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.
Commissioners:

Peter S. Watson, Chairman
Janet A. Nuzum, Vice Chairman
David B. Rohr
Don E. Newquist
Carol T. Crawford
Lynn M. Bragg

United States International Trade Commission
Annual Report
Fiscal Year 1994
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MESSAGE FROM THE CHAIRMAN

This past year was characterized by greater concern in the public and private sectors regarding the challenges of international trade and by a corresponding increase in the demands placed on the resources of the U.S. International Trade Commission (ITC).

As the government's "think tank" on international trade, we played a major part in the international trade community by providing counsel, technical assistance, and analysis to Congress and the executive branch on a wide variety of issues. In addition, our statutory investigations took on added dimensions as trade patterns continued to become more complex. In our research and adjudicative capacities, we were mindful of our responsibility to maintain the expertise necessary to keep pace with the dynamic world economy.

This past year saw significant changes in the world market—in particular, the signing of the Uruguay Round Agreements and the implementation of the North American Free Trade Agreement (NAFTA)—along with growing interest in the economic effects on U.S. industry of the globalization of markets. The breadth of ITC studies completed and undertaken during the year reflects this heightened interest and showcases the wide-ranging expertise of ITC staff. In this regard, the Commission undertook efforts to expand its modeling capabilities by adding a global model to its in-house U.S. model. These models allow the Commission to assess the potential economic effects of various trade policy options.

The ITC carried a considerable investigative caseload during the past year. Title VII filings during the year nearly doubled from FY 1993 levels, with the majority of them concerning allegations of dumping. Section 337 investigations during the year covered a wide range of complex products and processes, including microelectronic devices, microwave filters for satellites, and recombinant DNA technology. The Commission also adopted new rules of practice and procedure that will govern all section 337 investigations instituted after August 31, 1994.

The Commission's involvement in the work of the Customs Cooperation Council (now informally called the World Customs Organization or WCO) to update the Harmonized Tariff System continues. By April 1994, the system had been adopted by 75 countries, including the United States. The use of this tariff classification system facilitates the preparation of international trade documentation, the comparison of foreign trade statistics, and the negotiation of international trade agreements. The Commission staff has contributed to further improvement of the system through the development and representation of proposals which reflect the needs of the U.S. business community.

As 1994 ends, we welcome the opportunity to meet new challenges and we look forward to continuing to play a major part in the international trade community. We expect to perform our responsibilities with a continued sense of dedication and commitment to the highest professional standards. For the Commission, problems and challenges have always been opportunities to broaden our expertise, sharpen our skills, and increase our efficiency. We look forward to more of the same in 1995.

Peter S. Watson
Chairman
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 —

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

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. 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 1994

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<thead>
<tr>
<th>Tariff Act of 1930:</th>
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<tbody>
<tr>
<td>Section 332—general factfinding investigations</td>
<td>8</td>
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<tr>
<td>Section 337—investigations of alleged unfair practices in the import and sale of imported products</td>
<td>16</td>
</tr>
<tr>
<td>Antidumping and countervailing duty investigations (83 antidumping investigations—60 preliminary and 23 final; 13 countervailing duty investigations—10 preliminary and 3 final; Section 303 countervailing duty investigations—2 preliminary and 0 final)</td>
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<td>Section 751—review investigations</td>
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<tr>
<th>Trade Act of 1974:</th>
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<td>Section 406—market disruption investigations</td>
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<tr>
<td>Sections 131 and 503—advice on possible trade agreements</td>
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<th>Omnibus Trade and Competitiveness Act of 1988:</th>
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<tr>
<td>Section 1205—modifications to the Harmonized Tariff Schedule</td>
<td>2</td>
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<tr>
<th>Agricultural Adjustment Act of 1933:</th>
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<tbody>
<tr>
<td>Section 22—import interference with agricultural programs</td>
<td>2</td>
</tr>
</tbody>
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| Total                                               | 129 |

Investigations completed during fiscal year 1994 and investigations pending on September 30, 1994, are shown in appendix A.
Peter S. Watson, a Republican of California, was designated Chairman of the ITC by President Clinton for the term June 17, 1994, through June 16, 1996, after serving as the ITC's Vice Chairman for the term June 17, 1992, through June 16, 1994. Mr. Watson was nominated to the Commission by President Bush on October 23, 1991, for the term December 17, 1991, through December 16, 2000. Prior to his appointment to the ITC, Mr. Watson served in the White House as Director of Asian Affairs at the National Security Council from 1989 to 1991. During 1976 and from 1978 through 1988, Mr. Watson practiced international and business law in Los Angeles and Washington, DC. He has been an adjunct Associate Professor in International Trade & Investment Law and International Business Law. From 1985 through 1986, Mr. Watson served as Chairman of the Los Angeles County Bar Association's International Law Section and, from 1986 through 1987, was Chairman of the State Bar of California's International Practice Committee.

Janet A. Nuzum, a Democrat of Virginia, was designated Vice Chairman of the ITC by President Clinton for the term June 17, 1994, through June 16, 1996. She became a member of the Commission on November 26, 1991, to fill an unexpired term ending June 16, 1996. Prior to this appointment, Ms. Nuzum was a member of the professional staff of the Committee on Ways and Means' Subcommittee on Trade in the U.S. House of Representatives for almost nine years, advising Members of Congress on a broad range of international trade law and policy issues. Ms. Nuzum is a member of the bar of the District of Columbia. Since 1990, she has served in various leadership positions on the International Trade Committees of the D.C. Bar Association and the American Bar Association. She is also a past member of the Board of Directors of the Association of Women in International Trade. Ms. Nuzum received her B.A. from Smith College and her J.D. from the Georgetown University Law Center.

David B. Rohr, a Democrat of Maryland, became a member of the Commission on March 27, 1984, and was subsequently reappointed to a term ending December 16, 1994. He is the senior Commissioner in terms of length of service. Before his appointment to the ITC, Mr. Rohr was staff director of the Committee on Ways and Means' Subcommittee on Trade in the U.S. House of Representatives. He was a trade advisor and the principal liaison with the ITC, the Office of the United States Trade Representative, and other federal agencies. Mr. Rohr also served as Director of the Trade Negotiations and Agreements Division of the U.S. Department of Commerce. He joined the Department of Commerce in 1961 as an international economist. Mr. Rohr is a graduate of Colorado State University, where he received a bachelor's degree in business administration and a master's degree in economics.
Don E. Newquist, a Democrat of Texas, was appointed to the ITC to fill an unexpired term on October 18, 1988, and reappointed to a nine-year term ending December 16, 1997. During FY 1994, Mr. Newquist completed a two-and-one-half year term as Chairman of the ITC. He was first designated Chairman by President Bush on December 13, 1991, and was redesignated as Chairman on June 16, 1992, for the term ending June 16, 1994. Before his appointment to the Commission, Mr. Newquist was with Valero Energy Corporation as Senior Vice President for Corporate Relations. He also served as general manager of the Chamber of Commerce of Denver, CO, and before that was with the Chamber of Commerce of Corpus Christi, TX. He is a past president of the South Texas Chamber of Commerce.

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.

Lynn Munroe Bragg, a Republican of Maryland, 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, Ms. Bragg served in a senior management position with the Edison Electric Institute. As a director of government affairs, she advised member companies on legislative matters relating to fossil fuels and industry structure issues. From 1981 to 1991, Ms. Bragg served on the staff of Senator Malcolm Wallop of Wyoming. In that position, she worked extensively on energy, tax, and trade issues as the legislative director and a legislative assistant. Before joining Senator Wallop's staff, Ms. Bragg held several positions in the corporate affairs department of the Potomac Electric Power Company (PEPCO) in Washington, DC. She holds a bachelor's degree from Mary Washington College and a master's degree in public relations from Boston University.
INTRODUCTION

Fiscal year 1994 was a remarkable year in the global trade arena, marked by two events that will affect the conduct of international trade for years to come: the passage and implementation of the NAFTA among the United States, Canada, and Mexico, and the conclusion of the seven-year Uruguay Round negotiations under the General Agreement on Tariffs and Trade (GATT).

The ITC furnished technical support to policymakers in these and other trade matters throughout the year, providing objective economic and analytical expertise to the United States Trade Representative (USTR) and the Congress as they worked to formulate U.S. policy. Throughout the year, numerous ITC staff members also provided direct assistance to the USTR in connection with the GATT negotiations.

The year also brought the ITC one of its most complex and challenging investigations: a request from the President to determine whether imports of wheat, wheat flour, and semolina were interfering with the wheat program of the U.S. Department of Agriculture. The Commission held public hearings in the wheat-growing regions of North Dakota and Montana as well as in Washington, DC, in connection with the investigation. ITC staff analyzed an exhaustive amount of data utilizing sophisticated economic modeling tools designed to assist Commissioners in reaching their findings, which are detailed in appendix A of this report.

In other statutory investigation areas, nearly twice as many antidumping/countervailing duty petitions were filed with the ITC in FY 1994 as were filed in FY 1993, the majority of them involving allegations of dumping. High technology matters continued to highlight investigations under section 337, which involve allegations of unfair import practices.

The ITC generated a number of factfinding studies of interest to policymakers as well as the media and public during the year. Among these were a study on The Economic Effects of Significant U.S. Import Restraints, which evaluated the cost to the national economy of various import restraints imposed under U.S. law; the ITC’s first Annual Report on the Andean Trade Preference Act, which reviewed the impact of that law on U.S. industries and consumers as well as Andean drug crop eradication and crop substitution activities; Potential Impact on the U.S. Economy and Industries of the GATT Uruguay Round Agreements, which analyzed the economy-wide effects of the Uruguay Round Agreements and the potential impact of their tariff and non-tariff provisions on trade, production, employment, and consumers for 58 individual agricultural, industrial, and service sectors of the economy; and The Year in Trade, an annual examination of the administration of U.S. trade policy which this year provided a practical guide to the 21 major agreements reached during the GATT Uruguay Round negotiations and an overview of the new World Trade Organization.

In addition, the agency completed a report for the House Committee on Ways and Means that contained a proposed reorganization of U.S. trade relief laws, and it continued to investigate the global competitiveness of key U.S. high-technology manufacturing industries for the Senate Committee on Finance, completing a study on the computer industry. The agency also responded to hundreds of congressional requests for information and received 439 requests for bill reports, which analyze proposed miscellaneous tariff legislation, from Members of Congress.

