4035	07-16-09	Affirmative 08-31-09	4098
731-TA-1154 <i>Certain Kitchen Appliance Shelving and Racks from China</i>	07-31-08	08-21-08	Affirmative 09-15-08	4035	07-16-09	Affirmative 08-31-09	4098
701-TA-459 <i>Commodity Matchbooks from India</i>	10-29-08	11-17-08	Affirmative 12-15-08	4054	Pending	Pending	Pending
731-TA-1155 <i>Commodity Matchbooks from India</i>	10-29-08	11-17-08	Affirmative 12-15-08	4054	Pending	Pending	Pending
701-TA-460 <i>Ni-Resist Piston Inserts from Argentina</i>	01-26-09	02-17-09	Affirmative 03-12-09	4066	09-17-09	Pending	Pending
701-TA-461 <i>Ni-Resist Piston Inserts from Korea</i>	01-26-09	02-17-09	Affirmative 03-12-09	4066	09-17-09	Terminated 09-21-09	N/A
701-TA-462 <i>Polyethylene Retail Carrier Bags from Vietnam</i>	03-31-09	04-21-09	Affirmative 05-15-09	4080	Pending	Pending	Pending
731-TA-1156 <i>Polyethylene Retail Carrier Bags from Indonesia</i>	03-31-09	04-21-09	Affirmative 05-15-09	4080	Pending	Pending	Pending

**Table I-A**  
**Antidumping and Countervailing Duty Investigations**  
**Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Date Instituted</b>	<b>Staff Conference</b>	<b>Preliminary Determination</b>	<b>Pub. No.</b>	<b>Public Hearing</b>	<b>Final Determination</b>	<b>Pub. No.</b>
731-TA-1157 <i>Polyethylene Retail Carrier Bags from Taiwan</i>	03-31-09	04-21-09	Affirmative 05-15-09	4080	Pending	Pending	Pending
731-TA-1158 <i>Polyethylene Retail Carrier Bags from Vietnam</i>	03-31-09	04-21-09	Affirmative 05-15-09	4080	Pending	Pending	Pending
701-TA-463 <i>Certain Oil Country Tubular Goods from China</i>	04-08-09	04-29-09	Affirmative 05-26-09	4081	Pending	Pending	Pending
731-TA-1159 <i>Certain Oil Country Tubular Goods from China</i>	04-08-09	04-29-09	Affirmative 05-26-09	4081	Pending	Pending	Pending
701-TA-464 <i>Prestressed Concrete Steel Wire Strand from China</i>	05-27-09	06-17-09	Affirmative 07-13-09	4086	Pending	Pending	Pending
731-TA-1160 <i>Prestressed Concrete Steel Wire Strand from China</i>	05-27-09	06-17-09	Affirmative 07-13-09	4086	Pending	Pending	Pending
701-TA-465 <i>Certain Steel Grating from China</i>	05-29-09	06-19-09	Affirmative 07-13-09	4087	Pending	Pending	Pending
731-TA-1161 <i>Certain Steel Grating from China</i>	05-29-09	06-19-09	Affirmative 07-13-09	4087	Pending	Pending	Pending
701-TA-466 <i>Wire Decking from China</i>	06-05-09	06-26-09	Affirmative 07-20-09	4092	Pending	Pending	Pending
731-TA-1162 <i>Wire Decking from China</i>	06-05-09	06-26-09	Affirmative 07-20-09	4092	Pending	Pending	Pending
731-TA-1163 <i>Woven Electric Blankets from China</i>	06-30-09	07-21-09	Affirmative 08-14-09	4097	Pending	Pending	Pending
701-TA-467 <i>Narrow Woven Ribbons with Woven Selvedge from China</i>	07-09-09	07-30-09	Affirmative 08-24-09	4099	Pending	Pending	Pending
731-TA-1164 <i>Narrow Woven Ribbons with Woven Selvedge from China</i>	07-09-09	07-30-09	Affirmative 08-24-09	4099	Pending	Pending	Pending
731-TA-1165 <i>Narrow Woven Ribbons with Woven Selvedge from Taiwan</i>	07-09-09	07-30-09	Affirmative 08-24-09	4099	Pending	Pending	Pending
701-TA-468 <i>Certain Magnesia Carbon Bricks from China</i>	07-29-09	08-19-09	Affirmative 09-14-09	4100	Pending	Pending	Pending
731-TA-1166 <i>Certain Magnesia Carbon Bricks from China</i>	07-29-09	08-19-09	Affirmative 09-14-09	4100	Pending	Pending	Pending

**Table I-A**  
**Antidumping and Countervailing Duty Investigations**  
**Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Date Instituted</b>	<b>Staff Conference</b>	<b>Preliminary Determination</b>	<b>Pub. No.</b>	<b>Public Hearing</b>	<b>Final Determination</b>	<b>Pub. No.</b>
731-TA-1167 <i>Certain Magnesia Carbon Bricks from Mexico</i>	07-29-09	08-19-09	Affirmative 09-14-09	4100	Pending	Pending	Pending
701-TA-469 <i>Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from China</i>	09-16-09	Pending	Pending	Pending	Pending	Pending	Pending
731-TA-1168 <i>Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from China</i>	09-16-09	Pending	Pending	Pending	Pending	Pending	Pending
701-TA-470 <i>Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from China</i>	09-23-09	Pending	Pending	Pending	Pending	Pending	Pending
701-TA-471 <i>Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from Indonesia</i>	09-23-09	Pending	Pending	Pending	Pending	Pending	Pending
731-TA-1169 <i>Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from China</i>	09-23-09	Pending	Pending	Pending	Pending	Pending	Pending
731-TA-1170 <i>Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from Indonesia</i>	09-23-09	Pending	Pending	Pending	Pending	Pending	Pending
701-TA-472 <i>Certain Standard Steel Fasteners from China</i>	09-23-09	Pending	Pending	Pending	Pending	Pending	Pending
731-TA-1171 <i>Certain Standard Steel Fasteners from China</i>	09-23-09	Pending	Pending	Pending	Pending	Pending	Pending
731-TA-1172 <i>Certain Standard Steel Fasteners from Taiwan</i>	09-23-09	Pending	Pending	Pending	Pending	Pending	Pending
701-TA-473 <i>Certain Sodium and Potassium Phosphate Salts from China</i>	09-24-09	Pending	Pending	Pending	Pending	Pending	Pending
731-TA-1173 <i>Certain Sodium and Potassium Phosphate Salts from China</i>	09-24-09	Pending	Pending	Pending	Pending	Pending	Pending
731-TA-1174 <i>Seamless Refined Copper Pipe and Tube from China</i>	09-30-09	Pending	Pending	Pending	Pending	Pending	Pending
731-TA-1175 <i>Seamless Refined Copper Pipe and Tube from Mexico</i>	09-30-09	Pending	Pending	Pending	Pending	Pending	Pending

NOTES- In fiscal year 2009, the following investigations remained suspended: Inv. 731-TA-539C, *Uranium from Russia* (suspended 10-16-92; amended 05-07-97); Inv. No. 731-TA-747, *Fresh Tomatoes from Mexico* (suspended 01-22-08); Inv. 731-TA-754, *Cut-to-length Carbon Steel Plate from Russia* (suspended 01-23-03); 731-TA-756, *Cut-to-length Carbon Steel Plate from Ukraine* (suspended 01-16-04); Inv. No. 731-TA-808, *Hot-rolled Carbon Steel Flat Products from Russia* (suspended 07-12-99); Inv. No. 731-TA-856, *Ammonium Nitrate from Russia* (suspended 05-19-00); Inv. No. 731-TA-1105, *Lemon Juice from Argentina* (suspended 09-10-07); and Inv No. 731-TA-1106, *Lemon Juice from Mexico* (suspended 9-10-07).

**Table I-B**  
**Changed Circumstances and Five-Year (Sunset) Reviews**  
**Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Date Instituted</b>	<b>Type of Review</b>	<b>Public Hearing</b>	<b>Final Determination</b>	<b>Pub. No.</b>
731-TA-451 <i>Gray Portland Cement and Cement Clinker from Mexico (Second Review)</i>	10-03-05	Full	N/A	Terminated	None
731-TA-986 <i>Ferrovandium from China (Review)</i>	12-03-07	Full	10-07-08	Affirmative	4046
731-TA-987 <i>Ferrovandium from South Africa (Review)</i>	12-03-07	Full	10-07-08	Affirmative	4046
731-TA-745 <i>Steel Concrete Reinforcing Bar from Turkey (Second Review)</i>	02-01-08	Full	10-16-08	Negative	4052
731-TA-1013 <i>Saccharin from China (Review)</i>	06-02-08	Full	03-26-09	Affirmative	4077
731-TA-1014 <i>Polyvinyl Alcohol from China (Review)</i>	06-02-08	Full	01-27-09	Affirmative	4067
731-TA-1016 <i>Polyvinyl Alcohol from Japan (Review)</i>	06-02-08	Full	01-27-09	Affirmative	4067
731-TA-1017 <i>Polyvinyl Alcohol from Korea (Review)</i>	06-02-08	Full	01-27-09	Affirmative	4067
731-TA-1012 <i>Certain Frozen Fish Fillets from Vietnam (Review)</i>	07-01-08	Full	05-06-09	Affirmative	4083
731-TA-752 <i>Crawfish Tail Meat from China (Second Review)</i>	07-01-08	Expedited	N/A	Affirmative	4047
731-TA-753 <i>Cut-to-length Carbon Steel Plate from China (Second Review)</i>	08-01-08	Full	09-09-09	Pending	Pending
731-TA-754 <i>Cut-to-length Carbon Steel Plate from Russia (Second Review)</i>	08-01-08	Full	09-09-09	Pending	Pending
731-TA-756 <i>Cut-to-length Carbon Steel Plate from Ukraine (Second Review)</i>	08-01-08	Full	09-09-09	Pending	Pending
731-TA-1020 <i>Barium Carbonate from China (Review)</i>	09-01-08	Expedited	N/A	Affirmative	4060
731-TA-1021 <i>Malleable Cast Iron Pipe Fittings from China (Review)</i>	11-03-08	Expedited	N/A	Affirmative	4069
731-TA-1022 <i>Refined Brown Aluminum Oxide from China (Review)</i>	10-01-08	Expedited	N/A	Affirmative	4063
731-TA-1023 <i>Ceramic Station Post Insulators from Japan (Review)</i>	11-03-08	N/A	N/A	Terminated	N/A

**Table I-B**  
**Changed Circumstances and Five-Year (Sunset) Reviews**  
**Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Date Instituted</b>	<b>Type of Review</b>	<b>Public Hearing</b>	<b>Final Determination</b>	<b>Pub. No.</b>
1921-TA-188 <i>Prestressed Concrete Steel Wire Strand from Japan</i> <i>(Third Review)</i>	12-01-08	Full	09-30-09	Pending	Pending
701-TA-432 <i>Prestressed Concrete Steel Wire Strand from India</i> <i>(Third Review)</i>	12-01-08	Full	09-30-09	Pending	Pending
731-TA-1024 <i>Prestressed Concrete Steel Wire Strand from Brazil</i> <i>(Third Review)</i>	12-01-08	Full	09-30-09	Pending	Pending
731-TA-1025 <i>Prestressed Concrete Steel Wire Strand from India</i> <i>(Third Review)</i>	12-01-08	Full	09-30-09	Pending	Pending
731-TA-1026 <i>Prestressed Concrete Steel Wire Strand from Korea</i> <i>(Third Review)</i>	12-01-08	Full	09-30-09	Pending	Pending
731-TA-1027 <i>Prestressed Concrete Steel Wire Strand from Mexico</i> <i>(Third Review)</i>	12-01-08	Full	09-30-09	Pending	Pending
731-TA-1028 <i>Prestressed Concrete Steel Wire Strand from Thailand</i> <i>(Third Review)</i>	12-01-08	Full	09-30-09	Pending	Pending
1921-TA-167 <i>Pressure Sensitive Plastic Tape from Italy</i> <i>(Third Review)</i>	05-01-09	Full	Pending	Pending	Pending
731-TA-1034 <i>Certain Color Television Receivers from China</i> <i>(Review)</i>	05-01-09	N/A	N/A	Terminated	N/A
731-TA-130 <i>Chloropicrin from China</i> <i>(Review)</i>	07-01-09	Pending	Pending	Pending	Pending
731-TA-1043 <i>Polyethylene Retail Carrier Bags from China</i> <i>(Review)</i>	07-01-09	Pending	Pending	Pending	Pending
731-TA-1044 <i>Polyethylene Retail Carrier Bags from Malaysia</i> <i>(Review)</i>	07-01-09	Pending	Pending	Pending	Pending
731-TA-1045 <i>Polyethylene Retail Carrier Bags from Thailand</i> <i>(Review)</i>	07-01-09	Pending	Pending	Pending	Pending
731-TA-1046 <i>Tetrahydrofurfuryl Alcohol from China</i> <i>(Review)</i>	07-01-09	Pending	Pending	Pending	Pending
731-TA-1047 <i>Ironing Tables from China</i> <i>(Review)</i>	07-01-09	Pending	Pending	Pending	Pending
731-TA-44 <i>Sorbitol from France</i> <i>(Third Review)</i>	07-01-09	Pending	Pending	Pending	Pending
731-TA-770 <i>Stainless Steel Wire Rod from Italy</i> <i>(Second Review)</i>	07-01-09	Pending	Pending	Pending	Pending

**Table I-B**  
**Changed Circumstances and Five-Year (Sunset) Reviews**  
**Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Date Instituted</b>	<b>Type of Review</b>	<b>Public Hearing</b>	<b>Final Determination</b>	<b>Pub. No.</b>
731-TA-771 <i>Stainless Steel Wire Rod from Japan</i> <i>(Second Review)</i>	07-01-09	Pending	Pending	Pending	Pending
731-TA-772 <i>Stainless Steel Wire Rod from Korea</i> <i>(Second Review)</i>	07-01-09	Pending	Pending	Pending	Pending
731-TA-773 <i>Stainless Steel Wire Rod from Spain</i> <i>(Second Review)</i>	07-01-09	Pending	Pending	Pending	Pending
731-TA-775 <i>Stainless Steel Wire Rod from Taiwan</i> <i>(Second Review)</i>	07-01-09	Pending	Pending	Pending	Pending
731-TA-208 <i>Barbed Wire and Barbless Wire Strand from Argentina</i> <i>(Third Review)</i>	08-03-09	N/A	N/A	Terminated	Pending

In fiscal year 2009, the Commission conducted the following trade remand proceedings: Inv. Nos. 731-TA-394A and 731-TA-399A (Second Review)(Remand), *Certain Ball Bearings and Parts Thereof from Japan and United Kingdom*, Inv. Nos. 701-TA-407 and 731-TA-902, 904, and 905 (Review) (Remand), *Hot-Rolled Steel Products from South Africa, Kazakhstan and Romania*. Information regarding these remand proceedings may be found on Table VI.

