

United States International Trade Commission



Annual Report

**Fiscal Year
1998**

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

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Note to Readers: Commissioner Don E. Newquist, whose votes appear in the tables of this report, resigned during FY 1998, on January 31, 1998.

MESSAGE FROM THE CHAIRMAN

As I prepare this message, I am only a few months into my term as the Commission's new Chairman, having been designated by the President in June. As we reflect on the past year and assess the current status and direction of the agency, the implementation of the new five-year (sunset) review investigations is the priority agency activity which commands much of our attention and resources. These investigations require the Commission to determine whether existing antidumping and countervailing duty orders should remain in effect, with an important mandate to review the 317 currently outstanding subject orders by the end of Fiscal Year 2001.

At the same time, traditional areas of the Commission's work continue to expand and play an increasingly important and visible role in the administration of our nation's trade laws. The agency's section 332 studies provide important assistance to the policymakers in both the Executive branch and Congress who need expert independent analysis of international trade issues. New title VII investigations continue to expand as petitioners seek redress against foreign dumping and subsidy practices. Likewise, our section 337 investigations provide important relief against unfair trade practices that interfere with U.S. patent rights. Detailed information on this important and vital workload follows in the text of this report.

Important initiatives in information resources management have improved our responsiveness to the public we serve and those affected by our decisions. Specifically, the Electronic Document Imaging System (EDIS) makes access to investigation records available to agency staff at their desktop and to the public from terminals in the Commission's reading room. Future implementation of EDIS On-Line will provide nationwide access to public documents via the Internet. Similarly, during FY 1998 the Commission upgraded its Trade and Tariff DataWeb, an internet-based interactive tariff and trade data retrieval product, which improved access to basic trade data for other government agencies and Commission employees. Also, the agency continues to use the Internet to deliver agency work products on a self-service basis to its federal and private-sector customers and to the public.

Finally, during most of the fiscal year, the Commission had less than its full complement of Commissioners. Former Chairman and Commissioner Don Newquist's resignation in January added a third vacancy at the Commission. In August, in the final days of the fiscal year, three new colleagues were sworn in: Commissioner Jennifer Hillman, Commissioner Stephen Koplan, and Commissioner Thelma Askey.

As we look to the ensuing fiscal year, I welcome our new members of the Commission. I am certain they already share my belief that the Commission's dedicated and proficient employees are our most valuable resource and the key to our agency's successes. Together, we face the challenge of continuing to guide and improve the administration of the agency, as well as carrying out our decision-making and advisory responsibilities, including the demanding new review investigations.

Lynn M. Bragg

Chairman

THE COMMISSION

The ITC is an independent, nonpartisan, quasi-judicial federal agency established by Congress with a wide range of trade-related mandates. Under its factfinding authority, the ITC exercises broad investigative powers on matters of trade. In its adjudicative role, the ITC makes determinations with respect to unfair trade practices. As the government's think tank on international trade, the ITC is a national resource where trade data are gathered and analyzed. Information and analysis are provided to the President and the Congress to assist them in developing U.S. trade policy.

ITC activities include —

- C determining whether U.S. industries are materially injured by reason of imports that benefit from pricing at less than fair value or from subsidization;
- C directing actions, subject to Presidential disapproval, against unfair trade practices such as patent infringement;
- C making recommendations to the President regarding relief for industries seriously injured by increasing imports;
- C providing objective analyses of other major trade issues, including estimating the probable economic effects of trade agreements;
- C 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;
- C participating in the development of uniform statistical data on imports, exports, and domestic production and in the establishment of an international harmonized commodity code; and
- C advising the President whether agricultural imports from non-WTO countries interfere with price-support programs of the U.S. Department of Agriculture.

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.

Summary of Investigations Completed, Fiscal year 1998

Tariff Act of 1930:

Section 332—general factfinding investigations	14
Section 337—investigations of alleged unfair practices	
in the import and sale of imported products	17
Antidumping and countervailing duty investigations	
(52 antidumping investigations—29 preliminary and 23 final;	
15 countervailing duty investigations—9 preliminary	
and 6 final)	67
Section 751(b)—changed circumstances review investigations	4
Section 753—review investigations	2

Trade Act of 1974:

Section 201—global safeguard investigations	1
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Total	105
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Investigations completed during fiscal year 1998 and investigations pending on September 30, 1998, are shown in appendix A.

THE COMMISSIONERS

Lynn M. Bragg, Chairman

Lynn Munroe Bragg, a Republican of Maryland, was designated Chairman of the ITC by President Clinton for the term ending June 16, 2000. She served as Vice Chairman of the ITC from August 5, 1996, through June 16, 1998. Ms. Bragg was appointed by President Clinton and was sworn in as a member of the Commission on March 31, 1994, for the term ending June 16, 2002. Prior to her appointment to the ITC, she served in a senior management position with the Edison Electric Institute as a director of government affairs. From 1981 to 1991, Ms. Bragg served on the staff of former Senator Malcolm Wallop (R-WY) as the Legislative Director and a Legislative Assistant. Previously, she held several positions in the corporate affairs department of the Potomac Electric Power Company (PEPCO) in Washington, DC. She holds a B.A. degree with Final Honors from Mary Washington College and a M.S. degree from Boston University.

Marcia E. Miller, Vice Chairman

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

Carol T. Crawford

Carol T. Crawford, a Republican of Virginia, was appointed by President Bush and sworn in as a member of the Commission on November 22, 1991, for the term ending June 16, 1999. Prior to her appointment, Ms. Crawford was Assistant Attorney General (Legislative Affairs) in the U.S. Department of Justice. From 1985 to 1989, she served as Associate Director of the Office of Management and Budget where she was responsible for budget and policy oversight for five cabinet-level departments and related agencies. She served at the Federal Trade Commission as Director of the Bureau of Consumer Protection from 1983 to 1985 and as Executive Assistant to the Chairman from 1981 to 1983. Previously, she practiced law in Washington, D.C., was Senior Legislative Assistant to Senator Bob Packwood (R-OR), and was on the legislative staff of Rep. Robert Denney (R-NE). Ms. Crawford holds a B.A. from Mt. Holyoke College and a J.D., *magna cum laude*, from the Washington College of Law, American University.

Jennifer A. Hillman

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

Stephen Koplan

Stephen Koplan, a Democrat of Virginia, was appointed by President Clinton and sworn in as a member of the Commission on August 4, 1998, for the term ending June 16, 2005. Mr. Koplan began his career as a prosecutor in the Tax Division of the U.S. Department of Justice. He served in the Department's Tax Division for five years and its Civil Rights Division for seven years. Subsequently, he was the Legislative Representative for tax and international trade issues for the AFL–CIO for six–and–one–half years. He also served as staff attorney to former Senator Lee Metcalf (D–MT), with responsibility for all tax and foreign trade legislation referred to the Senate Committee on Finance, and later as the General Counsel of the former Senate Post Office and Civil Service Committee. He served as the Vice President of Governmental Affairs of Joseph E. Seagram & Sons, Inc.; as a principal in two Washington, DC, law firms; and most recently, as the Director for Governmental and Conservation Affairs of Safari Club International. He holds a Bachelor of Arts degree from Brandeis University, a Juris Doctor degree from Boston University School of Law, and a Master of Laws (in Taxation) degree from New York University.

Thelma J. Askey

Thelma J. Askey, a Republican of Tennessee, was appointed by President Clinton and sworn in as a member of the Commission on August 7, 1998, for the term ending December 16, 2000. Prior to her appointment, Ms. Askey served as the Staff Director of the Trade Subcommittee of the Committee on Ways and Means, U.S. House of Representatives. In that position, she was responsible for the development and scheduling of all trade issues coming before the subcommittee, including oversight of multilateral and bilateral negotiations, fast–track extensions, China's normal trade relations status, trade relations with non–market economies, and oversight of key bilateral and multilateral trade agreements, particularly the NAFTA and the WTO. She previously served as Minority Trade Counsel of the Trade Subcommittee, serving as the principal trade advisor to the Republican members of the committee. Ms. Askey holds a Bachelor of Arts degree in history from Tennessee Technological University and has completed graduate work in history and international economics at the University of Tennessee, George Washington University, and American University.

INTRODUCTION

Challenge and change were the hallmarks of a busy and productive Fiscal Year 1998 at the U.S. International Trade Commission (ITC).

July 1998 brought the beginning of a major new Commission responsibility — the five-year (sunset) review process. The Uruguay Round Agreements Act requires the Department of Commerce to revoke an antidumping or countervailing duty order, or terminate a suspension agreement, after five years unless the Department of Commerce and the ITC determine that revoking the order or terminating the suspension agreement would be likely to lead to continuation or recurrence of dumping or subsidies (Commerce) or of material injury (ITC) within a reasonably foreseeable time.

This new requirement will lead to the review over the next three years of hundreds of outstanding antidumping and countervailing duty orders and suspension agreements that were in place as of January 1, 1995. Antidumping and countervailing duty orders and suspension agreements issued after that date will be subject to review five years after they become effective.

The five-year (sunset) review process touches almost every aspect of the ITC's work, and the agency has been preparing for the reviews for more than a year. In addition to establishing procedures and rules for the reviews, it paid close attention to public education about the process. In July 1998, the agency launched a new five-year (sunset) review section on its Internet website (www.usitc.gov) to help users understand the five-year review process and track current and future review cases. The first 23 five-year reviews were instituted during FY 1998. More information about five-year (sunset) reviews is included in the Highlights section and appendix C of this report.

The agency faced a growing caseload during the year, completing a total of 105 investigations. The ITC completed 67 title VII (mostly antidumping) investigations, one section 201 (global safeguard) investigation, 17 section 337 investigations, and 14 section 332 general factfinding investigations during FY 1998. Information on these investigations is included in the Highlights section and appendix A of this report.

Among the key factfinding investigations completed during the year were *The Economic Implications of Liberalizing APEC Tariff and Nontariff Barriers to Trade*, an investigation requested by the U.S. Trade Representative that included a public symposium in which economic researchers presented papers on the investigation's subject and on the general equilibrium modeling of APEC trade liberalization; *Implications for U.S. Trade and Competitiveness of a Broad-Based Consumption Tax*, an investigation for the U.S. House of Representative's Committee on Ways and Means that analyzed various consumption tax proposals, providing a review of current economic analyses on the topic and a discussion of key technical issues that can significantly affect the relationship between tax policy and international trade; *Overview and Analysis of Current U.S. Unilateral Economic Sanctions*, an investigation for the House Committee on Ways and Means that provided an overview and discussion of current U.S. unilateral economic sanctions, defined by the Committee as meaning "any unilateral restriction or condition on economic activity with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national

security”; and *Macadamia Nuts: Economic and Competitive Conditions Affecting the U.S. Industry*, a report for the U.S. Senate's Committee on Finance concerning the factors affecting competition in the macadamia nut industry. Information on ITC factfinding investigations can be found in the Highlights section and appendix B of this report.

ITC staff continued to provide technical assistance to the U.S. Trade Representative throughout the year. Such assistance spanned a broad range of bilateral and multilateral trade issues and included support of activities of the World Trade Organization, the Organization for Economic Cooperation and Development, and the APEC forum.

The ITC's Commissioners and staff were periodically displaced throughout the year as renovations of the agency's office space were undertaken. The renovation project, the first since the agency moved into its current building 10 years ago, was nearing completion as the fiscal year drew to a close. The agency's use of technology helped maintain activities and maximize efficiency during the renovations, and technology (particularly the ITC Internet web site and the Electronic Document Imaging System) continued to enhance the public's access to information throughout the year.

President Bill Clinton designated Lynn M. Bragg as Chairman of the Commission on June 17, 1998, and she will serve in that post through June 16, 2000. The President designated Marcia E. Miller as Vice Chairman for the same term.

Finally, the Commission welcomed three new Commissioners during the year. Jennifer A. Hillman, Stephen Koplan, and Thelma J. Askey were sworn in as Commissioners in August 1998. Longtime Commissioner and former Chairman Don E. Newquist resigned in January 1998 after almost 10 years of service as a Commissioner.

PART I.

HIGHLIGHTS

INVESTIGATIONS UNDER TITLE VII OF THE TARIFF ACT OF 1930

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 which benefit from subsidies provided through foreign government programs.

Under the law, the U.S. Department of Commerce determines whether the dumping or subsidization exists and, if so, the margin of dumping or amount of the subsidy. The ITC determines whether the dumped or subsidized imports materially injure or threaten to materially injure the U.S. industry. A more detailed explanation of the antidumping/countervailing duty laws is included in appendix C.

Forty-four title VII petitions were filed with the Commission in FY 1998, compared with 29 in FY 1997. The majority concerned allegations of dumping (33 of the 44). The petitions covered a variety of products, including butter cookies, elastic rubber tape, emulsion styrene-butadiene rubber, extruded rubber thread, hot-rolled carbon steel sheet, preserved mushrooms, stainless steel plate, stainless steel sheet, and stainless steel wire.

The Commission also finished work on a number of cases that had been filed during FY 1997. These included carbon steel wire rod, collated roofing nails, cut-to-length carbon steel plate, fresh Atlantic salmon, stainless steel wire rod, and static random access memory semiconductors.

During FY 1998, the Commission also instituted “changed circumstances” investigations to review the existing antidumping duty orders on titanium sponge from Japan, Kazakhstan, Russia, and Ukraine; the antidumping duty orders on ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela; and the countervailing duty order on ferrosilicon from Venezuela. The orders on titanium sponge were revoked and the investigations on ferrosilicon were pending on September 30, 1998. In addition, pursuant to section 753 of the Tariff Act of 1930, the Commission instituted investigations that resulted in the revocation of countervailing duty orders on extruded rubber thread from Malaysia and steel wire rope from Thailand.

In July 1998, the Commission began to conduct five-year (sunset) reviews, as required under the Uruguay Round Agreements Act. The URAA requires the Department of Commerce and the ITC to conduct reviews no later than five years after an antidumping or countervailing duty order or suspension agreement is issued to determine whether revoking the order or terminating the suspension agreement would be likely to lead to continuation or recurrence of dumping or subsidies (Commerce) or of material injury (ITC) within a reasonably foreseeable time. A more detailed explanation of the five-year (sunset) reviews is included in appendix C.

The ITC instituted 23 five-year reviews during FY 1998; none were completed during the year. See appendix A for a complete list of investigations and accompanying details.

INVESTIGATIONS UNDER SECTION 337 OF THE TARIFF ACT OF 1930

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

In FY 1998, investigations involving complex technologies dominated the ITC's section 337 docket. A majority of section 337 investigations concerned products in the computer and telecommunications fields, including logic emulation systems used to design computer chips, CD-ROM controllers, electronic "smart" cards, digital satellite television systems, optical waveguide fibers for telecommunications, and multiplexing systems for fiber optic telecommunications, as well as various types of integrated circuit devices and processes for semiconductor fabrication. Several other investigations involved sophisticated technologies relating to products such as diagnostic screening kits for detecting HIV virus levels, recombinantly produced human growth hormones, mass spectrometers used to analyze the composition of substances, and rare earth magnets used in electronic products. Other section 337 investigations active during the year concerned artificial sweeteners, agricultural tractors, disposable cameras, multipurpose pocket tools, automotive jacks, and lumbar supports for automobile seats.

During FY 1998, 24 of the Commission's section 337 investigations involved the alleged infringement of utility patents, and two investigations involved alleged infringement of a design patent. Two investigations and an enforcement proceeding involved allegations of trademark infringement. In addition, one of the trademark-based investigations also included allegations of various other unfair acts. The Commission's caseload included a remanded investigation, as well as a formal enforcement proceeding related to alleged violations of cease and desist orders entered in a previously concluded section 337 investigation. The Commission also conducted two sanctions proceedings and one bond forfeiture/return proceeding related to previously concluded investigations.

INVESTIGATIONS UNDER THE TRADE ACT OF 1974

Under section 201 of the Trade Act of 1974, domestic industries seriously injured by increased imports may petition the ITC for import relief. Section 201 does not require a finding of an unfair trade practice, as do the antidumping/countervailing duty laws and section 337 of the Tariff Act of 1930. 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. A more detailed description of section 201 appears in appendix C.

The Commission instituted one global safeguard (section 201) investigation during the year, involving lamb meat, and completed one on wheat gluten that had been instituted in FY 1997. See appendix A for details.

INVESTIGATIONS UNDER SECTION 332 OF THE TARIFF ACT OF 1930

Under section 332 of the Tariff Act of 1930, the ITC conducts general investigations on any matter involving tariffs and international trade. Some of the most significant analytical section 332 studies completed during the year are highlighted below. Detailed information on other ITC reports completed during FY 1998 or pending on September 30, 1998, is provided in appendix B.

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

The Economic Implications of Liberalizing APEC Tariff and Nontariff Barriers to Trade (332-372)

On November 1, 1996, the USTR requested that the ITC conduct a factfinding investigation on the economic implications of liberalizing tariff and nontariff barriers to trade within the Asia–Pacific Economic Cooperation (APEC) region. As requested, the ITC's investigation included a public symposium, held on September 11 and 12, 1997, in which economic researchers presented papers that identified and assessed the impact of nontariff barriers to trade and investment in the APEC region and on the general equilibrium modeling of APEC trade liberalization. The symposium examined critically, through peer review by recognized experts, studies recently completed or under development that met recognized academic standards.

The ITC report, submitted in May 1998, included a summary and assessment of principal results of the symposium papers, the papers presented at the symposium, and critiques of those papers written by experts in the respective fields. The research presented at the symposium found, among other things, that nontariff barriers (NTBs) have a major impact on trade involving APEC economies, and economic welfare gains from NTB liberalization would likely far exceed those from removing tariffs; that NTBs vary greatly in nature across issues such as intellectual property rights, government procurement, investment, services, deregulation, and competition policy; that the nature and importance of NTBs depend directly on government practices in many instances but depend more often on government choices of how to enforce laws governing private markets; and that recent general equilibrium modeling work has expanded on the measurement of economic gains from liberalizing both tariff and nontariff barriers by including new trade issues and new modeling techniques, and the most general APEC liberalization scenarios indicate potential static gains of around 1 percent of APEC gross domestic product.

Advice Concerning the Proposed Expansion of the Information Technology Agreement (332-390)

On January 16, 1998, the USTR requested that the ITC conduct a two–phase factfinding investigation into the proposed expansion of the Information Technology Agreement (ITA). The ITA, concluded on July 1, 1997,

eliminates tariffs among 43 trading partners on a wide range of information technology (IT) products, including computers, telecommunications equipment, semiconductors, and other electronic products. Early in the ITA process, the participants concurred that the agreement would be subject to review and expansion. In March 1997, ITA participants agreed that this ongoing work, generally referred to as ITA–II, would begin in October 1997, and the results would be implemented beginning January 1, 1999. The USTR subsequently sought comments on priorities for ITA–II, including suggestions for additional products for tariff elimination. The USTR then asked the ITC to provide advice regarding a broad list of the proposed products prior to the conclusion of negotiations on adding them to the ITA during the spring of 1998. As requested, in the first phase of the investigation, the ITC provided detailed descriptions of the products on the list; the uses of the products relative to IT industries and consumers, as well as to non–IT industries and consumers; and the major producing countries, U.S. export markets, and sources of U.S. imports. As further requested by the USTR, in the second phase of its investigation, the ITC analyzed, to the extent possible, current tariff and nontariff trade barriers, if any; patterns of U.S. imports and U.S. exports; and increased opportunities resulting from proposed tariff modifications. The final ITC report, submitted in May 1998, included the findings of both phases of the investigation.

General Agreement on Trade in Services: Examination of the Schedules of Commitments Submitted by Trading Partners of Eastern Europe, The European Free Trade Area, and Turkey (332-385)

On September 19, 1997, the USTR requested that the ITC examine the schedules of commitments submitted by 12 trading partners under the General Agreement on Trade in Services (GATS), explaining the commitments in non–technical language, and identify the potential benefits and limitations of the commitments. The countries covered by the investigation were Bulgaria, the Czech Republic, Hungary, Iceland, Liechtenstein, Norway, Poland, Romania, the Slovak Republic, Slovenia, Switzerland, and Turkey. The investigation was a follow–up to three earlier reports. The ITC report, submitted to the USTR in September 1998, found that commitments made by these countries lay an effective foundation from which to achieve progressive liberalization of international trade and investment in service industries. The ITC further found that the schedules of commitments submitted by the countries covered in the report vary significantly, as do the countries' treatment of industries. The ITC investigation examined the following industries: distribution services (defined as wholesaling, retailing, and franchising services); education services; communications services (e.g., enhanced telecommunication services, courier services, and audiovisual services); health care services; professional services (e.g., accounting, engineering, construction, architectural, advertising, and legal services); land–based transportation services; and travel and tourism services.

Studies on Special Areas of Congressional or USTR Interest

Implications for U.S. Trade and Competitiveness of a Broad–Based Consumption Tax (332-389)

On December 9, 1997, the Committee on Ways and Means, U.S. House of Representatives, requested that the ITC analyze various consumption tax proposals, providing a review of current economic analyses on the topic and a discussion of the key technical issues that can significantly affect the relationship between tax

policy and international trade. The ITC report, submitted in July 1998, summarized various consumption tax proposals, including a flat tax, several versions of a national sales tax, an unlimited savings allowance (USA) tax, and a value-added tax (VAT); reviewed the economic literature that analyzes the effects of consumption-based taxes on international transactions; and provided a discussion of key technical issues affecting the relationship between U.S. federal tax policy and U.S. trade and competitiveness.

The economic studies that were surveyed were largely theoretical since such a broad-based tax reform is unprecedented. The independent research reviewed and evaluated by the ITC indicated that one of the effects of implementing a consumption tax could be the likely increase in capital investment into the U.S. economy from abroad, at least in the short run. In addition, most of the studies in the survey concluded that, in addition to attracting foreign investment to the United States, a consumption tax may also encourage U.S. firms to locate projects in the United States that might otherwise have gone abroad. Since international investment and trade flows are inherently linked, any changes in foreign investment into the United States are accompanied by short-run changes in the U.S. trade balance. To the extent that international investment flows into (out of) an economy, the trade balance moves towards deficit (surplus). In the long run, increases in investment from both foreign and domestic sources tend to enhance an economy's competitiveness by increasing its productivity and tend to increase national economic welfare.

In addition, the economic studies reviewed by the ITC indicated that a broad-based consumption tax may increase the after-tax returns on domestic savings and investments, though the studies differed in their predictions of the net effect on domestic interest rates; that the tax-free status of exports under certain types of consumption tax — such as a VAT, sales, or USA tax — may have short-term effects but is unlikely to have a long-run effect on the overall U.S. trade balance; that if consumption taxation takes a form substantially simpler than the system it replaces, then reductions in compliance and enforcement costs could occur and would likely result in efficiency gains for the U.S. economy; and that a consumption tax could enhance the status of the United States as a “tax haven” country. Finally, the studies also showed that a consumption tax could induce a one-time drop in asset values of pre-existing wealth, which may be perceived as inequitable, and that the extent of such changes in asset values, if any, ultimately depends on the nature of any transition provisions that are implemented.