A new Chairman took the helm at the ITC during FY 1994. In June, President Clinton designated Peter S. Watson as Chairman to succeed Don E. Newquist, whose term as Chairman expired. Janet A. Nuzum was designated Vice Chairman. The year also saw the departure of Anne E. Bransdale, who served as a Commissioner for more than eight years, and the arrival of Lynn M. Bragg, who was sworn in as a Commissioner in March 1994.
WELCOME
FARMERS
OFFICIALS
AND ITC
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 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. A more detailed explanation of anti-dumping/countervailing duty laws is included in appendix C.

Nearly twice as many title VII petitions were filed with the Commission in FY 1994 as were filed in FY 1993 (70 versus 37), with the majority involving allegations of dumping (59 of the 70). The petitions covered a wide variety of products, including paper clips, phthalic anhydride, pencils, silico-manganese, saccharin, coumarin, stainless steel bar, fresh garlic, fresh cut roses, carbon steel wire rod, carbon steel butt-weld pipe fittings, primary magnesium, stainless steel angles, disposable lighters, ferrovanadium, furfuryl alcohol, canned pineapple, carbon steel seamless pipes, oil country tubular goods, glycine, carbon steel pipe nipples, and wheel inserts.

The Commission also finished work on a number of other cases that had been filed during FY 1993. These included cases involving stainless steel wire rod, stainless steel flanges, ferrosilicon, defrost timers, stainless steel pipes, calcium aluminate cement, steel wire rod, nitromethane, silicon carbide, aramid fiber, sebacic acid, stainless steel pipe fittings, silicon electrical steel, and photographic paper.

One title VII review investigation was instituted on ceiling fans from China. (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 involved 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 1994, as in previous years, the ITC's section 337 caseload was highlighted by investigations involving several high-technology products. Significant among these were computer-related investigations concerning semiconductor devices, circuit board testers, multitasking memory management, connecting devices for local area networks, computer disk drives, and facsimile machines. In addition, several investigations involved other sophisticated technology, including pharmaceuticals (a widely used cardiovascular medication...
and recombinantly produced human growth hormones), microwave filters used in satellites, industrial polymer products, and chemical adhesives.

During FY 1994, five of the pending investigations in these technology areas involved allegations that complainants' patented processes were being employed abroad, without authorization, to produce products that respondents imported into the United States.

One section 337 investigation involved allegations that respondents had misappropriated the complainant's trade secrets and were using the alleged trade secrets in manufacturing operations abroad to make removable hard disk cartridges for computers that were subsequently imported into the United States. This investigation also included allegations that respondents' products infringed complainant's registered trademarks.

Two of the Commission's section 337 investigations were based on allegations that respondents' products infringed U.S. patents covering the overall appearance or design of a product. Additional patent-based section 337 investigations focused on products such as rechargeable batteries, automobile alarm systems, automobile disc brake lathes, remote controls for televisions, and audible alarm devices for divers.

Also in FY 1994, the Commission instituted a formal enforcement proceeding based on allegations of violations of a cease and desist order issued by the Commission in a section 337 investigation involving plastic encapsulated integrated circuits.

INVESTIGATIONS UNDER THE TRADE ACT OF 1974

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. If the Commission finds market disruption, it makes a remedial determination, but the President does not have the authority to impose import relief. Details are presented in appendix A.

INVESTIGATIONS UNDER THE AGRICULTURAL ADJUSTMENT ACT OF 1933

Under section 22 of the Agricultural Adjustment Act, the Commission investigates, at the direction of the President, whether imports materially interfere with programs of the U.S. Department of Agriculture. The Commission makes findings and recommendations to the President, who may impose an import fee or quota on the imports in question. A more detailed description of section 22 is included in appendix C.

The wheat investigation was one of the most challenging ever conducted by the Commission. Over a six-month period, the Commission gathered an exhaustive amount of data on the market dynamics for wheat, received hundreds of submissions, and heard testimony directly from affected farmers at hearings in Bismarck, ND; Shelby, MT; and Washington, DC. Data analysis conducted by ITC staff in the investigation applied very sophisticated economic modeling tools.

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 1994 or pending on September 30, 1994, is provided in appendix B.
Studies Analyzing Various Aspects of U.S. Trade Agreements and Other Special Trade Programs

Potential Impact on the U.S. Economy and Industries of the GATT Uruguay Round Agreements (332-353)

On March 22, 1994, the House Committee on Ways and Means and the Senate Committee on Finance requested that the ITC analyze the impact of the Uruguay Round Agreements (URA) of the GATT on the U.S. economy, focusing on important agricultural, industrial, and service sectors. The ITC report, submitted in June 1994, reviewed and analyzed studies of the economy-wide effects of the URA and analyzed the potential impact of tariff and nontariff provisions of the URA on trade, production, employment, and consumers for 58 individual agricultural, industrial, and service sectors of the U.S. economy.

The ITC found that the long-term net trade effects of the GATT Uruguay Round Agreements are likely to be small but positive for most sectors of the U.S. economy, noting that the results in the study are based on a partial equilibrium economic model which by nature cannot capture the long-term dynamic gains from liberalized trade, which could in fact be larger.


On May 26, 1994, the USTR requested that the ITC advise the President as to the probable economic effect on domestic industries producing like or directly competitive articles and on consumers of the immediate elimination of the U.S. tariff under the NAFTA with respect to certain dutiable articles. The NAFTA requires that the President obtain advice from the ITC regarding such proposed actions. The ITC report containing classified information was delivered to the USTR on August 24, 1994.


Section 206 of the Andean Trade Preference Act (ATPA) requires the ITC to submit annual reports to Congress and the President on the economic impact of the ATPA on U.S. industries and consumers. The first annual report, submitted in September 1994, also discussed the ATPA's effectiveness in promoting drug-related crop eradication and crop substitution was possible at the time of this report.

U.S. Imports of Textiles and Apparel Under the Multifiber Arrangement, Annual Report for 1993 (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
Commissioners Don Newquist and David Rohr review testimony during an ITC hearing in connection with its factfinding investigation into the economic effects of U.S. antidumping and countervailing duty orders and suspension agreements. The annual reports in this investigation provide statistics on U.S. textiles and apparel imports for the most recent year and at least three preceding years, broken down by fibers, broad product groups, regional country groups, and individual countries. Data are presented for each of the top 35 supplying countries in terms of the nearly 150 product categories used to administer the U.S. textiles and apparel trade agreements program. The ITC has published similar data each year since 1981; the annual report containing 1993 data was published in March 1994.

Studies on Special Areas of Congressional or USTR Interest

The Economic Effects of Significant U.S. Import Restraints (332-325)

On June 5, 1992, the USTR requested that the ITC periodically update its earlier studies on the economic effects on the U.S. economy of significant U.S. import restraints. The ITC report, submitted in November 1993, is the first of these updates. The report addressed liberalization of significant U.S. import restraints in manufacturing, agriculture, and services. The report observed that the Multifiber Arrangement, maritime restrictions under the Jones Act, and agricultural quotas were the U.S. import restraints having the greatest impact on the U.S. economy.

The ITC found that simultaneous liberalization of all significant U.S. import restraints could benefit the U.S. economy by approximately $19 billion (in 1991 dollars, the base year of the study). A primary reason for the gains would be lower consumer prices in the previously protected sectors once the import restraints were removed. Although domestic producers in the previously protected sectors would be adversely affected by liberalization, the benefit to consumers from lower prices would more than compensate for specific losses experienced in individual sectors.

Proposed Reorganization of the U.S. International Trade Relief Laws (332-341)

On December 16, 1992, the House Committee on Ways and Means requested that the ITC conduct a study and prepare a report containing a proposed reorganization of U.S. trade relief laws. The Committee asked that the report include trade relief laws under which tariffs and quantitative restrictions are imposed, including the antidumping and countervailing duty laws. The Committee requested that the ITC proposals seek to achieve the following objectives: logical and accessible arrangement of the law; elimination of duplicative provisions, and elimination or simplification of anomalous or illogical provisions, to the extent possible without substantive or procedural changes to existing provisions of law.

The ITC report, submitted in December 1993, included proposed reorganizations of the laws found in sections 201-204 of the Trade Act of 1974 (safeguards law); section 406 of the Trade Act of 1974 (market disruption from Communist countries); section 232 of the Trade Expansion Act of 1962 (national security); section 303 and title VII of the Tariff Act of 1930 (antidumping and countervailing duty laws); sections 337 of the Tariff Act of 1930 (unfair import practices); sections 301-310 of the Trade Act of 1974 (enforcement of U.S. rights under trade agreements); laws relating to the Generalized System of Preferences and trade preferences for Caribbean Basin and Andean countries; and several other laws.

Studies Analyzing the Competitiveness of U.S. Industry

Global Competitiveness of U.S. Advanced-Technology Industries: Computers (332-339)

On June 11, 1992, the Senate Committee on Finance...
requested that the ITC examine the global competitiveness of the U.S. computer hardware industry. The ITC report, submitted in December 1993, provided separate competitive assessments of U.S. manufacturers of personal computers (PCs), workstations, mainframes and minicomputers, and supercomputers. The report identified and discussed the implications of prevailing industry trends, such as the downsizing of computer platforms and the commoditization of PC components and computers, and it examined the effects on the industry of foreign and domestic government policies, trade restraints, and research and development financing.

Among its findings, the ITC reported that U.S. hardware manufacturers remain among the most competitive firms in the global computer hardware industry; that large amounts of government funding has helped to establish computer industries in the United States, Japan, and Europe, but that U.S. government programs have emphasized defense applications while foreign programs have emphasized civilian applications; that restricting exports of advanced U.S. computing technologies for national security reasons appears to have hampered U.S. firms' competitiveness in foreign markets; and that U.S. firms account for over 55 percent of the global PC market, which increasingly resembles a price-sensitive consumer electronics market, and for 64 percent of the revenues in the $56 billion global market for mainframes and minicomputers.

**Studies Conducted on a Recurring Basis**


On August 27, 1993, the Commission instituted on its own motion an annual investigation to review U.S. trade performance, focusing on changes in the import, export, and trade balances of services transactions and key agricultural and merchandise sectors. The current report also profiles the U.S. industry and market for nearly 300 commodity groups, providing estimated data for 1989-93 on domestic consumption, production, employment, trade, and import penetration. For the first time, the current report includes information on the trade balance for the U.S. service sector as a whole and by selected service industry accounts, as well as the U.S. surpluses on service accounts with selected trading partners. The report also summarizes the significant factors affecting the U.S. trade balance over a 13-year period (1980-93), highlighting selected industries. The ITC has published such reports on a quarterly, semiannual, or annual basis since 1981; the annual report containing data for the years 1989-93 was published in September 1994.