**Table I-C**  
**Other Import Injury Investigations Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Petitioner or Requester</b>	<b>Date of Petition/ Request or Institution</b>	<b>Public Hearing</b>	<b>Commission Finding</b>	<b>Transmitted to the President</b>	<b>Pub. No.</b>
421-TA-7 <i>Certain Passenger Vehicle and Light Trucks Tires from China</i>	United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union	04-20-09	06-02-09	Affirmative	07-09-09	4085

NOTE – In fiscal year 2009, 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 2009**

<b>Investigation No. and Title</b>	<b>Complainant</b>	<b>Fed. Reg. Notice</b>	<b>Final Determination</b>	<b>Date Orders Issued</b>	<b>Pub. No.</b>
337-501 <i>Certain Encapsulated Integrated Circuit Devices and Products Containing Same</i>	Amkor Technology, Inc., West Chester, PA	12-19-03	Pending	Pending	N/A
337-533 <i>Certain Rubber Antidegradants, Components Thereof, and Products Containing Same</i> (Remand Proceeding)	Flexsys America LP, Akron, OH (Remanded from U.S. Court of Appeals for the Federal Circuit)	06-06-08	No violation	02-02-09	N/A
337-543 <i>Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets</i> (Enforcement Proceeding)	Broadcom Corporation, Irvine, CA	12-28-07	Settlement agreement	06-30-09	N/A
337-543 <i>Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets</i>	Broadcom Corporation, Irvine, CA (Remanded from the U.S. Court of Appeals for the Federal Circuit)	11-14-08	Remedial orders rescinded 1/22/09. Settlement agreement	06-30-09	N/A
337-545 <i>Certain Laminated Floor Panels</i> (Consolidated Enforcement and Advisory Opinion Proceedings)	Unilin Beheer, B.V., Netherlands; Flooring Industries Ltd., Republic of Ireland; and Unilin Flooring NC, LLC, Thomasville, NC	06-26-08	Advisory opinion requested by Uniboard Canada, Inc., on 4/15/08 Enforcement complaint filed 3/24/08. Settlement agreement and Cross-License agreement	01-21-09	N/A
337-564 <i>Certain Voltage Regulators, Components Thereof and Products Containing Same</i> (Enforcement Proceeding)	Linear Technology Corporation, Milpitas, CA	10-10-08	Pending	Pending	N/A
337-565 <i>Certain Ink Cartridges and Components Thereof</i> (Consolidated Enforcement Proceeding and Enforcement Proceeding II)	Epson Portland, Inc., Hillsboro, OR; Epson America Inc., Long Beach, CA; and Seiko Epson Corporation, Nagano-Ken, Japan	05-07-08; 06-27-08	Civil penalties assessed	8-17-09	N/A
337-582 <i>Certain Hydraulic Excavators and Components Thereof</i>	Caterpillar, Inc., Peoria, IL	09-06-06	Cease and desist orders and General exclusion order	01-14-09	N/A

**Table II**  
**Intellectual Property-Based Import Investigations and Related Proceedings**  
**Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Complainant</b>	<b>Fed. Reg. Notice</b>	<b>Final Determination</b>	<b>Date Orders Issued</b>	<b>Pub. No.</b>
337-601 <i>Certain 3G Wideband Code Division Multiple Access (WCDMA) Handsets and Components Thereof</i>	InterDigital Communications Corporation, King of Prussia, PA; and InterDigital Technology Corporation, Wilmington, DE	04-27-07	Settlement agreement	02-24-09	N/A
337-602 <i>Certain GPS Devices and Products Containing Same</i>	Global Locate, Inc., San Jose, CA	05-07-07	Cease and desist orders and Limited exclusion order	01-14-09	N/A
337-604 <i>Certain Sucralose, Sweeteners Containing Sucralose, and Related Intermediate Compounds Thereof</i>	Tate & Lyle Technology Limited, London, United Kingdom; and Tate & Lyle Sucralose, Inc., Decatur, IL	05-10-07	Limited exclusion order	04-03-09	N/A
337-605 <i>Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing Same</i>	Tessera, Inc., San Jose, CA	05-21-07	Cease and desist orders and Limited exclusion order	05-20-09	N/A
337-608 <i>Certain Nitrile Gloves</i>	Tilloston Corporation d/b/a Best Manufacturing Company, Menlo, GA	07-06-07	Invs. 337-TA-608 and 337-TA-612 were consolidated on 09/19/2007. No violation	12-22-08	N/A
337-613 <i>Certain 3G Mobile Handsets and Components Thereof</i>	InterDigital Communications Corporation, King of Prussia, PA; and InterDigital Technology Corporation, Wilmington, DE	09-11-07	Pending	Pending	N/A
337-615 <i>Certain Ground Fault Circuit Interrupters and Products Containing the Same</i>	Pass & Seymour, Inc., Syracuse, NY	09-24-07	Cease and desist orders and Limited exclusion order	03-09-09	N/A
337-617 <i>Certain Digital Televisions and Certain Products Containing Same and Methods of Using Same</i>	Funai Electric Co., Ltd., Daito City, Osaka, Japan; and Funai Corporation, Rutherford, NJ	11-15-07	Cease and desist orders and Limited exclusion order	04-10-09	N/A
337-617 <i>Certain Digital Televisions and Certain Products Containing Same and Methods of Using Same (Forfeiture Proceeding)</i>	Funai Electric Co., Ltd., Daito City, Osaka, Japan; and Funai Corporation, Rutherford, NJ	N/A	Pending	07-09-09	N/A
337-617 <i>Certain Digital Televisions and Certain Products Containing Same and Methods of Using Same (Enforcement Proceeding)</i>	Funai Electric Co., Ltd., Daito City, Osaka, Japan; and Funai Corporation, Rutherford, NJ	09-11-09	Pending	Pending	N/A

**Table II**  
**Intellectual Property-Based Import Investigations and Related Proceedings**  
**Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Complainant</b>	<b>Fed. Reg. Notice</b>	<b>Final Determination</b>	<b>Date Orders Issued</b>	<b>Pub. No.</b>
337-619 <i>Certain Flash Memory Controllers, Drives, Memory Cards, and Media Players, and Products Containing Same</i>	SanDisk Corporation, Milpitas, CA	12-12-07	Pending	Pending	N/A
337-621 <i>Certain Probe Card Assemblies, Components Thereof and Certain Tested DRAM and NAND Flash Memory Devices and Products Containing Same</i>	FormFactor, Inc., Livermore, CA	12-19-07	Pending	Pending	N/A
337-623 <i>Certain R-134a Coolant (Otherwise known as 1,1,1,2-Tetrafluoroethane)</i>	INEOS Fluor Holdings Limited, Runcorn, Cheshire, United Kingdom; and INEOS Fluor Americas LLC, St. Gabriel, LA	12-31-07	No violation	08-04-09	N/A
337-623 <i>Certain R-134a Coolant (Otherwise known as 1,1,1,2-Tetrafluoroethane) (Enforcement Proceeding)</i>	INEOS Fluor Holdings Limited, Runcorn, Cheshire, United Kingdom; and INEOS Fluor Americas LLC, St. Gabriel, LA	02-18-09	Pending	Pending	N/A
337-624 <i>Certain Systems for Detecting and Removing Viruses or Worms, Components Thereof, and Products Containing Same</i>	Trend Micro Incorporated, Cupertino, CA	12-31-07	Settlement agreement	01-08-09	N/A
337-625 <i>Certain Self-Cleaning Litter Boxes and Components Thereof</i>	Applica Incorporated, Miramar, FL; Applica Consumer Products, Inc., Miramar, FL; and Walters Research Company, West Dundee, IL	12-28-07	Cease and desist orders and limited exclusion order	04-08-09	N/A
337-626 <i>Certain Noise Canceling Headphones</i>	Bose Corporation, Framingham, MA	01-04-08	Settlement agreement	01-02-09	N/A
337-627 <i>Certain Short Wavelength Semiconductor Lasers and Products Containing Same</i>	Seoul Semiconductor Company, Ltd., Seoul, Korea	01-14-08	Settlement agreement	03-11-09	N/A
337-628 <i>Certain Computer Products, Computer Components and Products Containing Same</i>	International Business Machines Corporation, Armonk, NY	01-14-08	No violation	07-13-09	N/A
337-629 <i>Certain Silicon Microphone Packages and Products Containing the Same</i>	Knowles Electronics, LLC, Itasca, IL	01-14-08	Limited exclusion order	06-12-09	N/A
337-630 <i>Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing Same (III)</i>	Tessera, Inc., San Jose, CA	01-14-08	Pending	Pending	N/A

**Table II**  
**Intellectual Property-Based Import Investigations and Related Proceedings**  
**Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Complainant</b>	<b>Fed. Reg. Notice</b>	<b>Final Determination</b>	<b>Date Orders Issued</b>	<b>Pub. No.</b>
337-631 <i>Certain Liquid Crystal Display Devices and Products Containing the Same</i>	Samsung Electronics Co., Ltd., Suwon, Kyunggi-Do, Korea	01-25-08	Cease and desist orders and limited exclusion order	06-24-09	N/A
337-632 <i>Certain Refrigerators and Components Thereof</i>	Whirlpool Patents Company, St. Joseph, MI; Whirlpool Manufacturing Corporation, St. Joseph, MI; Whirlpool Corporation, Benton Harbor, MI; and Maytag Corporation, Benton Harbor, MI	02-26-08	Pending	Pending	N/A
337-634 <i>Certain Liquid Display Modules, Products Containing Same, and Methods for Using the Same</i>	Sharp Corporation, Osaka, Japan	03-04-08	Pending	Pending	N/A
337-636 <i>Certain Laser Imageable Lithographic Printing Plates</i>	Presstek, Inc., Hudson, NH	03-13-08	Pending	Pending	N/A
337-637 <i>Certain Hair Irons and Packaging Thereof</i>	Farouk Systems, Inc., Houston, TX	03-14-08	General exclusion order	06-29-09	N/A
337-639 <i>Certain Spa Cover Lift Frames</i>	Leisure Concepts, Inc., Spokane, WA	03-24-08	Consent order	10-22-08	N/A
337-640 <i>Certain Short-wavelength Light Emitting Diodes, Laser Diodes and Products Containing Same</i>	Gertrude Neumark Rothschild, Hartsdale, NY	03-25-08	Pending	Pending	N/A
337-641 <i>Certain Variable Speed Wind Turbines and Components Thereof</i>	General Electric Company, Fairfield, CT	03-31-08	Pending	Pending	N/A
337-642 <i>Certain Catheters, Consoles and Other Apparatus for Cryosurgery, and Components Thereof</i>	CryoCor, Inc., San Diego, CA; and AMS Research Corporation, Minnetonka, MN	04-02-08	Settlement agreement	10-23-08	N/A
337-643 <i>Certain Cigarettes and Packaging Thereof</i>	Philip Morris USA, Inc., Richmond, VA	04-04-08	General exclusion order	09-21-09	N/A
337-644 <i>Certain Composite Wear Components and Products Containing the Same</i>	Magotteaux International S/A, Liege, Belgium; and Magotteaux, Inc., Franklin, TN	04-25-08	Pending	Pending	N/A
337-645 <i>Certain Vein Harvesting Surgical Systems and Components Thereof</i>	Maquet Cardiovascular LLC, San Jose, CA	05-05-08	Settlement agreement	02-09-09	N/A

**Table II**  
**Intellectual Property-Based Import Investigations and Related Proceedings**  
**Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Complainant</b>	<b>Fed. Reg. Notice</b>	<b>Final Determination</b>	<b>Date Orders Issued</b>	<b>Pub. No.</b>
337-646 <i>Certain Power Supplies</i>	Ultra Products, Inc., Fletcher, OH; and Systemax, Inc., Port Washington, NY	05-08-08	Settlement agreement, withdrawal of complaint, and consent order	01-29-09	N/A
337-648 <i>Semiconductor Integrated Circuits Using Tungsten Metallization and Products Containing Same</i>	LSI Corporation, Milpitas, CA; Agere Systems, Inc. Allentown, PA	05-21-08	Pending	Pending	N/A
337-649 <i>Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing Same (IV)</i>	Tessera, Inc., San Jose, CA	05-28-08	Withdrawal of the complaint	08-07-09	N/A
337-650 <i>Certain Coaxial Cable Connectors and Components Thereof and Products Containing Same</i>	John Mezzalingua Associates, Inc. d/b/a PPC, Inc., East Syracuse, NY	05-30-08	Pending	Pending	N/A
337-651 <i>Certain Automotive Parts</i>	Ford Global Technologies, LLC, Dearborn, MI	06-05-08	Consent order and settlement agreement	05-08-09	N/A
337-652 <i>Certain Rubber Antidegradants, Antidegradant Intermediates, and Products Containing the Same</i>	Flexsys America L.P., St. Louis, MO	07-10-08	No violation	10-30-08	N/A
337-653 <i>Certain Base Stations and Wireless Microphones</i>	L-3 Communications Mobile-Vision, Inc., Boonton, NJ	08-26-08	Settlement agreements and consent orders	04-02-09	N/A
337-654 <i>Certain Peripheral Devices and Components Thereof and Products Containing the Same</i>	Microsoft Corporation, Redmond, WA	09-03-08	Settlement agreement	01-29-09	N/A
337-655 <i>Certain Cast Steel Railway Wheels, Certain Processes for Manufacturing or Relating to Same, and Certain Products Containing Same</i>	Amsted Industries Incorporated, Chicago, IL	09-16-08	Pending	Pending	N/A
337-656 <i>Certain Integrated Circuits and Products Containing Same</i>	Freescale Semiconductor, Inc., Austin, TX	09-18-08	Settlement agreement	11-29-08	N/A
337-657 <i>Certain Automotive Multimedia Display and Navigation Systems, Components Thereof, and Products Containing Same</i>	Honeywell International Inc., Morristown, NJ	09-22-08	Pending	Pending	N/A
337-658 <i>Certain Video Game Machines and Related Three-Dimensional Pointing Devices</i>	Hillcrest Laboratories, Inc., Rockville, MD	09-23-08	Settlement agreement	09-28-09	N/A