The Dynamic Effects of Trade Liberalization: An Empirical Analysis (332-375)

On November 1, 1996, the U.S. Trade Representative requested that the ITC review and assess theoretical literature and statistical analyses on the relationship between trade liberalization and economic growth, as well as provide new statistical explorations of that relationship. The ITC report, submitted in November 1997, found that economies that open themselves to international trade are more likely to enjoy rapid economic growth. The ITC's review of theoretical literature found that economic theory generally supports a positive relationship between a country's openness to trade and its rate of economic growth; that in the case of large-scale trade liberalizations, there is strong evidence that greater openness to trade eventually leads to accelerated economic growth, while for smaller liberalizations, the empirical evidence is more mixed, both because of other factors influencing economic growth and because of complexities involved in quantifying smaller changes in openness; that more open economies enjoy higher rates of private investment, which is a major determinant of economic growth, with the linkage of openness to growth through investment particularly strong in the case of

foreign direct investment; that increases in productivity are another important source of economic growth; that countries that are more open to trade experience a more rapid entry of women into the labor force; and that as the world economy has grown in recent decades, the importance of trade in global economic activity has increased.

Overview and Analysis of Current U.S. Unilateral Economic Sanctions (332-391)

On February 18, 1998, the House Committee on Ways and Means requested that the ITC provide an overview and discussion of current U.S. unilateral economic sanctions, defined by the Committee as meaning “any unilateral restriction or condition on economic activity with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security.” The ITC report, submitted in August 1998, included a description of U.S. unilateral economic sanctions currently in effect; a review of recent literature on the economic effects of national level economic sanctions; a survey, to the extent possible, of affected U.S. industries concerning the costs and effects of U.S. unilateral economic sanctions on such industries and their markets; and a proposed methodology to analyze in future studies the short- and long-term costs of U.S. unilateral sanctions and their impact on the U.S. economy. As directed by the Committee, the report excluded certain trade measures, including multilateral sanctions, measures imposed to remedy unfair trade practices, and actions taken pursuant to the extension by the United States of most-favored-nation status.

The ITC identified 42 separate U.S. laws that authorize economic sanctions. Under these laws, a total of 142 statutory provisions pertaining to unilateral economic sanctions were identified. Twenty percent of the measures concerned terrorism. As requested by the Committee, the ITC also identified 27 state, county, and city laws imposing unilateral economic sanctions, as well as 14 additional proposed state and local measures, concerning human rights practices in Burma, Cuba, Nigeria, and Tibet, and the possession by international financial institutions of funds belonging to Holocaust victims and their heirs. The ITC found that analysis of economic sanctions is difficult. Of the 174 respondents in a non-scientific telephone survey of 492 U.S. firms and professional or trade associations conducted by the ITC, none indicated that they directly benefit from U.S. unilateral sanctions in terms of additional business, profits, or employment, though some fresh vegetable producers in Florida expressed concerns about potential economic losses if U.S. unilateral economic sanctions against Cuba were to be lifted. Energy producers were reported as being the most adversely affected by U.S. unilateral economic sanctions. Survey respondents further stated that it was difficult for them to quantify the economic effects of sanctions. The ITC indicated its likely approach in evaluating the economic impact of U.S. unilateral economic sanctions on an ongoing basis in future reports would be to jointly employ a variety of methodologies to capture the effects of the economic sanctions.

Advice Concerning APEC Sectoral Trade Liberalization (332-392)

On March 16, 1998, the USTR requested that the ITC provide trade and industry information on nine industry sectors that were endorsed for early voluntary liberalization at the November 1997 Vancouver meeting of APEC ministers. The information assisted in developing U.S. positions in the ongoing negotiations to

reduce barriers affecting trade between the United States and other APEC economies. The nine sectors were chemicals; environmental goods and services; fish and fish products; forest products; gems and jewelry; medical equipment and instruments; toys; energy equipment and services; and telecommunications equipment. The ITC's confidential report, submitted in June 1998, included profiles of each industry sector (including a description of U.S. and foreign industries and their competitive positions), an assessment of patterns of U.S. sector imports and exports to APEC trading partners and other major trading partners, and information about increased market access opportunities resulting from proposed liberalizations. The report also summarized U.S. and foreign tariff rates and reported nontariff barriers affecting the nine sectors.

The Likely Impact of U.S.–EU Sectoral Trade Liberalization (332-382)

On August 11, 1997, the USTR requested that the ITC investigate the likely economic impact of further trade liberalization in the transatlantic region. In her request letter, the USTR noted that the United States and Europe have agreed to conduct a joint study to consider the potential effects of creating a closer economic integration between the U.S. and the EU. The letter stated that the USTR and the EU have established an approach to the study that involves focusing on sectors or issue areas that warrant analysis of the potential effects of the removal of barriers to U.S.–EU trade while also assessing the broad economic impact of such liberalization.

As requested, the ITC analyzed the likely impact on U.S. commerce of potential U.S.–EU sectoral trade liberalization. The sectors of interest for the study included automobiles and light trucks; biotechnology (utilized in the production of goods); chemicals; electronics; non-ferrous metals; paper and paper products; and pharmaceuticals.

The ITC conducted the analysis in two phases. Phase I identified and described the most significant barriers to trade and investment in the U.S. and EU for each study sector. Phase II assessed, wherever possible, the likely impact of removing these barriers. The ITC submitted confidential reports for Phase I in November 1997 and for Phase II in April 1998.

Studies Analyzing the Competitiveness of U.S. Industry

Macadamia Nuts: Economic and Competitive Conditions Affecting the U.S. Industry (332-386)

On September 11, 1997, the Senate Committee on Finance requested that the ITC conduct an investigation concerning the factors affecting competition in the macadamia nut industry. In its request letter, the Committee cited a previous ITC investigation on the factors affecting competition in the macadamia nut industry, completed for the Committee in 1991. The letter stated that the U.S. macadamia nut industry had renewed concerns about the competitive factors affecting their industry, including competition from imports from Australia, Brazil, South Africa, and the Central America countries. The Committee requested that the ITC update the information provided in its 1991 investigation concerning economic and competitive conditions in the macadamia nut industry.

The ITC report, submitted in September 1998, found that world production of macadamia nuts has risen 67 percent since 1992, reaching a record output of 72,914 metric tons in 1997. The United States was the world's largest macadamia nut producer from 1992–1996. However, in 1997, Australia replaced the United States as the world's leading producer. The United States was the world's largest consumer of macadamia nuts during 1992–97, accounting for 51 percent of world macadamia consumption in 1996–97; Japan was the second largest consuming country, accounting for 15 percent of world consumption; and Australia was the third largest, accounting for 13 percent of world consumption. The ITC reported that globally, the area planted to macadamia trees has expanded since crop–year 1992/93. While the U.S. planted area has remained almost unchanged, the area planted in key producing regions such as Australia, Guatemala, Kenya, and South Africa has increased 50 percent since 1992. The ITC further found that world macadamia supplies currently exceed demand and are depressing prices; that Asian macro–economic troubles are contributing to lower macadamia nut prices in 1998; that since the price declines in the early 1990s, the U.S. and Australian industries have employed different marketing approaches, with Australian exporters pursuing a generic campaign to boost demand for macadamia nut products in export markets in Asia, Europe, and North America, and U.S. firms focusing on promoting products under their respective brand names or as “Hawaiian” products; and that based on breakeven nut–in–shell prices, the relative costs of growing macadamia nuts are generally higher in the United States than in Australia.

Broom Corn Brooms: Efforts of Workers and Firms in the Industry to Make a Positive Adjustment to Import Competition (332-394)

On May 11, 1998, the USTR requested that the ITC report on developments in the U.S. broom corn broom industry since November 28, 1996, when the President, pursuant to section 203 of the Trade Act of 1974, issued Proclamation 6961, temporarily increasing duties on imports of certain types of broom corn brooms. The ITC's confidential report, submitted in July 1998, included information on the progress and specific efforts made by workers and firms in the industry to make a positive adjustment to import competition. A public version of the report was issued in August 1998.

Studies Conducted on a Recurring Basis

Recent Trends in U.S. Services Trade, 1998 Annual Report
Shifts in U.S. Merchandise Trade in 1997 (332-345)

On August 27, 1993, the Commission instituted on its own motion an annual investigation to review U.S. trade performance, focusing on changes in U.S. imports, exports, and trade balances of key agricultural and manufactured products and on changes in U.S. bilateral trade with major trading partners. In FY 1995, the ITC expanded the scope of its investigation and launched a separate publication focusing on the U.S. service sector, which accounted for 77 percent of U.S. gross domestic product and 78 percent of the U.S. workforce in 1996. The current report on services, published in May 1998, presents a statistical overview of U.S. trade in

services and provides industry-specific analyses focused on trends in exports, imports, and trade balances during 1995–96. The report concludes with an examination of commitments scheduled for the 20 largest foreign telecommunication markets under the WTO agreement on basic telecommunication services. The 1997 annual report on merchandise trade, published in July 1998, reviews U.S. trade performance in 1997. It also profiles the U.S. industry and market for nearly 300 industry and commodity groups, providing data for 1993–97 on domestic consumption, production, employment, trade, and import penetration. The report also covers significant bilateral shifts in trade with the 10 U.S. trading partners which registered the largest changes in trade during 1996–97; important multilateral trade issues, including the potential impact of the Asian financial crisis on U.S.–Asian trade, the factors affecting U.S. trade with the Mercosur bloc, and increasing U.S. trade with Sub-Saharan African countries; and rankings of the industry and commodity groups that experienced the most significant shifts in trade during 1997. The ITC has published trade shifts reports on a quarterly, semiannual, or annual basis since 1981.

ANNUAL REPORT ON THE U.S. TRADE AGREEMENTS PROGRAM

The Year in Trade 1997

Section 163(b) of the Trade Act of 1974 requires the ITC to submit to the Congress an annual report on the operations of the trade agreements program. The report, now known as *The Year in Trade*, provides the Congress with factual information on trade policy and its administration. It also serves as an historical 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 1997, published in May 1998, provides a practical review of U.S. international trade laws, a report on the operation of the World Trade Organization, a review of U.S. bilateral trade agreements with major trading partners, and a survey of actions under U.S. trade laws. The report also examines developments in several important regional forums — the NAFTA, the Free Trade Area of the Americas, and APEC — and includes a summary of recent U.S.–Africa trade initiatives. The publication includes complete listings of antidumping, countervailing duty, intellectual property rights infringement, and section 301 cases undertaken by the U.S. government in 1997. An index geared to trade specialists cross-references the report by country and commodity.

PART II.

ORGANIZATIONAL ACTIVITIES

OFFICE OF OPERATIONS

The ITC's core of investigative, industry, economic, nomenclature, and technical expertise is found within the Office of Operations. Under the supervision of the Director, staff in the component offices of Operations complete all statutory investigations, studies, and special work projects assigned by the Commission. The work includes completing the investigations within statutory deadlines and with a level of accuracy and detail suitable for subsequent review by the courts. The office is also responsible for information resources and statistical services.

During FY 1998, the staff in the office of the Director continued to refine an extensive tariff and trade computerized data "warehouse." The system is now relied upon for tariff and trade data by ITC staff and by staff with the Department of Commerce, the Congressional Research Service, the Office of the USTR, the Federal Reserve Board, the Department of Treasury, the Department of Agriculture, the Department of Labor, congressional offices, various U.S. trade negotiating groups, and U.S. embassies in Malaysia and Korea. U.S. negotiators and ITC staff used the system to perform tariff and trade analyses on-site at APEC trade talks in Malaysia during FY 1998. The tariff portion of this material is available on the ITC Internet server (www.usitc.gov), providing worldwide interactive access for the first time to the U.S. tariff schedules. The trade portion of the interactive data retrieval system is currently available to government users.

Office of Investigations

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

The primary responsibility of the Office of Investigations is to prepare an objective and comprehensive report in each investigation that will enable the Commission to determine, on the basis of the facts of the investigation, whether a U.S. industry has been injured or is threatened with injury by reason of imports of products like those it produces. The key investigations conducted by Investigations during FY 1998 are discussed in the Highlights section of this report.

In each investigation, an investigative team (made up of a supervisory investigator, an investigator, and an accountant/auditor from Investigations as well as an economist, a commodity-industry analyst, and an attorney) develops a thorough understanding of the conditions of competition within the domestic market of the industry under investigation. Largely through industry-specific questionnaires, telephone interviews, plant visits, consultations with technical and marketing specialists, and public hearings, the team collects and

analyzes the extensive data that constitute the 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.

Investigations staff members 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 both U.S. producers and importers of the product. Investigators also assist the USTR following Commission recommendations to the President in escape clause, market disruption, and section 22 cases.

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. Studies generally are conducted under section 332 of the Tariff Act of 1930 at the request of the President or specific committees of Congress or on the ITC's own motion. Industries staff includes international trade analysts who monitor the import, export, production, and sale of more than 8,000 agricultural products, raw materials, and manufactured products as well as a number of U.S. service industries.

Upon request, Industries analysts provide information and assistance related to international trade negotiations to the USTR. In addition to conducting factfinding investigations, Industries analysts contribute substantially to congressional bill reports, which analyze proposed tariff-related legislation. They also assist the Office of Investigations in title VII investigations. The office also publishes the *Industry, Trade, and Technology Review*, a quarterly collection of timely analytical articles developed by Industries analysts in the course of their research.

During FY 1998, the Office of Industries conducted 19 investigations under section 332, including both one-time factfinding studies and continuing industry surveys. The office also completed recurring studies and monitoring reports requested by the President, Congress, and the Commission. These reports covered nonrubber footwear, ethyl alcohol, the U.S. services commitments under the General Agreement on Tariffs and Trade (GATT), imports of textiles and apparel in 1997, imports of tomatoes and peppers, and production sharing under chapter 98 of the Harmonized Tariff Schedule. The office also published its annual analyses of significant trade shifts in selected commodity areas and its separate report covering service industries.

Since the 1920s, the ITC periodically has issued a series of detailed reports on thousands of products imported into and exported from the United States. Each report, known today as an Industry and Trade Summary, addresses one or more industry sectors and contains information on product uses, customs treatment, and trends affecting consumption, production, and trade of the commodities or services covered.

The Office of Industries launched its most recent series of summaries in FY 1991; during FY 1998, seven summaries were published, bringing the total number of summaries published in this series to 127.

Office of Economics

The Office of Economics provides expert economic analysis for ITC investigations and reports. In addition, ITC economists render substantial technical assistance to the USTR, other executive branch agencies, the Congress, and the public. ITC economists also actively participate in many conferences, seminars, workshops, and professional society meetings; contribute to educational programs, both in the United States and abroad, on trade and economic matters; and publish regularly in scholarly journals. The office consists of three divisions.

Research Division economists provide theoretical and technical expertise for the quantitative analysis of trade and economic issues. Division economists develop and use state-of-the-art analytical tools to provide modeling and other support for ITC investigations, requests for technical assistance and analysis from the USTR and other entities within the Executive Office of the President, and congressional inquiries. The tools enable agency staff to provide a rigorous analysis of the economic effects of general equilibrium (CGE) models that enable agency staff to estimate the effects of changing any specific trade restraint, any set of multiple restraints, or any other quantifiable barriers to U.S. trade.

During FY 1998, the Research Division conducted five section 332 general factfinding investigations. Among those completed during FY 1998 were investigations on the dynamic effects of trade liberalization, the likely impact of U.S.–European Union sectoral trade liberalization, and the implications of a broad-based consumption tax on U.S. trade and competitiveness. The division also invested significant time and resources in preparing the agency's second biennial update of its investigation concerning the economic effects of significant U.S. import restraints, due in FY 1999. The division also rendered technical assistance to the USTR, the Council of Economic Advisors, the House Committee on Ways and Means, and the Senate Committee on Finance during FY 1998, providing briefings, critical reviews of trade-related issues and trade flow data, and general trade-related economic expertise.

Economists in the Country and Regional Analysis Division analyze foreign economic regimes and regional and multilateral trade agreements. Economists in this division contribute economic expertise to ITC investigations and maintain up-to-date information concerning global economic, investment, and trade developments by major country and region. The division complements and works closely with the ITC Office of Industries to provide U.S. trade policymakers with information about specific industries and countries. The division also produces the *International Economic Review (IER)*, a monthly journal analyzing economic and trade policy developments.

During FY 1998, the Country and Regional Analysis Division conducted two general factfinding investigations as well as a number of regular trade-monitoring reports, including an assessment of the impact of the Caribbean Basin Economic Recovery Act and Andean Trade Preferences Act programs on the U.S. economy; a report on African trade flows; and an annual review of multilateral, regional, and bilateral trade

developments entitled *The Year in Trade*. The division provided technical assistance to the USTR on the bilateral trade agreements between the European Union and Poland and the European Union and Hungary, as well as provided analysis on the impact of trade liberalization between South Africa and the European Union and South Africa and the United States. In addition, the division provided technical assistance to the Congress in connection with The Africa Growth and Opportunity Act (H.R. 1432).

The Applied Economics Division primarily is responsible for providing technical economic expertise in the ITC's statutory investigations. These include antidumping, countervailing duty, escape clause, and market disruption investigations and five-year (sunset) reviews. Division economists serve on investigative teams, where they analyze conditions of competition (using demand, supply, and other market-related information) and pricing practices within the industry subject to investigation. They also model the economic impact of unfairly priced imports on the U.S. industry producing competing articles. In addition, they work on section 332 investigations, assisting in economic modeling and providing general economic analysis.

Office of Tariff Affairs and Trade Agreements

The Office of Tariff Affairs and Trade Agreements (TATA) carries out the ITC's responsibilities with respect to the Harmonized Tariff Schedule of the United States (HTS) and the international Harmonized System (HS). The HTS provides the applicable tariff rates and statistical categories for all merchandise imported into the United States; it is based on the HS, the global classification system that governs most world trade in goods.

TATA updates and publishes the *HTS* annually. In November 1997, the office published the 1998 edition of the *HTS*. TATA also published a 500-page supplement to the 1998 edition in August 1998. An electronic version of the *HTS* is available on the ITC's Internet homepage in the "Tariff Affairs" section.

TATA staff also provide expert HTS-related information upon request to the business community, governments, and the public. The office maintains an electronic data base that tracks the history of all changes (legal and statistical) to the HTS since its implementation.

TATA staff work with the Office of Industries to prepare bill reports requested by Congress. These reports 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; see appendix D.

The office also provides technical advice and assistance to the USTR on bilateral and multilateral trade programs, participating in Trade Policy Staff Committee activities, preparing Presidential proclamations, developing trade data tailored for use by negotiators, and, when requested, directly assisting negotiating teams. During FY 1998, TATA provided technical assistance to the USTR in connection with the expansion of the Information Technology Agreement. The office also prepared documents for the USTR for presentation to Congress and prepared the implementing proclamation in connection with the second round of accelerated tariff reductions under the NAFTA. TATA also prepared the annual Generalized System of Preferences (GSP) proclamation for the USTR and two notices concerned with intellectual property rights violations in connection with the GSP program.

The office participates in the World Customs Organization (WCO), an international organization headquartered in Brussels, Belgium. The WCO oversees the continuous development and maintenance of the global HS. TATA represents the U.S. government on the central committee for nomenclature and classification matters (the Harmonized System Committee), the Technical Committee on Rules of Origin, and the HS Review Subcommittee.

TATA's Director chairs the Committee for Statistical Annotation of the Tariff Schedule, which also includes representatives of the U.S. Customs Service and the Census Bureau. The committee analyzes and evaluates petitions requesting changes in HTS statistical subheadings; it received 30 such petitions during FY 1998. Through the committee, TATA participated during FY 1998 in several joint undertakings with the Canadian government in connection with a U.S.–Canada Memorandum of Understanding, under which the two countries exchange monthly import statistics that reflect each country's exports to the other. The arrangement eliminates the need to prepare and compile over one million export documents annually.

TATA's Director serves on the Board of Directors of the International Trade Data System (ITDS). The ITDS is an integrated trade data system to be shared by all federal trade agencies. It results from a National Performance Review initiative recommending the establishment of such a system.

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. If the Commission finds a violation of section 337, it may issue exclusion orders and cease and desist orders as a remedy.

In addition to the investigation of a complaint under section 337, the ITC may conduct enforcement proceedings 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.

Investigative attorneys from OUII actively participate throughout the investigation along with counsel for the private parties. However, the investigative staff represents the public interest rather than the private interests of a complainant or respondent. Representation of the public interest is important because the remedies available in section 337 investigations may affect nonparties and U.S. consumers. OUII investigates and offers an independent perspective on the many issues presented in section 337 investigations.

OUII attorneys review section 337 complaints prior to institution of an investigation and advise the Commission whether complaints are legally sufficient for purposes of institution. Upon request, OUII also provides information to prospective complainants regarding procedures for filing complaints under section 337 and reviews draft complaints on a confidential basis. Once an investigation is instituted, OUII attorneys seek to ensure that a sufficient evidentiary record is developed. OUII attorneys conduct discovery, participate at

hearings before the Administrative Law Judges (ALJs), and submit legal briefs to the ALJs and the Commission.

After a hearing, the ALJ issues an initial determination on all issues related to the alleged violation of section 337. The ALJ's initial determination is subject to review and modification by the Commission. If the Commission does not modify the initial determination, it becomes the Commission's final determination. If the Commission determines that there is a violation of section 337, it may issue remedial orders. Those orders are effective when issued and become final 60 days after issuance unless disapproved for policy reasons by the President within that 60-day period. A more complete description of section 337 is included in appendix C.

OUII also assists the parties with settlements. OUII attorneys review proposed consent orders (orders of the Commission agreed to by the parties that prohibit specific activities related to the importation and/or sale of the products at issue) and settlement agreements (private agreements between the parties). OUII then submits responses to the ALJ regarding public interest concerns and compliance with ITC rules.

During FY 1998, there were 28 active section 337 investigations, 15 of which were instituted in FY 1998, and one formal enforcement proceeding. Key investigations are detailed in the Highlights section of this report, and a full list of investigations completed appears in appendix A. The Commission found a violation of section 337 in two investigations. Limited exclusion orders were issued in both of these investigations, and a cease and desist order was issued in one. The Commission terminated seven investigations prior to an evidentiary hearing as a result of settlement agreements reached by the parties. Three investigations were terminated prior to evidentiary hearings based on the complainant's withdrawal of the complaint. A remanded investigation was also terminated after withdrawal of the complaint. Consent orders were issued in two section 337 investigations.

Office of Information Services

The Office of Information Services (OIS) administers all ITC computer, telecommunications, and statistical and editorial services. OIS's Library Services staff manages the ITC's National Library of International Trade, a specialized technical library that serves as the agency's information and research center. Library Services supports the Commissioners and ITC staff by acquiring, organizing, and disseminating information in all media. For more information on the ITC's National Library of International Trade, see page 95.

During FY 1998, OIS staff provided extensive technical support in the development of the five-year (sunset) review section of the ITC's web server, and the office continued to support the tariff and trade database maintained by the Office of Operations for use by ITC staff and certain government analysts and policymakers. OIS also implemented a complete upgrade of the agency's network infrastructure to support continuing rapid growth in the size and performance demands of new systems; supported extensive moving and construction associated with the refurbishment of the ITC's office space; and carried out planned system upgrades and reporting for the agency's Year 2000 effort. Though reconstruction of the library's space prevented Library Services staff from providing service to the public for five months during the year, they continued to support ITC staff, often utilizing its extensive automation to access resources.

OFFICE OF ADMINISTRATION

The Office of Administration oversees the preparation and execution of the ITC's budget; monitors its financial management systems; supervises all personnel matters, including collective bargaining with union representatives; directs procurement, publishing, and facilities management; and is responsible for all agency security matters.

Office of Finance and Budget

The Office of Finance and Budget develops, monitors, and administers the ITC budget and expenditures, ensuring proper financial management of agency activities. The Budget Division formulates, justifies, and executes the ITC budget; the Finance Division maintains the ITC financial information system and the agency payroll and travel functions. The office also performs liaison on budget and finance matters with other federal agencies, the Office of Management and Budget, and congressional committees. Finance and Budget staff manage travel, payroll, and other financial services; assist ITC offices in developing their annual budget requests; develop the overall annual agency appropriation and authorization requests; and prepare accounting, activity, and financial projection reports.