**ANNUAL REPORT ON THE U.S. TRADE AGREEMENTS PROGRAM**

*The Year in Trade, 1993*

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, 1993*, published in June 1994, provides a practical guide to over 20 major agreements reached during the seven-year long Uruguay Round negotiations and an overview of the World Trade Organization. It also examines two important regional trade developments during the passage of the NAFTA implementing legislation and the meeting of Asia-Pacific Economic Cooperation leaders. The publication includes complete listings of antidumping, countervailing duty, intellectual property rights infringement, and Section 301 cases undertaken by the U.S. government for 1993. 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 informational resources and statistical services.

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; 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 unfair imports of products like those it produces. The key investigations conducted by Investigations during FY 1994 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, and consultations with technical and marketing specialists, 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 more than 90 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. Industries staff are organized into divisions composed of major industrial sectors.

Upon request, Industries analysts provide information and assistance related to international trade negotiations to the USTR. In addition to conducting fact-finding 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 1994, the Office of Industries conducted 17 investigations under section 332, including both one-time fact-finding studies and continuing industry surveys. In addition to the studies detailed in the Highlights section of this report, section 332 studies released during the year covered the Generalized System of Preferences and duty eliminations under the U.S.-Canada Free Trade Agreement. The office also completed recurring studies and monitoring reports requested by the President, Congress, and the Commission. These reports covered synthetic organic chemicals, rum, nonrubber footwear, automobiles, ethyl alcohol, steel, tomatoes, peppers, the U.S. services commitments under the GATT, the multibander arrangement, and production sharing under chapter 98 of the Harmonized Tariff Schedule. The office also published its annual analysis of significant trade shifts in selected commodity areas.

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 1994, 30 summaries were published, bringing the total number of summaries published in this series to 78.

Office of Economics

The Office of Economics provides expert economic analysis for ITC investigations and reports. The office consists of three divisions. The Research
Division and Trade Reports
Division contribute economic and trade policy analysis to section 332 investigations on a variety of international trade issues. The Applied Economics Division provides economic analysis and support for countervailing duty and antidumping, escape clause, market disruption, and section 22 investigations as well as for section 332 investigations.

Research Division economists specialize in quantitative analysis of trade and economic issues. They review most ITC section 332 studies to ensure that the studies are based on generally accepted economic principles, and they provide modeling and other economic support for a broad array of ITC investigations. The Research Division monitors relevant technical developments in the economics field to ensure that the ITC provides state-of-the-art analysis of trade policy issues.

The Research Division maintains and develops the computable general equilibrium (CGE) modeling capabilities that enable the agency staff to estimate the effects of removing any specific trade restraint or of removing multiple restraints simultaneously. The division currently has a CGE model of the U.S. economy and is developing regional and global CGE modeling capabilities. During FY 1994, Research Division economists updated the underlying data used in the ITC's CGE model. The primary application of the ITC's CGE model during FY 1994 appeared in an updated assessment for the USTR of the economic costs of various existing U.S. import restraints.

In addition, in FY 1994, Research Division economists participated in studies requested by Congress on the economic effects of the Uruguay Round Agreements, the Caribbean Basin Economic Recovery Act, and the Andean Trade Preference Act. Division economists also participated in studies requested by the USTR on the effects on U.S. businesses of the Arab League boycott of Israel, on the economic effects of antidumping and countervailing duty orders and suspension agreements, and on trade preferences granted under the Generalized System of Preferences.

Also during FY 1994, division economists provided the Council of Economic Advisers (CEA) with a technical assessment of various methods for quantifying non-tariff barriers. The CEA used this assessment in its evaluation of this subject for the Organization for Economic Cooperation and Development's Pilot Group on Non-Tariff Barriers.

Economists within the Trade Reports Division contribute country-specific economic expertise to ITC investigations and maintain up-to-date data concerning global economic, investment, and trade developments by 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.

Trade Reports Division economists prepare recurring reports, briefing materials, and background information on monitored countries. They also monitor and report a broad array of data and information on regional organizations and global trade initiatives. These economists provide substantial
technical assistance and information on current policy questions to members of Congress, other government agencies, the news media, and the public; additionally, they frequently participate in ITC meetings and seminars with foreign visitors as well as in interagency meetings, conferences, and seminars on bilateral, regional, and multilateral trade topics.

During FY 1994, the division completed the ITC’s first annual report on the Andean Trade Preference Act and worked on the ITC’s multiyear study on the European Union’s so-called “1992” economic integration program. Division economists also worked on the ITC study on the effects on U.S. businesses of the Arab League boycott of Israel. The report is due to be delivered to the USTR in November 1994.

The division also publishes the International Economic Review (IER), a monthly journal analyzing international economic and trade policy developments. In June 1994, the division published the annual IER Chartbook, which presented, through graphs and statistical tables, a five-year perspective on U.S. trade by major regional, country, and commodity groupings.

The Applied Economics Division primarily is responsible for providing technical economic expertise in the ITC’s antidumping and countervailing duty investigations as well as in escape clause, market disruption, and section 22 investigations. Division economists serve on investigative teams, where they analyze pricing, demand, supply, and other market-related information for the staff report to the Commission. They also model the economic impact of unfairly priced imports on the U.S. industry producing competing articles.

During FY 1994, Applied Economics Division economists participated in all antidumping, countervailing duty, market disruption, and section 22 investigations. In addition, they made substantial contributions to several 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.

During FY 1994, TATA staff members also work with the Office of Industries to prepare bill reports requested by Congress; during FY 1994 the office completed 197 such reports (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. In providing technical and legal
assistance to the USTR, TATA staff prepared the proclamation implementing the NAFTA, participated in writing the NAFTA implementing bill, and began work on the draft proclamation to implement the GATT Uruguay Round agreements. Each of these proclamations, which contain all U.S. tariff changes and staged duty reductions, is several hundred pages in length.

The office conducts investigations under section 1205 of the Omnibus Trade and Competitiveness Act of 1988, which provides an administrative means for updating the HTS to reflect modifications to the HS. During FY 1994, TATA carried out two investigations under section 1205 of the Omnibus Trade and Competitiveness Act of 1988. Investigation 1205-4 was instituted to consider amending the nomenclature as to the classification of petroleum jelly in the interest of the uniform application of the HS. Investigation 1205-3 was reopened in order to issue an addendum to the final report. This was necessary because of the non-acceptance by contracting parties to the HS Convention of certain proposed amendments to the HS nomenclature. TATA staff members drafted the Presidential proclamations required to implement the changes covered in these investigations.

The office participates in the Customs Cooperation Council (CCC), an international organization headquartered in Brussels, Belgium. The CCC oversees the continuous development and maintenance of the global HS. TATA represents the ITC on the central committee for nomenclature and classification matters (the Harmonized System Committee) as well as two advisory subcommittees (the Review Subcommittee and the Scientific Subcommittee). TATA participated in meetings of these three committees during FY 1994 and provided technical assistance to the Customs Service officials serving as U.S. delegates.

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 63 such petitions during FY 1994.

Through the committee, TATA participated during FY 1994 in two bilateral meetings 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.

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.
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 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 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 1994, there were 25 active section 337 investigations, 10 of which were instituted in FY 1994. (Key investigations are detailed in the Highlights section of this report, and a full list of investigations completed appears in appendix A). The Commission terminated seven investigations as a result of settlement agreements or consent orders entered into by the parties prior to an evidentiary hearing. Settlement agreements or consent orders were also entered in five other investigations. Four investigations were terminated based upon withdrawal of the complaints. One investigation was terminated following the entry of judgment against the complainant in a parallel federal district court case. Temporary relief, which was sought in two investigations, was denied in one investigation and granted in the other after evidentiary hearings.
The Commission found a violation of section 337 in two investigations. In one of those investigations, the Commission issued a limited exclusion order and a cease and desist order. In the other investigation, a general exclusion order was issued. The Commission found no violation of section 337 in two investigations.

The ITC may conduct enforcement proceedings to determine whether the importation 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. During FY 1994, OUII attorneys were involved in one enforcement proceeding stemming from an alleged violation of a cease and desist order in a prior section 337 investigation and one proceeding to modify an existing exclusion order.

Trade Remedy Assistance Office

The Trade Remedy Assistance Office (TRAO) assists the public and small businesses seeking benefits or relief under U.S. trade laws.

TRAO provides general information to all who inquire concerning remedies and benefits available under the trade laws of the United States, and it provides technical and legal assistance and advice to eligible small businesses seeking those remedies and benefits. TRAO provides information on six trade statutes, four of which are administered by the ITC.

A business seeking TRAO assistance must qualify as a small business under the standards established by the Small Business Administration. Once that eligibility has been determined, TRAO may provide technical and legal assistance and advice. The office will review draft complaints or petitions of eligible small businesses for substance and compliance with the ITC's Rules of Practice and Procedure so that (1) TRAO and the small business can determine whether there is a reasonable case of violation of a trade law and (2) the small business can present its case as fully and persuasively as possible under ITC rules. TRAO advises and assists the small business throughout the entire proceeding to ensure that the small business is aware of the various phases of each investigation, including the business' obligations at each phase and the deadlines involved.

In FY 1994, the TRAO received 309 inquiries from small businesses, trade associations, unions, Congress, the news media, academia, and law firms and certified 16 organizations as eligible small businesses, an increase from the nine certified in FY 1993. TRAO provided technical assistance and informal legal advice to these 16 eligible small businesses. Of the organizations receiving assistance, two pursued remedies in investigations under section 337 of the Tariff Act of 1930. The two investigations involved cutting tools for flexible plastic conduit and audible alarm devices for divers. (See appendix A for details of the investigations).
Circulation Technician Frances Cooper sorts through the numerous newspapers received each day in the ITC's National Library of International Trade.

Office of Information Services

The Office of Information Services (OIS) administers all ITC computer, telecommunications, and statistical services and the National Library of International Trade. OIS was formed in FY 1994 in a reorganization that integrated all agency information services by uniting these previously separate functions into a single office.

During FY 1994, the ITC's personal computer network was upgraded to keep up with expanded usage. Efforts were launched to transfer the ITC's international trade database from an outside mainframe computer center to an in-house networked client-server system, and initial agency connections to the Internet and other networks were developed. The ITC also instituted a pilot project to establish an agency Internet server.