**Table II**  
**Intellectual Property-Based Import Investigations and Related Proceedings**  
**Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Complainant</b>	<b>Fed. Reg. Notice</b>	<b>Final Determination</b>	<b>Date Orders Issued</b>	<b>Pub. No.</b>
337-659 <i>Certain Prepregs, Laminates, and Finished Circuit Boards</i>	Isola USA Corp., Chandler, AZ	11-12-08	Withdrawal of the complaint	05-11-09	N/A
337-660 <i>Certain Active Comfort Footwear</i>	Masai Marketing & Trading AG, Romanshorn, Switzerland; and Masai USA Corp., Hailey, ID	11-25-08	Pending	Pending	N/A
337-661 <i>Certain Semiconductor Chips Having Synchronous Dynamic Random Access Memory Controllers and Products Containing Same</i>	Rambus Inc., Los Altos, CA	12-10-08	Pending	Pending	N/A
337-662 <i>Certain Tunable Laser Chips, Assemblies and Products Containing Same</i>	JDS Uniphase Corporation, Milpitas, CA	12-19-08	Settlement agreement	05-29-09	N/A
337-663 <i>Certain Mobile Telephones and Wireless Communication Devices Featuring Digital Cameras and Components Thereof</i>	Eastman Kodak Company, Rochester, NY	12-18-08	Pending	Pending	N/A
337-664 <i>Certain Flash Memory Chips and Products Containing the Same</i>	Spansion, Inc., Sunnyvale, CA; and Spansion LLOC, Sunnyvale, CA	12-18-08	Pending	Pending	N/A
337-665 <i>Certain Semiconductor Integrated Circuits and Products Containing Same</i>	Qimonda AG, Munich, Germany	12-24-08	Pending	Pending	N/A
337-666 <i>Certain Cold Cathode Fluorescent Lamp ("CCFL") Inverter Circuits and Products Containing Same</i>	O2 Micro International Ltd., Grand Cayman, Cayman Islands; and O2 Micro Inc., Santa Clara, CA	01-14-09	Pending	Pending	N/A
337-667 <i>Certain Electronic Devices, Including Handheld Wireless Communications Devices</i>	Saxon Innovations, LLC, Tyler, TX	01-23-09	Pending	Pending	N/A
337-668 <i>Certain Non-Shellfish Derived Glucosamine and Products Containing Same</i>	Cargill, Incorporated, Wayzata, MN	03-04-09	Pending	Pending	N/A
337-669 <i>Certain Optoelectronic Devices, Components Thereof, and Products Containing the Same</i>	Avago Technologies Fiber IP (Singapore) Pte., Ltd., Singapore; Avago Technologies General IP (Singapore) Pte. Ltd., Singapore; and Avago Technologies Ltd., San Jose, CA	03-10-09	Pending	Pending	N/A
337-670 <i>Certain Adjustable Keyboard Support Systems and Components Thereof</i>	Humanscale Corporation, New York, NY	03-13-09	Pending	Pending	N/A

**Table II**  
**Intellectual Property-Based Import Investigations and Related Proceedings**  
**Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Complainant</b>	<b>Fed. Reg. Notice</b>	<b>Final Determination</b>	<b>Date Orders Issued</b>	<b>Pub. No.</b>
337-671 <i>Certain Digital Cameras</i>	Samsung Electronics Co., Ltd., Suwon-city, Gyeonggi-do, Korea; and Samsung Electronics America, Inc., Ridgefield Park, NJ	03-24-09	Pending	Pending	N/A
337-672 <i>Certain Electronic Devices Having Image Capture or Display Functionality and Components Thereof</i>	LG Electronics, Inc., Seoul, Korea	03-30-09	Pending	Pending	N/A
337-673 <i>Certain Electronic Devices Including Handheld Wireless Communications Devices</i>	Saxon Innovations, LLC, Tyler, TX	03-31-09	Pending	Pending	N/A
337-674 <i>Certain Light Emitting Diode Chips, Laser Diode Chips and Products Containing Same</i>	Gertrude Neumark Rothschild, Hartsdale, NY	04-06-09	Pending	Pending	N/A
337-675 <i>Certain Wireless Communications Devices and Components Thereof</i>	SPH America, LLC Vienna, VA	05-04-09	Withdrawal of the complaint	08-07-09	N/A
337-676 <i>Certain Lighting Control Devices Including Dimmer Switches and Parts Thereof</i>	Lutron Electronics Co., Inc., Coopersburg, PA	05-11-09	Consent order	08-04-09	N/A
337-677 <i>Certain Course Management System Software Products</i>	Blackboard Inc., Washington, DC	06-09-09	Pending	Pending	N/A
337-678 <i>Certain Energy Drink Products</i>	Red Bull GmbH, Fuschl am See, Austria; and Red Bull North America, Inc., Santa Monica, CA	06-17-09	Pending	Pending	N/A
337-679 <i>Certain Products Advertised as Containing Creatine Ethyl Ester</i>	UNeMed Corporation, Omaha, NE	06-23-09	Pending	Pending	N/A
337-680 <i>Certain Machine Vision Software, Machine Vision Systems, and Products Containing Same</i>	Cognex Corporation, Natick, MA; and Cognex Technology and Investment Corporation, Mountainview, CA	07-16-09	Pending	Pending	N/A
337-681 <i>Certain Lighting Control Devices Including Dimmer Switches and Parts Thereof</i>	Lutron Electronics Co., Inc., Coopersburg, PA	07-24-09	Consent order	09-29-09	N/A
337-682 <i>Certain Collaborative System Products and Components Thereof</i>	eInstruction Corporation, Denton, TX	08-07-09	Pending	Pending	N/A
337-683 <i>Certain MLC Flash Memory Devices and Products Containing Same</i>	BTG International Inc., West Conshohocken, PA	08-27-09	Pending	Pending	N/A

**Table II**  
**Intellectual Property-Based Import Investigations and Related Proceedings**  
**Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Complainant</b>	<b>Fed. Reg. Notice</b>	<b>Final Determination</b>	<b>Date Orders Issued</b>	<b>Pub. No.</b>
337-684 <i>Certain Articulated Coordinate Measuring Arms and Components Thereof</i>	Hexagon Metrology AB of Sweden; and Hexagon Metrology, Inc., North Kingstown, RI	08-28-09	Pending	Pending	N/A
337-685 <i>Certain Flash Memory and Products Containing Same</i>	Samsung Electronics Co., Ltd., Suwon-City, Gyeonggi-do, Korea	09-02-09	Pending	Pending	N/A
337-686 <i>Certain Bulk Welding Wire Containers and Components Thereof</i>	The Lincoln Electric Company, Cleveland OH; and Lincoln Global, Inc., City of Industry, CA	09-08-09	Pending	Pending	N/A
337-687 <i>Certain Video Displays, Components Thereof, and Products Containing Same</i>	LG Electronics, Inc., Seoul, Korea	09-16-09	Pending	Pending	N/A

**Table III**  
**General Factfinding Investigations Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Requester</b>	<b>Date Instituted</b>	<b>Public Hearing</b>	<b>Pub. No.</b>	<b>Date Published</b>
103-019 <i>Probable Economic Effect of Certain Modifications to the United States-Chile Free Trade Agreement Rules of Origin</i>	United States Trade Representative	03-06-08	N/A	4042	10-08
103-021 <i>U.S.-Australia FTA: Proposals to Amend Textiles Rules of Origin</i>	United States Trade Representative	08-28-08	N/A	4041	10-08
103-022 <i>Certain Yarns and Fabrics: Effect of Modification of U.S. Singapore Free Trade Agreement Rules of Origin</i>	United States Trade Representative	02-17-09	N/A	4096	08-09
103-023 <i>Certain Textile Articles Containing Rayon and Other Manmade Fibers: Effect of Modifications of NAFTA Rules of Origin for Foods of Canada and Mexico</i>	United States Trade Representative	08-14-09	N/A	N/A	Pending
103-024 <i>Certain Textile Articles Containing Acrylic and Modacrylic Fibers: Effect of Modifications of NAFTA Rules of Origin for Goods of Canada</i>	United States Trade Representative	08-14-09	N/A	N/A	Pending
163-001 <i>Year in Trade: Operation of the Trade Agreements Program, 2008, 60th Report</i>	Section 163(c) of the Trade Act of 1974	01-01-48	N/A	4091	07-09
332-227 <i>Caribbean Basin Economic Recovery Act; Impact on U.S. Industries and Consumers and on Beneficiary Countries, 19th Report</i>	Required by sec. 215(a) of the Caribbean Basin Economic Recovery Act	03-21-86	06-30-09	4102	09-09
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 note)	03-09-90	N/A	N/A	12-08
332-325 <i>The Economic Effects of Significant U.S. Import Restraints, 2009, 6th Update</i>	United States Trade Representative	06-05-92	01-08-09	4094	09-09
332-345 <i>Shifts in U.S. Merchandise Trade, 2007</i>	Instituted by the U.S. International Trade Commission on its own motion	08-27-93	N/A	4044	12-08
332-345 <i>Recent Trends in U.S. Services Trade, 2009 Annual Report</i>	Instituted by the U.S. International Trade Commission on its own motion	12-20-94	N/A	4084	07-09
332-345 <i>Shifts in U.S. Merchandise Trade, 2008</i>	Instituted by the U.S. International Trade Commission on its own motion	08-27-93	N/A	4089	07-09
332-350 <i>Monitoring of U.S. Imports of Tomatoes, 2008</i>	Required by the North American Free Trade Agreement Implementation Act	12-30-93	N/A	4048	11-08

**Table III**  
**General Factfinding Investigations Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Requester</b>	<b>Date Instituted</b>	<b>Public Hearing</b>	<b>Pub. No.</b>	<b>Date Published</b>
332-351 <i>Monitoring of U.S. Imports of Peppers, 2008</i>	Required by the North American Free Trade Agreement Implementation Act	12-30-93	N/A	4049	11-08
332-360 <i>International Harmonization of Customs Rules of Origin</i>	United States Trade Representative	04-06-95	N/A	N/A	N/A
332-477 <i>Sub-Saharan Africa: Effects of Infrastructure Conditions on Export Competitiveness: Third Annual Report</i>	United States Trade Representative	08-18-06	10-28-08	4071	04-09
332-499 <i>Property and Casualty Insurance Services: Competitive Conditions in Foreign Markets</i>	United States Trade Representative	08-12-08	09-23-08	4068	03-09
332-500 <i>Advice Concerning Possible Modifications to the U.S. Generalized System of Preference, 2008 Review of Additions and Removals</i>	United States Trade Representative	09-26-08	10-30-08	4057	01-09
332-501 <i>Textile and Apparel Imports from China: Statistical Reports</i>	Committee on Ways and Means, U.S. House of Representatives	10-30-08	N/A	N/A	N/A
332-502 <i>Sub-Saharan African Textile and Apparel Inputs: Potential for Competitive Production</i>	PL 110-436, An Act to Extend the Andean Trade Preference Act	11-12-08	01-29-09	4078	05-09
332-503 <i>Textiles and Apparel: Evaluation of the Effectiveness of the Earned Import Allowance Program for Certain Apparel from the Dominican Republic</i>	Committee on Ways and Means, U.S. House of Representatives and Committee on Finance, United States Senate	04-17-09	11-18-09	N/A	Pending
332-504 <i>India: Effects of Tariff and Nontariff Measures on U.S. Agricultural Exports</i>	Committee on Finance, United States Senate	02-06-09	04-21-09	N/A	Pending
332-505 <i>Use of the "First Sale Rule" for Customs Valuation of U.S. Imports</i>	Committee on Ways and Means, U.S. House of Representatives; Sec. 15422 of the Food, Conservation, and Energy Act (PL 110-234)	12-19-08	N/A	N/A	Pending
332-506 <i>Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2008 Review of Competitive Need Limit Waivers</i>	United States Trade Representative	01-22-09	02-27-09	4074	04-09

NOTES – In fiscal year 2009, the following investigations were inactive: Inv. No. 332-354, *Program to Maintain U.S. Schedule of Services Commitments*, requested by the United States Trade Representative; and Inv. No. 332-377, *Program to Maintain Investment Restrictions Database*, requested by the United States Trade Representative.

**Appendix B:  
Reports Completed During Fiscal Year 2009  
and in Progress on September 30, 2009**



## Studies Completed During FY 2009

In addition to the reports discussed below, details on a number of other factfinding investigations completed during FY 2009 appear in the **Commission Activities and Accomplishments** section of this report. See pages 36-39 for details on:

*Textile and Apparel Imports from China: Statistical Reports (332-501)*

*Sub-Saharan Africa: Effects of Infrastructure Conditions on Export Competitiveness, Third Annual Report (332-477)*

*The Economic Effects of Significant U.S. Import Restraints, Sixth Update (332-325)*

*Sub-Saharan African Textile and Apparel Inputs: Potential for Competitive Production (332-502)*

*Property and Casualty Insurance Services: Competitive Conditions in Foreign Markets (332-499)*

Information on the USITC's recurring annual reports *Shifts in U.S. Merchandise Trade 2008* and *Recent Trends in U.S. Services Trade (332-345)*, as well as *The Year in Trade 2008*, may also be found in the **Commission Activities and Accomplishments** section.

### ***Certain Yarns and Fabrics FY 2009: Effect of Modification of the U.S.-Singapore FTA Rules of Origin (Singapore FTA-103-022)***

On January 28, 2009, the U.S. Trade Representative requested that the USITC provide advice on the probable effect of the proposed U.S.-Singapore Free Trade Agreement (USSFTA) rules of origin modifications on U.S. trade and on domestic producers for four textile product groups (viscose rayon filament yarns; plain-woven cotton fabrics; combed, compact wool yarns; and certain flannel and/or napped fabrics). The USITC submitted its confidential report to the USTR in August 2009 and released a public version of the report later the same month. For the combed, compact wool yarns product group, the USITC found that the proposed changes are likely to result in a small increase in U.S. trade of such yarns from Singapore; a negligible increase in total trade of such yarns; and the threat of an adverse effect on U.S. production of such yarns. Changes to the rules of origin for the other three product groups likely would result in no probable effect on U.S. trade and production of those yarns and fabrics.

Further information:

[http://www.usitc.gov/press\\_room/news\\_release/2009/er0812gg1.htm](http://www.usitc.gov/press_room/news_release/2009/er0812gg1.htm)

View report: <http://www.usitc.gov/publications/332/pub4096.pdf>

### ***Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2008 Review of Additions and Removals (332-500)***

On September 24, 2008, the USTR requested that the USITC provide advice on the likely impact on competing U.S. industries of the addition of 11 HTS subheadings to the list of articles eligible for the Generalized System of Preferences and the removal of two HTS subheadings from duty-free status from certain beneficiary developing countries. The items being considered for addition were potatoes; spinach; sweet corn; frozen broccoli spears; frozen broccoli, except spears, in containers holding more than 1.4 kg; frozen broccoli, except spears, in containers holding 1.4 kg or less; mixtures of fruits containing oranges or grapefruits in a liquid medium; pineapple juice, not concentrated, of a Brix value not exceeding 20; pineapple juice, not concentrated, other than a Brix value not exceeding 20; high density polyethylene; and certain veneered plywood sheets. The items being considered for removal

were polyethylene terephthalate (PET) resin from India and Indonesia and polyamide-6 (nylon 6) from Thailand. The USITC submitted its confidential report to the USTR in December 2008 and released a public version of the report in January 2009.

Further information:

[http://www.usitc.gov/press\\_room/news\\_release/2009/er0115gg1.htm](http://www.usitc.gov/press_room/news_release/2009/er0115gg1.htm)

View report: <http://www.usitc.gov/publications/332/pub4057.pdf>

### ***Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2008 Review of Competitive Need Limit Waivers (332-506)***

On January 12, 2009, the U.S. Trade Representative requested that the USITC provide advice as to the impact of granting a waiver of the competitive need limits for Argentina for certain full grain unsplit bovine and equine leather (HTS subheading 4107.91.80) and for calcium silicon ferroalloys (HTS subheading 7202.99.20); for Brazil for lysine (HTS subheading 2922.41.00); for India for high-carbon ferrochromium (HTS subheading 7202.41.00); for Indonesia for PET resin (HTS subheading 3907.60.00); and for Turkey for stranded copper wire (HTS subheading 7413.00.10). “Competitive need limits” represent the maximum import level of a product that is eligible for duty-free treatment under the GSP. Once the limit is reached, trade is considered “competitive,” benefits are no longer needed, and imports of the article become ineligible for GSP treatment, unless a waiver is granted. With respect to the competitive need limit in section 503(c)(2)(A)(i)(I) of the 1974 Act, the Commission, as requested, used the dollar value limit of \$135 million. The Commission submitted a confidential report to the USTR in April 2009 and released a public version of the report later that month.