During FY 1998, the office was involved with a major reconfiguration of the Commission's official accounting system; integrated the Department of Interior (DOI) labor cost system with the time and attendance system; implemented the use of automated disbursements; converted the Commission's payroll/personnel system to the sophisticated Federal Personnel Payroll System managed by DOI; and instituted the use of central billing for car rental services for travelers on official business. The office also managed the integration of three agency financial activities — the leasing of the agency's government vehicle, the employee government travel card program, and the government purchase card program. The integration of these activities, which is scheduled for implementation during FY 1999, will result in a more efficient process for obtaining services by utilizing one vendor for financial services. These improvements and initiatives are in alignment with the National Performance Review, Government Performance Results Act, and GSA travel streamlining initiatives.

Office of Management Services

The Office of Management Services (OMS) manages the ITC's publishing, procurement, facilities management, and management analysis activities. During FY 1998, the office completed the refurbishing of the agency's leased space. The office also continued its mission consolidation through reorganizations. In addition, the Planning and Procurement Division made significant gains in its implementation of the General Services Administration's Simplified Acquisition Procedures and Purchase Card Program, both of which will simplify procurement processing.

Office of Personnel

The Office of Personnel manages the ITC's recruitment, training, and personnel management operations and serves as a resource for managers and staff on employee relations, employee development, and benefits matters. During FY 1998, recruitment activity revolved around meeting Commissionwide needs for permanent staff as well as temporary hires related to the five-year (sunset) review process. The office also was instrumental in bringing to successful conclusions two sets of union negotiations, one of which required resolution before the Federal Service Impasse Panel. Personnel staff also implemented major operating revisions to the automated personnel database and processing system.

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

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

The Director manages the EEO complaints and investigation process; coordinates the pre-complaint counseling and alternative dispute resolution processes; and manages and supervises the work of the collateral-duty Special Emphasis Program Managers and EEO Counselors and Investigators. The ITC EEO program is structured to promote understanding and appreciation of multiple ethnicity in the workplace and to prevent inappropriate, discriminatory conduct on the part of all employees.

The ITC Employee Development Program is a corollary function within the Office of EEO. It is conducted in concert with the Training Officer, Office of Personnel.

OFFICE OF THE ADMINISTRATIVE LAW JUDGES

The ITC's Administrative Law Judges (ALJs) direct litigation, hold hearings, and make initial determinations in investigations under section 337 of the Tariff Act of 1930.

Section 337 investigations require formal evidentiary hearings in accordance with the Administrative Procedure Act (5 U.S.C. 551 et seq.). After the Commission has instituted an investigation, the matter is referred to the Office of the Administrative Law Judges. Cases are assigned on a rotating basis to one of the ITC's three 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. A more detailed description of section 337 is included in appendix C.

The judge's initial determination is subject to review and modification by the Commission. If the Commission does not modify the initial determination, it becomes the Commission's final determination. If the

Commission determines that there is a violation of section 337, it may issue remedial orders. Those orders are effective when issued and become final 60 days after issuance unless disapproved for policy reasons by the President within that 60-day period.

During FY 1998, the Office of the Administrative Law Judges held five evidentiary hearings in section 337 cases under the Administrative Procedure Act. See Highlights section of this report for details on key section 337 investigations during FY 1998 and appendix A for a complete list of investigations.

OFFICE OF INSPECTOR GENERAL

The Inspector General conducts all audits and investigations related to ITC programs and operations and recommends and comments on proposed legislation, regulations, and procedures that affect the agency's efficiency and effectiveness. The accomplishments of the Inspector General are detailed in semiannual reports submitted to Congress in May and November. The Office of Inspector General reviews all proposed ITC directives and regulations as a means of preventing or detecting fraud, waste, or abuse. As required by the Inspector General Act, the office also has a process for commenting on existing and proposed legislation and regulations relating to programs and operations of the ITC.

During FY 1998, the Inspector General conducted audits of the Commission's procedures for section 332 investigations, implementation of simplified acquisition procedures, and the wage payment and fringe benefits of contractor employees. Inspections addressed topics such as the Commission's ability to report on performance measurement goals in the agency's strategic plan, policies for marking controlled data, and effectiveness of the activity reporting systems.

The Inspector General is an active member of the Executive Council on Integrity and Efficiency.

OFFICE OF THE SECRETARY

The Office of the Secretary compiles and maintains the ITC's official records, including petitions, briefs, and other legal documents. In FY 1998, a total of 8,706 documents were filed with the office.

Under the direction of the Secretary, the office issues ITC notices, reports, and orders, and it schedules and participates in all Commission meetings (17 in FY 1998) and hearings (20 days of hearings in FY 1998). 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 (FOIA). The following table shows the number of these requests in FY 1997 and FY 1998:

Type of request	FY	FY
	1997	1998
Requests for confidential treatment	220	304
Requests for release of confidential business information under protective order	89	87
FOIA requests:		
Received	69	71
Granted in whole or in part	52	46

The Office of the Secretary receives surety bonds or other collateral posted by parties in connection with the temporary exclusion orders issued in section 337 investigations. The Secretary is also authorized to issue seizure letters authorizing the U.S. Customs Service to hold certain merchandise when a prohibited importation is attempted. In addition, the Secretary issues administrative protective orders in cases filed before binational panels under the auspices of the NAFTA. The Secretary monitors alleged breaches of ITC administrative protection orders.

The Office of the Secretary manages distribution of ITC reports and studies through its Publications Branch, responding to an average of 382 requests monthly. For information on ITC services and information resources available through the Office of the Secretary, see page 95.

OFFICE OF THE GENERAL COUNSEL

The General Counsel serves as the ITC's chief legal advisor. The General Counsel and the 27 attorneys in the office provide legal advice and support to the Commissioners and ITC staff on statutory investigations, prepare briefs and represent the ITC in court and before binational panels and administrative tribunals, and provide assistance and advice on general administrative matters, including personnel and labor relations and contracts. The ITC's ethics office is housed in the General Counsel's office. General Counsel attorneys serve as members of investigative teams assigned to antidumping and countervailing duty investigations and investigations under other statutory authorities; they prepare legal issues memoranda and assist the Commission in the drafting of opinions in the course of these investigations. The office also provides assistance and support in the drafting of new ITC rules of practice and procedure.

During FY 1998, General Counsel attorneys drafted amendments to the ITC's rules to establish procedures for conducting five-year reviews of antidumping and countervailing duty orders and to revise procedures relating to the Freedom of Information Act and the Privacy Act. Appendix E of this report details the trade litigation matters completed or terminated during FY 1998 or pending at year-end.

When requested, the office provides technical assistance to the Congress and the executive branch on tariff and trade matters. During FY 1998, the office was called upon to provide technical assistance and support to the USTR in connection with notification of WTO committees of U.S. legislation that implements U.S. obligations under the new WTO agreements and to review the antidumping, countervailing duty, and

safeguard laws of other countries for consistency with WTO requirements. Office attorneys also provided technical assistance to USTR staff in connection with consultations and panel proceedings in the WTO and under the NAFTA relating to ITC antidumping, countervailing duty, and safeguard determinations. The office also assisted the USTR in its challenges in the WTO to actions of other countries and provided technical advice concerning consultations on U.S. laws related to the antidumping and countervailing duty laws.

OFFICE OF EXTERNAL RELATIONS

The Office of External Relations develops and maintains liaison between the ITC and its varied external customers. The ITC's Trade Remedy Assistance Office (TRAO) is a component of External Relations. The office is the focal point for contacts with the U.S. Trade Representative 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.

The Director is the ITC's representative on the interagency Trade Policy Staff Committee and an advisor to the Trade Policy Review Group, both of which are chaired by the USTR. External Relations provides assistance to the agencies responsible for trade policy formulation and keeps Commissioners and senior ITC staff informed of developing trade issues that might affect the agency's mission. The office coordinates Presidential requests for advice and information on trade issues. It also manages interactions between the Commission and the international trade community, coordinating requests for assistance from U.S. embassies abroad in connection with the Commission's investigations and studies as well as arranging and participating in meetings with representatives of foreign governments and international organizations.

The Congressional Relations Officer works with congressional staff to clarify congressional intent in section 332 investigation requests, responds to inquiries from Members of Congress, and keeps the Commission apprised of legislative initiatives that would affect ITC operations. She also provides technical assistance to Members of Congress and their staff on various trade-related matters.

The Public Affairs Officer serves as spokesperson for the ITC and maintains an active relationship with the news media, responding to inquiries, issuing news releases concerning Commission determinations, publicizing ITC studies and publications, and arranging interviews with Commissioners and staff experts. She also develops informational brochures and pamphlets to enhance public understanding of the ITC, edits the ITC Annual Report to Congress, and advises the Commission and agency staff on public affairs issues and practices.

The Trade Remedy Assistance Office assists small businesses seeking benefits or relief under U.S. trade laws. The Trade Remedy Assistance Program Manager provides general information concerning the remedies and benefits available under the trade laws of the United States and provides technical and legal assistance and advice to eligible small businesses seeking remedies.

During FY 1998, External Relations coordinated ITC support for the USTR in APEC sectoral liberalization activities; Free Trade for the Americas Agreement consultations; negotiations leading to the expansion of the Information Technology Agreement, further NAFTA tariff acceleration, and expanded pharmaceutical tariff

elimination; and activities related to the Trans–Atlantic Economic Partnership. The office also directed Commission staff participation in interagency working groups on WTO and Organization for Economic Coordination and Development issues as well as a broad range of bilateral and multilateral issues. The ITC submitted over 300 miscellaneous tariff bill reports to the House Committee on Ways and Means. (The Commission's bill reports 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; see appendix D.) In addition, the ITC completed numerous analytical reviews/revenue estimates of tariff measures and provided informal technical drafting comments on 24 other bills.

Numerous members of Congress testified at the ITC in connection with a number of investigations during FY 1998.

Senator Pat Roberts (R–Kansas) and Congressman James R. Ryun (R–Kansas) testified on December 16, 1997, in connection with the injury phase of the ITC's global safeguard investigation involving *Wheat Gluten*.

Senator Sam Brownback (R–Kansas) testified on February 10, 1998, in connection with the remedy phase of the ITC's global safeguard investigation involving *Wheat Gluten*.

Senator Olympia J. Snowe (R–Maine), Senator Susan M. Collins (R–Maine), and Congressman John E. Baldacci (D–Maine) testified on June 3, 1998, in connection with the ITC's countervailing duty and antidumping investigations involving *Fresh Atlantic Salmon From Chile*.

TRAO provided information and assistance to 129 business, public, academic, and congressional customers during FY 1998. TRAO also rendered technical assistance, including informal legal assistance and advice, to three eligible small businesses during the year. In addition, External Relations arranged ITC visits for 130 individuals from 25 countries, including government officials, journalists, businessmen, economists, bankers, attorneys, professors, and students.

PART III. MANAGEMENT AND FINANCE

The ITC maintains an expert staff of professional international trade and nomenclature analysts, investigators, attorneys, economists, computer specialists, and administrative support personnel. All ITC personnel are located at 500 E Street, SW, Washington, DC 20436. At the end of FY 1998, a total of 363.5 permanent employees were employed by the ITC.

A breakdown of staff, by organization, is shown at the right:

Organizational unit	Number as of September 30, 1998
Commissioners	6
Offices of the Commissioners	17
Office of the Administrative Law Judges	8
Office of the Secretary	13
Office of External Relations	5
Office of the General Counsel	40.5
Office of Inspector General	3
Office of the Director of Operations	4
Office of Economics	33
Office of Industries	106
Office of Investigations	27
Office of Tariff Affairs and Trade Agreements	14
Office of Unfair Import Investigations	11
Office of Information Services	36
Office of the Director of Administration	2
Office of Finance and Budget	8
Office of Management Services	22
Office of Personnel	7
Office of Equal Employment Opportunity	1
Total	363.5

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

During FY 1998, appropriated funds made available to the ITC amounted to \$42,074,000. Obligations for FY 1997 and FY 1998 (in thousands of dollars) are shown at the right:

Item	FY 1997	FY 1998
Salaries and personnel benefits	28,183	28,550
Travel and transportation	416	452
Rental and communication services	6,864	5,485
Other services	2,395	3,126
Printing and reproduction	133	159
Equipment, supplies, and material	2,880	2,372
Land and structures	75	925
Total	40,946	41,069

**FIGURE 1
ITC ORGANIZATION**

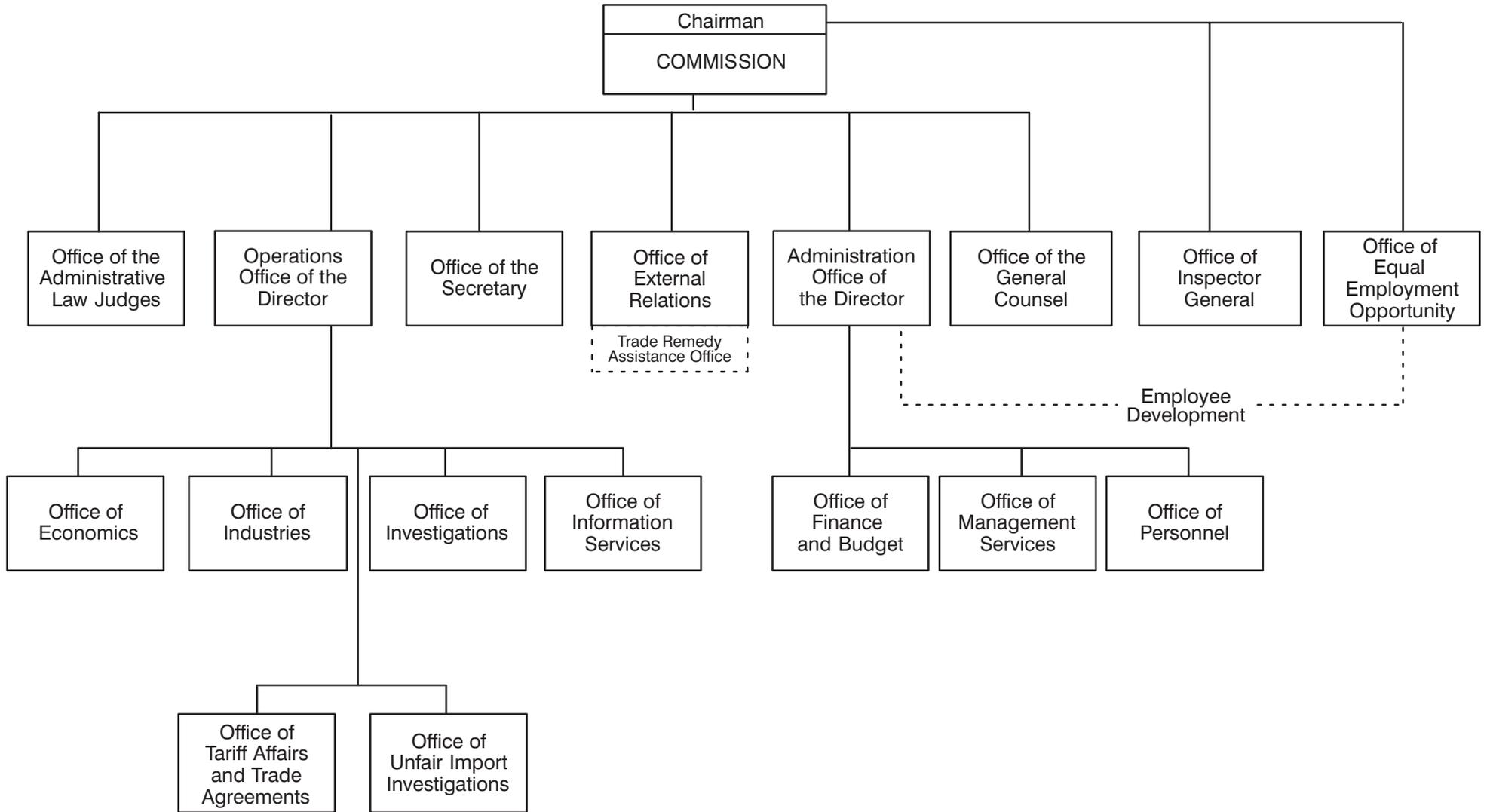
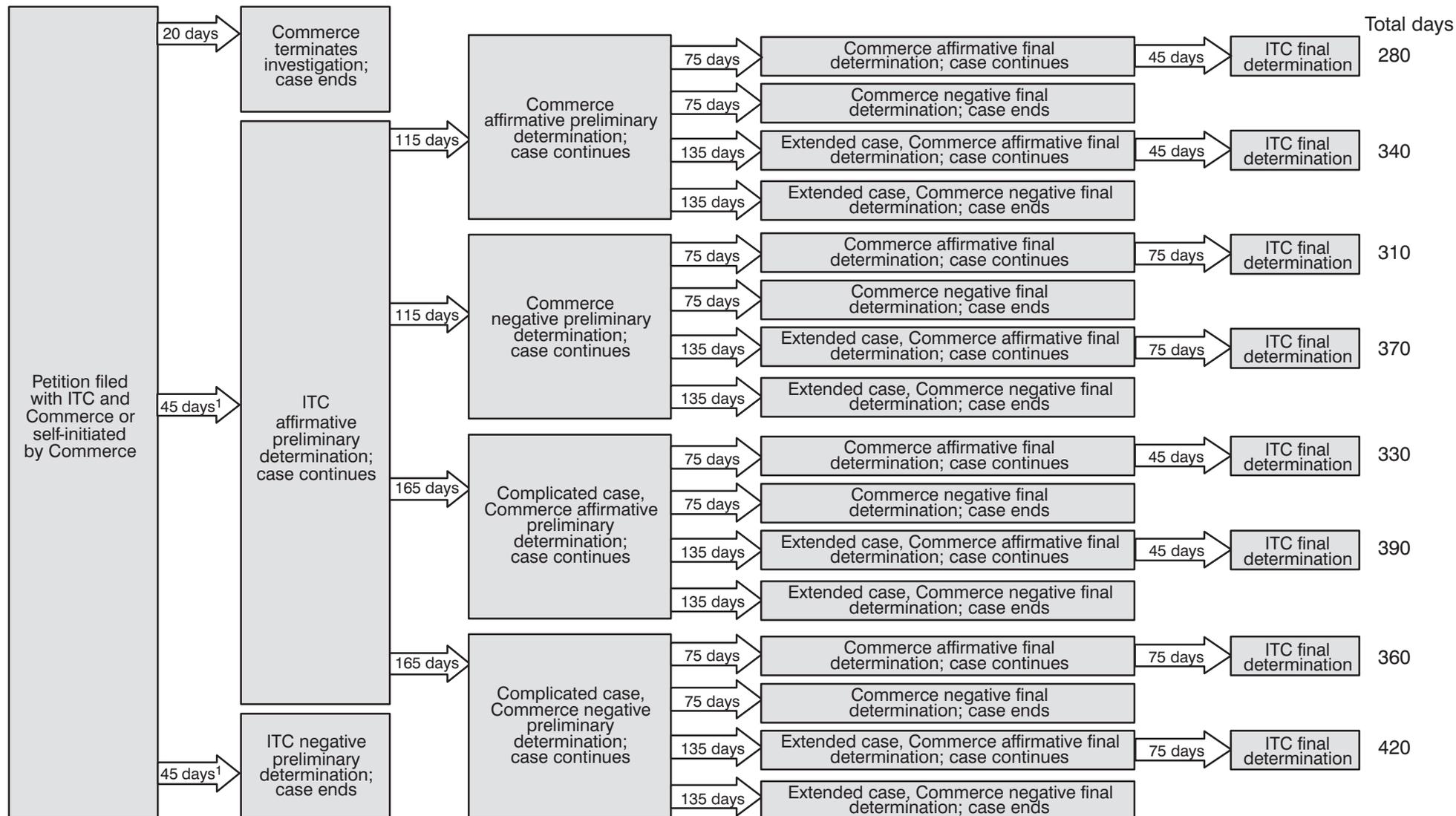


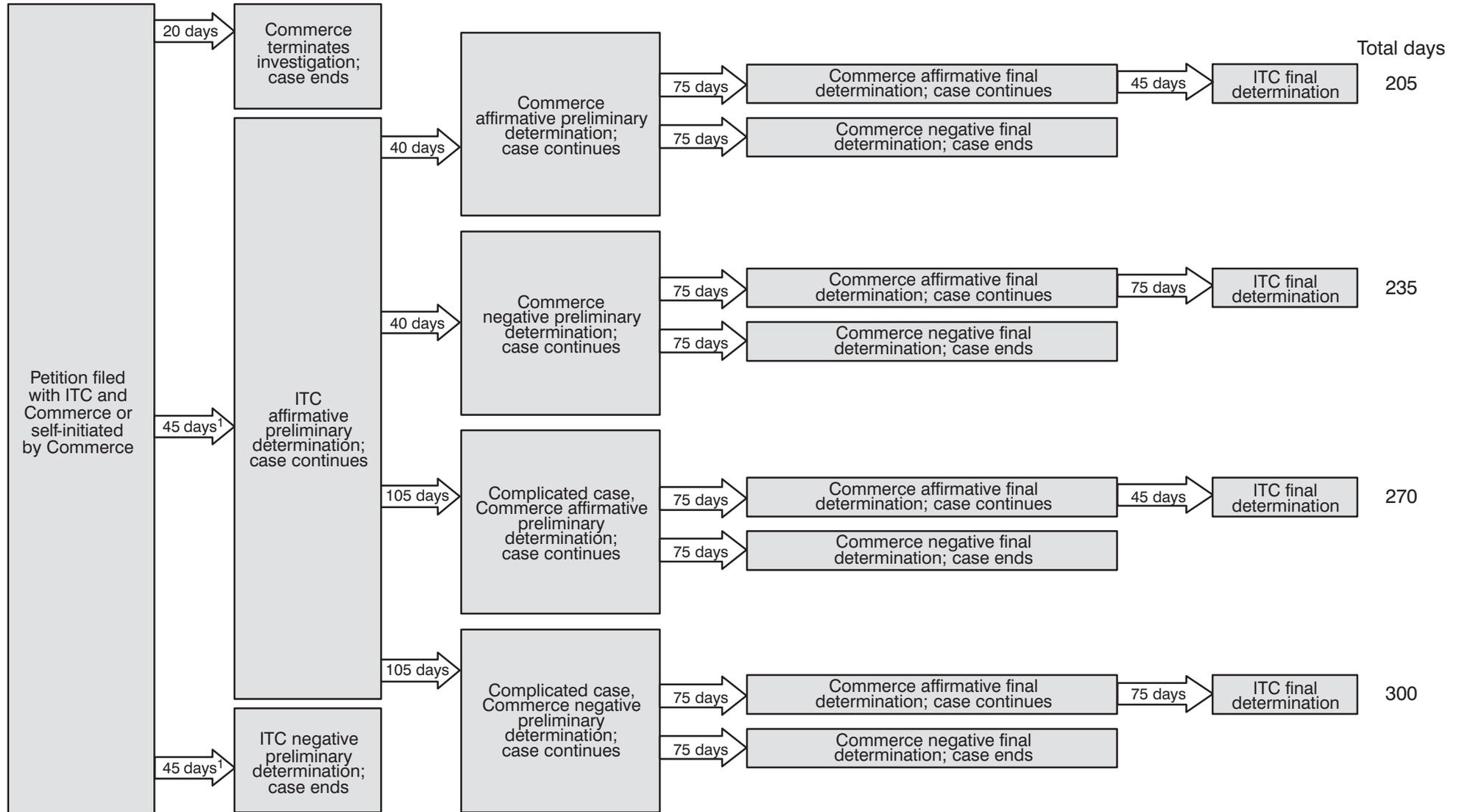
FIGURE 2 STATUTORY TIMETABLES FOR ANTIDUMPING AND COUNTERVAILING DUTY INVESTIGATIONS

Statutory timetable for antidumping investigations (in days)



¹ Normal case. ITA may extend the time allowed for it to initiate an investigation from 20 days to up to 40 days after a petition is filed if the extra time is needed to determine industry support for the petition. In the event of such an extension, the deadline for the ITC's preliminary determination and all following dates would be increased by the amount of the extension.