Library Services

The 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. The library, open to the public during agency hours, houses over 100,000 volumes and approximately 2,000 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.

During FY 1994, the number of public visitors increased by 14 percent from FY 1993 levels.

OFFICE OF ADMINISTRATION

The Office of Administration oversees the administration of the ITC's budget, manages personnel matters and agency-wide programs and activities, directs procurement and publishing activities, conducts the agency information security program, and coordinates the day-to-day operation of the building that houses the agency. Administration also provides backup clerical support service for the Commissioners' and Directors' offices.

During FY 1994, Administration participated in several National Performance Review streamlining initiatives. The requirement to reduce internal regulations by at least 50 percent by September 1996 was well underway as the fiscal year ended. Administration also undertook several streamlining initiatives in the procurement, financial management, personnel, and publishing functions.
Administration also coordinated ITC staff members’ continued participation in the “Partners in Education” program during FY 1994. The program is an educational partnership with a local elementary school in which ITC participants provide tutoring, mentoring, and other support to the students.

**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 is also the Commission’s representative 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; help ITC offices develop their annual budget requests; develop the overall annual agency appropriation and authorization requests; and prepare monthly accounting, activity, and financial projection reports.

During FY 1994, the office followed a government-wide trend toward streamlining and increased efficiency through automation. It implemented an electronic certification system with the Department of the Treasury for processing payments, and it began using electronic funds transfer for travel-related payments to staff.

**Office of Management Services**

The Office of Management Services (OMS) manages the ITC’s publishing, procurement, and facilities management activities.

During FY 1994, the office continued efforts to improve service to agency personnel and the public through upgraded technology. It acquired and installed a computerized document management, conversion, and archiving system to further streamline publication
These hand-painted kokeshi dolls from Japan, loaned by Vice Chairman Janet Nuzum, were among the displays at a special art exhibit arranged as part of an EEO cultural awareness program during the ITC's celebration of Asia-Pacific Heritage Month.

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.

Employment levels remained flat in FY 1994, and recruitment activity was limited because of fiscal constraints and low turnover. Nonetheless, expanded outreach recruitment was coordinated with the Director of Equal Employment Opportunity to enhance agency efforts to achieve a diverse workforce. The office also administered extensive training activities, both on site and through outside sources, to meet individual and organizational needs, and it administered a trial of a new incentive program through which employees are granted time off in recognition of outstanding accomplishments.

EQUAL EMPLOYMENT OPPORTUNITY

The Equal Employment Opportunity (EEO) Director 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 plans and activities to assure equity in hiring activities. The Director manages the complaints process, oversees the EEO special emphasis programs, coordinates the pre-complaint counseling process, and supervises the collateral-duty program managers and counselors. The ITC Employee Development Program is a corollary responsibility of the Director.

During FY 1994, initiatives, including cultural diversity events, were implemented to address and remedy issues highlighted in previous program assessments. These initiatives established a permanent, proactive cultural diversity/affirmative action program to promote understanding and appreciation of multiple ethnicity in the workplace and to prevent inappropriate, discriminatory conduct on the part of employees and managers. To enhance training opportunities for employees while addressing the concept of organizational streamlining, an initiative to establish an ITC learning center was undertaken during FY 1994.

At the end of FY 1994, the Chairman signed an administrative order establishing a form Office of Equal Employment Opportunity. The order was to become effective on October 1994.

OFFICE OF THE ADMINISTRATIVE LAW JUDGES

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

After the Commission has instituted an investigation, the matter is referred to the Office of the Administrative Law Judges. The Chief Judge assigns the investigation to one of the judges, who directs the litigation, which includes scheduling and holding 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 1994, the Office of the Administrative Law Judges held six evidentiary hearings in section 337 cases under the Administrative Procedure Act. The judges disposed of nine cases without an evidentiary hearing by settlement, by summary determination, or by default. (See Highlights section of this report for details on key section 337 investigations during FY 1994 and appendix A for a complete list of investigations.)

OFFICE OF CONGRESSIONAL LIAISON

The Office of Congressional Liaison is the primary point of contact between the ITC and Congress. The office 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. The office also provides technical assistance to Members of Congress and their staff on various trade-related matters.

During FY 1994, the Commission received two requests from Congress to conduct studies under section 332 of the Tariff Act of 1930. The first was a joint request from the Senate Committee on Finance and the House Committee on Ways and Means to analyze the impact of the Uruguay Round Agreements of the GATT on the U.S. economy, focusing on important agricultural, industrial, and service sectors. The second was a request from the Senate Committee on Finance to study U.S. environmental technology industries.

During FY 1994, the ITC received 133 letters from Members of Congress and 439 miscellaneous tariff bill report requests in FY 1994. The Commission's bill reports provide statistical, technical industry analysis for use by the House Committee on Ways and Means and the Senate Committee on Finance during consideration of tariff-related legislation.

The Office of Congressional Liaison coordinated the appearance of three ITC Commissioners at a congressional hearing on ITC investigations under section 337 are quasi-judicial and are directed by an Administrative Law Judge. Here, Judge Paul Luckern presides over an evidentiary hearing. During this particular hearing, Judge Luckern allowed the experimental use of computer technology that enabled participants to view an immediate written transcript of the proceedings.
Congressman Jim Kolbe (R-AZ) talks with Congressional Liaison Jeff Menath, Commissioner Carol Crawford, and Director of Operations Robert Rogowsky (l-r) before the ITC's hearing in connection with its investigation of the economic effects of U.S. antidumping and countervailing duty orders and suspension agreements. The ITC's FY 1995 appropriation request.

Then-Chairman Don Newquist, accompanied by then-Vice Chairman Peter S. Watson and Commissioner Lynn Bragg, testified in April 1994 before the House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies.

Nine Members of Congress testified at Commission hearings during FY 1994. Seven Members testified as part of the ITC's section 22 investigation of wheat, wheat flour, and semolina. The Commission held hearings in three different locations in conducting this investigation. Senator Kent Conrad (D-ND), Senator Byron Dorgan (D-ND), and Congressman Earl Pomeroy (D-ND) testified on April 7, 1994, at the Commission's field hearing in Bismarck, ND. Senator Max Baucus (D-MT), Senator Conrad Burns (R-MT), Congressman Pat Williams (D-MT), and Montana Governor Marc Racicot testified on April 8, 1994, at the Commission's field hearing in Shelby, MT. Senator Conrad, Senator Dorgan, and Congressman Pomeroy were joined by Congressman Bill Sarpalus (D-TX) in testifying on April 29, 1994, at the Commission's hearing in Washington, DC.

Congressman Peter Hoekstra (R-MI) testified before the Commission in July in connection with a section 332 investigation on the probable economic effect on industries and consumers of accelerated tariff reductions on certain articles under the NAFTA.

Congressman Jim Kolbe (R-AZ) testified before the Commission on September 29, 1994, in connection with a section 332 investigation on the economic effects of antidumping and countervailing duty orders and suspension agreements.

The Office of Inspector General (IG) 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 IG are detailed in semiannual reports submitted to Congress in May and November.

The Office of Inspector General reviews all proposed ITC directives and regulations; 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 1994, the IG reviewed a range of programs and operations, including procurement-related issues, the organizational structure of ITC libraries, the process for conducting section 337 investigations, property and supplies management, and the role of the Office of the General Counsel appeals of ITC decisions in public investigations. Inspections included compliance with the Federal Managers' Financial Integrity Act of 1982; travel...
expenses; and imprest fund cash counts.

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 1994, a total of 9,253 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 (37 in FY 1994) and hearings (23 days of hearings in FY 1994). 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 1993 and FY 1994:

<table>
<thead>
<tr>
<th>Type of request</th>
<th>FY 1993</th>
<th>FY 1994</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requests for confidential</td>
<td>444</td>
<td>311</td>
</tr>
<tr>
<td>treatment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requests for release of</td>
<td>351</td>
<td>195</td>
</tr>
<tr>
<td>confidential business</td>
<td></td>
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<tr>
<td>information under</td>
<td></td>
<td></td>
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<tr>
<td>protective order</td>
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<td></td>
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<tr>
<td>FOIA requests:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Received</td>
<td>55</td>
<td>85</td>
</tr>
<tr>
<td>Granted in whole or in</td>
<td>35</td>
<td>53</td>
</tr>
<tr>
<td>part</td>
<td></td>
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</tr>
</tbody>
</table>

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 1,200 requests monthly. In addition, each month an average of 200 visitors as well as ITC staff use the office's public files for research purposes. Research facilities are available in the Office of the Secretary (room 112) and in the ITC National Library of International Trade and the ITC Law Library. Inquiries should be directed to the specific organizational unit or to the Secretary, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436. 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.

OFFICE OF EXECUTIVE AND INTERNATIONAL LIAISON

The Office of Executive and International Liaison manages the technical assistance that the ITC provides to the USTR and other executive branch agencies in the operation of the trade agreements program and in the execution of U.S. trade policy.

The Director is the ITC's representative on the inter-agency Trade Policy Staff Committee (TPSC) and an advisor to the Trade Policy
Review Group (TPRG). The TPSC and TPRG, which are chaired by the USTR, are the principal subcabinet interagency trade policy coordination groups. The office 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 serves as liaison with the USTR in coordinating Presidential requests for advice and information on trade issues. In FY 1994, the ITC completed one investigation that had been requested by the USTR under section 332 of the Tariff Act of 1930 and two investigations requested by the President—one under section 22 of the Agricultural Adjustment Act of 1933 and one under section 406 of the Trade Act of 1974. The ITC continued its work on a section 332 investigation on the economic effects of antidumping and countervailing duty orders and suspension agreements and instituted two USTR-requested section 332 investigations—one on the effects on U.S. businesses of the Arab League boycott of Israel and the other on the U.S. schedule of services commitments, required as part of the GATT Uruguay Round of multilateral trade agreements. The Office of Executive and International Liaison also oversees the preparation of Presidential proclamations that implement U.S. trade policy decisions concerning modifications to the HTS.

The office 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.

During FY 1994, the office assisted the USTR in preparation of the U.S. schedule of NAFTA staged tariff reductions and the Presidential proclamation of NAFTA tariff modifications. The office continued its support of the GATT Uruguay Round trade negotiations through preparation of the official schedule of U.S. tariff commitments and the draft Presidential proclamation of Uruguay Round tariff modifications. Assistance was also provided to the USTR in negotiations to accelerate the removal of duties under the NAFTA.