Further information:

[http://www.usitc.gov/press\\_room/news\\_release/2009/er0429gg2.htm](http://www.usitc.gov/press_room/news_release/2009/er0429gg2.htm)

View report: <http://www.usitc.gov/publications/332/pub4074.pdf>

### ***Probable Economic Effect of Certain Modifications to the United States-Chile Free Trade Agreement Rules of Origin (Chile FTA-103-019)***

On February 11, 2008, the U.S. Trade Representative requested that the USITC provide advice on the probable economic effect of proposed modifications to the U.S.-Chile Free Trade Agreement rule of origin on U.S. trade and on domestic producers of affected articles. The articles covered by the investigation included certain herbs and spices; coffee; cocoa and cocoa preparations; miscellaneous edible preparations; products of the chemical or allied industries; rubber and related articles; natural or cultured pearls; nuclear reactors, boilers, machinery, mechanical appliances, and related parts; electrical equipment (sound and television recorders) and related parts; and optical, medical, measuring, or checking instruments and apparatus. The USITC submitted its confidential report to the USTR in October 2008 and released a public version of the report in November 2008.

Further information:

[http://www.usitc.gov/press\\_room/news\\_release/2008/er1118ff1.htm](http://www.usitc.gov/press_room/news_release/2008/er1118ff1.htm)

View report: <http://www.usitc.gov/publications/332/pub4042.pdf>

### ***Viscose Rayon Staple Fiber: Probable Effect of Modification of the U.S.-Australia Free Trade Agreement Rules of Origin (U.S.-Australia FTA-103-021)***

On August 14, 2008, the USTR requested that the USITC investigate the probable effect of proposed modifications to the U.S.-Australia Free Trade Agreement rules of origin for certain yarns on U.S. trade and on domestic producers of the affected yarns. The yarns affected could include blends of viscose

rayon staple fiber with synthetic staple fibers, such as polyester, and with other artificial staple fibers, such as acetate. The USITC submitted its confidential report to the USTR in October 2008 and released a public version of the report in November 2008.

Further information:

[http://www.usitc.gov/press\\_room/news\\_release/2008/er1106ff1.htm](http://www.usitc.gov/press_room/news_release/2008/er1106ff1.htm)

View report: <http://www.usitc.gov/publications/332/pub4041.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 required the USITC 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 included current conditions in the U.S. industry in such areas as production, imports, exports, and prices. The final USITC reports were published in November 2008.

View report on tomatoes: <http://www.usitc.gov/publications/332/pub4048.pdf>

View report on peppers: <http://www.usitc.gov/publications/332/pub4049.pdf>

## **Recurring Industry Surveys**

### **The Impact of the Caribbean Basin Economic Recovery Act, Nineteenth Report, 2007-2008 (332-227)**

Section 215 of the Caribbean Basin Economic Recovery Act (CBERA) requires the USITC 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. The CBERA was amended in 2000 by the Caribbean Basin Trade Partnership Act (CBTPA), which broadened the scope of products eligible for the tariff preferences; in 2002 by the Trade Act of 2002, which clarified and modified the CBTPA; and in 2006 by the HOPE Act of 2006, which enhances benefits for Haiti for a five-year period. The CBTPA also instructed the Commission to report on the impact of the overall preference program on the beneficiary countries themselves. The current USITC report, submitted in September 2009, found that the overall effect of the CBERA on the U.S. economy continued to be negligible while the effect on U.S. consumers and beneficiary countries is small but positive. Imports benefiting from CBERA continued to fall in 2007 and 2008; lower imports in all of the leading product categories as well as the exit of the Dominican Republic from the CBERA during 2007 contributed to the decline. The overall effect of CBERA-exclusive imports (imports that could receive tariff preferences only under CBERA provisions) on the U.S. economy and U.S. consumers continued to be negligible in 2008.

Further information:

[http://www.usitc.gov/press\\_room/news\\_release/2009/er0930gg2.htm](http://www.usitc.gov/press_room/news_release/2009/er0930gg2.htm)

View report: <http://www.usitc.gov/publications/332/pub4102.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 amended the Tax Reform Act of 1986 to require the USITC 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

Economic Recovery Act (CBERA) beneficiary countries. The USITC'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 CBERA beneficiary countries. The USITC uses official statistics of the U.S. Department of Energy as well as the PIERS database of the Journal of Commerce to make its determinations. For the 12-month period ending September 30, 2007, the USITC determined that the base quantity was 452.5 million gallons. For the 12-month period ending September 30, 2008, the USITC determined the level of U.S. consumption of fuel ethyl alcohol to be 8.88 billion gallons; 7 percent of this amount is 621.5 million gallons (these figures have been rounded). Therefore, the base quantity for 2009 should be 621.5 million gallons. The USITC announced this determination in December 2008.

View determination:

[http://www.usitc.gov/secretary/fed\\_reg\\_notices/332/332-288..1228831095.pdf](http://www.usitc.gov/secretary/fed_reg_notices/332/332-288..1228831095.pdf)

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

On April 18, 1994, the USTR requested that the USITC 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 USITC 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 USITC 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 2009.

### ***Program to Maintain Investment Restrictions Database (332-377)***

On January 8, 1997, the USTR requested that the USITC 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.

## **Studies in Progress at the End of FY 2009**

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

On January 25, 1995, the USTR requested that the USITC investigate the international harmonization of customs rules of origin. The investigation will provide the basis for USITC 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 WTO. The USITC 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.

***Earned Import Allowance Program: Evaluation of the Effectiveness of the Program for Certain Apparel from the Dominican Republic (332-503)***

Section 404 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (DR-CAFTA Act) requires the Secretary of Commerce to establish an Earned Import Allowance Program (EIAP) and directs the USITC to conduct annual reviews of the program to evaluate its effectiveness and make recommendations for improvements. The EIAP allows apparel manufacturers in the Dominican Republic who use U.S. fabric to produce certain apparel to earn a credit that can be used to ship eligible apparel made with non-U.S.-produced fabric into the United States duty free. The USITC reports will be submitted to the Committee on Ways and Means, U.S. House of Representatives, and the Committee on Finance, U.S. Senate. Scheduled completion for the first annual report: July 2010.

***Certain Textile Articles Containing Rayon and Other Manmade Fibers: Effect of Modifications of NAFTA Rules of Origin for Goods of Canada and Mexico and Certain Textile Articles Containing Acrylic and Modacrylic Fibers: Effect of Modifications of NAFTA Rules of Origin for Goods of Canada (NAFTA-103-023 and NAFTA-103-024)***

On July 30, 2009, the USTR requested that the USITC provide advice on the probable effect of proposed NAFTA rules of origin modifications on U.S. trade and on domestic producers of the affected yarns and fabrics. Scheduled completion: November 2009.

***India: Effects of Tariff and Nontariff Measures on U.S. Agricultural Exports (332-504)***

On January 13, 2009, the Committee on Finance, U.S. Senate, requested that the USITC investigate and report on the effects of tariff and nontariff measures on U.S. agricultural exports to India. In its request letter, the Committee stated: “U.S. agriculture depends on reliable access to global markets. Strong economic growth in developing countries like India presents opportunities for U.S. agricultural exports.... While U.S. exporters can provide individual examples of trade measures that prevent their sales to India, the extent to which trade and investment measures account for the disproportionately low U.S. share of India’s agricultural imports remains largely undocumented.” The USITC will provide an overview of the Indian agricultural market; a description of the principal measures affecting Indian agricultural imports; information on Indian government regulations, including state regulations, covering agricultural markets and foreign direct investment affecting U.S. agricultural products in India; an evaluation of the impact of India’s food marketing and distribution system; and a quantitative analysis of the economic effects of Indian tariffs, and to the extent possible, nontariff measures, on U.S. agricultural exports to India. Scheduled completion: November 2009.

***Use of the “First Sale Rule” for Customs Valuation of U.S. Imports (332-505)***

Section 15422(c)(1) of the Food, Conservation, and Energy Act of 2008 requires the USITC to submit a report to the Committee on Ways and Means, U.S. House of Representatives, and the Committee on Finance, U.S. Senate, that contains certain customs transaction valuation information compiled by the USITC from information furnished to it by the Commissioner of U.S. Customs and Border Protection. The USITC will conduct a review of the use of the “first sale rule” for U.S. imports for the 12-month period from September 2008 to August 2009. As required by the legislation, the USITC will provide data regarding use, frequency, value, and tariff and sector classifications of “first sale rule” applications. The “first sale rule” is a method of determining the transaction value of imported goods. An item that is imported into the United States may have been subject to several transactions, with each interim buyer adding to the ultimate price paid by the U.S. importer. Current law allows U.S. importers, under certain conditions, to base the valuation of a product entering the United States on the first or earlier of the series of the transactions, rather than the last one. For example, an item may be produced in China, sold to a

distributor in Hong Kong, and in turn sold to a buyer in Los Angeles; the “first sale rule” would allow the U.S. importer to declare the product’s value, for import duty purposes, as the price of the original China-Hong Kong transaction. Application of the so-called “first sale rule” may result in the transaction value being determined on the basis of the price paid by a foreign buyer to a foreign seller. Scheduled completion: February 2010.

**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 USITC 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 USITC 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 USITC and the U.S. Department of Commerce, the USITC 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 USITC must make its preliminary injury determination within 25 days after Commerce informs the USITC of the initiation of the investigation.

***Finding:*** The USITC 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 USITC determination is affirmative, Commerce continues its investigation. If the USITC determination is negative, the investigation is terminated. However, if the USITC, 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 USITC conducts the final phase of the injury investigation.

***Duration:*** The USITC 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 USITC final injury determination must be made within 75 days.

***Finding:*** The USITC 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 USITC 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. USITC 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 USITC 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 (USITC) 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 USITC 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 USITC web site.

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

Generally within 95 days from institution, the USITC determines whether the responses it has received reflect an adequate or inadequate level of interest in the review. If the USITC determines that responses to its notice of institution are adequate, or if other circumstances warrant a full review, the USITC conducts a full review, which includes a public hearing and issuance of questionnaires. If the USITC determines that responses to its notice of institution are inadequate, the USITC conducts an expedited review. The USITC 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 USITC'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 USITC usually completes full five-year reviews within 360 days of initiation and expedited reviews within 150 days. Both Commerce and the USITC 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 USITC 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 USITC's determination is affirmative, the order will remain in place. If the USITC'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 USITC for import relief. The USITC 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 USITC 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 USITC 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 USITC 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 USITC 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 USITC 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 USITC, at the request of the President or the industry, may determine whether the relief provided continues to be necessary; the USITC submits a report to the President, who determines whether to extend the relief action. Upon termination of import relief, the USITC 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 USITC 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 USITC conduct an investigation to determine whether a subsequent surge in such imports undermines the effectiveness of the relief action. The USITC 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 USITC 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 USITC 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 USITC's decision. If a violation is found, the USITC 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 USITC determines whether the complaint satisfies the requirements of the Commission's rules and an investigation should be instituted. Following institution, the USITC conducts an investigation to determine whether the statute has been violated.

**Duration:** The USITC 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 USITC 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 USITC 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. USITC orders are effective when issued and become final 60 days after issuance unless disapproved for policy reasons by the U.S. Trade Representative within that 60-day period. Appeals of USITC determinations may be taken to the U.S. Court of Appeals for the Federal Circuit. Violators of USITC 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 USITC 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 USITC 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 USITC establishes an administrative deadline. Deadlines for investigations requested by the President, the USTR, or Congress are usually set by mutual agreement.

**Finding:** USITC 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 USITC 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 USITC Activities Required by Statute

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

Under section 22 of the Agricultural Adjustment Act, the USITC 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 USITC 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 USITC determines whether imports from a Communist country are causing market disruption in the United States. Section 406 investigations are similar procedurally to USITC investigations under section 201 of the Trade Act of 1974. If the USITC 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 USITC to conduct preliminary investigations in order to expedite the performance of its functions under the Act. In recent years, the USITC 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 USITC, 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 USITC 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 USITC 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 USITC 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 USITC 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 USITC 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 USITC 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 USITC 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 USITC 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 USITC 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 USITC 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 USITC Statutory Investigations

Figure 1

## Statutory Timetables for Antidumping and Countervailing Duty Investigations

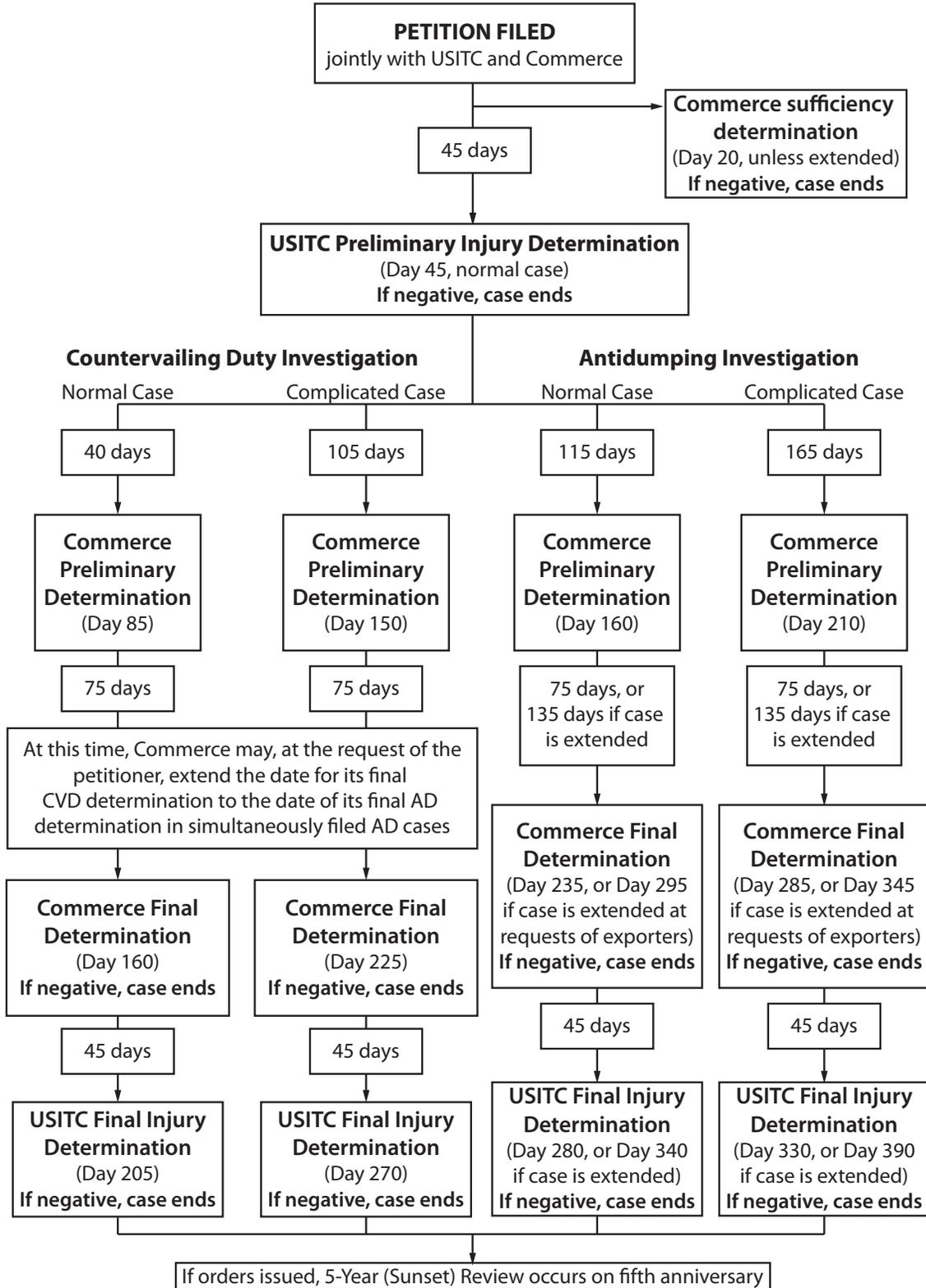


Figure 2

### Statutory Timetables for Intellectual Property Infringement and Other Unfair Practices in Import Trade Investigations