Statutory timetable for countervailing duty investigations (in days)



APPENDIXES

APPENDIX A

SUMMARY OF INVESTIGATIONS COMPLETED DURING FISCAL YEAR 1998 AND PENDING ON SEPTEMBER 30, 1998

Table 1

General investigations of trade and tariff matters completed under sec. 332 of the Tariff Act of 1930 and sec. 1205 of the Omnibus Trade and Competitiveness Act of 1988, fiscal year 1998

Investigation No. and title	Origin	USITC publication—	
		No.	Date
332-207 <i>The U.S. Automobile Industry Annual Report on Selected Economic Indicators</i>	Request from the Committee on Ways and Means, U.S. House of Representatives	(1)	(1)
332-343 <i>Annual Statistical Report on U.S. Imports of Textiles and Apparel: 1997</i>	Instituted by the Commission on its own motion	3102	April 1998 ²
332-372 <i>The Economic Implications of Liberalizing APEC Tariff and Nontariff Barriers to Trade</i>	Request from the United States Trade Representative	3101	April 1998
332-375 <i>The Dynamic Effects of Trade Liberalization: An Empirical Analysis</i>	Request from the United States Trade Representative	3069	October 1997
332-382 <i>The Likely Impact of U.S.–EU Sectoral Trade Liberalization</i>	Request from the United States Trade Representative	Confidential	April 1998
332-383 <i>Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences</i>	Request from the United States Trade Representative	3079	December 1997
332-385 <i>General Agreement on Trade in Services: Examination of the Schedules of Commitments Submitted by Trading Partners of Eastern Europe, the European Free Trade Association, and Turkey</i>	Request from the United States Trade Representative	3127	September 1998
332-386 <i>Macadamia Nuts: Economic and Competitive Conditions Affecting the U.S. Industry</i>	Request from the Committee on Finance, U.S. Senate	3129	October 1998
332-387 <i>North American Free Trade Agreement: Probable Economic Effect on U.S. Industries and Consumers of Accelerated Elimination of U.S. Tariffs on Certain Articles from Mexico, Round Two</i>	Request from the United States Trade Representative	Confidential	February 1998

Table 1—Continued

General investigations of trade and tariff matters completed under sec. 332 of the Tariff Act of 1930 and sec. 1205 of the Omnibus Trade and Competitiveness Act of 1988, fiscal year 1998

Investigation No. and title	Origin	USITC publication—	
		No.	Date
332-389 <i>Implications for U.S. Trade and Competitiveness of a Broad-Based Consumption Tax</i>	Request from the Committee on Ways and Means, U.S. House of Representatives	3110	June 1998
332-390 <i>Advice Concerning the Proposed Expansion of the Information Technology Agreement</i>	Request from the United States Trade Representative	3097 (Phase I) 3104 (Phase II)	March 1998 May 1998
332-391 <i>Overview and Analysis of Current U.S. Unilateral Economic Sanctions</i>	Request from the Committee on Ways and Means, U.S. House of Representatives	3124	August 1998
332-392 <i>Advice Concerning APEC Sectoral Trade Liberalization</i>	Request from the United States Trade Representative	Confidential	June 1998
332-394 <i>Broom Corn Brooms: Efforts of Workers and Firms in the Industry to Make a Positive Adjustment to Import Competition</i>	Request from the United States Trade Representative	3122	August 1998

¹ Final report in this investigation was published in March 1997. The investigation was terminated in January 1998.

² Final report in this investigation was published in April 1998. The investigation was terminated in May 1998.

Table 2

General investigations of trade and tariff matters under sec. 332 of the Tariff Act of 1930 and sec. 1205 of the Omnibus Trade and Competitiveness Act of 1988 pending on Sept. 30, 1998

Investigation No. and title	Origin	USITC publication—	
		No.	Date
332-191 <i>Nonrubber Footwear Statistical Report, 1997</i>	Request from the Committee on Finance, U.S. Senate	3094	March 1998
332-227 <i>Caribbean Basin Economic Recovery Act: Impact on U.S. Industries and Consumers</i>	Required by sec. 215(a) of the Caribbean Basin Economic Recovery Act	3132	September 1998
332-237 <i>Production Sharing: Use of U.S. Components and Materials in Foreign Assembly Operations, 1993–1996</i>	Instituted by the Commission on its own motion	3077	December 1997
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	(¹)	(¹)
332-325 <i>The Economic Effects of Significant U.S. Import Restraints: Second Biennial Update</i>	Request from the United States Trade Representative	(¹)	(¹)
332-345 <i>Recent Trends in U.S. Services Trade: 1998 Annual Report</i>	Instituted by the Commission on its own motion	3105	May 1998
<i>Shifts in U.S. Merchandise Trade in 1997</i>	Instituted by the Commission on its own motion	3120	July 1998
332-350 <i>Monitoring of U.S. Imports of Tomatoes</i>	Required by the North American Free Trade Agreement Implementation Act	3130	September 1998
332-351 <i>Monitoring of U.S. Imports of Peppers</i>	Required by the North American Free Trade Agreement Implementation Act	3131	September 1998
332-352 <i>Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution</i>	Required by sec. 206 of the Andean Trade Preference Act	3132	September 1998

Table 2—Continued

General investigations of trade and tariff matters under sec. 332 of the Tariff Act of 1930 and sec. 1205 of the Omnibus Trade and Competitiveness Act of 1988 pending on Sept. 30, 1998

Investigation No. and title	Origin	USITC publication—	
		No.	Date
332-354 <i>Program to Maintain U.S. Schedule of Services Commitments</i>	Request from the United States Trade Representative	(1)	(1)
332-360 <i>International Harmonization of Customs Rules of Origin</i>	Request from the United States Trade Representative	(1)	(1)
332-362 <i>U.S.—Africa Trade Flows and Effects of the Uruguay Round Agreements and U.S. Trade and Development Policy</i>	Request from the United States Trade Representative	3067	October 1997
332-377 <i>Program to Maintain Investment Restrictions Database</i>	Request from the United States Trade Representative	(1)	(1)
332-384 <i>The Changing Structure of the Global Large Civil Aircraft Industry and Market: Implications for the Competitiveness of the U.S. Industry</i>	Request from the Committee on Ways and Means, U.S. House of Representatives	(1)	(1)
332-388 <i>Simplification of the Harmonized Tariff Schedule of the United States</i>	Request from the Committee on Ways and Means, U.S. House of Representatives	(1)	(1)
332-393 <i>Ammonium Nitrate: A Comparative Analysis of Factors Affecting Global Trade</i>	Request from the Committee on Finance, U.S. Senate	(1)	(1)
332-395 <i>Effects on U.S. Trade of the European Union's Association Agreements with Selected Central and Eastern European Partners</i>	Request from the United States Trade Representative	(1)	(1)
332-396 <i>Economic Trends and Barriers to Trade in Products Covered by the WTO Agreement on Agriculture</i>	Request from the United States Trade Representative	(1)	(1)

Table 2—Continued

General investigations of trade and tariff matters under sec. 332 of the Tariff Act of 1930 and sec. 1205 of the Omnibus Trade and Competitiveness Act of 1988 pending on Sept. 30, 1998

Investigation No. and title	Origin	USITC publication—	
		No.	Date
332-397 <i>Database on Trade and Investment in Services</i>	Request from the United States Trade Representative	(¹)	(¹)

¹ In progress at the end of FY 1998.

Table 3

Investigations and related proceedings completed under sec. 337 of the Tariff Act of 1930, fiscal year 1998

Investigation No. and title	Complainant	Complaint filed	Federal Register notice date	Public hearing	Finding and remedy of Commission	Date orders issued	USITC publication No.
337-TA-358 (remand) <i>Certain Recombinantly Produced Human Growth Hormones</i>	Genentech, Inc. South San Francisco, CA	8-18-93	9-29-93	(1)	Terminated ²	12-11-97	(1)
337-TA-383 <i>Certain Hardware Logic Emulation Systems and Components Thereof</i>	Quickturn Design Systems, Inc. Mountain View, CA	1-26-96; 2-16-96, 2-23-96 (supplements)	3-8-96	(1)	Violation ³	12-3-97	3074
337-TA-391 <i>Certain Toothbrushes and the Packaging Thereof</i>	Proctor and Gamble Co. Cincinnati, OH	10-25-96; 11-14-96 (amendment) 11-18-96, 11-19-96 (supplements)	12-18-96	(1)	Violation ⁴	10-15-97	3068
337-TA-392 <i>Certain Digital Satellite System (DSS) Receivers and Components Thereof</i>	Personalized Media Communications, L.L.C. New York, NY	11-13-96; 11-25-96, 12-2-96 (supplements)	12-18-96	(1)	Terminated ⁵	12-4-97	(1)
337-TA-393 <i>Certain Ion Trap Mass Spectrometers and Components Thereof</i>	Finnigan Corp. San Jose, CA	1-24-97; 2-13-97 (supplement)	2-26-97	(1)	Terminated ⁵	4-13-98	(1)
337-TA-394 <i>Certain Screen Printing Machines, Vision Alignment Devices Used Therein, and Component Parts Thereof</i>	MPM Corp. Franklin, MA	1-28-97; 2-11-97, 2-13-97, 2-18-97 (supplements)	3-5-97	(1)	Terminated ⁶	10-28-97	(1)

Table 3—Continued

Investigations and related proceedings completed under sec. 337 of the Tariff Act of 1930, fiscal year 1998

Investigation No. and title	Complainant	Complaint filed	Federal Register notice date	Public hearing	Finding and remedy of Commission	Date orders issued	USITC publication No.
337-TA-395 <i>Certain EPROM, EEPROM, Flash Memory, and Flash Microcontroller Semiconductor Devices and Products Containing Same</i>	Atmel Corp. San Jose, CA	2-18-97; 3-7-97 (letter) 3-10-97 (supplement) 3-12-97 (letter) 3-13-97 (supplement)	3-21-97	(¹)	Terminated ⁵	7-2-98	3136
337-TA-396 <i>Certain Removable Electronic Cards and Electronic Card Reader Devices and Products Containing Same</i>	Innovatron S.A. Paris, France	2-11-97; 3-14-97 (amendment) 3-20-97 (supplement)	4-2-97	(¹)	Terminated ⁵	7-20-98	3123
337-TA-397 <i>Certain Dense Wavelength Multiplexing Systems and Components Thereof</i>	Ciena Corp. Savage, MD	2-18-97; 3-17-97 (amendment) 3-21-97, 3-25-97 (supplements)	4-9-97	(¹)	Terminated ⁷	3-24-98	(¹)
337-TA-398 <i>Certain Multiple Implement, Multi-Function Pocket Knives and Related Packaging and Promotional Materials</i>	Swiss Army Brands, Inc. Swiss Army Brand Ltd. Shelton, CT Precise Imports Corp. (d/b/a Precise Int'l) Orangeburg, NY	3-13-97; 3-21-97, 3-27-97, 4-29-97 (supplements) 3-28-97, 5-8-97 (amendments)	5-27-97	(¹)	Terminated ⁸	12-23-97	(¹)
337-TA-399 <i>Certain Fluid-Filled Ornamental Lamps</i>	Haggerty Enterprises, Inc. Chicago, IL	5-22-97; 6-20-97 (supplement)	7-1-97	(¹)	Terminated ⁹	3-24-98	(¹)

Table 3—Continued

Investigations and related proceedings completed under sec. 337 of the Tariff Act of 1930, fiscal year 1998

Investigation No. and title	Complainant	Complaint filed	Federal Register notice date	Public hearing	Finding and remedy of Commission	Date orders issued	USITC publication No.
337-TA-400 <i>Certain Telephonic Digital Added Main Line Systems, Components Thereof, and Products Containing Same</i>	Raychem Corp. Menlo Park, CA	7-15-97; 8-7-97 (supplement)	8-20-97	(¹)	Terminated ⁶	3-5-98	(¹)
337-TA-401 <i>Certain CD-ROM Controllers and Products Containing Same</i>	Oak Technology, Inc. Sunnyvale, CA	7-21-97; 8-1-97, 8-7-97 (supplement)	8-27-97	(¹)	Terminated ¹⁰	5-8-98	(¹)
337-TA-405 <i>Certain Automotive Scissors Jacks</i>	Universal Tool and Stamping Co., Inc. Butler, IN	11-13-97	12-19-97	(¹)	Terminated ⁶	8-13-98	(¹)
337-TA-407 <i>Certain Remodulating Channel Selectors and Systems Containing Same</i>	Ciena Corporation Linthicum, MD	3-12-98; 4-8-98 (amendment)	4-17-98	(¹)	Terminated ⁶	9-1-98	(¹)
337-TA-408 <i>Certain Recombinantly Produced Hepatitis B Vaccines and Products Containing Same</i>	Chiron Corporation Emeryville, CA	4-3-98; 4-20-98 (supplement and amendment) 4-27-98 (supplement)	5-13-98	(¹)	Terminated ⁶	9-10-98	(¹)

¹ Not applicable.

² On 8-14-97, the United States Court of Appeals for the Federal Circuit reversed the Commission's dismissal of the complaint as a sanction and remanded the investigation for further proceedings. The Commission terminated the investigation based on withdrawal of the complaint and vacated alternative findings by the administrative law judge on 12-11-97.

³ Limited exclusion order and cease and desist order. President took no action; became final on 2-3-98. Commission terminated sanctions and bond forfeiture return proceedings on 8-21-98.

⁴ Limited exclusion order. President took no action; became final 12-15-97.

⁵ No violation.

⁶ Settlement agreement.

⁷ Consent order. The Commission rescinded the consent order on the basis of a settlement agreement on 7-30-98.

⁸ Withdrawal of complaint.

⁹ Consent orders, settlement agreement and withdrawal of allegations against some respondents.

¹⁰ Settlement agreement and withdrawal of complaint.

Table 4

Investigations and related proceedings under sec. 337 of the Tariff Act of 1930 pending on Sept. 30, 1998

Investigation No. and title	Complainant	Complaint filed	Federal Register notice date
337-TA-380 (enforcement proceeding) <i>Certain Agricultural Tractors Under 50 Power Take-Off Horsepower</i>	Kubota Tractor Corporation Torrance, CA Kubota Manufacturing of America Corporation Gainesville, GA Kubota Corporation Osaka, Japan	7-16-98	10-7-98
337-TA-402 <i>Certain Integrated Circuits and Products Containing Same</i>	Fujitsu Limited Tokyo, Japan Fujitsu Microelectronics, Inc. San Jose, CA	9-30-97; 10-15-97 (supplement)	11-5-97
337-TA-403 <i>Certain Acesulfame Potassium and Blends and Products Containing Same</i>	Nutrinova Nutrition Specialties and Food Ingredients GmbH Frankfurt am Main, Federal Republic of Germany Nutrinova Inc. Somerset, NJ	10-16-97; 10-30-97, 11-10-97 (supplements)	11-20-97
337-TA-404 <i>Certain SDRAMs, DRAMs, ASICs, RAM-and-Logic Chips, Microprocessors, Microcontrollers, Processes for Manufacturing Same and Products Containing Same</i>	Samsung Electronics Co., Ltd. Seoul, Korea Samsung Austin Semiconductor, L.L.C. Austin, TX	10-16-97; 11-3-97 (supplement)	11-20-97
337-TA-406 <i>Certain Lens-Fitted Film Packages</i>	Fuji Photo Film Co., Ltd. Tokyo, Japan	2-13-98; 3-2-98 (supplement) 3-6-98 (withdrawal of one respondent)	3-25-98
337-TA-409 <i>Certain CD-ROM Controllers and Products Containing Same-II</i>	Oak Technology, Inc. Sunnyvale, CA	4-7-98; 4-20-98, 4-24-98 (supplements)	5-13-98

Table 4—Continued

Investigations and related proceedings under sec. 337 of the Tariff Act of 1930 pending on Sept. 30, 1998

Investigation No. and title	Complainant	Complaint filed	Federal Register notice date
337-TA-410 <i>Certain Coated Optical Waveguide Fibers and Products Containing Same</i>	Corning, Inc. Corning, NY	4-9-98; 4-28-98, 5-6-98 (supplements)	5-13-98
337-TA-411 <i>Certain Organic Photo-conductor Drums and Products Containing the Same</i>	Mitsubishi Chemical Corp. Tokyo, Japan Mitsubishi Chemical America, Inc. White Plains, NY	4-30-98; 5-18-98, 5-28-98 (supplements) 5-26-98 (withdrawal of two respondents)	6-4-98
337-TA-412 <i>Certain Video Graphics Display Controllers and Products Containing Same</i>	Cirrus Logic, Inc. Fremont, CA	7-1-98	7-31-98
337-TA-413 <i>Certain Rare-Earth Magnets and Magnetic Materials and Articles Containing the Same</i>	Magnequench International, Inc. Anderson, IN Sumitomo Special Metals Co., Ltd. Osaka, Japan	7-31-98; 8-24-98 (supplement)	9-4-98
337-TA-414 <i>Certain Semiconductor Memory Devices and Products Containing Same</i>	Micron Technology, Inc. Boise, ID	8-21-98	9-25-98
337-TA-415 <i>Certain Mechanical Lumbar Supports and Products Containing Same</i>	McCord Winn Textron Inc. Manchester, NH	8-19-98; 9-14-98 (amendment) 9-16-98 (supplement)	9-29-98
337-TA-416 <i>Certain Compact Multipurpose Tools</i>	Leatherman Tool Group, Inc. Portland, OR	8-28-98; 9-15-98, 9-21-98, 9-22-98 (supplements)	9-30-98

Table 5
Countervailing duty investigations completed under sec. 701 of the Tariff Act of 1930, fiscal year 1998

Investigation No. and title	Preliminary investigation					Final investigation				
	(a) Request received (b) Conference (c) Report to Secretary of Commerce	Affirmative	Negative/negligibility ¹	Not participating	USITC publication No.	(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative/negligibility ¹	Not participating	USITC publication No.
701-TA-368-371 <i>Certain Steel Wire Rod from Canada, Germany, Trinidad and Tobago, and Venezuela</i>	(²)	(²)	(²)	(²)	(²)	(a) 8-1-97 (b) 10-16-97 (c) 11-28-97	Crawford ³	Miller ^{3,4,5} Bragg ^{3,4,5} Newquist ^{3,4,5} Crawford ^{4,5}	(²)	3075
701-TA-372 <i>Fresh Atlantic Salmon from Chile(terminated 6-9-98)</i>	(²)	(²)	(²)	(²)	(²)	(a) 1-16-98 (b) (²) (c) (²)	(²)	(²)	(²)	(²)
701-TA-373 <i>Stainless Steel Wire Rod from Italy</i>	(²)	(²)	(²)	(²)	(²)	(a) 1-7-98 (b) 7-22-98 (c) 9-8-98	Bragg Miller Koplan	Crawford Askey	Hillman ⁶	3126
701-TA-374 <i>Butter Cookies in Tins from Denmark</i>	(a) 2-6-98 (b) 2-27-98 (c) 3-23-98	Bragg	Miller Crawford	(²)	3092	(²)	(²)	(²)	(²)	(²)
701-TA-375 <i>Extruded Rubber Thread from Indonesia</i>	(a) 3-31-98 (b) 4-20-98 (c) 5-15-98	Miller Bragg Crawford ⁷	Crawford ⁸	(²)	3106	(²)	(²)	(²)	(²)	(²)
701-TA-376-379 <i>Certain Stainless Steel Plate from Belgium, Italy, Korea, and South Africa</i>	(a) 3-31-98 (b) 4-21-98 (c) 5-15-98	Miller Bragg Crawford	(²)	(²)	3107	(²)	(²)	(²)	(²)	(²)

Table 5—Continued

Countervailing duty investigations completed under sec. 701 of the Tariff Act of 1930, fiscal year 1998

Investigation No. and title	Preliminary investigation					Final investigation								
	(a) Request received	(b) Conference	(c) Report to Secretary of Commerce	Affirmative	Negative/negligibility ¹	Not participating	USITC publication No.	(a) Advice received from Commerce	(b) Hearing	(c) Report to Secretary of Commerce	Affirmative	Negative/negligibility ¹	Not participating	USITC publication No.
701-TA-380-382 <i>Certain Stainless Steel Sheet and Strip from France, Italy, and the Republic of Korea</i>	(a) 6-10-98	Bragg	(²)	(²)	3118	(²)	(²)	(²)	(²)	(²)	(²)	(²)	(²)	(²)
	(b) 7-1-98	Miller												
	(c) 7-27-98	Crawford												

¹ For definition of negligibility, see page 73.

² Not applicable.

³ With respect to Canada and Venezuela.

⁴ With respect to Trinidad and Tobago.

⁵ Made a finding of negligibility with respect to imports from Germany.

⁶ Commissioner Hillman did not participate because her entry on duty was too recent to permit her to perform a complete analysis of all the information in the investigation.

⁷ With respect to all other extruded rubber thread.

⁸ With respect to food grade extruded rubber thread.