OFFICE OF THE GENERAL COUNSEL

The General Counsel serves as the ITC's chief legal advisor. The General Counsel and the 22 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 ethics, personnel and labor relations, and contracts. Appendix E of this report details the litigation matters completed or terminated during FY 1994 or pending at year-end. The office also provides assistance and support in the drafting of new ITC rules of practice and procedure. During FY 1994, final amendments were made to the rules governing section 337 investigations, and amendments were made to
other rules to reflect changes required by the NAFTA.

General Counsel attorneys serve as members of investigative teams assigned to antidumping and countervailing duty investigations and investigations under other statutory authorities.

Early in the fiscal year, attorneys in the office prepared substantial portions of the ITC report to the House Committee on Ways and Means on a proposed reorganization of U.S. trade relief laws.

When requested, the office provides technical assistance to the Congress and the executive branch on tariff and trade matters. During FY 1994, the office was called upon to provide technical assistance and support to the U.S. delegation to the GATT Uruguay Round trade negotiations in Geneva as well as to the Administration and Congress in the process of developing implementing legislation. Most such assistance and support is with regard to U.S. laws that are administered by the ITC but based on provisions in the GATT and GATT Codes. Office attorneys also provided technical assistance to USTR staff in defending challenges to ITC antidumping and countervailing duty determinations brought under the GATT Antidumping and Subsidies Codes.

OFFICE OF PUBLIC AFFAIRS

The Office of Public Affairs is the ITC's primary liaison with the public and the news media. The office develops and implements information programs to educate a variety of audiences about the ITC, its mission, and its role in U.S. international trade matters.

Through its Director, the office serves as spokesperson for the ITC. It maintains an active relationship with the national and international news media, responding to inquiries, issuing news releases concerning Commission determinations, publicizing ITC studies and publications, and arranging interviews with Commissioners and staff experts. The office prepares and disseminates brochures, pamphlets, and other materials to enhance public understanding of the ITC. It also advises the Commission and agency staff on public affairs issues and practices.

Public Affairs also directs the ITC visitors program. During FY 1994, the office arranged ITC visits for 199 individuals from 69 countries, including government officials, journalists, businessmen, economists, bankers, attorneys, professors, and students.

The Office of Public Affairs manages logistics for ITC field hearings, such as those held in Bismarck, ND, and Shelby, MT, during FY 1994. Here, (l-r) Congressman Pat Williams (D-MT), Senator Max Baucus (D-MT), and Senator Conrad Burns (R-MT) testify at the Shelby, MT, field hearing in connection with the ITC's section 22 investigation involving wheat, wheat flour, and semolina.
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 1994, a total of 441 permanent employees were employed by the ITC.

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

<table>
<thead>
<tr>
<th>Organizational unit</th>
<th>Number as of September 30, 1994</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioners</td>
<td>6</td>
</tr>
<tr>
<td>Offices of the Commissioners</td>
<td>24</td>
</tr>
<tr>
<td>Office of the Administrative Law Judges</td>
<td>9</td>
</tr>
<tr>
<td>Office of the Secretary</td>
<td>14</td>
</tr>
<tr>
<td>Office of Public Affairs</td>
<td>2</td>
</tr>
<tr>
<td>Office of Executive and International Liaison</td>
<td>4</td>
</tr>
<tr>
<td>Office of Congressional Liaison</td>
<td>2</td>
</tr>
<tr>
<td>Office of the General Counsel</td>
<td>40</td>
</tr>
<tr>
<td>Office of Inspector General</td>
<td>3.5</td>
</tr>
<tr>
<td>Office of the Director of Operations</td>
<td>4</td>
</tr>
<tr>
<td>Office of Economics</td>
<td>43</td>
</tr>
<tr>
<td>Office of Industries</td>
<td>122</td>
</tr>
<tr>
<td>Office of Investigations</td>
<td>34</td>
</tr>
<tr>
<td>Office of Tariff Affairs and Trade Agreements</td>
<td>17</td>
</tr>
<tr>
<td>Office of Unfair Import Investigations</td>
<td>15</td>
</tr>
<tr>
<td>Trade Remedy Assistance Office</td>
<td>1.5</td>
</tr>
<tr>
<td>Office of Information Services</td>
<td>30</td>
</tr>
<tr>
<td>Library Services</td>
<td>10</td>
</tr>
<tr>
<td>Office of the Director of Administration</td>
<td>5</td>
</tr>
<tr>
<td>Office of Finance and Budget</td>
<td>11</td>
</tr>
<tr>
<td>Office of Management Services</td>
<td>35</td>
</tr>
<tr>
<td>Office of Personal</td>
<td>8</td>
</tr>
<tr>
<td>Equal Employment Opportunity</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>441</strong></td>
</tr>
</tbody>
</table>

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 1994, appropriated funds made available to the ITC amounted to $44,873,000. Obligations for FY 1993 and FY 1994 (in thousands of dollars) are shown at the right:

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 1993</th>
<th>FY 1994</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and personnel benefits</td>
<td>29,431</td>
<td>30,080</td>
</tr>
<tr>
<td>Travel and transportation</td>
<td>567</td>
<td>419</td>
</tr>
<tr>
<td>Rental and communication services</td>
<td>8,764</td>
<td>8,838</td>
</tr>
<tr>
<td>Other services</td>
<td>2,421</td>
<td>2,395</td>
</tr>
<tr>
<td>Printing and reproduction</td>
<td>186</td>
<td>166</td>
</tr>
<tr>
<td>Equipment, supplies, and material</td>
<td>2,110</td>
<td>1,160</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>43,479</strong></td>
<td><strong>43,058</strong></td>
</tr>
</tbody>
</table>
FIGURE 1
ITC ORGANIZATION

Chairman
COMMISSION

Office of Administrative Law Judges
Office of Congressional Liaison
Office of the Secretary
Office of Public Affairs
Office of Executive and International Liaison
Office of the General Counsel
Office of Inspector General

Operations
Office of the Director

Office of Economics
Office of Industries
Office of Investigations
Office of Information Services
Office of Finance and Budget
Office of Management Services
Office of Personnel

Office of Tariff Affairs and Trade Agreements
Trade Remedy Assistance Office
Office of Unfair Import Investigations

EEO

EEO Director and Employee Development Program Manager
FIGURE 2
SUMMARY OF PRINCIPAL ACTIVITIES,
FISCAL YEAR 1994

The chart below shows the percentage of ITC activities in terms of personnel compensation based on the activity records compiled by the Office of Finance and Budget.

Investigations of unfair import practices under section 337 of the Tariff Act of 1930; section 603 of the Trade Act of 1974. 8.3%

Furnishing information and technical assistance to agencies and the public. 6.9%

Investigations of injury to U.S. industry, including antidumping, countervailing duty, escape clause, market disruption, and interference with agricultural programs. 17.9%

Factfinding investigations under section 332 of the Tariff Act of 1930 and special studies. 11.0%

Basic research; recurring and trade monitoring reports; industry-specific summaries of trade and tariff information; information systems; preparation and publication of the Harmonized Tariff Schedule and creation of foreign trade statistical categories. 26.9%

Executive direction, involving the substantive and administrative work of the Commissioners and their assistants; the agency-wide activities performed by other employees; and the activities of the Office of Inspector General. 11.4%

Technical support to USTR and the President. 6.1%

Furnishing information and technical support to Congress. 2.5%

Agency administration, including personnel, budget and finance, publishing, procurement, and facilities management. 9.1%
FIGURE 3
STATUTORY TIMETABLES FOR ANTIDUMPING AND COUNTERVAILING DUTY INVESTIGATIONS

Statutory timetable for antidumping investigations (in days)

- Petition filed with ITC and Commerce or self-initiated by Commerce

  - Commerce terminates investigation; case ends
    - 20 days

  - ITC affirmative preliminary determination; case continues
    - 115 days

  - ITC negative preliminary determination; case continues
    - 115 days

  - Complicated case, Commerce affirmative preliminary determination; case continues
    - 165 days

  - Complicated case, Commerce negative preliminary determination; case continues
    - 165 days

  - ITC affirmative preliminary determination; case continues
    - 45 days

  - Commerce affirmative preliminary determination; case continues
    - 75 days

  - Commerce negative preliminary determination; case continues
    - 75 days

  - Extended case, Commerce affirmative preliminary determination; case continues
    - 135 days

  - Extended case, Commerce negative preliminary determination; case continues
    - 135 days

  - Commerce affirmative final determination; case continues
    - 75 days

  - Commerce negative final determination; case ends
    - 75 days

  - Extended case, Commerce affirmative final determination; case continues
    - 135 days

  - Extended case, Commerce negative final determination; case ends
    - 135 days

Total

- 280 days
- 340 days
- 310 days
- 371 days
- 33 days
- 35 days
- 31 days
- 4 days
Statutory timetable for countervailing duty investigations (in days)