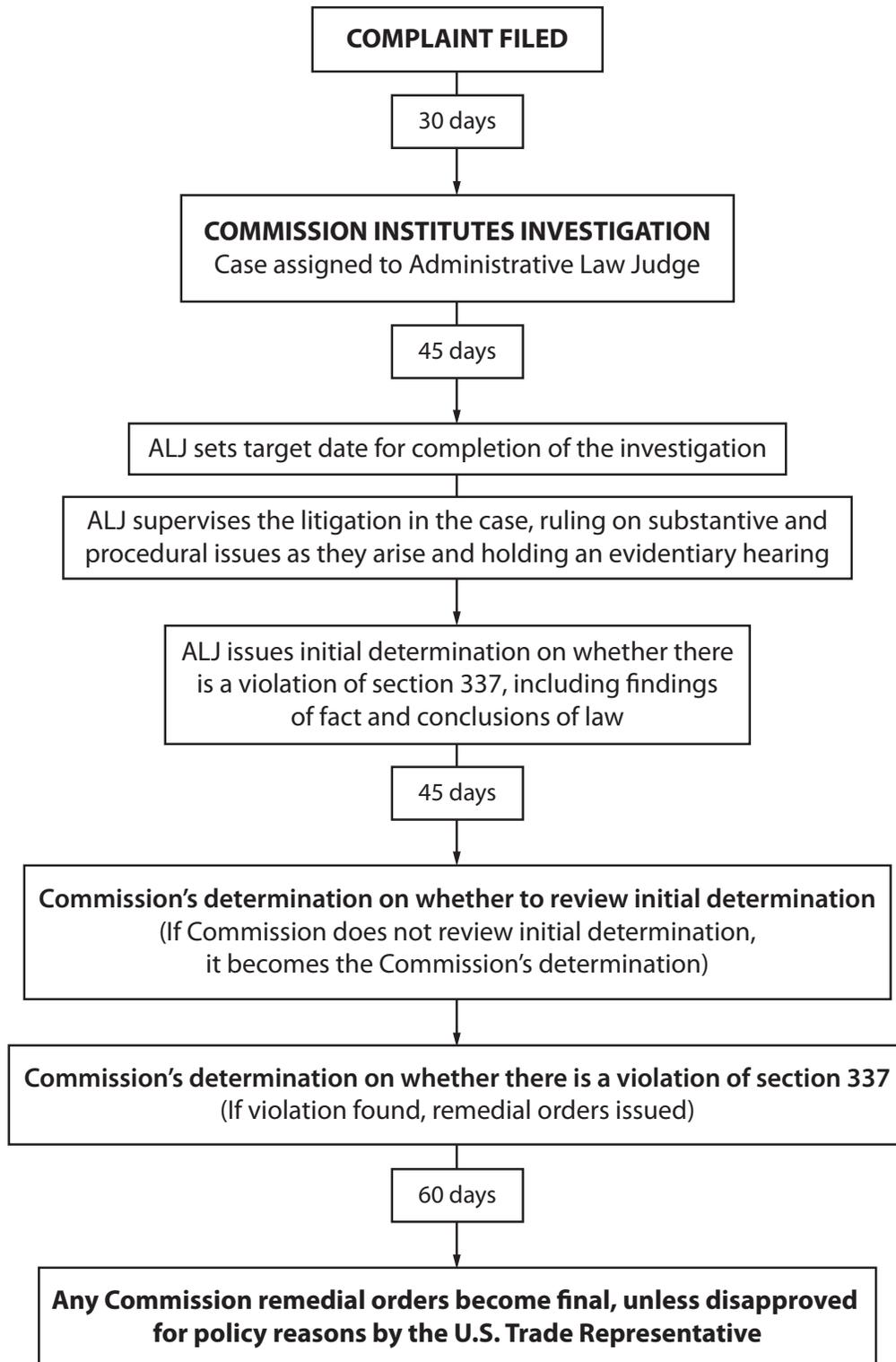


Figure 3

**Statutory Timetables for Global Safeguard Investigations**

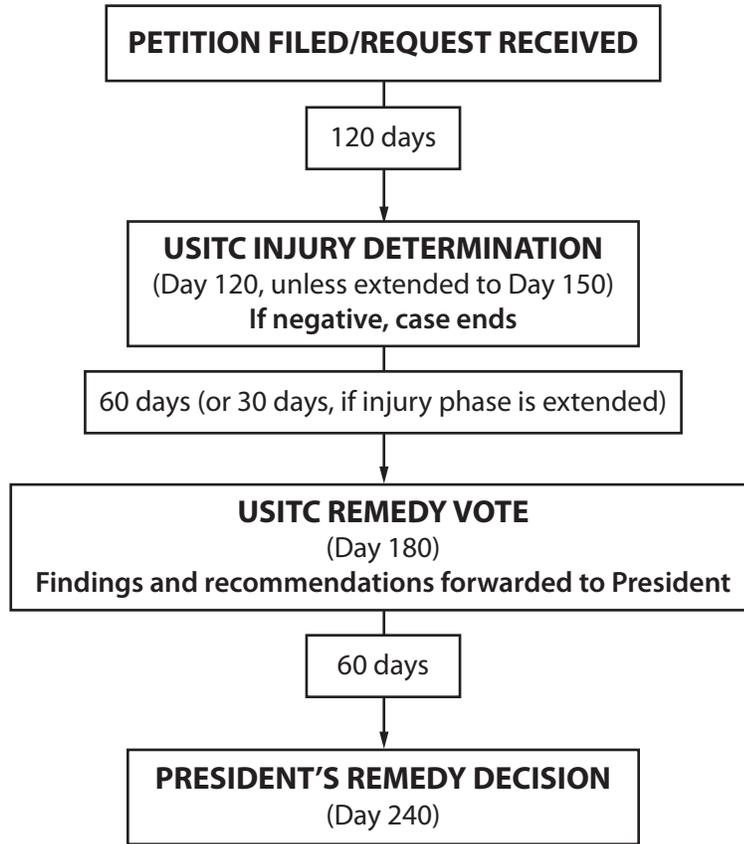


Figure 4

**Statutory Timetable for China-Specific Safeguard Investigation  
(Normal Schedule)**

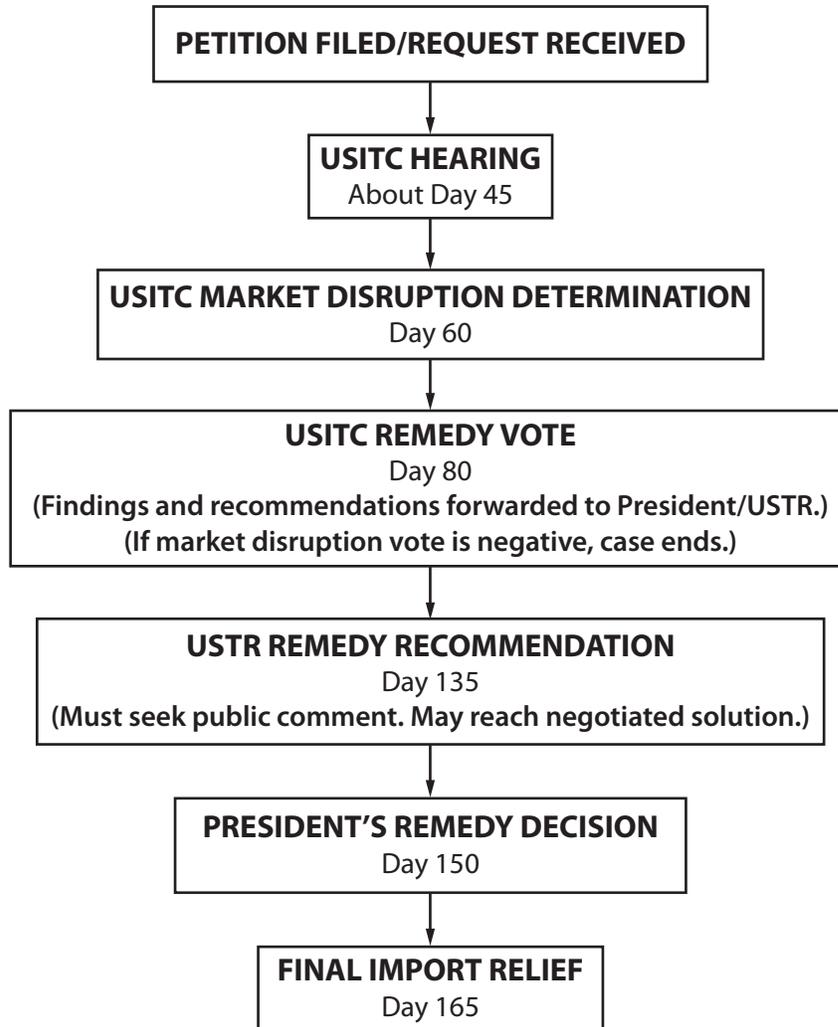
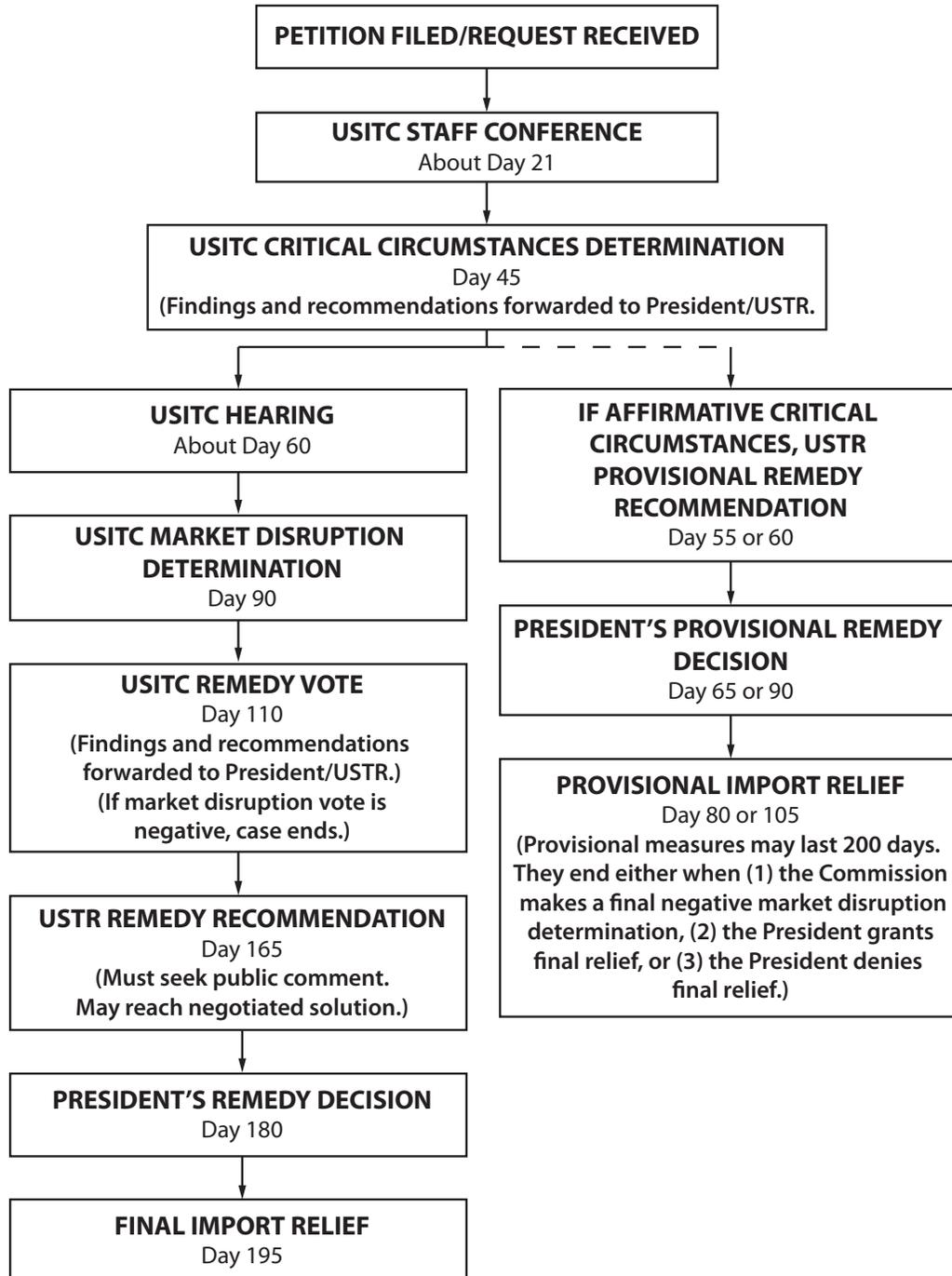