Table 6
Antidumping duty investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1998

Investigation No. and title	Preliminary investigation					Final investigation				
	(a) Request received (b) Conference (c) Report to Secretary of Commerce	Affirmative	Negative/negligibility ¹	Not participating	USITC publication No.	(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative/negligibility ¹	Not participating	USITC publication No.
731-TA-698 (remand) <i>Magnesium from Ukraine</i>	(²)	(²)	(²)	(²)	(²)	(a) 4-28-98 ³ (b) (²) (c) 6-30-98 ⁴	Bragg	Miller Crawford	(²)	3113
731-TA-750 <i>Vector Supercomputers from Japan</i>	(²)	(²)	(²)	(²)	(²)	(a) 4-1-97 (b) 8-27-97 (c) 10-3-97	Miller Bragg Newquist	(²)	Crawford ⁵	3062
731-TA-753-756 <i>Certain Carbon Steel Plate from China, Russia, South Africa, and Ukraine</i>	(²)	(²)	(²)	(²)	(²)	(a) 6-10-97 (b) 10-28-97 (c) 12-11-97	Miller Bragg Newquist Crawford	(²)	(²)	3076
731-TA-757 and 759 <i>Collated Roofing Nails from China and Taiwan</i>	(²)	(²)	(²)	(²)	(²)	(a) 5-9-97 (b) 9-30-97 (c) 11-12-97	Miller Bragg Newquist	Crawford	(²)	3070
731-TA-758 <i>Collated Roofing Nails from Korea (terminated 10-1-97)</i>	(²)	(²)	(²)	(²)	(²)	(a) 5-9-97 (b) 9-30-97 (c) (²)	(²)	(²)	(²)	(²)
731-TA-761-762 <i>Static Random Access Memory Semiconductors from the Republic of Korea and Taiwan</i>	(²)	(²)	(²)	(²)	(²)	(a) 9-25-97 (b) 2-18-98 (c) 4-8-98	Bragg ⁶	Miller Bragg ⁷ Crawford ⁷	Crawford ⁸	3098

Table 6—Continued

Antidumping duty investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1998

Investigation No. and title	Preliminary investigation					Final investigation				
	(a) Request received (b) Conference (c) Report to Secretary of Commerce	Affirmative	Negative/negligibility ¹	Not participating	USITC publication No.	(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative/negligibility ¹	Not participating	USITC publication No.
731-TA-763-766 <i>Certain Steel Wire Rod from Canada, Germany, Trinidad and Tobago, and Venezuela</i>	(²)	(²)	(²)	(²)	(²)	(a) 9-29-97 (b) 10-16-97 (c) 3-17-98	Crawford ⁹	Miller Bragg Crawford ¹⁰	(²)	3087
731-TA-768 <i>Fresh Atlantic Salmon from Chile</i>	(²)	(²)	(²)	(²)	(²)	(a) 1-16-98 (b) 6-3-98 (c) 7-22-98	Bragg Miller	Crawford	(²)	3116
731-TA-769-775 <i>Stainless Steel Wire Rod from Germany, Italy, Japan, Korea, Spain, Sweden, and Taiwan</i>	(²)	(²)	(²)	(²)	(²)	(a) 3-5-98 (b) 7-22-98 (c) 9-8-98	Bragg Miller ¹¹ Koplan ¹¹	Miller ¹² Crawford Koplan ¹² Askey	Hillman ¹³	3126
731-TA-776-779 <i>Certain Preserved Mushrooms from Chile, China, India, and Indonesia</i>	(a) 1-6-98 (b) 1-27-98 (c) 2-20-98	Miller Bragg Crawford	(²)	(²)	3086	(²)	(²)	(²)	(²)	(²)
731-TA-780 <i>Butter Cookies in Tins from Denmark</i>	(a) 2-6-98 (b) 2-27-98 (c) 3-23-98	Bragg	Miller Crawford	(²)	3092	(²)	(²)	(²)	(²)	(²)

Table 6—Continued

Antidumping duty investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1998

Investigation No. and title	Preliminary investigation					Final investigation				
	(a) Request received (b) Conference (c) Report to Secretary of Commerce	Affirmative	Negative/negligibility ¹	Not participating	USITC publication No.	(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative/negligibility ¹	Not participating	USITC publication No.
731-TA-781-786 <i>Stainless Steel Round Wire from Canada, India, Japan, Korea, Spain, and Taiwan</i>	(a) 3-27-98 (b) 4-17-98 (c) 5-11-98	Miller Bragg Crawford	(²)	(²)	3111	(²)	(²)	(²)	(²)	(²)
731-TA-787 <i>Extruded Rubber Thread from Indonesia</i>	(a) 3-31-98 (b) 4-20-98 (c) 5-15-98	Miller Bragg Crawford ¹⁴	Crawford ¹⁵	(²)	3106	(²)	(²)	(²)	(²)	(²)
731-TA-788-793 <i>Certain Stainless Steel Plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan</i>	(a) 3-31-98 (b) 4-21-98 (c) 5-15-98	Miller Bragg Crawford	(²)	(²)	3107	(²)	(²)	(²)	(²)	(²)
731-TA-794-796 <i>Certain Emulsion Styrene-Butadiene Rubber from Brazil, Korea, and Mexico</i>	(a) 4-1-98 (b) 4-22-98 (c) 5-18-98	Miller Bragg Crawford	(²)	(²)	3108	(²)	(²)	(²)	(²)	(²)

Table 6—Continued

Antidumping duty investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1998

Investigation No. and title	Preliminary investigation					Final investigation				
	(a) Request received (b) Conference (c) Report to Secretary of Commerce	Affirmative	Negative/negligibility ¹	Not participating	USITC publication No.	(a) Advice received from Commerce (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative/negligibility ¹	Not participating	USITC publication No.
731-TA-797-804 <i>Certain Stainless Steel Sheet and Strip from France, Germany, Italy, Japan, the Republic of Korea, Mexico, Taiwan, and the United Kingdom</i>	(a) 6-10-98 (b) 7-1-98 (c) 7-27-98	Bragg Miller Crawford	(²)	(²)	3118	(²)	(²)	(²)	(²)	(²)

¹ For definition of negligibility, see page 73.

² Not applicable.

³ Remanded by the Court of International Trade.

⁴ This investigation was remanded to the ITC by the Court of International Trade (CIT) for further proceedings; the ITC determination on remand was submitted, as required, to the CIT, not the Secretary of Commerce.

⁵ Commissioner Crawford recused herself in order to avoid the appearance of a conflict of interest.

⁶ With respect to Taiwan.

⁷ With respect to the Republic of Korea.

⁸ Commissioner Crawford recused herself with respect to imports of static random access memory semiconductors from Taiwan in order to avoid the appearance of a conflict of interest.

⁹ With respect to Canada, Germany, and Venezuela.

¹⁰ With respect to Trinidad and Tobago.

¹¹ With respect to Italy, Japan, Korea, Spain, Sweden, and Taiwan.

¹² With respect to Germany.

¹³ Commissioner Hillman did not participate because her entry on duty was too recent to permit her to perform a complete analysis of all the information in the investigation.

¹⁴ With regard to all other extruded rubber thread.

¹⁵ With respect to food grade extruded rubber thread.

Table 7**Antidumping and countervailing duty investigations pending on Sept. 30, 1998**

Investigation No. and title	Date investigation instituted
701-TA-383 (preliminary) <i>Elastic Rubber Tape from India</i>	8-1-98
701-TA-384 (preliminary) <i>Certain Hot-Rolled Steel Products from Brazil</i>	9-30-98
731-TA-805 (preliminary) <i>Elastic Rubber Tape from India</i>	8-18-98
731-TA-806-808 (preliminary) <i>Certain Hot-Rolled Steel Products from Brazil, Japan, and Russia</i>	9-30-98
731-TA-374 (final) <i>Potassium Chloride from Canada</i> (suspended 1-14-88)	8-25-87
731-TA-519 (final) <i>Gray Portland Cement and Cement Clinker from Venezuela</i> (suspended 2-27-92)	11-4-91
731-TA-539 (A-C and F) (final) <i>Uranium from Kazakhstan, Kyrgyzstan, Russia, and Uzbekistan</i> (suspended 10-21-92)	6-2-92
731-TA-661-662 (final) <i>Color Negative Photographic Paper and Certain Chemical Components from Japan and the Netherlands</i> (suspended 8-19-94)	4-6-94
731-TA-722 (final) <i>Honey from the People's Republic of China</i> (suspended 8-2-95)	3-20-95
731-TA-740 (final) <i>Sodium Azide from Japan</i> (suspended 1-7-97)	8-16-96
731-TA-747 (final) <i>Fresh Tomatoes from Mexico</i> (suspended 11-1-96)	8-21-96
303-TA-21 (final) <i>Gray Portland Cement and Cement Clinker from Venezuela</i> (suspended 3-17-92)	8-19-91

Table 8
Investigations under sec. 22 of the Agricultural Adjustment Act pending on Sept. 30, 1998

Investigation No. and title	Request received	Date investigation instituted	Public hearing	Findings and recommendations	Date report was—		USITC publication No.
					Submitted to President	Released (public version)	
22-55 <i>Peanut Butter and Peanut Paste</i> (suspended 6-28-94)	11-17-93	1-18-94	(¹)	(¹)	(¹)	(¹)	(¹)

¹ Not applicable.

Table 9
Changed circumstances review investigations completed under sec. 751(b) of the Tariff Act of 1930, fiscal year 1998

Investigation No. and title	(a) Institution (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not participating	USITC publication No.

¹ Not applicable.

Table 10

Changed circumstances review investigations under sec. 751(b) of the Tariff Act of 1930 pending on Sept. 30, 1998

Investigation No. and title	(a) Institution (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not participating	USITC publication No.
751-TA-15 <i>Stainless Steel Plate from Sweden</i> (suspended 8-16-93)	(a) 6-30-93 (b) (1) (c) (1)	(1)	(1)	(1)	(1)
751-TA-21-27 <i>Ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela</i>	(a) 7-20-98 (b) (1) (c) (1)	(1)	(1)	(1)	(1)

¹ Not applicable.

Table 11

Countervailing duty investigations completed under sec. 753 of the Tariff Act of 1930¹, fiscal year 1998

Investigation No. and title	(a) Institution (b) Hearing (c) Report to Secretary of Commerce	Affirmative	Negative	Not participating	USITC publication No.
753-TA-34 <i>Extruded Rubber Thread from Malaysia</i>	(a) 12-15-97 (b) 5-5-98 (c) 6-25-98	(²)	Miller Bragg Crawford	(²)	3112
735-TA-35 <i>Steel Wire Rope from Thailand</i> (terminated 1-15-98)	(a) 1-5-88 (b) (²) (c) (²)	(²)	(²)	(²)	(²)

¹ Section 753 of the Tariff Act of 1930 provides that, 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 the Commission to 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.

² Not applicable.

Table 12

Safeguard investigations completed under sec. 201 of the Trade Act of 1974, fiscal year 1998

Investigation No. and title	Petitioner or requester	Petition or request filed	Public hearing	Finding of Commission	Affirmative	Negative	Not participating	To the President	USITC publication No.
TA-201-67 <i>Wheat Gluten</i>	Wheat Gluten Industry Council	9-19-97	12-16-97 ¹ 2-10-98 ²	Affirmative	Miller Bragg Crawford	(³)	Newquist ⁴	3-18-98	3088

¹ With respect to injury.

² With respect to remedy.

³ Not applicable.

⁴ Commissioner Newquist recused himself in order to avoid the appearance of a conflict of interest.

Table 13**Five-Year (Sunset) Reviews under Sec. 751(c) of the Tariff Act of 1930 pending on Sept. 30, 1998**

Investigation No. and title	Federal Register notice date
AA1921-49 <i>Steel Jacks from Canada</i>	7-6-98
AA1921-85 <i>Fish Netting of Manmade Fiber from Japan</i>	7-6-98
AA1921-86-88 <i>Large Power Transformers from France, Italy, and Japan</i>	7-6-98
AA1921-98 <i>Bicycle Speedometers from Japan</i>	7-6-98
AA1921-110 <i>Canned Bartlett Pears from Australia</i>	7-6-98
AA1921-111 <i>Roller Chain from Japan</i>	7-6-98
AA1921-114 <i>Stainless Steel Plate from Sweden</i>	8-3-98
AA1921-115 <i>Synthetic Methionine from Japan</i>	8-3-98
AA1921-129 <i>Polychloroprene Rubber from Japan</i>	8-3-98
AA1921-127 <i>Elemental Sulphur from Canada</i>	8-3-98
AA1921-137 <i>Racing Plates from Canada</i>	8-3-98
AA1921-154 <i>Acrylic Sheet from Japan</i>	8-3-98
AA1921-162 <i>Melamine from Japan</i>	8-3-98
104-TAA-21 <i>Cotton Yarn from Brazil</i>	9-1-98
AA1921-167 <i>Pressure Sensitive Plastic Tape from Italy</i>	9-1-98
AA1921-172 <i>Animal Glue from Germany</i>	9-1-98

Table 13—Continued

Five-Year (Sunset) Reviews under Sec. 751(c) of the Tariff Act of 1930 pending on Sept. 30, 1998

Investigation No. and title	Federal Register notice date
AA1921-173 <i>Railway Track Maintenance Equipment from Austria</i>	9-1-98
AA1921-176 <i>Impression Fabric from Japan</i>	9-1-98
AA1921-188 <i>Prestressed Concrete Steel Wire Strand from Japan</i>	9-1-98
AA1921-191 and 104-TAA-13 <i>Rayon Staple Fiber from Finland and Sweden</i>	9-1-98

APPENDIX B

REPORTS COMPLETED DURING FISCAL YEAR 1998 AND PENDING ON SEPTEMBER 30, 1998

Section 332 Studies Completed During FY 1998

See also the Highlights section of this report for details on some of the more significant analytical section 332 studies completed during the year.

Annual Statistical Report on U.S. Imports of Textiles and Apparel: 1997 (332-343)

On June 15, 1993, the Commission instituted on its own motion an investigation on U.S. imports of textiles and apparel under the Multifiber Arrangement. The ITC had published similar data on an annual basis since 1981.

The Commission initially announced that it would publish reports in 1993, 1994, and 1995. In July 1996, the Commission announced it would continue publishing the reports through 1998. The annual reports in this investigation provide statistics on U.S. textile and apparel imports for the most recent year and at least three preceding years, broken down by fibers, broad product groups, and regional country groups. The reports present data for the 35 largest countries by value, whether or not their products are covered by a quota. The country data are in terms of the product categories used to administer the U.S. trade agreements program for textiles and apparel. The ITC published its final report in this series, containing 1997 data, in April 1998.

North American Free Trade Agreement: Probable Economic Effect on U.S. Industries and Consumers of Accelerated Elimination of U.S. Tariffs on Certain Articles from Mexico, Round Two (332-387)

On October 20, 1997, the USTR requested that the ITC investigate the probable economic effects of accelerated elimination of the U.S. import duty for certain articles from Mexico. The confidential ITC report was submitted to the USTR in February 1998.

U.S.–Africa Trade Flows and Effects of the Uruguay Round Agreements and U.S. Trade and Development Policy (Third Annual Report) (332-362)

On March 30, 1995, the USTR requested that the ITC investigate the effects of U.S. trade and development policy and the Uruguay Round on U.S.–Africa trade flows. The USTR requested that the investigation include five annual reports to the President under the Africa Policy Section of the Statements of Administrative Action that Congress approved with the Uruguay Round Agreements Act. The third ITC report, submitted in October 1997, provided an update for the latest year available of U.S.–Africa trade and investment flows in major sectors. The report also identified major developments in the WTO and in U.S. trade/economic policy and commercial activities that significantly affect U.S.–Africa trade and investment with the region; information on changing trade and economic activities within individual countries; and included updated information on progress in regional

integration in Africa. As with the first and second reports, the ITC limited its study to the 48 countries in Sub-Saharan Africa.

Recurring Industry Surveys Under Section 332

Nonrubber Footwear Statistical Report (332-191)

On August 8, 1984, the Senate Committee on Finance requested that the ITC investigate and publish quarterly reports on nonrubber footwear. In February 1996, the Committee requested that the Commission change its publication schedule from quarterly to annual reports, effective January 1, 1996, and cease publishing the report in the year 2000. The Committee requested that the annual report continue to include data on production and/or shipments, imports, exports, apparent consumption, market share, employment, unemployment, and plant closings. The ITC annual report containing data for 1997 was submitted in March 1998.

Caribbean Basin Economic Recovery Act: Impact on U.S. Industries and Consumers, Thirteenth Report (332-227)

Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution (Fifth Report, 1997) (332-352)

Section 215 of the Caribbean Basin Economic Recovery Act (CBERA) requires the ITC to annually report on the operation of the program. The CBERA, which became effective January 1, 1984, affords preferential tariff treatment to most products of 24 designated Caribbean, Central American, and South American countries. Section 206 of the Andean Trade Preference Act (ATPA) requires the ITC to submit annual reports to the Congress and the President evaluating the economic impact of the ATPA on U.S. industries and consumers and discussing the ATPA's effectiveness in promoting drug-related crop eradication and crop substitution in the four Andean beneficiary countries — Bolivia, Colombia, Ecuador, and Peru. The ITC publishes the two annual reports in a single volume.

The current ITC reports examine trends in U.S. trade with beneficiaries from the implementation of each program until 1997. The ITC found that the overall effect of CBERA- and ATPA-exclusive imports on the U.S. economy and consumers continued to be negligible in 1997. Based on the upper range estimates and industry analysis, the Commission did not identify any U.S. industries that would face potentially significant negative effects from CBERA-exclusive imports. U.S. imports of the 20 leading CBERA-exclusive items, except for two sugar items, produced net welfare gains for U.S. consumers in 1997. U.S. imports of nearly all of the 20 leading ATPA-exclusive items produced net welfare gains for U.S. consumers in 1997. Fresh cut roses yielded the largest such net gain, followed by asparagus, and chrysanthemums, carnations, anthuriums, and orchids. The same three industries were identified as potentially experiencing displacement by ATPA imports of more than an estimated 5 percent of the value of U.S. production. The probable future effect of the CBERA and the ATPA on the United States, as estimated by an examination of export-oriented investment in the beneficiary countries, is also expected to be minimal in most sectors. In addition, country case studies were conducted to analyze the effectiveness of the CBERA and the ATPA in promoting export-led growth and export diversification in the beneficiary countries. ATPA continued to have a slight but positive effect on drug-crop eradication and crop substitution in the Andean region in 1997. Eradication efforts contributed to a marked, overall decline in the volume of land under coca cultivation, and alternative development efforts to introduce new products and expand licit-crop production in the region are continuing to show promising results.

Production Sharing: Use of U.S. Components and Materials in Foreign Assembly Operations, 1993–1996 (332-237)

On September 4, 1986, the Commission instituted on its own motion an annual investigation that assesses by industry sector the products and countries that use the production sharing provisions of the HTS. These provisions provide reduced tariff treatment for eligible goods assembled or processed in foreign locations that contain U.S.–made components or U.S.–origin metal. The ITC annual report containing data for the years 1993–96, published in December 1997, found that the value of U.S.–made components exported for assembly in foreign locations then returned as imported products under the production sharing provisions reached \$24 billion in 1996. The 1997 report assesses developments in assembly operations in Mexico, the Caribbean Basin, and Southeast Asia; the types of products assembled in foreign locations; trends in the location of foreign assembly operations; the impact on key U.S. industries of global production sharing activities; and important recent production sharing highlights, including Canadian involvement in Mexico's maquiladora industry and the use by U.S. producers of assembly plants in Hungary to supply markets in Europe.

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

Section VII of the 1989 Steel Trade Liberalization Program Implementation Act requires the ITC to determine annually the U.S. domestic market for fuel ethyl alcohol during the 12–month period ending on the preceding September 30. Section VII of the Act concerns local feedstock requirements for fuel ethyl alcohol imported into the United States from Caribbean Basin Initiative (CBI) beneficiary countries. The ITC's domestic market estimate is used to establish the “base quantity” of imports that can be imported with a zero percent local feedstock requirement. Beyond the base quantity of imports, progressively higher local feedstock requirements are placed on imports of fuel ethyl alcohol and mixtures from the CBI beneficiary countries. The ITC uses official statistics of the U.S. Department of Energy to make its determinations. For the 12–month period ending September 30, 1997, the ITC determined that the base quantity for 1998 was 80.3 million gallons. The ITC announced this determination in December 1997.

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

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

Section 316 of the NAFTA Implementation Act requires the ITC to monitor U.S. imports of “fresh or chilled tomatoes” and “fresh or chilled peppers, other than chili peppers” until January 1, 2009. The ITC reports were submitted in September 1998 to the House Committee on Ways and Means; the Senate Committee on Finance; the Senate Committee on Agriculture, Nutrition and Forestry; the House Committee on Agriculture; and the USTR. Each contained statistical information for the respective industry gathered by the ITC in the course of its monitoring. The reports include current conditions in the U.S. industry in such areas as production, imports, exports, and prices.

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

On April 18, 1994, the USTR requested that the ITC initiate an ongoing program to compile and maintain the United States Schedule of Services Commitments. The establishment of such a schedule was required by the General Agreement on Trade in Services (GATS), which was negotiated as part of the GATT Uruguay Round of multilateral trade negotiations. The GATS provides for the establishment of national schedules of commitments by countries setting forth their national commitments pertaining to specific service sectors. These schedules bind countries to maintain a minimum level of market access and bind them to a national treatment obligation. The GATS also provides for a broad most– favored nation (MFN) obligation, unless nations provide a list of exceptions for

MFN treatment. The schedules and MFN exceptions will provide the basis for efforts to further liberalize international trade in services. The USTR requested that the ITC compile an initial U.S. Schedule reflecting the final services commitments made in the Uruguay Round and work with the USTR to update the U.S. Schedule, as necessary, to reflect all future commitments resulting from the post-Uruguay Round negotiations on financial, telecommunications, and maritime services, and future bilateral and multilateral services negotiations undertaken by the USTR. The ITC compiled an initial U.S. Schedule and submitted it to the USTR in October 1994. Changes to the financial services section of the U.S. Schedule were completed in July 1998.

Program to Maintain Investment Restrictions Database (332-377)

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

Section 332 Studies in Progress at the End of FY 1998

The Economic Effects of Significant U.S. Import Restraints: Second Biennial Update (332-325)

On May 15, 1992, the USTR requested that the ITC assess the quantitative economic effects of significant U.S. import restraint programs operating in the U.S. economy. The request also asked the Commission to prepare reports updating the analysis in two-year intervals following the submission of the first report. The first report was delivered to the USTR in November 1993, and the first update was transmitted in December 1995. The USTR requested in March 1997 that the second update be delayed to February 1999 to allow the analysis to incorporate important information due to be released very near the previously scheduled December 1997 transmission date. In the second biennial update report, the ITC will assess the economic effects of significant U.S. import restraints on U.S. consumers, the activities of U.S. firms, the income and employment of U.S. workers, and the net economic welfare of the United States. The investigation will not include import restraints resulting from final antidumping or countervailing duty investigations, section 337 or 406 investigations, or section 301 actions. Scheduled completion: February 1999.

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

On January 25, 1995, the USTR requested that the ITC investigate the international harmonization of customs rules of origin. The investigation will provide the basis for ITC participation in work related to the Uruguay Round Agreement on Rules of Origin, negotiated in the GATT Uruguay Round negotiations and adopted along with the Agreement Establishing the World Trade Organization.

The ITC investigation will include soliciting public input to ensure that U.S. business interests are recognized in the development of U.S. proposals, participating in the development and representation of U.S. proposals before the World Customs Organization and the WTO, and conducting other research as required. At the conclusion of its analysis, the ITC will prepare a final report to the President and the Congress.

U.S.–Africa Trade Flows and Effects of the Uruguay Round Agreements and U.S. Trade and Development Policy (Fourth Annual Report) (332-362)

On March 30, 1995, the USTR requested that the ITC investigate the effects of U.S. trade and development

policy and the Uruguay Round on U.S.–Africa trade flows. The USTR requested that the investigation include five annual reports to the President under the Africa Policy Section of the Statements of Administrative Action that Congress approved with the Uruguay Round Agreements Act. The first ITC report was submitted to the USTR in February 1996, the second report was submitted in October 1996, and the third report was submitted in October 1997. The fourth annual report will include an update of U.S.–Africa trade and investment flows for the latest year available, including both overall trade and trade in the following major sectors: agriculture, forest products, textiles and apparel, footwear, energy, chemicals, minerals and metals, machinery, transportation equipment, electronics technology, miscellaneous manufactures, and services. The report will also include basic trade flow information for U.S. trade with the Southern African Customs Union, the Southern African Development Community, the Western African Economic and Monetary Union, and the Common Market for Eastern and Southern Africa. The report will also identify major developments in the WTO and in U.S. trade/economic activities that significantly affect U.S.–Africa trade and investment flows by sector during the latest year and changing trade and economic activities within African countries that have a significant impact on U.S.–Africa trade flows. The USTR also requested that the fourth report include information on progress in regional integration in Africa. As with the first three reports, the ITC will limit its study to the 48 countries in Sub-Saharan Africa. Scheduled completion: October 1998.