Petition filed with ITC and Commerce or self-initiated by Commerce

20 days

Commerce terminates investigation; case ends

40 days

Commerce affirmative preliminary determination; case continues

ITC affirmative preliminary determination; case continues

75 days

Commerce affirmative final determination; case continues

75 days

Commerce negative final determination; case ends

105 days

Complicated case, Commerce affirmative preliminary determination; case continues

105 days

Complicated case, Commerce negative preliminary determination; case continues

45 days

ITC final determination

Total days: 205

75 days

Complicated case, Commerce affirmative final determination; case continues

75 days

Complicated case, Commerce negative final determination; case ends

105 days

Complicated case, Commerce affirmative final determination; case continues

105 days

Complicated case, Commerce negative final determination; case ends

45 days

ITC final determination

Total days: 235

75 days

Complicated case, Commerce affirmative final determination; case continues

75 days

Complicated case, Commerce negative final determination; case ends

105 days

Complicated case, Commerce affirmative final determination; case continues

75 days

Complicated case, Commerce negative final determination; case ends

75 days

ITC final determination

Total days: 270

75 days

Complicated case, Commerce affirmative final determination; case continues

75 days

Complicated case, Commerce negative final determination; case ends

105 days

Complicated case, Commerce affirmative final determination; case continues

75 days

Complicated case, Commerce negative final determination; case ends

45 days

ITC final determination

Total days: 300

75 days

Complicated case, Commerce affirmative final determination; case continues

75 days

Complicated case, Commerce negative final determination; case ends

45 days

ITC final determination

Total days: 300
APPENDIXES

APPENDIX A
SUMMARY OF INVESTIGATIONS COMPLETED DURING FISCAL YEAR 1994 AND PENDING ON SEPTEMBER 30, 1994
<table>
<thead>
<tr>
<th>Investigation No. and title</th>
<th>Origin</th>
<th>USITC publication—</th>
</tr>
</thead>
<tbody>
<tr>
<td>332-200 Competitive Position of U.S. Producers of Semiconductors</td>
<td>Instituted by the Commission on its own motion</td>
<td>(1)</td>
</tr>
<tr>
<td>(terminated 9-28-94)</td>
<td></td>
<td>(1)</td>
</tr>
<tr>
<td>332-267 Implementing the European Community Single Market: Sixth Followup Report</td>
<td>Request from the Committee on Ways and Means, U.S. House of Representatives, and the Committee on Finance, U.S. Senate</td>
<td>2723</td>
</tr>
<tr>
<td></td>
<td></td>
<td>January 1994</td>
</tr>
<tr>
<td>332-339 Global Competitiveness of U.S. Advanced-Technology Industries: Computers</td>
<td>Request from the Committee on Finance, U.S. Senate</td>
<td>2705</td>
</tr>
<tr>
<td></td>
<td></td>
<td>December 1993</td>
</tr>
<tr>
<td>332-341 Proposed Reorganization of U.S. International Trade Relief Laws</td>
<td>Request from the Committee on Ways and Means, U.S. House of Representatives</td>
<td>2717</td>
</tr>
<tr>
<td></td>
<td></td>
<td>January 1994</td>
</tr>
<tr>
<td>332-342 Metallurgical Coke: Baseline Analysis of the U.S. Industry and Imports</td>
<td>Request from the Committee on Ways and Means, U.S. House of Representatives</td>
<td>2745</td>
</tr>
<tr>
<td></td>
<td></td>
<td>March 1994</td>
</tr>
<tr>
<td>TA-131-20, 503(a)-25, and 332-346 President's List of Articles Which May Be Designated or Modified as Eligible Articles For Purposes of the U.S. Generalized System of Preferences</td>
<td>Request from the United States Trade Representative</td>
<td>2725</td>
</tr>
<tr>
<td></td>
<td></td>
<td>January 1994</td>
</tr>
<tr>
<td>332-348 United States-Canada Free-Trade Agreement: Probable Economic Effect on U.S. Industries and Consumers of Immediate Elimination of U.S. Tariffs on Certain Articles from Canada</td>
<td>Request from the United States Trade Representative</td>
<td>Confidential</td>
</tr>
<tr>
<td></td>
<td></td>
<td>February 1994</td>
</tr>
<tr>
<td></td>
<td></td>
<td>September 1994</td>
</tr>
<tr>
<td>332-353 Potential Impact on the U.S. Economy and Industries of the GATT Uruguay Round Agreements</td>
<td>Request from the Committee on Ways and Means, U.S. House of Representatives, and the Committee on Finance, U.S. Senate</td>
<td>2970 and 2971</td>
</tr>
<tr>
<td></td>
<td></td>
<td>June 1994</td>
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</tbody>
</table>
Table 1—Continued
General investigations of trade and tariff matters completed under secs. 332, 503, and 131 of the Tariff Act of 1930, fiscal year 1994

<table>
<thead>
<tr>
<th>Investigation No. and title</th>
<th>Origin</th>
<th>USITC publication—</th>
</tr>
</thead>
</table>
| 332–355  
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 and Canada | Request from the United States Trade Representative | Confidential August 1994          |

1 Not applicable.
### Table 2

<table>
<thead>
<tr>
<th>Investigation No. and title</th>
<th>Origin</th>
<th>USITC publication—</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>No.</td>
</tr>
<tr>
<td>332–175 Rum: Annual Report (Covering 1992 and 1993) on Selected Economic Indicators</td>
<td>Request from the Committee on Finance, U.S. Senate</td>
<td>2785</td>
</tr>
<tr>
<td>332–237 Production Sharing: U.S. Imports under Harmonized Tariff Schedule Subheadings 9802.00.60 and 9802.00.80, 1989-1992</td>
<td>Instituted by the Commission on its own motion</td>
<td>2729</td>
</tr>
<tr>
<td>332–288 Ethyl Alcohol for Fuel Use: Determination of the Base Quantity of Imports</td>
<td>Required by the Steel Trade Liberalization Program Implementation Act</td>
<td>(1)</td>
</tr>
<tr>
<td>332–325 The Economic Effects of Significant U.S. Import Restraints</td>
<td>Request from the United States Trade Representative</td>
<td>2699</td>
</tr>
<tr>
<td>Investigation No. and title</td>
<td>Origin</td>
<td>USITC publication—</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>32-343 J.S. Imports of Textiles and Apparel Under the Multifiber Arrangement Annual Report for 1993</td>
<td>Instituted by the Commission on its own motion</td>
<td>2763</td>
</tr>
<tr>
<td>32-344 The Economic Effects of Antidumping and Countervailing Duty Orders and Suspension Agreements</td>
<td>Request from the United States Trade Representative</td>
<td>(2)</td>
</tr>
<tr>
<td>32-345 J.S. Trade Shifts in Selected Industries 1993 Annual Report</td>
<td>Instituted by the Commission on its own motion</td>
<td>2805</td>
</tr>
<tr>
<td>332-347 Global Competitiveness of U.S. Environmental Technology Industries: Municipal and Industrial Water and Wastewater</td>
<td>Request from the Committee on Finance, U.S. Senate</td>
<td>(2)</td>
</tr>
<tr>
<td>332-349 Effects of the Arab League Boycott of Israel on U.S. Businesses</td>
<td>Request from the United States Trade Representative</td>
<td>(2)</td>
</tr>
<tr>
<td>332-350 Monitoring of U.S. Imports of Tomatoes</td>
<td>Required by the North American Free-Trade Agreement Implementation Act</td>
<td>2771†</td>
</tr>
<tr>
<td>332-351 Monitoring of U.S. Imports of Peppers</td>
<td>Required by the North American Free-Trade Agreement Implementation Act</td>
<td>2782</td>
</tr>
<tr>
<td>332-354 U.S. Schedule of Services Commitments</td>
<td>Request from the United States Trade Representative</td>
<td>(2)</td>
</tr>
<tr>
<td>332-356 President’s List of Articles Which May Be Designated or Modified as Eligible for Purposes of the U.S. Generalized System of Preferences</td>
<td>Request from the United States Trade Representative</td>
<td>(2)</td>
</tr>
<tr>
<td>1205-3 Proposed Modifications to the Harmonized Tariff Schedule of the United States, Pursuant to Section 1205 of the Omnibus Trade and Competitiveness Act of 1988 (Addendum)</td>
<td>Instituted by the Commission on its own motion</td>
<td>(2)</td>
</tr>
</tbody>
</table>
Table 2—Continued

<table>
<thead>
<tr>
<th>Investigation No. and title</th>
<th>Origin</th>
<th>USITC publication—</th>
</tr>
</thead>
<tbody>
<tr>
<td>1205-4 Proposed Modifications to the Harmonized Tariff Schedule of the United States, Pursuant to Section 1205 of the Omnibus Trade and Competitiveness Act of 1988</td>
<td>Instituted by the Commission on its own motion</td>
<td>(2)</td>
</tr>
</tbody>
</table>

1 Not applicable.
2 In progress at end of FY 1994.
3 The investigation was re-opened by the Commission for the purpose of issuing a draft addendum to its previous report on investigation 1205-3, USITC publication 2673. The following draft addendum was not assigned a publication number.
### Table 3
Investigations completed under sec. 337 of the Tariff Act of 1930, fiscal year 1994