Figure 5

**Statutory Timetable for China-Specific Safeguard Investigations  
(Critical Circumstances Schedule)**





**Appendix D:  
Analyses Submitted to Congress on  
Proposed Legislation, Fiscal Year 2009**



Table IV

## Reports Submitted to Congress on Proposed Legislation in Fiscal Year 2009

Number	Sponsor	Proposed Legislation	Date Submitted
H.R. 5012	Mrs. Tauscher	To extend the temporary suspension of duty on artichokes, prepared or preserved by vinegar or acetic acid.	10-08-08
H.R. 5013	Mrs. Tauscher	To extend the temporary suspension of duty on artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen.	10-08-08
H.R. 5014	Mrs. Tauscher	To extend the temporary suspension of duty on oysters (other than smoked), prepared or preserved.	10-08-08
H.R. 5015	Mrs. Tauscher	To suspend temporarily the duty on certain sardines in oil, in airtight containers, neither skinned nor boned.	10-08-08
H.R. 5299	Mr. LaHood	To suspend temporarily the duty on 7-Hydroxy.	10-06-08
H.R. 5301	Mr. Pacrell	To extend the temporary suspension of duty on o-Acetylsalicylic acid.	10-06-08
H.R. 5302	Mr. Pacrell	To extend the temporary suspension of duty on D-Mannose.	10-06-08
H.R. 5303	Mr. Pacrell	To suspend temporarily the duty on Sedran Technical.	10-06-08
H.R. 5304	Mr. Pacrell	To extend the temporary suspension of duty on Sorafenib tosylate.	10-06-08
H.R. 5332	Mr. Price	To extend the temporary suspension of duty on Desmedipham in bulk or mixtures.	10-08-08
H.R. 5333	Mr. Price	To extend the temporary suspension of duty on 2,6-dibromo-4-cyanophenyl octanoate/heptanoate.	10-06-08
H.R. 5334	Mr. Price	To suspend temporarily the duty on product mixtures containing Methyl 2-[[[(4,6-dimethoxy-2-pyrimidinyl)amino]carbonyl]amino]sulfonyl]-4-[(mesylamino)methyl]benzoate Methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)ureidosulfonyl]benzoate, sodium salt.	10-06-08
H.R. 5337	Mrs. Biggert	To extend the temporary suspension of duty on triphenyltin hydroxide.	10-06-08
H.R. 5338	Mrs. Biggert	To extend the temporary suspension of duty on 4-(2,4-dichlorophenoxy) butyric acid and 4-(2,4-dichlorophenoxy) butyric acid, dimethylamine salt.	10-06-08
H.R. 5339	Mrs. Biggert	To extend the temporary suspension of duty on Bromoxynil Octanoate.	10-08-08
H.R. 5340	Mrs. Biggert	To extend the temporary suspension of duty on dichlorprop-p acid, dichlorprop-p dimethylamine salt, and dichlorprop-p 2-ethylhexyl ester.	10-08-08
H.R. 5341	Mrs. Biggert	To extend the temporary suspension of duty on Gibberellic Acid.	10-08-08
H.R. 5342	Mrs. Biggert	To extend the temporary suspension of duty on 2-methyl-4-chlorophenoxyacetic acid.	10-06-08
H.R. 5343	Mrs. Biggert	To extend the temporary suspension of duty on 2-ethylhexyl (4-chloro-2-methylphenoxy) acetate.	10-06-08
H.R. 5344	Mrs. Biggert	To extend the temporary suspension of duty on 2-Methyl-4-chlorophenoxyacetic acid, dimethylamine salt.	10-06-08
H.R. 5345	Mrs. Biggert	To extend the temporary suspension of duty on MCPB Acid and MCPB Sodium Salt.	10-06-08
H.R. 5346	Mrs. Biggert	To suspend temporarily the duty on Imazapyr.	10-06-08
H.R. 5347	Mrs. Biggert	To suspend temporarily the duty on metsulfuron-methyl.	10-06-08
H.R. 5369	Mr. Barrett	To suspend temporarily the duty on certain products.	10-08-08
H.R. 5375	Mr. Brown	To extend the temporary suspension of duty on Trimethyl cyclo hexanol.	10-08-08
H.R. 5376	Mr. Brown	To extend the temporary suspension of duty on Thymol.	10-08-08
H.R. 5377	Mr. Brown	To extend the temporary suspension of duty on 1,2 Octanediol.	10-08-08
H.R. 5378	Mr. Brown	To extend the temporary suspension of duty on Menthyl anthranilate.	10-08-08
H.R. 5379	Mr. Brown	To extend the temporary suspension of duty on 2-Phenylbenzimidazole-5-sulfonic acid.	10-08-08
H.R. 5380	Mr. Brown	To extend the temporary suspension of duty on Methyl Salicylate.	10-08-08
H.R. 5381	Mr. Brown	To extend the temporary suspension of duty on Methyl cinnamate.	10-06-08
H.R. 5382	Mr. Brown	To extend the temporary suspension of duty on p-Methylacetophenone.	10-06-08
H.R. 5383	Mr. Brown	To extend the temporary suspension of duty on 2,2-Dimethyl-3-(3-methylphenyl) propanal.	10-06-08
H.R. 5384	Mr. Brown	To suspend temporarily the duty on 1,2 Hexanediol.	10-06-08
H.R. 5385	Mr. Brown	To suspend temporarily the duty on 1,2 Pentanediol.	10-06-08

**Table IV**  
**Reports Submitted to Congress on Proposed Legislation in Fiscal Year 2009**

<b>Number</b>	<b>Sponsor</b>	<b>Proposed Legislation</b>	<b>Date Submitted</b>
H.R. 5386	Mr. Brown	To extend the temporary suspension of duty on 5-Methyl-2-(methylethyl)cyclohexyl-2-hydroxypropanoate.	10-06-08
H.R. 5387	Mr. Brown	To suspend temporarily the duty on Frescolat MGA.	10-06-08
H.R. 5388	Mr. Brown	To extend the temporary suspension of duty on Anisic Aldehyde.	10-06-08
H.R. 5389	Mr. Brown	To extend the temporary suspension of duty on o-tert-Butylcyclohexanol.	10-06-08
H.R. 5390	Mr. Brown	To reduce temporarily the duty on 4-ADPA.	10-06-08
H.R. 5391	Mr. Brown	To suspend temporarily the duty on sodium hypophosphite.	10-06-08
H.R. 5392	Mr. Brown	To extend the temporary suspension of duty on Mixtures of N-phenyl-N-((trichloromethyl)thio)-benzenesulfonamide, calcium carbonate, and mineral oil.	10-06-08
H.R. 5398	Mr. Hulsh	To suspend temporarily the duty on certain mixtures containing [3-[(6-chloro-3-bridiny)methyl]-2-thiazolidinylidene]cyanamide.	10-07-08
H.R. 5408	Mr. Bishop	To extend the temporary suspension of duty on Paraquat dichloride (1,1 CE-dimethyl-4,4 CE-bipyridinium dichloride).	10-07-08
H.R. 5409	Mr. Bishop	To extend the temporary suspension of duty on 4-(trifluoromethyl)-benzaldehyde.	10-07-08
H.R. 5410	Mr. Bishop	To extend the temporary suspension of duty on 3-oxido-5-oxo-4-propionylcyclohex-3-enecarboxylic acid calcium salt.	10-07-08
H.R. 5411	Mr. Bishop	To extend the temporary suspension of duty on Methyl (E)-methoxyimino-2(2-o-tolylloxymethyl) phenyl) acetate (kresoxim methyl.)	10-07-08
H.R. 5412	Mr. Bishop	To extend the temporary suspension of duty on 4-(trifluoromethyl)-benzaldehyde.	10-07-08
H.R. 5413	Mr. Etheridge	To suspend temporarily the duty on Thionyl chloride.	10-07-08
H.R. 5414	Mr. Etheridge	To suspend temporarily the duty on Phosphorus Thiochloride.	10-07-08
H.R. 5416	Mr. Etheridge	To suspend temporarily the duty on Spiroxamine.	10-07-08
H.R. 5418	Mr. Etheridge	To extend the temporary suspension of duty on 2-Chlorobenzyl chloride.	10-07-08
H.R. 5420	Mr. Etheridge	To extend the temporary suspension of duty on Resmethrin.	10-07-08
H.R. 5421	Mr. Etheridge	To extend the temporary suspension of duty on N-3[3-(1-methylethoxy)phenyl]-2-(trifluoromethyl)benzamide.	10-08-08
H.R. 5422	Mr. Etheridge	To extend the temporary suspension of duty on mixtures containing methyl 2-(4,5-dihydro-4-methyl-5-oxo-3-propoxy-1H-1,2,4-triazol-1-yl) carboxamidosulfonylbenzoate; sodium (4,5-dihydro-4-methyl-5-oxo-3-propoxy-1H-1,2,4-triazol-1-ylcarbonyl)(2-methoxycarbonylphenylsulfonyl) azanide & methyl 4-iodo-2-[3-(4-methoxy-6-methyl)].	10-08-08
H.R. 5433	Mr. Ellison	To suspend temporarily the duty on certain plastic fittings.	10-08-08
H.R. 5456	Mr. Cleaver	To suspend temporarily the duty on Tembotrione.	10-08-08
H.R. 5457	Mr. Cleaver	To extend the temporary suspension of duty on Deltamethrin.	10-08-08
H.R. 5458	Mr. Cleaver	To suspend temporarily the duty on Hydrazine monohydrate.	10-08-08
H.R. 5459	Mr. Cleaver	To extend the temporary suspension of duty on Triadimefon.	10-08-08
H.R. 5476	Mr. Miller	To extend the temporary suspension of duty on ethofumesate in bulk or mixtures.	10-08-08
H.R. 5482	Mr. Brown	To extend the duty suspension on Allyl isosulfocynate.	10-08-08

**Appendix E:  
Trade Litigation in Fiscal Year 2009**



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**Table V**  
**Trade Litigation Conducted in FY 2009**

<b>Case</b>	<b>Court Number</b>	<b>Venue</b>	<b>Underlying Investigation or Matter</b>	<b>Status</b>
Active Apparel, Inc.	09-020	Court of International Trade	Holiday Apparel (HTSUS Amendments)	Pending
Ad Hoc Utilities Group	06-300	Court of International Trade	731-TA-539-C: Uranium from Russia	Appeal dismissed for lack of standing, 09-15-09
AK Steel	07-463	Court of International Trade	701-TA-407and 731-TA-902, -904, & -905: Hot-Rolled Steel Products from Kazakhstan, Romania, and South Africa	Pending
American NTN Bearing Manufacturing	08-326	Court of International Trade	731-TA-344, 391-A, 392-A & -C, 393-A, 394-A, 396, and 399-A: Certain Bearings from China, et al. (Byrd Amendment)	Pending
ArcelorMittal USA (formerly Mittal Steel USA)	07-315	Court of International Trade	731-TA-903: Hot-Rolled Steel Products from the Netherlands	Pending
Ariela-Alpha	09-038	Court of International Trade	Holiday Apparel (HTSUS Amendments)	Pending
Ashley Furniture Industries (I)	07-323	Court of International Trade	731-TA-1058: Wooden Bedroom Furniture from China (Byrd Amendment)	Pending
Ashley Furniture Industries (II)	09-025	Court of International Trade	731-TA-1058: Wooden Bedroom Furniture from China (Byrd Amendment)	Pending
Barden Corp.(I)	06-435	Court of International Trade	303-TA-19, et al. Antifriction Bearings from Germany, et al. (Byrd Amendment)	Pending
Barden Corp. (II)	07-063	Court of International Trade	303-TA-19, et al.: Antifriction Bearings from Germany, et al. (Byrd Amendment)	Pending
Barden Corp.(III)	08-350	Court of International Trade	303-TA-19, et al.: Antifriction Bearings from Germany, et al. (Byrd Amendment)	Pending
Barden Corp. (IV)	08-389	Court of International Trade	303-TA-19, et al.: Antifriction Bearings from Germany, et al. (Byrd Amendment)	Pending
Bergeron's Seafood	03-448	Court of International Trade	731-TA-752: Crawfish Tail Meat from China (Byrd Amendment)	Pending
Candle Corp.	07-396	Court of International Trade	731-TA-282: Wax Candles from China (Byrd Amendment)	Pending
Celanese Chemicals	04-594	Court of International Trade	731-TA-1088: Polyvinyl Alcohol From Taiwan	USITC remand determination affirmed, 11-19-08
Crystal Kobe	09-024	Court of International Trade	Holiday Apparel (HTSUS Amendments)	Pending
Diamond Sawblades Manufacturers Coalition	06-247	Court of International Trade	731-TA-1092, -1093: Diamond Sawblades from China and Korea	USITC remand determination affirmed, 01-13-09

**Table V**  
**Trade Litigation Conducted in FY 2009**

<b>Case</b>	<b>Court Number</b>	<b>Venue</b>	<b>Underlying Investigation or Matter</b>	<b>Status</b>
E.I. DuPont de Nemours	08-444	Court of International Trade	731-TA-1135: Sodium Metal from France	Appeal dismissed, 04-01-09
Elkem Metals	99-628	Court of International Trade	303-TA-23, 751-TA-21-27 and 731-TA-566-570 and -641: Ferrosilicon from Brazil, China, Kazakstan, Russia, Ukraine and Venezuela	USITC remand determination affirmed, 09-05-08
Ethan Allen Global	08-302	Court of International Trade	731-TA-1058: Wooden Bedroom Furniture from China (Byrd Amendment)	Pending
Eurodif S.A.	02-220	Court of International Trade	731-TA-909: Low Enriched Uranium From France	Appeal dismissed, 05-28-09
Eurodif S.A.	08-024	Court of International Trade	731-TA-909: Low Enriched Uranium From France	Appeal dismissed, 05-26-09
Evrax Oregon Steel Mills (I)	07-368	Court of International Trade	Various Steel Products: Hot-Rolled Flat Products, Cut-to-Length Plate, Oil Country Tubular Goods (Byrd Amendment)	Pending
Evrax NA Oregon Steel Mills (II)	08-248	Court of International Trade	Various Steel Products, including Hot-Rolled Flat Products, Cut-to-Length Plate, Oil Country Tubular Goods (Byrd Amendment)	Pending
Fable Cable	09-015	Court of International Trade	Holiday Apparel (HTSUS Amendments)	Pending
Fulton Seafood, Inc.	08-180	Court of International Trade	731-TA-1063-1068: Frozen or Canned Warm-water Shrimp and Prawns From Brazil, China, Ecuador, India, Thailand and Vietnam (Byrd Amendment)	Pending
Furniture Brands International	07-026	Court of International Trade	731-TA-1058: Wooden Bedroom Furniture from China (Byrd Amendment)	Pending
GEO Specialty Chemicals	08-046	Court of International Trade	701-TA-1112 and -1113: Glycine From Japan and Korea	USITC determination affirmed, 02-19-09
GEO Specialty Chemicals	08-172	Court of International Trade	701-TA-1111: Glycine from India	USITC determination affirmed, 02-19-09
Georgetown Steel	02-739	Court of International Trade	701-TA-419 and 731-TA-956: Carbon and Alloy Steel Wire Rod from Germany	USITC determination affirmed, 04-01-09
Gerdau Ameristeel	01-955	Court of International Trade	701-TA-417-421 and 731-TA-953-963: Carbon and Alloy Steel Wire Rod from Egypt, South Africa and Venezuela	USITC remand determination affirmed, 11-25-08
Giorgio Foods	03-286	Court of International Trade	731-TA-776-779: Certain Preserved Mushrooms from Chile, China, and Indonesia (Byrd Amendment)	Pending