The Changing Structure of the Global Large Civil Aircraft Industry and Market: Implications for the Competitiveness of the U.S. Industry (332-384)

On August 13, 1997, the House Committee on Ways and Means requested that the ITC investigate the global competitiveness of the U.S. large civil aircraft industry. In its request letter, the Committee noted that there have been many important developments in the global large civil aircraft industry since the ITC completed a study on the industry for the Senate Committee on Finance in August 1993 (*Global Competitiveness of U.S. Advanced-Technology Manufacturing Industries: Large Civil Aircraft*, Inv. No. 332-332, USITC publication 2667). As requested, the new ITC study will be similar in scope to the earlier study, and it will include information on changes in the structure of the global large civil aircraft industry, including the Boeing–McDonnell Douglas merger, the restructuring of Airbus Industrie, the emergence of Russian producers, and the possibility of Asian parts suppliers forming consortia to manufacture complete airframes; developments in the global market for aircraft, including the emergence of regional jet aircraft and proposed jumbo jets; and issues involving “open skies” and “free flights;” the implementation and status of the 1992 U.S.–EU Large Civil Aircraft Agreement; and other significant developments that affect the competitiveness of the U.S. large civil aircraft industry. The ITC’s report will cover the period 1992–1996, and to the extent possible, 1997. Scheduled completion: November 1998.

Simplification of the Harmonized Tariff Schedule of the United States (332-388)

On July 14, 1997, the House Committee on Ways and Means requested that the ITC propose modifications to the Harmonized Tariff Schedule of the United States to make it simpler, more transparent, and easier to use. Scheduled completion: July 2000.

Ammonium Nitrate: A Comparative Analysis of Factors Affecting Global Trade (332-393)

On April 2, 1998, the Senate Committee on Finance requested that the ITC provide a comparative analysis of the ammonium nitrate industries in the United States, the European Union, and Russia. In its request letter, the Committee noted that U.S. ammonium nitrate producers have concerns about the competitive conditions affecting their industry, including increased imports of ammonium nitrate from Russia. The Committee further noted that producers believe that these increased imports are the indirect result of the European Union’s imposition of an

antidumping order in 1995 on EU imports of ammonium nitrate from Russia. Moreover, the producers are concerned about additional imports of Russian ammonium nitrate into the United States as a result of the EU's recent institution of a review of the original order, according to the Committee's letter. The ITC's analysis will include profiles of the industries, addressing, to the extent possible, factors such as production, trade, and consumption; ownership and investment patterns; government programs; the ammonium nitrate production process with information regarding major feedstocks; and trends in domestic and export prices of ammonium nitrate. Scheduled completion: October 1998.

Effects on U.S. Trade of the European Union's Association Agreements with Selected Central and Eastern European Partners (332-395)

On April 15, 1998, the USTR requested that the ITC investigate the effects on U.S. trade flows of the European Union's association agreements with the Czech Republic, Estonia, Hungary, Poland, and Slovenia. In her request letter, the USTR noted that the European Union has signed a number of trade-liberalizing agreements with trading partners in Central and Eastern Europe and the Mediterranean and is pursuing similar agreements with other countries, notably several in Latin America plus South Africa. These agreements, some of which have been in operation for several years, are presently being reviewed by the World Trade Organization's Committee on Regional Trading Arrangements. The agreements the EU has concluded with various Central and Eastern European countries have established the starting point for negotiations on EU membership, which have commenced this year. As requested, the ITC will assess the effects on U.S. trade flows, sector by sector (including agriculture), of the EU's association agreements with the five countries, both individually and on an aggregate basis. Specifically, the ITC investigation will encompass an analysis of potential trade diversionary effects of these agreements and a discussion of other relevant factors affecting trade in these sectors. In addition, the ITC will review and compile a bibliography of existing academic and other literature relating to this topic; solicit to the extent possible the views of U.S. firms having experience in the relevant markets; and discuss aggregate effects of all five agreements to the extent possible. Portions of the ITC's report may be classified. Scheduled completion: April 1999.

Economic Trends and Barriers to Trade in Products Covered by the WTO Agreement on Agriculture (332-396)

On July 17, 1998, the USTR requested that the ITC conduct an investigation that will result in the development of an informational and analytical resource base for the Administration's use in upcoming World Trade Organization negotiations on agriculture trade. In her request letter, the USTR noted that significant agricultural trade liberalization achievements of the Uruguay Round will be realized by the year 2000, and the next round of WTO negotiations on agricultural trade is expected to begin in late 1999. The USTR indicated that during the course of the negotiations, the Administration will need to assess various offers dealing with tariff and rule changes in many agricultural sectors of importance to the United States, and it will be most important that the Administration be in a position to obtain thorough, rapid and accurate assessments of the trade and economic effects of various offers made. As requested, the ITC will provide an informational and analytical resource base to assist the Administration in the upcoming WTO negotiations on agricultural trade. The study will examine the following sectors: grains; oilseeds (including peanuts); dairy; animals and animal products, other than dairy; sugar and other sweeteners; wine; cotton; fruits and vegetables (and tree nuts); and other products as covered in the WTO Agreement on Agriculture. The examination will include recent trends in trade, production, and other relevant economic variables in these sectors; barriers and/or distortions in major countries and product markets affecting this trade; and methodologies for assessment of the effects of changes in various trade rules in each of the sectors upon the trade and economic

interests of the United States. In addition, concise summaries of the information developed, both with respect to sector trends and trade barriers, will be prepared. Portions of the ITC's report may be classified. Scheduled completion: July 1999.

Database on Trade and Investment in Services (332-397)

On July 21, 1998, the USTR requested that the ITC develop a confidential database that provides up-to-date information on service markets in other WTO member countries. In her request letter, the USTR noted that Article 19 of the General Agreement on Trade in Services requires WTO members to enter into successive negotiations beginning not later than January 1, 2000, with a view to achieving progressively higher levels of liberalization in services trade and investment. The USTR anticipates using the ITC's database in preparing for such negotiations. Scheduled completion: April 1999.

Other Publications Issued During FY 1998

Industry and Trade Summary Reports

The ITC periodically issues a series of detailed reports on thousands of products imported into and exported from the United States. These reports include information on product uses, U.S. and foreign producers, and customs treatment of the products being studied; they also analyze the basic factors bearing on the competitiveness of the U.S. industry in domestic and foreign markets. Seven such summaries were published in FY 1998: *Canned Fish, Except Shellfish* (USITC publication 3083); *Dairy Products* (USITC publication 3080); *Explosives, Propellant Powders, and Related Items* (USITC publication 3081); *Milled Grains, Malts, and Starches* (USITC publication 3095); *Adhesives, Glues, and Gelatin* (USITC publication 3093); *Millwork* (USITC publication 3096); and *Fertilizers* (USITC publication 3082).

APPENDIX C

STATUTES INVOLVING THE U.S. INTERNATIONAL TRADE COMMISSION

Key Statutes

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

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

Section 201 does not require a finding of an unfair trade practice, as do the antidumping and countervailing duty laws and section 337 of the Tariff Act of 1930. However, the injury test 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” (not less than any other cause) of the serious injury or threat of serious injury.

Criteria for import relief under section 201 are based on those in article XIX of the GATT, as further defined in the WTO Agreement on Safeguards. Article XIX of the GATT is sometimes referred to as the escape clause because it permits a country to “escape” temporarily from its obligations under the GATT 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 article XIX.

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

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

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

Followup: If import relief is provided, the ITC periodically reports on developments within the industry during the period of relief. Upon request, the ITC advises the President of the probable economic effect on the industry of the reduction, modification, or termination of the relief in effect. At the conclusion of any relief period, the ITC is required to report to the President and 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 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.)

Section 337, Tariff Act of 1930, Investigations of Unfair Practices in Import Trade

Under section 337, the ITC determines whether, as defined by U.S. statutory and common law, there is unfair competition in the importation of products into, or their sale in, the United States. Section 337 declares unlawful unfair methods of competition and unfair acts in the import and 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 also declares as unlawful *per se* infringement of a valid and enforceable U.S. patent, copyright, registered trademark, or mask work; no resulting injury need be found.

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. Parties to these investigations include complainants, respondents, and the ITC attorney representing the public interest. Following a hearing, the ALJ issues an initial determination on all issues related to violations of section 337. The Commission may review and may modify the ALJ decision. If the Commission does not review the initial determination, it becomes the Commission's decision. In addition to the long-term relief requested, complainants also may request temporary relief pending final resolution of the case.

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

Duration: For investigations based on complaints filed prior to January 1, 1995, the ITC must make its determination not later than one year (18 months in a more complicated case) from the date of publication in the *Federal Register* of notice of the investigation. For investigations based on complaints filed after January 1, 1995, the ITC is required to conclude its investigation at the earliest practicable time, and must, within 45 days after an investigation is instituted, establish a target date for issuing its final determination.

Finding: In general, if the ITC finds that the importation of such 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 issue orders excluding the products from entry, directing the violating parties to cease and desist from certain actions, or both. However, if the imports infringe a U.S. patent, copyright, registered trademark, or mask work, the ITC may issue an exclusion and/or cease and desist order without finding injury. ITC orders are effective when issued and become final 60 days after issuance unless disapproved for policy reasons by the President of the United States within that 60-day period. Appeals of ITC determinations may be taken to the U.S. Court of Appeals for the Federal Circuit. Violators of ITC section 337 orders are liable for civil penalties of up to \$100,000 a day or twice the value of the imported articles. (For further information, see section 337 of the Tariff Act of 1930, 19 U.S.C. 1337.)

Countervailing Duty and Antidumping 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. Under the law, the U.S. Department of Commerce determines whether the dumping or subsidizing exists and, if so, the margin of dumping or amount of the subsidy; the ITC determines whether the dumped or subsidized imports materially injure or threaten to materially injure the U.S. industry.

Countervailing duty and antidumping investigations are conducted under title VII of the law. The ITC conducts the injury investigations in preliminary and final phases. (For ease of reference, ITC countervailing duty investigations are referred to as “701” investigations and ITC antidumping investigations are referred to as “731” investigations, after the respective initial sections in the Tariff Act of 1930 for the countervailing duty and antidumping laws.)

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

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

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

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

If the ITC determination is affirmative, Commerce continues its investigation. If the ITC determination is negative, the investigation is terminated.

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

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

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

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

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

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

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

Five-Year (Sunset) Reviews

The Uruguay Round Agreements Act, approved in late 1994, amended the countervailing duty and antidumping laws in several respects. One of the most significant changes is a new provision that requires the Department of Commerce to revoke an antidumping or countervailing duty order, or terminate a suspension agreement, after five

years unless the Department of Commerce and the ITC determine that revoking the order or terminating the suspension agreement would be likely to lead to continuation or recurrence of dumping or subsidies (Commerce) and of material injury (ITC) within a reasonably foreseeable time. Known as the “sunset provision,” this new requirement will result in review of all outstanding antidumping and countervailing duty orders in existence as of January 1, 1995, currently numbering about 317, over a three-year “transition period” that began in July 1998 and ends in June 2001. Further, reviews of orders issued after January 1, 1995, will be required five years after they become effective.

When: Five-year reviews of all antidumping and countervailing duty orders that were issued prior to 1995 will be initiated by the Department of Commerce beginning in July 1998. A complete schedule for these “transition” reviews (321 in total) was published in the *Federal Register* on May 29, 1998.

Five-year reviews of all antidumping and countervailing duty orders that have been issued since January 1, 1995, will be initiated by Commerce on or before their five-year anniversary. As of August 1, 1998, there were 56 such orders, and the first review will be initiated in February 2000.

Following the Department of Commerce's initiation of each five-year review, the ITC will set its schedule for the review and publish this information in a *Federal Register* notice.

Duration: The ITC usually will complete five-year reviews within 360 days of initiation. However, if interested party responses to the Commission's notice of institution are inadequate, the ITC can make an expedited determination within 150 days. Both Commerce and the ITC have the authority to extend these deadlines by up to 90 days in all transition reviews and other extraordinarily complicated cases.

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

Section 332, Tariff Act of 1930, General Factfinding Investigations

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

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

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

Finding: Unless the President or Congress directs otherwise, ITC final reports are made available to all interested parties, the general public, the President and executive departments, and Congress. Reports on matters relating to pending trade negotiations are often classified documents not subject to public view. (For further information, see section 332 of the Tariff Act of 1930, 19 U.S.C. 1332.)

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

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

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

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

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

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

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

Other Areas of Involvement Required by Statute

Caribbean Basin Economic Recovery Act

The ITC submits annual reports to Congress and the President on the economic impact on U.S. industries and consumers of the Caribbean Basin Economic Recovery Program. (For further information, see 19 U.S.C. 2704.)

Uniform Statistical Data

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

Harmonized Tariff Schedule of the United States

The ITC issues a publication containing the HTS and related material and considers questions concerning the

arrangement of the HTS and the classification of articles. (For further information, see section 1207 of the Omnibus Trade and Competitiveness Act of 1988, 19 U.S.C. 3007; and sections 332(a) and 484(f), Tariff Act of 1930, 19 U.S.C. 1332(a), 1484(f).)

Harmonized System Convention

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

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

Annual Report on the U.S. Trade Agreements Program

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

Advice Concerning Trade Negotiations

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

Generalized System of Preferences

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

Andean Trade Preference Act

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

APPENDIX D

REPORTS SUBMITTED TO CONGRESS ON PROPOSED LEGISLATION, FISCAL YEAR 1998

Reports Submitted to the House on Proposed Legislation

- 1. H.R. 1852**
Mrs. Myrick
To reduce the duty on a polymer of alkanediols, monocyclic dicarboxylic acid dimethyl ester, monocyclic monosulfonated dicarboxylic acid dimethyl ester monosodium salt and hydroxy alkoxy- alkanesulfonic acid sodium salt.
September 11, 1997.
- 2. H.R. 1875**
Mr. Crane
To amend the Harmonized Tariff Schedule of the United States to allow entry of peanut butter and paste manufactured from Mexico peanuts in foreign trade zones without being subject to a tariff-rate quota.
March 27, 1998.
- 3. H.R. 2148**
Mr. Spence
To suspend temporarily the duty on certain other single viscose rayon yarn.
March 27, 1998.
- 4. H.R. 2151**
Mr. Ackerman
To amend the Harmonized Tariff Schedule of the United States to correct the tariff treatment of costumes.
March 27, 1998.
- 5. H.R. 2236**
Mr. Gilman
To suspend until January 1, 2000, the duty on Irganox 1520.
March 19, 1998.
- 6. H.R. 2237**
Mr. Gilman
To suspend until January 1, 2000, the duty on Irganox 1425.
March 19, 1998.
- 7. H.R. 2238**
Mr. Gilman
To suspend until January 1, 2000, the duty on Irganox 565.
March 19, 1998.
- 8. H.R. 2239**
Mr. Gilman
To suspend until January 1, 2000, the duty on Irganox 1520LR.
March 19, 1998.
- 9. H.R. 2240**
Mr. Gilman
To suspend until January 1, 2000, the duty Irgacure 184.
March 19, 1998.

- 10. H.R. 2241**
Mr. Gilman
To suspend until January 1, 2000, the duty on Darocure 1173.
March 19, 1998.
- 11. H.R. 2242**
Mr. Gilman
To suspend until January 1, 2000, the duty on Irgacure 819.
March 19, 1998.
- 12. H.R. 2243**
Mr. Gilman
To suspend until January 1, 2000, the duty on Irgacure 369.
March 19, 1998.
- 13. H.R. 2244**
Mr. Gilman
To suspend until January 1, 2000, the duty on Irgacure 1700.
March 19, 1998.
- 14. H.R. 2245**
Mr. Gilman
To suspend until January 1, 2000, the duty on Irgacor 252LD.
March 19, 1998.
- 15. H.R. 2246**
Mr. Gilman
To suspend until January 1, 2000, the duty on Irgacor 1405.
March 13, 1998.
- 16. H.R. 2268**
Mr. Coble
To suspend temporarily the duty on a certain chemical.
March 13, 1998.
- 17. H.R. 2269**
Mr. Coble
To suspend temporarily the duty on a certain chemical.
March 13, 1998.
- 18. H.R. 2270**
Mr. Coble
To suspend temporarily the duty on a certain chemical.
March 13, 1998.
- 19. H.R. 2271**
Mr. Coble
To suspend temporarily the duty on a certain chemical.
March 13, 1998.

- 20. H.R. 2287**
Mr. Meehan
To apply the rates of duty effective after December 31, 1994, to certain water resistant wool trousers that were entered, or withdrawn from warehouse for consumption, after December 31, 1988, and before January 1, 1995.
March 27, 1998.
- 21. H.R. 2322**
Mr. Castle
To suspend the duty on the organo-phosphorus compound ACM until January 1, 2000.
March 26, 1998.
- 22. H.R. 2324**
Mr. Castle
To suspend the duty on the synthetic organic coloring matter C.I. Pigment Yellow 109 until January 1, 2000.
March 13, 1998.
- 23. H.R. 2325**
Mr. Castle
To suspend the duty on the synthetic organic coloring matter C.I. Pigment Yellow 110 until January 1, 2000.
March 13, 1998.
- 24. H.R. 2326**
Mr. Castle
To suspend the duty on the organic chemical para-chlorobenzonitrile until January 1, 2000.
March 13, 1998.
- 25. H.R. 2334**
Mr. Frelinghuysen
To suspend temporarily the duty on ferroboron.
March 26, 1998.
- 26. H.R. 2336**
Mr. Hefley
To temporarily decrease the duty on certain industrial nylon fabrics.
March 27, 1998.
- 27. H.R. 2339**
Mrs. Johnson
Relating to the tariff treatment of nuclear fuel assemblies.
March 27, 1998.
- 28. H.R. 2498**
Ms. Christian-Green
To amend the Harmonized Tariff Schedule of the United States to extend to certain fine jewelry certain trade benefits of insular possessions of the United States.
March 27, 1998.
- 29. H.R. 2520**
Mr. English
To suspend the duty on halofenozide until January 1, 2001.
March 26, 1998.

- 30. H.R. 2521**
Mr. English
To suspend the duty on modified secondary and modified secondary–tertiary amine phenol/formaldehyde copolymers until January 1, 2001.
March 26, 1998.
- 31. H.R. 2576**
Mr. Porter
To suspend the duty on B–Bromo–B–nitrostyrene until January 1, 2001.
March 13, 1998.
- 32. H.R. 2583**
Mr. Cunningham
To amend the Tariff Act of 1930 with respect to the marking of finished golf clubs and golf club components.
March 27, 1998.
- 33. H.R. 2686**
Mr. Spratt
To suspend temporarily the duty on beta hydroxyalkylamide.
March 26, 1998.
- 34. H.R. 2770**
Mr. Shaw
To amend the Tariff Act of 1930 to provide for a deferral of the duty on large yachts imported for sale at boat shows in the United States.
March 26, 1998.
- 35. H.R. 2771**
Mr. Shays
To amend the Harmonized Tariff Schedule of the United States relating to the definition of raw value for purposes of raw sugar import tariff–rate quota.
March 27, 1998.
- 36. H.R. 2857**
Mr. Porter
To suspend the duty on 2,6–Dimethyl–m–Dioxan–4–ol Acetate until January 1, 2001.
March 13, 1998.
- 37. H.R. 2899**
Mr. Maloney
To amend the Harmonized Tariff Schedule of the United States to provide for reduced duty treatment for certain fully assembled bicycle wheels.
March 27, 1998.
- 38. H.R. 3083**
Mr. Spratt
To suspend temporarily the duty on Grilamid TR90.
March 26, 1998.
- 39. H.R. 3123**
Mr. Holden
To suspend the duty on niobium oxide until January 1, 2002.
June 22, 1998.

- 40. H.R. 3124**
Mr. Holden
To suspend the duty on vanadium pentoxide (anhydride) until January 1, 2002.
June 22, 1998.
- 41. H.R. 3190**
Mr. Weygand
To suspend until December 31, 2002, the duty on Benzoic acid, 2-[[1-[[[(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl) amino].
June 16, 1998.
- 42. H.R. 3191**
Mr. Weygand
To suspend until December 31, 2002, the duty on 4-[[5-[[[4-(Aminocarbonyl) phenyl] amino] carbonyl]-2-methoxyphenyl] azo]-N-(5-chloro-2,4-dimethoxy-phenyl)-3-hydroxynaphthalene-2-carboxamide.
May 8, 1998.
- 43. H.R. 3192**
Mr. Weygand
To suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-[[3-[[2-hydroxy-3-[4-methoxyphenyl) amino] carbonyl]-1-naphthalenyl]azo]-4-methyl-benzoyl]amino]-, calcium salt (2:1).
May 8, 1998.
- 44. H.R. 3193**
Mr. Weygand
To suspend until December 31, 2002, the duty on
N-(2,3-Dihydro-2-oxo-1H-benzimidazol-5-yl)-5-methyl-4-[(methylamino)sulphonyl]phenyl]azo]naphthalene-2-carboxamide.
May 8, 1998.
- 45. H.R. 3194**
Mr. Weygand
To suspend until December 31, 2002, the duty on
N-[4-(aminocarbonyl)phenyl]-4-[[1-[[[(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)amino] carbonyl]-2-oxopropyl]azo] benzamide.
June 16, 1998.
- 46. H.R. 3195**
Mr. Weygand
To suspend until December 31, 2002, the duty on Butanamide,
2,2'-[3,3'-dichloro[1,1'-biphenyl]-4,4'-diyl]bis(azo)]bis[N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo].
May 8, 1998.
- 47. H.R. 3196**
Mr. Weygand
To suspend until December 31, 2002, the duty on Butanamide,
N,N'-(3,3'dimethyl[1,1'-biphenyl]-4,4'-diyl]bis[2-[2,4-dichloro-phenyl]azo]-3-oxo-.
May 8, 1998.

48. **H.R. 3197**
Mr. Weygand
To suspend until December 31, 2002, the duty on Benzoic acid,
2-[[3-[(2,3-dihydro-2-oxo-1H-1H-benzimidazol-5-yl)amino]-carbonyl]-2-hydroxy-1-naphthalenyl]azo]-, butyl ester.
May 8, 1998.
49. **H.R. 3198**
Mr. Weygand
To suspend until December 31, 2002, the duty on Butanamide,
N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-2-[[2-(tri-fluoro-methyl)phenyl]azo]-.
June 16, 1998.
50. **H.R. 3199**
Mr. Weygand
To suspend until December 31, 2002, the duty on Benzoic acid,
4-[[[(2,5-dichlorophenyl)amino]carbonyl]-2-[[2-hydroxy-3-[(2-methoxyphenyl)amino]carbonyl]-1-naphthalenyl]-, methyl ester.
May 11, 1998.
51. **H.R. 3200**
Mr. Weygand
To suspend until December 31, 2002, the duty on 1,4-Benzenedicarboxylic acid,
2-[[1-[(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)amino]carbonyl]-2-oxopropyl]azo]-, dimethyl ester.
June 16, 1998.
52. **H.R. 3201**
Mr. Weygand
To suspend until December 31, 2002, the duty on Butanamide, 2,2'-[1,2,-ethanediylbis
(oxy-2,1-phenylene-azo)] bis [N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-].
May 8, 1998.
53. **H.R. 3202**
Mr. Weygand
To suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-chloro-2-[[5-hydroxy-3-methyl-1-(3-sulfophenyl)-1H-pyrazol-4-yl]azo]-5-methyl-, calcium salt (1:1).
May 8, 1998.
54. **H.R. 3244**
Mr. Wise
To suspend temporarily the duty on KN001 (a hydrochloride).
June 16, 1998.
55. **H.R. 3268**
Mr. Jenkins
To suspend temporarily the duty on the chemical DGMT.
May 28, 1998.
56. **H.R. 3289**
Mr. Inglis
To suspend temporarily the duty on certain weaving machines.
June 16, 1998.