<table>
<thead>
<tr>
<th>Investigation No. and title</th>
<th>Complainant</th>
<th>Complaint filed</th>
<th>Federal Register notice date</th>
<th>Public hearing</th>
<th>Finding and remedy of Commission</th>
<th>Date orders issued</th>
<th>USITC publication No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>337-TA-347 Certain Anti-Theft Deactivatable Resonant Tags and Components Thereof</td>
<td>Checkpoint Systems, Inc.; Thorofare, NJ</td>
<td>2-2-93; 2-23-93 (amendment)</td>
<td>3-10-93</td>
<td>(')</td>
<td>Terminated; no violation</td>
<td>3-10-94</td>
<td>2811</td>
</tr>
<tr>
<td>337-TA-348 Certain In-Line Roller Skates With Ventilated Boots and In-Line Roller Skates With Axle Aperture Plugs and Component Parts Thereof</td>
<td>Rollerblade, Inc.; Minnetonka, MN</td>
<td>2-18-93; 3-11-93 (amendment)</td>
<td>3-25-93</td>
<td>(')</td>
<td>Terminated 4</td>
<td>11-3-93</td>
<td>(')</td>
</tr>
<tr>
<td>337-TA-350 Certain Sputtered Carbon Coated Computer Disks and Products Containing Same, Including Disk Drives</td>
<td>Harry E. Aine; Sumrail, MS</td>
<td>3-26-93; 4-16-93 and 4-20-93 (supplements)</td>
<td>5-5-93</td>
<td>(')</td>
<td>Terminated 2</td>
<td>4-15-94</td>
<td>(')</td>
</tr>
<tr>
<td>337-TA-351 Certain Removable Hard Disk Cartridges and Products Containing Same</td>
<td>SyQuest Technology, Inc.; Fremont, CA</td>
<td>4-16-93; 5-12-93 (amendment); 5-13-93 (supplement)</td>
<td>5-27-93</td>
<td>(')</td>
<td>Terminated 5</td>
<td>4-28-94</td>
<td>(')</td>
</tr>
<tr>
<td>Investigation No. and title</td>
<td>Complainant</td>
<td>Complaint filed</td>
<td>Federal Register notice date</td>
<td>Public hearing</td>
<td>Finding and remedy of Commission</td>
<td>Date orders issued</td>
<td>USITC publication No.</td>
</tr>
<tr>
<td>-----------------------------</td>
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<td>-----------------------</td>
</tr>
<tr>
<td>337-TA-352</td>
<td>Intel Corp.; Santa Clara, CA</td>
<td>5-7-93</td>
<td>6-16-93</td>
<td>(1)</td>
<td>Terminated 6</td>
<td>7-11-94</td>
<td>(1)</td>
</tr>
<tr>
<td>Certain Personal Computers With Memory Management Information Stored In External Memory and Related Materials</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>337-TA-353</td>
<td>Alan-Tracy, Inc.; North Miami Beach, FL</td>
<td>6-3-93; 6-25-93 (amendment)</td>
<td>7-9-93</td>
<td>(1)</td>
<td>Terminated 7</td>
<td>11-3-93</td>
<td>(1)</td>
</tr>
<tr>
<td>Certain Lens Panels for Lighting Fixtures, Kits Containing Same, and Fixtures Containing Same</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>337-TA-354</td>
<td>Minnesota Mining &amp; Manufacturing Co.; St. Paul, MN</td>
<td>6-14-93; 6-30-93 (amendment)</td>
<td>7-21-93</td>
<td>(1)</td>
<td>Violation 8</td>
<td>5-3-94</td>
<td>2786</td>
</tr>
<tr>
<td>Certain Tape Dispensers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>337-TA-355</td>
<td>Code-Alarm, Inc.; Madison Heights, MI</td>
<td>7-16-93; 8-5-93 (supplement)</td>
<td>8-25-93</td>
<td>(1)</td>
<td>Terminated 9</td>
<td>6-3-94</td>
<td>2815</td>
</tr>
<tr>
<td>Certain Vehicle Security Systems and Components Thereof</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>337-TA-356</td>
<td>National Semiconductor Corp.; Santa Clara, CA</td>
<td>7-26-93; 8-11-93 (supplement)</td>
<td>9-1-93</td>
<td>(1)</td>
<td>Terminated 2</td>
<td>3-22-94</td>
<td>(1)</td>
</tr>
<tr>
<td>Certain Integrated Circuit Devices, Processes for Making Same, Components Thereof and Products Containing Same</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>337-TA-357</td>
<td>Deckers Corp.; Carpinteria, CA</td>
<td>8-9-93; 8-23-93 (supplement)</td>
<td>9-9-93</td>
<td>(1)</td>
<td>Terminated 10</td>
<td>9-6-94</td>
<td>(1)</td>
</tr>
<tr>
<td>Certain Sports Sandals and Components Thereof</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>337-TA-359</td>
<td>Space Systems/Loral, Inc.; Palo Alto, CA</td>
<td>10-4-93; 10-29-93 (supplement)</td>
<td>11-18-93</td>
<td>(1)</td>
<td>Terminated 11</td>
<td>7-25-94</td>
<td>(1)</td>
</tr>
<tr>
<td>Certain Dielectric Miniature Microwave Filters and Multiplexers Containing Same</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Investigation No. and title</td>
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<td>337-TA-362 <strong>Certain Methods of Assembling Plastic Ball Valves and Components Thereof</strong></td>
<td>Measurement &amp; Flow Control Holding Co., Inc.; Wilmington, DE Nordstrom Valves, Inc.; Sulphur Springs, TX</td>
<td>11-8-93; 12-1-93 (supplement)</td>
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<td>337-TA-363 <strong>Certain Multibrand Infrared Remote Control Transmitters</strong></td>
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<sup>1</sup> Not applicable.<br>
<sup>2</sup> Settlement agreement.<br>
<sup>3</sup> Limited exclusion order and cease and desist order. President took no action; became final 2-4-94.<br>
<sup>4</sup> Consent orders for two respondents and patent licensing agreement for 10 respondents; complainant withdrew complaint with respect to the remaining 15 respondents.<br>
<sup>5</sup> Terminated one respondent; the remaining four respondents were terminated on the basis of a settlement agreement and memorandum of understanding.<br>
<sup>6</sup> Terminated because of the collateral estoppel effect of the district court judgment.<br>
<sup>7</sup> Terminated without prejudice.<br>
<sup>8</sup> General exclusion order. President took no action; became final 7-2-94.<br>
<sup>9</sup> Summary determination of patent invalidity.<br>
<sup>10</sup> Consent order.<br>
<sup>11</sup> Settlement agreement; expiration of temporary exclusion order.<br>
<sup>12</sup> Settlement agreement for two parties and withdrawal of complaint of remaining respondents.
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<td>Genentech, Inc.; South San Francisco, CA</td>
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<td>Farallon Computing, Inc.; Alameda, CA</td>
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<td>Ovonic Battery Co. Inc.; Troy, MI</td>
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Table 5
Countervailing duty investigations completed under sec. 701 of the Tariff Act of 1930, fiscal year 1994
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1 Not applicable.
2 Commissioner Brunsdale did not participate because the remand concerned only the affirmative determination of then-Chairman Newquist, then-Vice Chairman Watson, and Commissioner Rohr. She had made a negative determination in the investigation on 7-6-92 and never changed her position thereafter.
3 Then-Vice Chairman Watson did not participate to avoid an appearance of a conflict of interest.
4 Commissioner Bragg did not participate because her entry on duty was too recent to permit adequate preparation.
5 With respect to imports from Mexico.
6 With respect to imports from Israel.
7 Commissioner Newquist was unable to participate because of a telecommunications failure.
Table 6
Antidumping investigations completed under sec. 731 of the Tariff Act of 1930, fiscal year 1994

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1 Not applicable.
2 Then-Chairman Newquist did not participate because of illness.
3 Commissioner Bragg did not participate because her entry on duty was too recent to permit adequate preparation.
4 This was the remaining portion of antidumping investigation No. 731-TA-645 (final). Calcium Aluminate (CA) flux and CA cement/cement clinker were separated when the U.S. Department of Commerce determined in its preliminary determination that CA flux from France was not being sold at less than fair value. However, in its final determination, the Department of Commerce found that CA flux from France was being sold at less than fair value.
5 Then-Vice Chairman Watson did not participate in order to avoid an appearance of a conflict of interest.
6 With respect to imports from Brazil.
7 With respect to imports from Mexico.
8 With respect to imports from Brazil, Israel, and Mexico.
9 With respect to imports from Hungary, Israel, and Mexico.
10 With respect to imports from Brazil, Hungary, and Israel.
11 With respect to imports from Hungary.
12 With respect to imports from the People's Republic of China.
13 With respect to imports from Thailand.
14 With respect to imports from India, Israel, Malaysia, the Republic of Korea, Thailand, the United Kingdom, and Venezuela.
15 With respect to imports from France, then-Chairman Newquist recused himself in order to avoid any appearance of a conflict of interest.
16 With respect to imports from the People's Republic of China, the Russian Federation, and imports of pure magnesium from Ukraine.
17 With respect to imports of pure magnesium.
18 With respect to imports of alloy magnesium from Ukraine.
19 With respect to imports of alloy magnesium.
20 Commissioner Newquist was unable to participate because of a telecommunications failure.
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<tr>
<td>303-TA-24 Phthalic Anhydride from Venezuela</td>
<td>(a) 10-22-93 Watson</td>
<td>Newquist 2709 (1)</td>
</tr>
<tr>
<td></td>
<td>(b) 11-15-93 Rohr</td>
<td>Brunsdale 2709 (1)</td>
</tr>
<tr>
<td></td>
<td>(c) 12-6-93 Nuzum</td>
<td>Crawford 2709 (1)</td>
</tr>
<tr>
<td>303-TA-25 Disposable Lighters from Thailand</td>
<td>(a) 5-9-94 Watson</td>
<td>Nuzum 2792 (1)</td>
</tr>
<tr>
<td></td>
<td>(b) 6-1-94 Rohr</td>
<td>Nuzum 2792 (1)</td>
</tr>
<tr>
<td></td>
<td>(c) 6-23-94 Newquist</td>
<td>Crawford 2792 (1)</td>
</tr>
</tbody>
</table>

1 Not applicable.
Table 8
Antidumping and countervailing duty investigations pending on Sept. 30, 1994

<table>
<thead>
<tr>
<th>Investigation No. and title</th>
<th>Effective date</th>
</tr>
</thead>
<tbody>
<tr>
<td>731-TA-719 (preliminary)</td>
<td>8-31-94</td>
</tr>
<tr>
<td>Carbon Steel Pipe Nipples from Mexico</td>
<td></td>
</tr>
<tr>
<td>Wheel Inserts from the People's Republic of China and Taiwan</td>
<td></td>
</tr>
<tr>
<td>731-TA-374 (final) (suspended)</td>
<td>8-25-87</td>
</tr>
<tr>
<td>Potassium Chloride from Canada</td>
<td></td>
</tr>
<tr>
<td>731-TA-519 (final) (suspended)</td>
<td>11-4-91</td>
</tr>
<tr>
<td>Gray Portland Cement and Cement Clinker from Venezuela</td>
<td></td>
</tr>
<tr>
<td>731-TA-539 (A-C and F) (final) (suspended)</td>
<td>10-21-92</td>
</tr>
<tr>
<td>Uranium from Kazakhstan, Kyrgyzstan, Russia, and Uzbekistan</td>
<td></td>
</tr>
<tr>
<td>731-TA-661-662 (final) (suspended)</td>
<td>8-19-94</td>
</tr>
<tr>
<td>Color Negative Photographic Paper and Certain Chemical Components from Japan and the Netherlands</td>
<td></td>
</tr>
<tr>
<td>731-TA-663 (final)</td>
<td>5-16-94</td>
</tr>
<tr>
<td>Certain Paper Clips from the People's Republic of China</td>
<td></td>
</tr>
<tr>
<td>731-TA-669-670 (final)</td>
<td>6-16-94</td>
</tr>
<tr>
<td>Certain Cased Pencils from the People's Republic of China and Thailand</td>
<td></td>
</tr>
<tr>
<td>731-TA-671-674 (final)</td>
<td>6-16-94</td>
</tr>
<tr>
<td>Silicomanganese from Brazil, the People's Republic of China, Ukraine, and Venezuela</td>
<td></td>
</tr>
<tr>
<td>731-TA-675 (final)</td>
<td>6-23-94</td>
</tr>
<tr>
<td>Saccharin from China</td>
<td></td>
</tr>
<tr>
<td>731-TA-677 (final)</td>
<td>8-2-94</td>
</tr>
<tr>
<td>Coumarin from the People's Republic of China</td>
<td></td>
</tr>
<tr>
<td>731-TA-678-682 (final)</td>
<td>8-4-94</td>
</tr>
<tr>
<td>Stainless Steel Bar from Brazil, India, Italy, Japan, and Spain</td>
<td></td>
</tr>
<tr>
<td>731-TA-683 (final)</td>
<td>7-11-94</td>
</tr>
<tr>
<td>Fresh Garlic from the People's Republic of China</td>
<td></td>
</tr>
<tr>
<td>701-TA-360-361 (final)</td>
<td>6-1-94</td>
</tr>
<tr>
<td>Certain Carbon Steel Butt-Weld Pipe Fittings from India and Israel</td>
<td></td>
</tr>
<tr>
<td>303-TA-21 (final) (suspended)</td>
<td>3-18-94</td>
</tr>
<tr>
<td>Gray Portland Cement and Cement Clinker from Venezuela</td>
<td></td>
</tr>
</tbody>
</table>
Table 9
Investigations completed under sec. 22 of the Agricultural Adjustment Act, fiscal year 1994