**Table V**  
**Trade Litigation Conducted in FY 2009**

<b>Case</b>	<b>Court Number</b>	<b>Venue</b>	<b>Underlying Investigation or Matter</b>	<b>Status</b>
GPX International Tire	08-287	Court of International Trade	701-TA-448 and 731-TA-1117: Off-the Road Tires from China	Appeal dismissed, 03-25-09
Gulf Finest Investment	08-405	Court of International Trade	731-TA-1063-1068: Frozen or Canned Warm-water Shrimp and Prawns From Brazil, China, Ecuador, India, Thailand and Vietnam (Byrd Amendment)	Pending
H & A Seafood	08-181	Court of International Trade	731-TA-1063-1068: Frozen or Canned Warm-water Shrimp and Prawns From Brazil, China, Ecuador, India, Thailand and Vietnam (Byrd Amendment)	Pending
Hampshire Designers	09-019	Court of International Trade	Holiday Apparel (HTSUS Amendments)	Pending
High Point Design	09-017	Court of International Trade	Holiday Apparel (HTSUS Amendments)	Pending
JA Designs	09-022	Court of International Trade	Holiday Apparel (HTSUS Amendments)	Pending
JTEKT Corp.	06-335	Court of International Trade	731-TA-394-A: Ball Bearings from Japan	Pending
K. Bell Socks	09-037	Court of International Trade	Holiday Apparel (HTSUS Amendments)	Pending
Kimball Furniture (I)	08-037	Court of International Trade	731-TA-1058: Wooden Bedroom Furniture from China (Byrd Amendment)	Pending
Kimball Furniture (II)	08-296	Court of International Trade	731-TA-1058: Wooden Bedroom Furniture from China (Byrd Amendment)	Pending
Koyo Corp. (I)	06-324	Court of International Trade	AA1921-143, et al.: Certain Bearings from Japan, et al. (Byrd Amendment)	Pending
Koyo Corp. (II)	08-340	Court of International Trade	AA1921-143, et al.: Certain Bearings from Japan, et al. (Byrd Amendment)	Pending
Michael Simon Design	09-016	Court of International Trade	Holiday Apparel (HTSUS Amendments)	Appeal dismissed for lack of jurisdiction, 07-20-09
New Hampshire Ball Bearings	08-398	Court of International Trade	731-TA-391-399: Antifriction Bearings from the Federal Republic of Germany, et al. (Byrd Amendment)	Pending
Nan Ya Plastics	08-138	Court of International Trade	731-TA-825, -826: Polyester Staple Fiber from Korea and Taiwan (Byrd Amendment)	Pending
Nidico Group	09-018	Court of International Trade	Holiday Apparel (HTSUS Amendments)	Pending

**Table V**  
**Trade Litigation Conducted in FY 2009**

<b>Case</b>	<b>Court Number</b>	<b>Venue</b>	<b>Underlying Investigation or Matter</b>	<b>Status</b>
NSK Corp. (I)	06-334	Court of International Trade	731-TA-394-A: Ball Bearings from Japan	Pending
NSK Corp. (II)	06-336	Court of International Trade	731-TA-399-A: Ball Bearings from the United Kingdom	Pending
NSK (I)	07-223	Court of International Trade	731-TA-391-A, et al.: Ball Bearings from Germany, et al. (Byrd Amendment)	Pending
NSK (II)	07-281	Court of International Trade	303-TA-19, et al.: Antifriction Bearings from Germany, et al. (Byrd Amendment)	Pending
Nucor	07-071	Court of International Trade	701-TA-348 & 731-TA-612, -615, -617: Corrosion-Resistant Flat-Rolled Steel from Australia, France, and Japan	USITC determination affirmed, 12-23-08
Nucor	07-454	Court of International Trade	701-TA-407 and 731-TA-902, -904, & 905: Hot-Rolled Steel Products from Kazakhstan, Romania, and South Africa	Pending
Nucor	09-014	Court of International Trade	731-TA-745: Steel Concrete Reinforcement Bar from Turkey	Appeal dismissed, 08-24-09
Nukem	06-298	Court of International Trade	731-TA-539-C: Uranium from Russia	Appeal dismissed, 08-04-09
Oregon Steel Mills	07-368	Court of International Trade	Various Steel Products, including Hot-Rolled Flat Products, Cut-to-Length Plate, and Welded Line Pipe (Byrd Amendment)	Pending
Orleans Furniture	09-026	Court of International Trade	731-TA-1058: Wooden Bedroom Furniture from China (Byrd Amendment)	Pending
Papierfabrik August Koehler	08-430	Court of International Trade	731-TA-1127: Lightweight Thermal Paper from Germany	Pending
Pat Huval's Fisherman's Wharf	06-290	Court of International Trade	731-TA-752: Crawfish Tail Meat from China (Byrd Amendment)	Pending
Procter & Gamble	09-242	Court of International Trade	701-TA-456 and 731-TA-1151: Citric Acid and Certain Citrate Salts from Canada	Pending
Schaeffler Group USA (I)	06-432	Court of International Trade	303-TA-19, et al.: Antifriction Bearings from Germany, et al. (Byrd Amendment)	Pending
Schaeffler Group USA (II)	07-064	Court of International Trade	303-TA-19, et al.: Antifriction Bearings from Germany, et al.: (Byrd Amendment)	Pending
Schaeffler Group USA (III)	07-477	Court of International Trade	303:TA-19, et al.: Antifriction Bearings from Germany, et al. (Byrd Amendment)	Pending
Schaeffler Group USA (IV)	08-387	Court of International Trade	303:TA-19, et al.: Antifriction Bearings from Germany, et al. (Byrd Amendment)	Pending

**Table V**  
**Trade Litigation Conducted in FY 2009**

<b>Case</b>	<b>Court Number</b>	<b>Venue</b>	<b>Underlying Investigation or Matter</b>	<b>Status</b>
Shandong TTCA Biochemistry	09-241	Court of International Trade	731-TA-1152: Citric Acid and Certain Citrate Salts from China	Pending
SKF USA Inc. (II)	06-328	Court of International Trade	303-TA-19, et al.: Antifriction Bearings from Germany, et al. (Byrd Amendment)	Pending
SKF USA Inc. (III)	07-035	Court of International Trade	303-TA-19, et al.: Antifriction Bearings from Germany, et al. (Byrd Amendment)	Pending
Solutia Inc.	09-184	Court of International Trade	731-TA-1014, -1016 and -1027: Polyvinyl Alcohol from China, Japan and Korea	Appeal dismissed, 05-29-09
Soxland Industrial	09-021	Court of International Trade	Holiday Apparel (HTSUS Amendments)	Pending
Sport Elle	09-023	Court of International Trade	Holiday Apparel (HTSUS Amendments)	Pending
Standard Furniture (I)	07-028	Court of International Trade	731-TA-1058: Wooden Bedroom Furniture from China (Byrd Amendment)	Pending
Standard Furniture (II)	07-295	Court of International Trade	731-TA-1058: Wooden Bedroom Furniture from China (Byrd Amendment)	Pending
Standard Furniture (III)	09-027	Court of International Trade	731-TA-1058: Wooden Bedroom Furniture from China (Byrd Amendment)	Pending
Super Grip	08-343	Court of International Trade	701-TA-448 & 731-TA-1117: Off the Road Tires from China	Appeal dismissed, 12-20-08
Tampa Bay Fisheries	08-404	Court of International Trade	731-TA-1063-1068: Frozen or Canned Warm-water Shrimp and Prawns From Brazil, China, Ecuador, India, Thailand and Vietnam (Byrd Amendment)	Pending
Target Stores	09-039	Court of International Trade	Holiday Apparel (HTSUS Amendments)	Appeal dismissed for lack of jurisdiction, 07-20-09
Thornwood Furniture	07-091	Court of International Trade	731-TA-1058: Wooden Bedroom Furniture from China (Byrd Amendment)	Pending
Thyssen Krupp	07-075	Court of International Trade	731-TA-616: Corrosion-Resistant Steel from Germany	USITC determination affirmed, 12-23-08
Titan Seafood	08-402	Court of International Trade	731-TA-1063-1068: Frozen or Canned Warm-water Shrimp and Prawns From Brazil, China, Ecuador, India, Thailand and Vietnam (Byrd Amendment)	Pending
Tropicana	07-391	Court of International Trade	731-TA-1089: Orange Juice from Brazil (Byrd Amendment)	Pending

**Table V**  
**Trade Litigation Conducted in FY 2009**

<b>Case</b>	<b>Court Number</b>	<b>Venue</b>	<b>Underlying Investigation or Matter</b>	<b>Status</b>
United States Steel Corp.	07-076	Court of International Trade	701-TA-348 & 731-TA-612, -615, -617: Corrosion-Resistant Flat-Rolled Steel from Australia, France, and Japan	USITC determination affirmed, 12-23-08
United States Steel Corp.	07-087	Court of International Trade	731-TA-614: Corrosion-Resistant Flat-Rolled Steel from Canada	USITC determination affirmed, 12-23-08
United States Steel Corp.	07-461	Court of International Trade	701-TA-407 and 731-TA-902, -904, & 905: Hot-Rolled Steel Products from Kazakhstan, Romania, and South Africa	Pending
United Synthetics	08-139	Court of International Trade	731-TA-825, 826: Polyester Staple Fiber from the Republic of Korea and Taiwan (Byrd Amendment)	Pending
Urenco Nederland BV	02-236	Court of International Trade	701-TA-409-412 and 731-TA-909-912: Low Enriched Uranium From France and the United Kingdom	Appeal dismissed, 05-28-09
Willert Home Products	08-391	Court of International Trade	731-TA-1123: Wire Garment Hangers from China	Appeal dismissed, 12-05-08
Witmer Industries (I)	08-003	Court of International Trade	731-TA-1058: Wooden Bedroom Furniture from China (Byrd Amendment)	Pending
Witmer Industries (II)	09-028	Court of International Trade	731-TA-1058: Wooden Bedroom Furniture from China (Byrd Amendment)	Pending
Zhejiang Native Produce	02-064	Court of International Trade	701-TA-402 and 731-TA-892-893: Honey From Argentina and China	Pending
Zimmer Enterprises	09-036	Court of International Trade	Holiday Apparel (HTSUS Amendments)	Pending
Advanced Analogic Technologies	08-1165	Federal Circuit	337-TA-564: Voltage Regulators	USITC determination affirmed in part, reversed, vacated and remanded in part, 05-21-09
Ajinomoto	09-1081	Federal Circuit	337-TA-571: L-Lysine	Pending
Amgen	07-1014	Federal Circuit	337-TA-568: Erythropoietin	USITC determination affirmed in part, reversed and remanded in part, 03-19-08, USITC petition for rehearing granted and CAFC decision modified 04-30-09
Applica Consumer	09-1292	Federal Circuit	337-TA-625: Litter Boxes	Pending
AT&T Mobility (I)	07-1514	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated in part, and remanded in part, 10-14-08
AT&T Mobility (II)	08-1383	Federal Circuit	337-TA-543: Baseband Processor Chips (Enforcement Proceeding)	Appeal dismissed, 07-31-09

**Table V**  
**Trade Litigation Conducted in FY 2009**

<b>Case</b>	<b>Court Number</b>	<b>Venue</b>	<b>Underlying Investigation or Matter</b>	<b>Status</b>
Broadcom Corp.	07-1164	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part, 09-19-08
Casio Hitachi Mobile	08-1019	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part 10-14-08
Celanese Chemicals	09-1165	Federal Circuit	731-TA-1088: Polyvinyl Alcohol from Taiwan	Pending
In Re Cypress Semiconductor	Misc. 09-898	Federal Circuit	337-TA-648: Semiconductor Integrated Circuits	Petition for writ of mandamus against the USITC denied, 04-02-09
Crocs, Inc.	08-1596	Federal Circuit	337-TA-567: Foam Footwear	Pending
Deere & Co.	09-1016	Federal Circuit	337-TA-487: Agriculture Vechicles	Pending
Diamond Sawblades Manufacturers	09-1274	Federal Circuit	731-TA-1092, -1093: Diamond Sawblades from China and Korea	Pending
Diamond Sawblades Manufacturers	09-1275	Federal Circuit	731-TA-1092, -1093: Diamond Sawblades from China and Korea	Pending
Elkem Metals	09-1007	Federal Circuit	303-TA-23, 751-TA-21-27 and 731-TA-566-570 and -641: Ferrosilicon from Brazil, China, Kazakstan, Russia, Ukraine and Venezuela	USITC remand determination affirmed, 05-11-09
Epistar	07-1457	Federal Circuit	337-TA-556: Light Emitting Diodes	USITC determination affirmed in part, reversed and remanded in part, 05-22-09
Erbe Elektromedizin	08-1358	Federal Circuit	337-TA-569: Endoscopic probes	USITC determination affirmed, 05-19-09
Flexsys	09-1129	Federal Circuit	337-TA-652: Antidegradants	Appeal dismissed, 03-16-09
Ford Global Technologies	07-1357	Federal Circuit	337-TA-557: Automotive Parts	Appeal dismissed, 04-02-09
Foxconn	08-1018	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part, 10-14-08
Freescale Semiconductors Inc.	09-1461	Federal Circuit	337-TA-605: Semiconductors	Pending
General Protecht (I)	09-1378	Federal Circuit	337-TA-615: Ground Fault Circuit Interrupters	Pending
General Protecht (II)	09-1434	Federal Circuit	337-TA-615: Ground Fault Circuit Interrupters	Pending
High Tech Computer	08-1012	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part, 10-14-08
IBM	09-1561	Federal Circuit	337-TA-628: Computer Products	Pending
INEOS Fluor	09-1513	Federal Circuit	337-TA-623: Coolant	Pending
Keystone Automotive Industries	07-1526	Federal Circuit	337-TA-557: Automotive Parts	Appeal dismissed, 04-02-09

**Table V**  
**Trade Litigation Conducted in FY 2009**

<b>Case</b>	<b>Court Number</b>	<b>Venue</b>	<b>Underlying Investigation or Matter</b>	<b>Status</b>
Kyocera (I)	07-1493	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part, 10-14-08
Kyocera (II)	08-1355	Federal Circuit	337-TA-543: Baseband Processor Chips (Enforcement Proceeding)	Appeal dismissed, 07-31-09
LG Electronics (I)	07-1497	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part, 10-14-08
LG Electronics (II)	08-1424	Federal Circuit	337-TA-543: Baseband Processor Chips (Enforcement Proceeding)	Appeal dismissed, 07-31-09
Linear Technology (I)	07-1572	Federal Circuit	337-TA-564: Voltage Regulators	USITC determination affirmed, 08-28-08
Linear Technology (II)	08-1117	Federal Circuit	337-TA-564: Voltage Regulators	USITC determination affirmed in part, reversed, vacated, and remanded in part, 05-21-09
Lucky Litter	09-1470	Federal Circuit	337-TA-625: Litter Boxes	Pending
Michael Simon and Target Stores	09-1571	Federal Circuit	Holiday Apparel (HTSUS Amendments)	Pending
Microsoft	08-1457	Federal Circuit	337-TA-598: Unified Communications Systems	Appeal dismissed, 12-30-08
Mittal Steel Point Lisas	07-1552	Federal Circuit	731-TA-961: Carbon and Alloy Steel Wire Rod from Trinidad and Tobago	USITC remand determination vacated and remanded, 09-18-08
Motorola	07-1495	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part, 10-14-08
In Re Nichia	M-08-894	Federal Circuit	337-627: Lasers (Discovery Orders)	Appeal dismissed, 02-10-09
Ninestar Technology	08-1201	Federal Circuit	337-TA-565: Ink Jet Cartridges	USITC determination affirmed, 01-13-09
Ninestar Technology	09-1549	Federal Circuit	337-TA-565: Ink Jet Cartridges (Enforcement Proceeding)	Pending
Norgren	08-1415	Federal Circuit	337-TA-587: Quick Clamps	USITC determination affirmed in part, vacated and remanded in part, 05-26-09
Nucor (I)	09-1234	Federal Circuit	701-TA-348 & 731-TA-612, -615, & -617: Corrosion-Resistant Carbon Steel from Australia, France and Japan	Pending
Nucor (II)	09-1235	Federal Circuit	701-TA-348 & 731-TA-612, -615, & -617: Corrosion Resistant Carbon Steel from Australia, France and Japan	Pending
Our Pet's	09-1474	Federal Circuit	337-TA-625: Litter Boxes	Pending