57. **H.R. 3294**
Mr. Matsui
To modify the marking of certain silk products and containers.
June 16, 1998.
58. **H.R. 3316**
Mr. Wise
To suspend temporarily the duty on IN W4280.
June 22, 1998.
59. **H.R. 3323**
Mr. Gutknecht
To amend the Harmonized Tariff Schedule of the United States to provide for duty-free treatment of oxidized polyacrylonitrile fibers.
June 16, 1998.
60. **H.R. 3324**
Mrs. Myrick
To suspend from January 1, 1998, until December 31, 2002, the duty on SE2SI Spray Granulated (HOE S 4291).
June 5, 1998.
61. **H.R. 3325**
Mr. Neal
To suspend temporarily the duty on a certain chemical.
June 5, 1998.
62. **H.R. 3326**
Mr. Neal
To suspend temporarily the duty on 2-Ethylhexanoic acid.
June 5, 1998.
63. **H.R. 3327**
Mr. Neal
To suspend temporarily the duty on the chemical Polyvinyl butyral.
June 5, 1998.
64. **H.R. 3328**
Mr. Neal
To suspend temporarily the duty on a certain anti-HIV and anti-AIDS drug.
June 5, 1998.
65. **H.R. 3343**
Mr. Talent
To suspend temporarily the duty on a certain chemical used in the textile industry and in water treatment.
June 25, 1998.
66. **H.R. 3344**
Mr. Talent
To suspend temporarily the duty on a certain chemical used in the paper industry.
June 25, 1998.

67. **H.R. 3345**
Mr. Talent
To suspend temporarily the duty on a certain chemical used in water treatment.
June 25, 1998.
69. **H.R. 3346**
Mr. Talent
To suspend temporarily the duty on a certain chemical used in water treatment and beauty care products.
June 25, 1998.
70. **H.R. 3347**
Mr. Talent
To suspend temporarily the duty on a certain chemical used in photography products.
June 25, 1998.
71. **H.R. 3348**
Mr. Talent
To suspend temporarily the duty on a certain chemical used in peroxide stabilizer and compounding.
June 25, 1998.
72. **H.R. 3349**
Mr. Talent
To suspend temporarily the duty on a certain chemical used in the textile industry.
June 25, 1998.
73. **H.R. 3354**
Mr. Coble
To suspend temporarily the duty on trifluoromethylaniline.
May 22, 1998.
74. **H.R. 3355**
Mr. Coble
To suspend temporarily the duty on
2-chloro-N-[2,6-dinitro-4-(tri-fluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine.
June 22, 1998.
75. **H.R. 3356**
Mr. Coble
To suspend temporarily the duty on streptomycin sulfate.
May 11, 1998.
76. **H.R. 3357**
Mr. Coble
To suspend temporarily the duty on propanoic acid,
2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester.
June 22, 1998.
77. **H.R. 3358**
Mr. Coble
To suspend temporarily the duty on 2,4 dichloro 3,5 dinitrobenzotrifluoride.
May 22, 1998.

- 78. H.R. 3359**
Mr. Coble
To suspend temporarily the duty on acetic acid,[(5-chloro-8-quinolinyl)oxy]-, 1-methyhexyl ester.
June 22, 1998.
- 79. H.R. 3360**
Mr. Coble
To suspend temporarily the duty on acetic acid, [[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1H, 3H-[1,3,4]thiadiazolo[3,4-a] pyridazin-1-ylidene)amino]phenyl]-thio]-, methyl ester.
June 22, 1998.
- 80. H.R. 3361**
Mr. Coble
To suspend temporarily the duty on ortho nitrophenyl.
May 22, 1998.
- 81. H.R. 3362**
Mr. Coble
To suspend temporarily the duty on chloroacetone.
June 22, 1998.
- 82. H.R. 3363**
Mr. Coble
To suspend temporarily the duty on calcium oxytetracycline.
June 5, 1998.
- 83. H.R. 3364**
Mr. Coble
To suspend temporarily the duty on sodium N-methyl-N oleoyl taurate.
June 22, 1998.
- 84. H.R. 3365**
Mr. Coble
To suspend temporarily the duty on dialkylnaphthalene sulfonic acid sodium salt.
June 22, 1998.
- 85. H.R. 3366**
Mr. Coble
To suspend temporarily the duty on O-(6-chloro-3-phenyl-4-pyrid-a-zinyl)-S-octyl-carbonothioate.
May 22, 1998.
- 86. H.R. 3367**
Mr. Coble
To suspend temporarily the duty on 4-cyclopropyl-6-methyl-2-phenylamino-pyrimidine.
May 22, 1998.
- 87. H.R. 3368**
Mr. Coble
To suspend temporarily the duty on
O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl]-dithiophosphate.
May 22, 1998.

- 88. H.R. 3369**
Mr. Coble
To suspend temporarily the duty on (Ethyl [2-(4-phenoxyphenoxy) ethyl] carbamate.
June 22, 1998.
- 89. H.R. 3370**
Mr. Coble
To suspend temporarily the duty on
1-(4-methoxy-6-methyl-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea.
June 22, 1998.
- 90. H.R. 3371**
Mr. Coble
To suspend temporarily the duty on
3-[4,6-Bis(difluoromethoxy)-prymidin-2-yl]-1-(2-methoxy-carbonylphenylsulfonyl) urea.
June 22, 1998.
- 91. H.R. 3372**
Mr. Coble
To suspend temporarily the duty on
3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloro-ethoxy)-phenylsulfonyl]-urea.
June 22, 1998.
- 92. H.R. 3373**
Mr. Coble
To suspend temporarily the duty on [(2S,4R)/(2R,4S)]/[(2R,4R)/
(2S,4S)-1-{2-[4-(4-chloro-phen-oxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-yl-methyl}-1H-
1,2,4-triazole.
June 22, 1998.
- 93. H.R. 3374**
Mr. Crapo
To amend the harmonized Tariff Schedule of the United States to provide for temporary duty-free treatment
for semiconductor plating lines.
June 22, 1998.
- 94. H.R. 3375**
Mr. Doggett
To provide for the temporary reduction of duty on synthetic quartz substrates.
May 28, 1998.
- 95. H.R. 3377**
Mr. Faleomavaega
To clarify the rules of origin for textile and apparel products from American Samoa.
June 16, 1998.
- 96. H.R. 3384**
Mr. Matsui
To suspend temporarily the duty on certain chemicals used in the formulation of an HIV Antiviral Drug.
May 11, 1998.

97. **H.R. 3385**
Mr. Matsui
To suspend temporarily the duty on the production of anti-HIV/anti-AIDS drugs.
May 11, 1998.
98. **H.R. 3386**
Mr. Matsui
To suspend temporarily the duty on the production of anti-cancer drugs.
June 22, 1998.
99. **H.R. 3387**
Mr. Matsui
To suspend temporarily the duty on the production of anti-cancer drugs.
June 25, 1998.
100. **H.R. 3388**
Mr. Matsui
To suspend temporarily the duty on a certain drug substance used as an HIV Antiviral Drug.
May 11, 1998.
101. **H.R. 3389**
Mr. Matsui
To suspend temporarily the duty on a certain drug substance used as an HIV Antiviral Drug.
May 11, 1998.
102. **H.R. 3390**
Mr. Matsui
To suspend temporarily the duty on certain chemicals used in the formulation of an HIV Antiviral Drug.
May 11, 1998.
103. **H.R. 3391**
Mr. Matsui
To suspend temporarily the duty on certain chemicals used in the formulation of an HIV Antiviral Drug.
May 11, 1998.
104. **H.R. 3392**
Mr. Matsui
To suspend temporarily the duty on certain chemicals used in the formulation of an HIV Antiviral Drug.
May 11, 1998.
105. **H.R. 3393**
Mr. Matsui
To suspend temporarily the duty on certain chemicals used in the formulation of an HIV Antiviral Drug.
May 11, 1998.
106. **H.R. 3394**
Mr. Matsui
To suspend temporarily the duty on certain chemicals used in the formulation of an HIV Antiviral Drug.
May 11, 1998.
107. **H.R. 3395**
Mr. McCreery
To suspend temporarily the duty on certain printing machinery.
June 22, 1998.

- 108. H.R. 3401**
Mr. Spence
To suspend until December 31, 2002, the duty on parts for use in the manufacture of loudspeakers.
June 16, 1998.
- 109. H.R. 3403**
Mr. Spence
To suspend until December 31, 2002, the duty on loudspeakers not mounted in their enclosures.
June 16, 1998.
- 110. H.R. 3409**
Mr. Wicker
To suspend temporarily the duty on a chemical known as 5-tertiary butyl-isophthalic acid.
June 22, 1998.
- 111. H.R. 3414**
Mr. Callahan
To suspend temporarily the duty on the chemical KL540.
May 28, 1998.
- 112. H.R. 3415**
Mr. Callahan
To suspend temporarily the duty on the chemical methyl thioglycolate.
May 28, 1998.
- 113. H.R. 3416**
Mr. English
To suspend until January 1, 2001, the duty on tebufenozide.
June 16, 1998.
- 114. H.R. 3417**
Mr. Frelinghuysen
To suspend temporarily the duty on organic luminescent pigments, dyes and fibers for security applications, and 4-Hexylresorcinol.
May 22, 1998.
- 115. H.R. 3418**
Mr. Frelinghuysen
To suspend temporarily the duty on polymethine sensitizing dyes for photo/imaging applications and certain fluorozirconium compounds.
May 22, 1998.
- 116. H.R. 3424**
Mr. LaHood
To provide for reductions in duty for the chemical Rimsulfuron Technical.
June 16, 1998.
- 117. H.R. 3425**
Mr. LaHood
To provide for reductions in duty for carbamic acid (U-9069).
June 22, 1998.

- 118. H.R. 3426**
Mr. LaHood
To provide for reductions in duty for the chemical DPX–E9260.
May 28, 1998.
- 119. H.R. 3427**
Mr. LaHood
To suspend temporarily the duty on the chemical DPX–E6758.
May 28, 1998.
- 120. H.R. 3428**
Mr. Matsui
To suspend temporarily the duty on a certain drug substance used as an HIV Antiviral Drug.
May 11, 1998.
- 121. H.R. 3429**
Mr. Matsui
To suspend temporarily the duty on a certain drug substance used in the formulation of HIV Antiviral Drug.
May 11, 1998.
- 122. H.R. 3430**
Mr. McDermott
To suspend temporarily the duty on certain polyethylene base materials.
June 5, 1998.
- 123. H.R. 3431**
Mrs. Roukema
To suspend until December 31, 2000, the duty on Benzenepropanal, 4–(1,1–Dimethylethyl)–Methyl–.
June 5, 1998.
- 124. H.R. 3446**
Mr. Bunning
To provide for the elimination of duty on Ziram.
June 22, 1998.
- 125. H.R. 3477**
Mr. Matsui
To suspend temporarily the duty on a certain drug substance used in the formulation of HIV Antiviral Drug.
June 5, 1998.
- 126. H.R. 3480**
Mr. Mollohan
To reduce temporarily the duty on ethylene/tetrafluoroethylene copolymer (ETFE).
June 25, 1998.
- 127. H.R. 3486**
Mr. Talent
To suspend temporarily the duty on a certain chemical used in the textile industry and in water treatment.
June 25, 1998.
- 128. H.R. 3487**
Mr. Talent
To suspend temporarily the duty on a certain chemical used in the paper industry.
June 25, 1998.

- 129. H.R. 3488**
Mr. Talent
To suspend temporarily the duty on a certain chemical used in water treatment.
June 25, 1998.
- 130. H.R. 3489**
Mr. Talent
To suspend temporarily the duty on a certain chemical used in water treatment and beauty care products.
June 25, 1998.
- 131. H.R. 3490**
Mr. Talent
To suspend temporarily the duty on a certain chemical used in photography products.
June 25, 1998.
- 132. H.R. 3491**
Mr. Talent
To suspend temporarily the duty on a certain chemical used in peroxide stabilizer and compounding.
June 25, 1998.
- 133. H.R. 3492**
Mr. Talent
To suspend temporarily the duty on a certain chemical used in the textile industry.
June 25, 1998.
- 134. H.R. 3501**
Mr. Talent
To amend the Harmonized Tariff Schedule of the United States to change the special rate of duty on purified terephthalic acid imported from Mexico.
June 16, 1998.
- 135. H.R. 3507**
Mr. Spence
To suspend until December 31, 2001, the duty on certain electrical transformers for use in the manufacture of audio systems.
June 16, 1998.
- 136. H.R. 3508**
Mr. Spence
To suspend until December 31, 2001, the duty on loudspeakers not mounted in their enclosures.
June 16, 1998.
- 137. H.R. 3509**
Mr. Spence
To suspend until December 31, 2001, the duty on parts for use in the manufacture of loudspeakers.
June 16, 1998.
- 138. H.R. 3657**
Mr. Gutknecht
To suspend the duty on oxidized polyacrylonitrile fibers until January 1, 2002.
June 16, 1998.

Reports Submitted to the Senate on Proposed Legislation

- 1. S. 699**
Mr. Breaux
To suspend temporarily the duty on Diiodomethyl-p-tolylsulfone.
April 16, 1998.
- 2. S. 788**
Mrs. Murray
To suspend temporarily the duty on certain materials used in the manufacture of skis and snowboards.
April 20, 1998.
- 3. S. 915**
Mr. Thurmond
To amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty on certain manufacturing equipment.
April 20, 1998.
- 4. S. 1010**
Mr. Thurmond
To suspend the rate of duty with respect to certain chemicals.
April 16, 1998.
- 5. S. 1012**
Mr. D'Amato
To amend the Harmonized Tariff Schedule of the United States to correct the tariff treatment of costumes.
April 16, 1998.
- 6. S. 1063**
Mr. Rockefeller
To suspend temporarily the duty on KN001 (a hydrochloride).
April 16, 1998.
- 7. S. 1088**
Mr. Roth
To suspend temporarily the duty on ACM.
March 26, 1998.
- 8. S. 1101**
Mr. Jeffords
To amend the Harmonized Tariff Schedule of the United States to provide rates of duty for certain ski footwear with textile uppers.
April 28, 1998.
- 9. S. 1127**
Mr. Kerry
To apply the rates of duty in effect on January 1, 1995, to certain water resistant wool trousers.
April 16, 1998.
- 10. S. 1187**
Mr. Lautenberg
To suspend temporarily the duty on ferroboron.
April 20, 1998.

- 11. S. 1239**
Mr. Abraham
To suspend temporarily the duty on ethofumesate.
April 16, 1998.
- 12. S. 1240**
Mr. Abraham
To suspend temporarily the duty on phenmedipham.
April 16, 1998.
- 13. S. 1241**
Mr. Abraham
To suspend temporarily the duty on desmedipham.
April 16, 1998.
- 14. S. 1288**
Mr. Torricelli
To amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain in-line skates.
April 20, 1998.
- 15. S. 1289**
Mr. Allard
To temporarily decrease the duty on certain industrial nylon fabrics.
April 16, 1998.
- 16. S. 1430**
Mr. Helms
To suspend from January 1, 1998, until December 31, 2002, the duty on SE2SI Spray Granulated (HOE S 4291).
March 26, 1998.
- 17. S. 1431**
Mr. Helms
To suspend temporarily the duty on a certain chemical.
March 13, 1998.
- 18. S. 1432**
Mr. Helms
To suspend temporarily the duty on a certain chemical.
March 13, 1998.
- 19. S. 1433**
Mr. Helms
To suspend temporarily the duty on a certain chemical.
March 13, 1998.
- 20. S. 1434**
Mr. Helms
To suspend until January 1, 2001, the duty on a certain chemical.
March 11, 1998.
- 21. S. 1435**
Mr. Helms
To suspend temporarily the duty on a certain chemical.
March 11, 1998.

22. **S. 1436**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 11, 1998.
23. **S. 1437**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 11, 1998.
24. **S. 1438**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 11, 1998.
25. **S. 1439**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 11, 1998.
26. **S. 1440**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 11, 1998.
27. **S. 1441**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 11, 1998.
28. **S. 1442**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 13, 1998.
29. **S. 1443**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 13, 1998.
30. **S. 1444**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 13, 1998.
31. **S. 1445**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 13, 1998.
32. **S. 1446**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 11, 1998.

- 33. S. 1447**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 13, 1998.
- 34. S. 1448**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 13, 1998.
- 35. S. 1449**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 13, 1998.
- 36. S. 1450**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 13, 1998.
- 37. S. 1451**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 11, 1998.
- 38. S. 1452**
Mr. Helms
To suspend until January 1, 2001, the duty on a chemical.
March 13, 1998.
- 39. S. 1457**
Ms. Moseley-Braun
To amend the Harmonized Tariff Schedule of the United States to extend to certain fine jewelry certain trade benefits of insular possessions of the United States.
April 16, 1998.
- 40. S. 1474**
Mr. D'Amato
To suspend temporarily the duty on certain high tenacity single yarn of viscose rayon.
April 28, 1998.
- 41. S. 1475**
Mr. D'Amato
To suspend temporarily the duty on certain twisted yarn of viscose rayon.
April 16, 1998.
- 42. S. 1477**
Mr. D'Amato
To amend the Harmonized Tariff Schedule of the United States to provide that certain goods may be reimported into the United States without additional duty.
April 16, 1998.

- 43. S. 1478**
Mr. D'Amato
To suspend temporarily the duty on certain viscose rayon yarn.
April 28, 1998.
- 44. S. 1479**
Mr. D'Amato
To suspend temporarily the duty on other single viscose rayon yarn.
April 28, 1998.
- 45. S. 1537**
Mr. Chafee
To suspend until December 31, 2002, the duty on Benzoic acid,
2-[[1-[[[(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl) amino].
March 13, 1998.
- 46. S. 1539**
Mr. Chafee
To suspend until December 31, 2002, the duty on
N-[4-(aminocarbonyl)phenyl]-4-[[1-[[[(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)amino]
carbonyl]-2-oxopropyl]azo]benzamide.
March 13, 1998.
- 47. S. 1540**
Mr. Chafee
To suspend until December 31, 2002, the duty on Butanamide,
N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-2-[[2-(trifluoro-methyl)phenyl]azo]-.
March 13, 1998.
- 48. S. 1541**
Mr. Chafee
To suspend until December 31, 2002, the duty on 1,4-Ben-zenedicarboxylic acid, 2-[[1-[[[(2,
3-di-hydro-2-oxo-1H-benzimidazol-5-yl)aminocarbonyl]-2-oxopropyl]azo]-,dimethyl ester
March 13, 1998.
- 49. S. 1542**
Mr. Chafee
To suspend until December 31, 2002, the duty on Butanamide, 2,2'-[1-2,-ethanediylbis(oxy-2,1-
phenyleneazo)]bis[N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-
March 13, 1998.
- 50. S. 1543**
Mr. Chafee
To suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-chloro-2-[[5-hydroxy-3-
methyl-1-(3-sulfophenyl)-1H-pyrazol-4-yl]azo]-5-methyl-, calciumsalt (1:1).
March 13, 1998.
- 51. S. 1544**
Mr. Chafee
To suspend until December 31, 2002, the duty on 4-[[5-[[[4-(Amino-carbonyl)phenyl]
amino]bonyl]-2-methoxyphenyl]-azo]-N-(5-chloro-2,4-dimeth-oxy-phenyl)-3-hydroxynaphthalene-2-carb
oxamide.March 13, 1998.

52. S. 1545

Mr. Chafee

To suspend until December 31, 2002, the duty on Benzenesulfonic acid, 4-[[3-[[2-hydroxy-3-[[4-methoxyphenyl]amino]carbonyl]-1-naphthalenyl]azo]-4-methylbenzoyl]amino]-, calcium salt (2:1).
April 30, 1998.

53. S. 1546

Mr. Chafee

To suspend until December 31, 2002, the duty on Butanamide, 2,2'-[3,3'-dichloro[1,1'-biphenyl]-4,4'-diyl]bis(azo)]bis[N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-oxo-].
April 30, 1998.

54. S. 1547

Mr. Chafee

To suspend until December 31, 2002, the duty on Butanamide, N,N'-(3,3'dimethyl[1,1'-biphenyl]-4,4'-diyl]bis[2-[2,4-dichlorophenyl]azo]-3-oxo-].
April 30, 1998.

55. S. 1548

Mr. Chafee

To suspend until December 31, 2002, the duty on N-(2,3-Dihydro-2-oxo-1H-benzimidazol-5-yl)-5-methyl-4-[(methylamino)sulphonyl]phenyl]azo]naphthalene-2-carboxamide.
April 30, 1998.

56. S. 1549

Mr. Chafee

To suspend until December 31, 2002, the duty on Benzoic acid, 2-[[3-[[[(2,3-dihydro-2-oxo-1H-1H-benzimidazol-5-yl)amino]carbonyl]-2-hydroxy-1-naphthalenyl]azo]-, butyl ester.
April 30, 1998.

57. S. 1550

Mr. Chafee

To suspend until December 31, 2002, the duty on Benzoic acid, 4-[[[(2,5-dichlorophenyl)amino]carbonyl]-2-[[2-hydroxy-3-[[[(2-methoxyphenyl)amino]carbonyl]-1-naphthalenyl]-, methyl ester.
April 20, 1998.

58. S. 1558

Mr. D'Amato

To amend the Harmonized Tariff Schedule of the United States with respect to shadow mask steel.
April 20, 1998.

59. S. 1567

Mr. Breaux

To suspend until January 1, 2001, the duty on 2,6-Dimethyl-m-Dioxan-4-ol Acetate.
March 13, 1998.

- 60. S. 1583**
Mr. Breaux
To suspend temporarily the duty on B–Bromo–B–nitrostyrene.
April 30, 1998.
- 61. S. 1620**
Mr. Breaux
To suspend temporarily the duty on certain textile machinery.
June 16, 1998.
- 62. S. 1622**
Mr. Roth
To suspend temporarily the duty on deltamethrin.
April 30, 1998.
- 63. S. 1623**
Mr. Roth
To suspend temporarily the duty on diclofop–methyl.
April 30, 1998.
- 64. S. 1624**
Mr. Roth
To suspend temporarily the duty on piperonyl butoxide.
April 30, 1998.
- 65. S. 1625**
Mr. Roth
To suspend temporarily the duty on resmethrin.
April 30, 1998.
- 66. S. 1626**
Mr. Roth
To suspend temporarily the duty on thidiazuron.
April 30, 1998.
- 67. S. 1627**
Mr. Roth
To suspend temporarily the duty on tralomethrin.
April 30, 1998.
- 68. S. 1628**
Mr. Roth
To suspend temporarily the duty on the synthetic organic coloring matter c.i. pigment yellow 109.
May 8, 1998.
- 69. S. 1629**
Mr. Roth
To suspend temporarily the duty on the synthetic organic coloring matter c.i. pigment yellow 110.
May 8, 1998.
- 70. S. 1630**
Mr. Roth
To suspend temporarily the duty on pigment red 177.
May 8, 1998.

- 71. S. 1632**
Mr. Thurmond
To reduce temporarily the duty on certain weaving machines.
June 25, 1998.
- 72. S. 1633**
Mr. Chafee
To suspend through December 31, 1999, the duty on certain textile machinery.
June 16, 1998.
- 73. S. 1650**
Mr. Moynihan
To suspend temporarily the duty on synthetic quartz substrates.
May 11, 1998.
- 74. S. 1651**
Mr. Moynihan
To suspend temporarily the duty on 2,4-bis[(octylthio)methyl]-o-cresol.
May 11, 1998.
- 75. S. 1652**
Mr. Moynihan
To suspend temporarily the duty on 2,4-bis[(octylthio)methyl]-o-cresol; epoxidized triglyceride.
May 11, 1998.
- 76. S. 1653**
Mr. Moynihan
To suspend temporarily the duty on 4-[[4,6-bis(octylthio)-1,3,5-triazine-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol.
May 11, 1998.
- 77. S. 1654**
Mr. Moynihan
To suspend temporarily the duty on 1-Hydroxy cyclohexyl phenyl ketone.
May 8, 1998.
- 78. S. 1655**
Mr. Moynihan
To suspend temporarily the duty on 2-hydroxy-2-methyl-1-phenyl-1-propanone.
May 8, 1998.
- 79. S. 1656**
Mr. Moynihan
To suspend temporarily the duty on bis(2,4,6-trimethyl benzoyl) phenylphosphine oxide.
April 20, 1998.
- 80. S. 1657**
Mr. Moynihan
To suspend temporarily the duty on bis(2,6-dimethoxy-benzoyl)-2,4,4-trimethyl pentyl phosphinenoxide and 2-hydroxy-2-methyl-1-phenyl-1-propanone.
April 20, 1998.

- 81. S. 1658**
Mr. Moynihan
To suspend temporarily the duty on (2-Benzothiazolythio)-butane-dioic acid.
April 20, 1998.
- 82. S. 1659**
Mr. Moynihan
To suspend temporarily the duty on calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate].
May 8, 1998.
- 83. S. 1660**
Mr. Moynihan
To suspend temporarily the duty on
2-(dimethylamino)-1-[4-(4-morpholinyl)]-2-(phenyl-methyl)-1-butanone.
April 20, 1998.
- 84. S. 1661**
Mr. Moynihan
To suspend temporarily the duty on N-Ethylmorpholine, compd. with 3-(4-methylbenzoyl) propanoic acid (1:2).
April 20, 1998.
- 85. S. 1694**
Mr. Coverdell
To suspend temporarily the duty on certain textile machines.
June 22, 1998.
- 86. S. 1702**
Mr. Rockefeller
To amend the Harmonized Tariff Schedule of the United States to change the special rate of duty on purified terephthalic acid imported from Mexico.
June 25, 1998.
- 87. S. 1714**
Mr. Hollings
To suspend through December 31, 1999, the duty on certain textile machinery.
June 16, 1998.
- 88. S. 1765**
Mr. Thompson
To suspend temporarily the duty on the chemical DEMA.
June 22, 1998.
- 89. S. 1772**
Mr. Jeffords
To suspend temporarily the duty on certain pile fabrics of man-made fibers.
June 15, 1998.
- 90. S. 1775**
Mr. Bond
To suspend temporarily the duty on phosphonic acid, [nitrilotris(methylene)] tris.
June 22, 1998.

- 91. S. 1776**
Mr. Bond
To suspend temporarily the duty on phosphonic acid, [nitrilis(methylene)] tris-, pentasodium salt.
June 22, 1998.
- 92. S. 1777**
Mr. Bond
To suspend temporarily the duty on phosphonic acid, (1-hydroxyethylidene)bis.
June 22, 1998.
- 93. S. 1778**
Mr. Bond
To suspend temporarily the duty on phosphonic acid, (1-hydroxyethylidene)bis-, tetrasodium salt.
June 22, 1998.
- 94. S. 1779**
Mr. Bond
To suspend temporarily the duty on phosphonic acid, [1,6-hexanediylbis[nitrilobis(methylene)] tetrakis-potassium salt.
June 22, 1998.
- 95. S. 1780**
Mr. Bond
To suspend temporarily the duty on phosphonic acid,
[[[(phosphonomethyl)imino]bis[2,1-ethanediyl]nitrilobis(methylene)]-tetrakis.
June 22, 1998.
- 96. S. 1781**
Mr. Bond
To suspend temporarily the duty on phosphonic acid,
[[[(phosphonomethyl)imino]bis[2,1-ethanediyl]nitrilobis-(methylene)]tetrakis, sodium salt.
June 22, 1998.
- 97. S. 1782**
Mr. Bond
To suspend temporarily the duty on Polyvinyl Butyral.
June 25, 1998.
- 98. S. 1783**
Mr. Bond
To suspend temporarily the duty on triethyleneglycol bis(2-ethylhexanoate).
June 25, 1998.
- 99. S. 1784**
Mr. Bond
To suspend temporarily the duty on Biphenyl flake.
June 24, 1998.
- 100. S. 1785**
Mr. Bond
To suspend temporarily the duty on 2-Ethylhexanoic acid.
June 22, 1998.

101. S. 1801

Mr. Lautenberg

To suspend until December 31, 2000, the duty on Benzenepropanal,4-(1,1-Dimethyl-ethyl)-Methyl-.
June 25, 1998.

102. S. 1810

Mr. Roth

To suspend temporarily the duty on a certain anti-HIV and anti-AIDS drug.
June 25, 1998.

103. S. 1815

Mr. Specter

To suspend temporarily the duty on tebufenoxide.
June 22, 1998.

104. S. 1816

Mr. Specter

To suspend temporarily the duty on halofenozide.
June 25, 1998.

105. S. 1817

Mr. Specter

To suspend temporarily the duty on modified secondary, and modified secondary-tertiary amine phenol/formaldehyde copolymers.
June 25, 1998.

106. S. 1818

Mr. Lautenberg

To suspend temporarily the duty on organic luminescent pigments, dyes, and fibers for security applications.
June 22, 1998.

107. S. 1819

Mr. Lautenberg

To suspend temporarily the duty on certain fluoro-zirconium compounds.
June 22, 1998.

108. S. 1820

Mr. Lautenberg

To suspend temporarily the duty on 4-Hexylresorcinol.
June 22, 1998.

109. S. 1821

Mr. Lautenberg

To suspend temporarily the duty on polymethine sensitizing dyes for imaging applications.
June 22, 1998.

110. S. 1824

Mr. Torricelli

To amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain skating boots used for in-line skates.
June 25, 1998.

111. S. 1826

Mr. Moynihan

To amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty on personal effects of participants in the 1999 Women's World Cup.

June 16, 1998.

112. S. 1827

Mr. Helms

To suspend temporarily the duty on dialkylnaphthalene sulfonic acid sodium salt.

June 22, 1998.

113. S. 1828

Mr. Helms

To suspend temporarily the duty on sodium N-methyl-N-oleoyl taurate.

June 22, 1998.

114. S. 1829

Mr. Helms

To suspend temporarily the duty on O-(6-chloro-3-phenyl-4-pyridazinyl)-S-octyl-carbonothioate.

June 22, 1998.

115. S. 1830

Mr. Helms

To suspend temporarily the duty on 4-cyclopropyl-6-methyl-2-phenylamino-pyrimidine.

June 22, 1998.

116. S. 1831

Mr. Helms

To suspend temporarily the duty on O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl]-dithiophosphate.

June 22, 1998.

117. S. 1832

Mr. Helms

To suspend temporarily the duty on (Ethyl [2-(4-phenoxyphenoxy) ethyl] carbamate.

June 22, 1998.

118. S. 1833

Mr. Helms

To suspend temporarily the duty on

1-(4-methoxy-6-methyl-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea.

June 22, 1998.

119. S. 1834

Mr. Helms

To suspend temporarily the duty on 3-[4,6-Bis(difluoromethoxy)-pyrimidin-2-yl]-1-(2-methoxy-carbonylphenylsulfonyl) urea.

June 22, 1998.

120. S. 1835

Mr. Helms

To suspend temporarily the duty on

3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea.

June 22, 1998.

121. S. 1836

Mr. Helms

To suspend temporarily the duty on S,4R)/(2R,4S)/[(2R,4R)/(2S,

4S)]-1-{2-[4-(4-chloro-phenoxy)-2-chlorophenyl]-4-methyl-1,dioxolan-2-yl-methyl}-1H-1,2,4-triazole.

June 22, 1998.

122. S. 1837

Mr. Helms

To suspend temporarily the duty on 2,4 dichloro 3,5 dinitrobenzotrifluoride.

June 22, 1998.

123. S. 1838

Mr. Helms

To suspend temporarily the duty on streptomycin sulfate.

July 7, 1998.

124. S. 1839

Mr. Helms

To suspend temporarily the duty on 2-chloro-N-[2,6-dinitro-4-

(tri-fluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine.

June 22, 1998.

125. S. 1840

Mr. Helms

To suspend temporarily the duty on chloroacetone.

June 22, 1998.

126. S. 1841

Mr. Helms

To suspend temporarily the duty on orthonitrophenyl.

June 22, 1998.

127. S. 1842

Mr. Helms

To suspend temporarily the duty on acetic acid,

[[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1H,3H-[1,3,4]thiadiazolo[3,4-A]pyrid-azin-1-ylidene)amino]phenyl]thio, methyl ester.

June 25, 1998.

128. S. 1843

Mr. Helms

To suspend temporarily the duty on acetic acid, [(5-chloro-8-quinolinyl)oxy]-1-methylhexyl ester.

June 25, 1998.

130. S. 1844

Mr. Helms

To suspend temporarily the duty on calcium oxytetracycline.
June 5, 1998.

131. S. 1845

Mr. Helms

To suspend temporarily the duty on Tinopal CBS-X.
June 22, 1998.

132. S. 1846

Mr. Helms

To suspend temporarily the duty on 2,4 dichloro 3,5-dinitrobenzotrifluoride.
June 22, 1998.

133. S. 1847

Mr. Helms

To suspend temporarily the duty on streptomycin sulfate.
June 5, 1998.

134. S. 1848

Mr. Helms

To suspend temporarily the duty on propanoic acid,
2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester.
June 25, 1998.

135. S. 1849

Mr. Helms

To suspend temporarily the duty on trifluoromethylaniline.
June 22, 1998.

136. S. 1850

Mr. Helms

To suspend temporarily the duty on mucochloric acid.
June 22, 1998.

137. S. 1851

Mr. Mack

To suspend temporarily the duty on certain rocket engines.
June 22, 1998.

138. S. 1852

Mr. Thurmond

To suspend temporarily the duty on parts for use in the manufacture of loudspeakers.
June 16, 1998.

139. S. 1853

Mr. Thurmond

To suspend temporarily the duty on loudspeakers not mounted in their enclosures.
June 16, 1998.

140. S. 1854

Mr. Thurmond

To suspend temporarily the duty on certain electrical transformers for use in the manufacture of audio systems.
June 16, 1998.

141. S. 1859

Mr. Roth

To correct the tariff classification of 13-inch televisions.
August 17, 1998.

142. S. 1863

Mrs. Murray

To suspend temporarily the duty on certain polyethylene base materials.
June 25, 1998.

143. S. 1931

Mr. Roth

To suspend temporarily the duty on 2-Naphthalenecarboxamide,
N,N'-(2-chloro-1,4-phenylene)bis-[4-[(2,5-dichlorophenyl)azo]-3-hydroxy].
June 25, 1998.

144. S. 1932

Mr. Roth

To suspend temporarily the duty on Benzamide,3,3'-{(2-chloro-5-methyl-1,4-nylene)bis
{imino(1-acetyl-2-oxo-2,1-ethanediyl)azo}}bis{4-chloro-N-{2-(4-chlorophen-oxy)5-(trifluoromethyl)phen
yl}}.
June 25, 1998.

145. S. 1933

Mr. Roth

To suspend temporarily the duty on
2,4,6(1H,3H,5H)-Pyrimidine-trione,5-[(2,3-dihydro-6-methyl-2-oxo-1H-benzimidazol-5-yl)azo].
June 25, 1998.

146. S. 1934

Mr. Roth

To suspend temporarily the duty on Benzamide, 3,3'-{(2,5-di-m-ethyl-1,4-phenylene)bis {imino
(1-acetyl-2-oxo-2,1-ethanediyl)-azo}}bis{4-chloro-N-(5-chloro-2-methylphenyl)}.
June 25, 1998.

147. S. 1935

Mr. Roth

To suspend temporarily the duty on
Benzamide,3,3'[(2-chloro-5-methyl-1,4-phenylene)bis[imin-o(1-acety-2-oxo-2,1-ethanediyl)azo}}bis{4-chl
oro-N-(3-chloro-2-methyphenyl)}.
June 25, 1998.

148. S. 1936

Mrs. Feinstein

To suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs.
June 25, 1998.

149. S. 1937

Mrs. Feinstein

To suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs.
June 25, 1998.

150. S. 1938

Mrs. Feinstein

To suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs.
June 25, 1998.

151. S. 1939

Mrs. Feinstein

To suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs.
June 25, 1998.

152. S. 1940

Mrs. Feinstein

To suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs.
June 25, 1998.

153. S. 1941

Mrs. Feinstein

To suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs.
June 25, 1998.

154. S. 1942

Mrs. Feinstein

To suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs.
June 25, 1998.

155. S. 1943

Mrs. Feinstein

To suspend temporarily the duty on certain chemicals used in the formulation of an HIV protease inhibitor.
June 16, 1998.

156. S. 1944

Mrs. Feinstein

To suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs.
June 22, 1998.

157. S. 1945

Mrs. Feinstein

To suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs.
June 22, 1998.

158. S. 1946

Mrs. Feinstein

To suspend temporarily the duty on a certain drug substance used as an HIV antiviral drug.
June 16, 1998.

159. S. 1947

Mrs. Boxer

To suspend temporarily the duty on a certain drug substance used as an HIV antiviral drug.
June 16, 1998.

160. S. 1948

Mrs. Boxer

To suspend temporarily the duty on a certain chemical used in the formulation of HIV antiviral drugs.
June 16, 1998.

161. S. 1949

Mrs. Boxer

To suspend temporarily the duty on a certain chemical used in the formulation of HIV antiviral drugs.
June 16, 1998.

162. S. 1950

Mrs. Boxer

To suspend temporarily the duty on a certain chemical used in the formulation of HIV antiviral drugs.
June 16, 1998.

163. S. 1951

Mrs. Boxer

To suspend temporarily the duty on a certain chemical used in the formulation of HIV antiviral drugs.
June 16, 1998.

164. S. 1952

Mrs. Boxer

To suspend temporarily the duty on a certain chemical used in the formulation of HIV antiviral drugs.
June 16, 1998.

165. S. 1953

Mrs. Boxer

To suspend temporarily the duty on a certain chemical used in the formulation of HIV antiviral drugs.
June 16, 1998.

166. S. 1954

Mrs. Boxer

To suspend temporarily the duty on a certain chemical used in the formulation of HIV antiviral drugs.
June 16, 1998.

167. S. 1955

Mrs. Boxer

To suspend temporarily the duty on a certain chemical used in the formulation of HIV antiviral drugs.
June 16, 1998.

168. S. 1956

Mrs. Boxer

To suspend temporarily the duty on a certain chemical used in the formulation of HIV antiviral drugs.
June 16, 1998.

169. S. 2362

Mr. Thurmond

To extend the temporary duty suspension on certain textured rolled glass sheets.
September 3, 1998.

170. S. 2399

Ms. Moseley-Braun

To suspend temporarily the duty on certain drug substances used as an HIV antiviral drug.
September 3, 1998.

APPENDIX E

TRADE LITIGATION IN FISCAL YEAR 1998

Litigation Completed

Appeals Arising From Antidumping and Countervailing Duty Investigations

Angus Chemical Company v. United States, Appeal No. 97-1166 (Court of Appeals for the Federal Circuit)

The Court of Appeals for the Federal Circuit affirmed, on different grounds than the decision of the Court of International Trade, the Commission's final negative determination in *Nitromethane from the People's Republic of China*, Inv. No. 731-TA-650 (Final) [see USITC Publication 2773 (May 1994)]. The court of appeals held, *inter alia*, that those Commissioners who, employing a two-step approach to material injury by reason of imports, had found no material injury to the U.S. industry, had made sufficient findings concerning the volume, price effects, and impact of imports to sustain the negative determination.

BIC Corporation v. United States of America and the United States International Trade Commission, Appeal No. 97-1443 (Court of Appeals for the Federal Circuit)

The Court of Appeals affirmed without opinion the Court of International Trade's upholding of the Commission's final negative determinations in *Disposable Lighters from Thailand*, Inv. No. 731-TA-701 (Final) and *Disposable Lighters from the People's Republic of China*, Inv. No. 731-TA-700 (Final) [see USITC Publication 2876 (April 1995) and USITC Publication 2896 (June 1995)]. The lower court had held, *inter alia*, that underselling alone is insufficient to support an affirmative determination without finding effects on prices, that underselling may be discounted without quantification of a price premium, that substantial evidence supported the Commission's findings on product differentiation, and that the Commission reasonably found a lack of positive evidence tending to support an intention to increase imports.

The Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers v. United States, Court No. 97-05-00876 (Court of International Trade)

In this case, the Court of International Trade affirmed the Commission's negative determination concerning brake drums in *Certain Brake Drums and Rotors from the People's Republic of China*, Inv. No. 731-TA-744 (Final) [see USITC Publication 3035 (April 1997)]. The Court held, *inter alia*, that the Commission majority reasonably found no significant price effects when it found no nexus between underselling by less than fair value imports and the industry's operating performance. It also upheld a Commissioner's view that all imports were sufficiently substitutable that, even if unfairly traded imports had been fairly priced, prices for the domestic like product would not have significantly increased. The Court rejected the argument that absolute increases in inventories necessitated an affirmative determination and sustained the Commission's conclusion that increases in foreign capacity did not

indicate a threat of increased imports when there was no correlation between capacity increases in China and changes in levels of exports to the United States.

Appeals Arising From Investigations Under Section 337 of the Tariff Act of 1930

In re Atmel Corporation v. United States International Trade Commission, Misc. Docket No. 529 (Court of Appeals for the Federal Circuit)

In this case, Atmel Corporation petitioned the court for a writ of mandamus directing Administrative Law Judge Paul J. Luckern to vacate in part his order in *Certain EPROM, EEPROM, Flash Memory, and Flash Microcontroller Semiconductor Devices and Products Containing Same*, Inv. No. 337-TA-395, concerning production of certain documents claimed to be privileged. The Court of Appeals denied the writ of mandamus.

Emanuel Hazani v. U.S. International Trade Commission, Appeal Nos. 96-1231, -1262, -1411, -1415 (Court of Appeals for the Federal Circuit)

On October 14, 1997, the Court, reviewing the summary determination *de novo* affirmed the Commission's negative determinations in *Certain Memory Devices with Increased Capacitance and Products Containing Same*, Inv. No. 337-TA-371 [see USITC Publication 2982 (July 1996)]. The Court held that the Commission's administrative law judge did not err in holding that petitioner raised claimed construction arguments too late when he raised them only in a motion for reconsideration. The decision further sustained the claim invalidity holdings in the determination, affirming the agency's construction of the patent claims.

Genentech Inc. v. United States International Trade Commission, Appeal No. 95-1244 (Court of Appeals for the Federal Circuit)

On August 14, 1997, the Court overturned and remanded the Commission's final determination dismissing the complaint in *In re Certain Recombinantly Produced Human Growth Hormones*, Investigation No. 337-TA-358 [see USITC Publication 2764 (March 1994)]. The determination was based on a sanction for failure to list or produce in discovery responses documents as to which a district court had found the attorney-client privilege to have been waived. The Court, while holding that the Commission correctly found the waiver of privilege not to be forum-limited, found the complainant's actions before the Commission did not warrant sanction.

Meta Systems and Mentor Graphics Corp. v. United States International Trade Commission, Appeal No. 97-1106 (Court of Appeals for the Federal Circuit)

In a per curiam decision, the Court, adopting the administrative law judge's claim construction, upheld the Commission's issuance of a temporary exclusion order in *Certain Hardware Logic Emulation Systems*, Inv. No. 337-TA-383. [see USITC Publication 3089 (March 1998)].

Tanabe Seiyaku Co., Ltd. and Marion Merrell Dow, Inc., v. United States International Trade Commission, Appeal No. 95-1448 (Court of Appeals for the Federal Circuit), cert. denied, No. 97-395 (United States Supreme Court)

The Court of Appeals for the Federal Circuit affirmed the Commission's negative determination in *In the Matter of Certain Diltiazem Hydrochloride and Preparations*, Inv. No. 337-TA-349 [see USITC Publication 2902 (June

1995)]. The Court upheld the Commission's determination that the specificity of the claim language at issue suggested that the substitution of butanone for acetone in the claimed process would not be an insubstantial change. It also upheld the Commission's consideration of representations made to foreign patent offices and of respondents' extensive experimentation.

Litigation Terminated

In addition to the cases discussed above, a number of cases were terminated during FY 1998 without final substantive decisions on the merits. Those cases are listed below:

Heveafil SDN. Bhd., et al. v. United States, Court No. 98-08-02632 (Court of International Trade)

Plaintiffs filed a notice of dismissal of their suit challenging the Commission's negative determination in *Extruded Rubber Thread from Malaysia*, Inv. No. 753-TA-34 [see USITC Publication 3112 (June 1998)].

Koyo Corporation of U.S.A. v. United States, Court No. 97-05-00735 (Court of International Trade)

Plaintiff stipulated to dismissal of the United States Tariff Commission's affirmative determination in *Tapered Roller Bearings and Certain Components from Japan*, Inv. No. AA1921-143 [see USITC Publication 714 (Jan. 1975)].

L. Shieh v. United States, Case No. 85, Suit No. 2053 (District Court Taipei, Taiwan)

This suit, seeking damages against Commission personnel resulting from the Commission's denial to plaintiff of access to business confidential information under protective order, was dismissed on the ground of immunity.

Showa Aluminum Corporation and Showa Aluminum Corporation of America v. United States International Trade Commission, Appeal Nos. 98-1135, -1137, -1138

(Court of Appeals for the Federal Circuit)

Plaintiffs filed a stipulation of dismissal of their suit challenging the Commission's affirmative determination in *Certain Condensers, Parts Thereof and Products Containing Same Including Air Conditioners for Automobiles*, Inv. No. 337-TA-334 [see USITC Publication 3063 (Sept. 1997)].

Litigation Pending at the End of Fiscal Year 1998

Cases arising from antidumping and countervailing duty investigations ¹	13
Cases arising from section 337 determinations	11
Other litigation ²	3
Total	27

¹ Each case in which the courts have consolidated suits or appeals filed by different parties is counted as a single piece of litigation. Thus, the actual number of complaints or appeals filed is greater than the number given above.

² This category includes all cases before courts or administrative tribunals concerning administration of the agency, not challenging substantive decisions of the Commission.

By comparison, at the end of fiscal year 1997, there were 10 pending cases arising from antidumping and countervailing duty investigations, 8 arising from section 337 determinations, and 4 cases involving non-trade subjects, for a total of 22.

ITC Services and Information Resources

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

National Library of International Trade and the ITC Law Library

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

Public Reading Room Public inspection files are maintained in every ITC investigation. These files can be reviewed in the ITC's Public Reading Room, located in the Office of the Secretary on the first floor of the ITC Building. Depending on the age of the records requested, the files are available electronically (including through an imaging system), 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.

Fax-on-Demand *Federal Register* notices, news releases, meeting agendas, monthly calendars, general information "fact sheets," Commissioner biographies, and schedules of pending investigations (including hearing dates and deadlines for written submissions), are available through the ITC's fax-on-demand service by calling 202-205-2023 (call must be placed from the handset on the caller's fax machine).

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

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

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

Commission and Executive Staff as of September 30, 1998

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Lynn M. Bragg, Chairman
Marcia E. Miller, Vice Chairman
Carol T. Crawford
Jennifer A. Hillman
Stephen Koplan
Thelma J. Askey

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Secretary Donna R. Koehnke

Office of the General Counsel

General Counsel Lyn M. Schlitt

Office of Operations

Director Robert A. Rogowsky

Office of Economics

Acting Director Robert A. Rogowsky

Office of Industries

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