**Table V**  
**Trade Litigation Conducted in FY 2009**

<b>Case</b>	<b>Court Number</b>	<b>Venue</b>	<b>Underlying Investigation or Matter</b>	<b>Status</b>
Palm, Inc.	08-1004	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part, 10-14-08
Pantech	08-1009	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part, 10-14-08
Pass & Seymour (I)	09-1338	Federal Circuit	337-TA-615: Ground Fault Circuit Interrupters	Pending
Pass & Seymour (II)	09-1369	Federal Circuit	337-TA-615: Ground Fault Circuit Interrupters	Pending
Princo	07-1386	Federal Circuit	337-TA-474: Recordable Compact Disks	Pending
P.S. Chez Sidney (I)	08-1526	Federal Circuit	731-TA-752: Crawfish Tail Meat from China (Byrd Amendment)	Pending
P.S. Chez Sidney (II)	08-1527	Federal Circuit	731-TA-752: Crawfish Tail Meat from China (Byrd Amendment)	Pending
P.S. Chez Sidney (III)	08-1534	Federal Circuit	731-TA-752: Crawfish Tail Meat from China (Byrd Amendment)	Pending
P.S. Chez Sidney (IV)	08-1555	Federal Circuit	731-TA-752: Crawfish Tail Meat from China (Byrd Amendment)	Pending
Qualcomm (I)	07-1494	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part, 10-14-08
Qualcomm (II)	08-1318	Federal Circuit	337-TA-578: Mobile Telephone Handsets	Appeal dismissed, 10-16-08
Qualcomm (III)	09-1462	Federal Circuit	337-TA-605: Semiconductors	Pending
Research in Motion	08-1015	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part, 10-14-08
Samsung (I)	07-1496	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part, 10-14-08
Samsung (II)	09-1514	Federal Circuit	337-TA-631: LCD Devices	Pending
Sanyo Fisher Co.	07-1498	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part, 10-14-08
Sharp	09-1520	Federal Circuit	337-TA-631: LCD Devices	Pending
Shenzhen Huawei	08-1013	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part 10-14-08
Sinochem	09-1563	Federal Circuit	337-TA-623: Coolant	Pending
SiRF Technology (I)	09-1017	Federal Circuit	337-TA-596: GPS Devices	Appeal dismissed, 03-25-09
SiRF Technology (II)	09-1262	Federal Circuit	337-TA-602: GPS Devices	Pending

**Table V**  
**Trade Litigation Conducted in FY 2009**

<b>Case</b>	<b>Court Number</b>	<b>Venue</b>	<b>Underlying Investigation or Matter</b>	<b>Status</b>
SKF USA (I)	08-1005	Federal Circuit	731-TA-394: Ball Bearings from Japan (Byrd Amendment)	USITC determination under Byrd Amendment affirmed as constitutional, 02-19-09
SKF USA (II)	08-1006	Federal Circuit	731-TA-394: Ball Bearings from Japan (Byrd Amendment)	USITC determination under Byrd Amendment affirmed as constitutional, 02-19-09
SKF USA (III)	08-1007	Federal Circuit	731-TA-394: Ball Bearings from Japan (Byrd Amendment)	USITC determination under Byrd Amendment affirmed as constitutional, 02-19-09
SKF USA (IV)	08-1008	Federal Circuit	731-TA-394: Ball Bearings from Japan (Byrd Amendment)	USITC determination under Byrd Amendment affirmed as constitutional, 02-19-09
Spansion	09-1460	Federal Circuit	337-TA-605: Semiconductors	Pending
Sprint Nextel (I)	07-1573	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part, 10-14-08
Sprint Nextel (II)	08-1423	Federal Circuit	337-TA-543: Baseband Processor Chips (Enforcement Proceeding)	Appeal dismissed, 07-31-09
ST Microelectronics	09-1465	Federal Circuit	337-TA-605: Semiconductors	Pending
Sumitomo Chemical	08-1504	Federal Circuit	337-TA-635: Pesticides	Appeal dismissed, 10-01-08
Tillotson Corp.	09-1196	Federal Circuit	337-TA-608: Nitrile Gloves	Pending
Tillotson Corp.	09-1197	Federal Circuit	337-TA-612: Nitrile Gloves	Pending
T-Mobile (I)	07-1499	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part, 10-14-08
T-Mobile (II)	08-1377	Federal Circuit	337-TA-543: Baseband Processor Chips (Enforcement Proceeding)	Appeal dismissed, 7-31-09
UT Starcom	08-1010	Federal Circuit	337-TA-543: Baseband Processor Chips	USITC determination affirmed in part, vacated and remanded in part, 10-14-08
Vizio	09-1386	Federal Circuit	337-TA-617: Digital Televisions	Pending
Wenzhou Trimone	09-1387	Federal Circuit	337-TA-615: Ground Fault Circuit Interrupters	Pending
Energizer	08-583	Supreme Court	337-TA-493: Batteries	Petition for writ of certiorari denied, 03-23-09
Ninestar Technology	05-1261	Supreme Court	337-TA-565: Ink Cartridges	Petition for writ of certiorari denied, 06-01-09
Gray Portland Cement & Clinker from Mexico	USA-MEX-2000-1904-10	NAFTA	731-TA-451: Gray Portland Cement and Clinker from Mexico	NAFTA Panel proceeding terminated, 04-07-09

**Table V**  
**Trade Litigation Conducted in FY 2009**

<b>Case</b>	<b>Court Number</b>	<b>Venue</b>	<b>Underlying Investigation or Matter</b>	<b>Status</b>
Light-Walled Rectangular Pipe and Tube from Mexico	USA-MEX-2008-1904-04	NAFTA	731-TA-1118: Light-Walled Rectangular Pipe and Tube from Mexico	Pending
Welded Large Diameter Line Pipe from Mexico	USA-MEX-2007-1904-03	NAFTA	731-TA-920: Welded Large Diameter Line Pipe from Mexico	Pending
ASAT Inc.	DC-08-5405	U.S. Court of Appeals for the District of Columbia	337-TA-501: Encapsulated Integrated Circuit Devices (Subpoena Enforcement)	Appeal dismissed, 01-09-09
Jack C. Benun, Debtor Chapter 11	03-32195(MS)	U.S. Bankruptcy Court for the District of New Jersey	337-TA-406: Lens-fitted Film Packages	Judgement approving settlement in favor of USITC issued, 11-03-08
International Trade Commission v. Richards	M-09-200	U.S. District Court for the District of Columbia	337-TA-658: Video Game Machines	Order enforcing Commission subpoena issued, 06-26-09
In re Qimonda	09-14766	U.S. Bankruptcy Court for the Eastern District of Virginia	337-TA-648: Integrated Circuits	Pending
In re Spansion Japan	09-11480	U.S. Bankruptcy Court for the District of Delaware	337-TA-685: Flash Memory	Pending
SPH America v. Foley & Lardner	09-CV-945	U.S. District Court for the Eastern District of Virginia	337-TA-675: Wireless Communications Devices	Pending
US - Hot-Rolled Steel	DS184	World Trade Organization	731-TA-807: Hot-Rolled Steel from Japan	Implementation pending
US - Sunset Review of Antidumping Order on Oil Country Tubular Goods from Argentina	DS268	World Trade Organization (Article 22.6 Arbitration)	DOC's Sunset Review of Antidumping Duty Order on Oil Country Tubular Goods from Argentina	Arbitration suspended by agreement of the parties
US - Laws, Regulations and Methodology for Calculating Dumping Margins (Zeroing)	DS294	World Trade Organization (Article 21.5)	EC Challenge to US Laws, Regulations and Methodology for Calculating Dumping Margins (Zeroing)	WTO Panel and Appellate Body report adopted 06-11-09
EC - Measures Affecting Trade in Large Civil Aircraft	DS316	World Trade Organization	Aircraft Subsidies	Pending
U.S. - Measures Affecting Trade in Large Civil Aircraft	DS317	World Trade Organization	Aircraft Subsidies	Pending
US - Measures Relating to Zeroing and Sunset Reviews (Japan)	DS322	World Trade Organization (Article 21.5)	Japan's Challenge to Calculation of Dumping Margins in Various Investigations and Sunset Reviews (Zeroing)	WTO Panel and Appellate Body reports adopted 08-31-09
US - Safeguard Measure on Tires from China	DS399	World Trade Organization	TA-421-7: Vehicle and Light Truck Tires	Pending



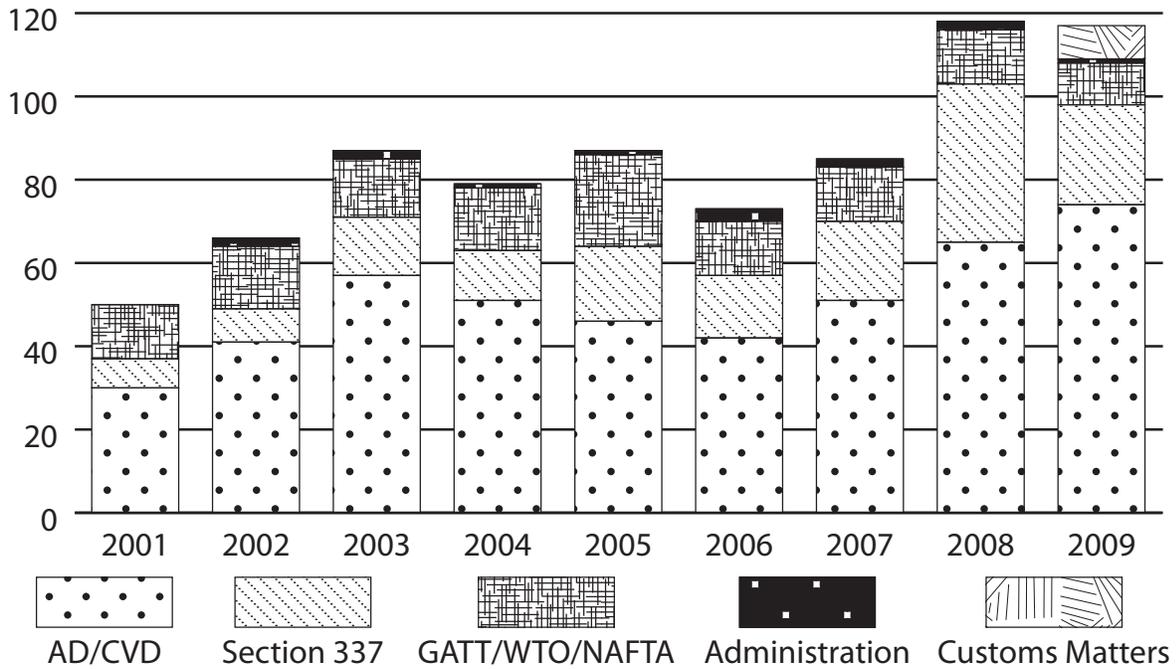
**Table VI**  
**Trade Litigation Remand Proceedings Conducted in Fiscal Year 2009**

<b>Investigation No. and Title</b>	<b>Date Instituted</b>	<b>Public Hearing</b>	<b>Final Determination</b>	<b>Pub. No.</b>
731-TA-394A (Second Review)(Remand) <i>Ball Bearings from Japan</i> <sup>1</sup>	10-08-08	N/A	Affirmative 05-04-09	4082
731-TA-399A (Second Review)(Remand) <i>Ball Bearings from the United Kingdom</i> <sup>1</sup>	10-08-08	N/A	Affirmative 05-04-09	4082
337-TA-543 <i>Baseband Processor Chips</i>	11-14-08	N/A	1-22-09	N/A
701-TA-407 (Review)(Remand) <i>Hot-rolled Steel Products from South Africa</i> <sup>1</sup>	05-04-09	N/A	Negative 08-29-09	4088
731-TA-902 (Review)(Remand) <i>Hot-rolled Steel Products from Kazakhstan</i> <sup>1</sup>	05-04-09	N/A	Negative 08-29-09	4088
731-TA-904 (Review)(Remand) <i>Hot-rolled Steel Products from Romania</i> <sup>1</sup>	05-04-09	N/A	Negative 08-29-09	4088
731-TA-905 (Review)(Remand) <i>Hot-rolled Steel Products from South Africa</i> <sup>1</sup>	05-04-09	N/A	Negative 08-29-09	4088

<sup>1</sup> This investigation was remanded to the USITC by the Court of International Trade (CIT) for further proceedings; the USITC determination on remand was submitted, as required, to the CIT, not to the Secretary of Commerce.

# Litigation Conducted in Fiscal Year 2009

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.



## USITC Services and Information Resources

**Internet Web Site** (*www.usitc.gov*) The USITC's Internet web site offers 24-hour access to an extensive variety of USITC information resources and workproducts, including: news releases; Federal Register notices; a daily event list; most USITC reports and publications, including the Harmonized Tariff Schedule of the United States and Congressional bill reports; the USITC DataWeb; the USITC Electronic Document Information System; information on recent petitions and complaints; the monthly calendar; the USITC's rules of practice and procedure, hearing guidelines, and an introduction to APO practices at the USITC; 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 USITC annual Year in Review, 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.

**USITC Main Library and the USITC Law Library** The USITC maintains extensive libraries specializing in international trade matters. The USITC's Main Library collection includes roughly 40,000 book and serial titles covering U.S. industry and international trade laws and practices, as well as numerous CD-ROM and on-line information databases. The Main Library is open to the public during agency hours (8:45 a.m. to 5:15 p.m. (Eastern Time), Monday through Friday). The USITC also maintains a law library. The USITC Law Library is accessible to public users who contact Law Library staff in advance at 202-205-3287 to make arrangements. For information, call 202-205-2630 (Main Library) or 202-205-3287 (Law Library).

**Public Reading Room** Public inspection files are maintained in every USITC investigation. These files can be reviewed in the USITC's Public Reading Room, located in the Office of the Secretary on the first floor of the USITC 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** Information on the latest petitions and complaints filed with the USITC can be obtained from the USITC website at <http://info.usitc.gov/sec/dockets.nsf>. Inquiries under the Freedom of Information Act should be filed with the Secretary. For information, call 202-205-2000.

**Trade Remedy Assistance Office** The USITC'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.