<table>
<thead>
<tr>
<th>Investigation No. and title</th>
<th>Request received</th>
<th>Date investigation instituted</th>
<th>Public hearing</th>
<th>Findings and recommendations</th>
<th>Date report was—</th>
<th>USITC publication No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>22–54 Wheat, Wheat Flour, and Semolina</td>
<td>11-17-93</td>
<td>1-18-94</td>
<td>4-7-94 (Shelby, MT); 4-8-94 (Bismarck, ND); 4-28-94 (Washington, DC)</td>
<td>(1)</td>
<td>7-15-94</td>
<td>7-15-94</td>
</tr>
</tbody>
</table>

1 **Findings:** Chairman Watson, Vice Chairman Nuzum, and Commissioner Crawford found that (1) wheat, wheat flour, and semolina were not being imported under such conditions and in such quantities as to render, or tend to render, ineffective the U.S. Department of Agriculture (USDA) wheat program; and that (2) the evidence of the recent impact of increased wheat imports, which was concentrated in one region of the United States and two segments of the wheat market, could support a Presidential finding of either material interference or no material interference.

Commissioners Rohr and Newquist found that wheat, wheat flour, and semolina, classified under Harmonized Tariff Schedule of the United States (HTS) heading 1001, heading 1101, and subheading 1103.11.00, respectively, were being imported into the United States under such conditions and in such quantities as to materially interfere with the price support, payment, and production adjustment programs conducted by the USDA for wheat.

Commissioner Bragg found that wheat, wheat flour, and semolina, classified under HTS heading 1001, heading 1101, and subheading 1103.11.00, respectively, were being imported into the United States under such conditions and in such quantities as to materially interfere with the price support, payment, and production adjustment programs conducted by the USDA for wheat.

**Recommendations:** Chairman Watson, Vice Chairman Nuzum, and Commissioner Crawford recommended that, should the President find action to be appropriate, he take action as follows to remedy the adverse impacts identified in the record: (1) Non-durum wheat: (A) No change in current duty rates on non-durum wheat for the first 1,000,000 metric tons (Chairman Watson and Commissioner Crawford viewed this as a minimum level of imports that should be permitted to enter without additional duties, should the President determine to take action) entering, or withdrawn from warehouse for consumption, annually. (B) Ten percent additional tariff on quantities of non-durum wheat that exceed 1,000,000 metric tons (Chairman Watson and Commissioner Crawford viewed this as a minimum level of imports that should be permitted to enter without additional duties, should the President determine to take action) entering, or withdrawn from warehouse for consumption, annually, for two years beginning in crop year 1994/95. (2) Durum wheat: (A) No change in current duty rates on durum wheat for the first 500,000 metric tons (Chairman Watson and Commissioner Crawford viewed this as a minimum level of imports that should be permitted to enter without additional duties, should the President determine to take action) entering, or withdrawn from warehouse for consumption, annually. (B) Ten percent additional tariff on quantities of durum wheat that exceed 500,000 metric tons (Chairman Watson and Commissioner Crawford viewed this as a minimum level of imports that should be permitted to enter without additional duties, should the President determine to take action) entering, or withdrawn from warehouse for consumption, annually, for two years beginning in crop year 1994/95. (3) Durum wheat and semolina, a duty in the amount of 15 percent ad valorem, in lieu of the existing rate of duty, and for imports of durum wheat and semolina, a duty in the amount of 15 percent ad valorem, in lieu of the existing rate of duty. (3) A tariff-rate quota system, as follows: (A) For wheat, other than durum wheat, and wheat flour, a fee (duty) in the amount of 35 percent ad valorem, in lieu of the existing rate of duty. (B) Such limitations should terminate two years from their date of imposition, unless extraordinary circumstances otherwise dictate.

Chairman Watson, Vice Chairman Nuzum, and Commissioner Crawford declined to recommend any limitations on wheat flour or semolina. They found that, given the negligible levels of imports of wheat flour or semolina, there was insufficient justification for taking any restrictive action on such imports.

Commissioners Rohr and Newquist recommended that the President impose one of the following three alternative forms of relief: (1) An import quota in the aggregate amount of 900,000 metric tons per crop year on imports of wheat, wheat flour, and semolina, to be divided as follows: (A) For wheat, other than durum wheat, and wheat flour, 540,000 metric tons per crop year; (B) For durum wheat and semolina, 360,000 metric tons per crop year. (2) For imports of wheat, other than durum wheat, and wheat flour, a fee (duty) in the amount of 35 percent ad valorem, in lieu of the existing rate of duty, and for imports of durum wheat and semolina, a duty in the amount of 15 percent ad valorem, in lieu of the existing rate of duty. (3) A tariff-rate quota system, as follows: (A) For wheat, other than durum wheat, and wheat flour, a duty of 50 percent ad valorem, in lieu of the existing rate of duty, on imports of such articles that exceed 150,000 metric tons per year, beginning with crop year 1994/95, with imports within such quota during the period of any action to enter at the current rate of duty; and (B) For durum wheat and semolina, a duty rate of 25 percent ad valorem, in lieu of the existing rate, on imports of such articles that exceed 150,000 metric tons per year, beginning with crop year 1994/95, with imports within such quota during the period of any action to enter at the current rate of duty.
Investigations completed under sec. 22 of the Agricultural Adjustment Act, fiscal year 1994

Commissioner Bragg recommended that the President impose a tariff-rate quota system on wheat, wheat flour, and semolina as follows:

1. For wheat, other than durum wheat, a duty of 10 percent ad valorem, in addition to existing rates of duty, on imports of such articles that exceed 800,000 metric tons per year, beginning with crop year 1994/95, with imports within such quota during the period of any action to enter at the current rate of duty.

2. For wheat flour, a duty of 10 percent ad valorem, in addition to existing rates of duty, on imports of such articles that exceed 60,000 metric tons per year, beginning with crop year 1994/95, with imports within such quota during the period of any action to enter at the current rate of duty.

3. For durum wheat, a duty of 10 percent ad valorem, in addition to existing rates of duty, on imports of such articles that exceed 500,000 metric tons per year, beginning with crop year 1994/95, with imports within such quota during the period of any action to enter at the current rate of duty.

4. For semolina, a duty of 10 percent ad valorem, in addition to existing rates of duty, on imports of such articles that exceed 10,000 metric tons per year, beginning with crop year 1994/95, with imports within such quota during the period of any action to enter at the current rate of duty.
<table>
<thead>
<tr>
<th>Investigation No. and title</th>
<th>Request received</th>
<th>Date investigation instituted</th>
<th>Public hearing</th>
<th>Findings and recommendations</th>
<th>Date report was—</th>
<th>USITC publication No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>22-55 Peanut Butter and Peanut Paste (suspended 6-28-94)</td>
<td>11-17-93</td>
<td>1-18-94</td>
<td>(1)</td>
<td>(1)</td>
<td>(1)</td>
<td>(1)</td>
</tr>
</tbody>
</table>

1 Not applicable.
Table 11
“Market disruption” investigations completed under sec. 406 of the Trade Act of 1974, fiscal year 1994

<table>
<thead>
<tr>
<th>Investigation No. and title</th>
<th>Petitioner or requester</th>
<th>Petition or request filed</th>
<th>Public hearing</th>
<th>Findings and recommendation</th>
<th>Commissioners’ votes</th>
<th>Commission’s report</th>
</tr>
</thead>
<tbody>
<tr>
<td>TA-406-13 Honey from China</td>
<td>USTR</td>
<td>10-6-93</td>
<td>12-2-93</td>
<td>1)</td>
<td>Newquist Rohr Nuzum</td>
<td>Brunsdale 1-7-94 2715</td>
</tr>
</tbody>
</table>

1 Then-Chairman Newquist, Commissioner Rohr, and Commissioner Nuzum found and recommended that, in order to remedy the market disruption found with respect to imports of honey from China, it would be necessary to impose a tariff-rate quota on such honey for a three-year period, to be administered on a quarterly basis, with imports entered within a quarterly quota of 12.5 million pounds of honey from China to be dutiable at a rate of 25 percent ad valorem, and over-quota imports entered during any calendar quarter to be dutiable at a rate of 50 percent ad valorem, with such duties imposed in lieu of the existing rate of duty. The Commissioners also recommended review after three years, or earlier, depending on the status of the federal honey loan support program.

Then-Vice Chairman Watson found and recommended that, in order to remedy the market disruption found with respect to imports of honey from China, it would be necessary to impose a tariff-rate quota on such honey for a two-and-one-half-year period, with a rate of 15 percent ad valorem on the first 60 million pounds of honey imported from China annually, and a rate of 25 percent ad valorem on such honey that exceeds 60 million pounds. Such duties should be in addition to current duties on such honey. Then-Vice Chairman Watson also recommended review not later than two years after imposition of relief, with interested parties given the right to petition the ITC for a review of the remedy proposed at any time after one year following any relief granted by the President.

Commissioner Brunsdale, although finding in the negative with respect to market disruption and honey from China, recommended that if the President imposed a remedy, it be a tariff-rate quota for a three-year period on such honey, with no additional duty imposed on the first 60 million pounds of honey from China entered annually, but with an additional duty of 10 percent ad valorem imposed on imports that exceed 60 million pounds.

Commissioner Crawford found and recommended that, in order to remedy the market disruption found with respect to imports of honey from China, it would be necessary to impose a duty of 10 percent ad valorem, in lieu of the existing rate of duty, on all honey imported from China for a period of three years. Commissioner Crawford also recommended review after three years.
Table 12
Review investigations completed under sec. 751 of the Tariff Act of 1930, fiscal year 1994

<table>
<thead>
<tr>
<th>Investigation No. and title</th>
<th>Origin</th>
</tr>
</thead>
<tbody>
<tr>
<td>751-TA-16 Ceiling Fans from the People's Republic of China (terminated 8-31-94)</td>
<td>Instituted by the Commission on its own motion 8-10-94</td>
</tr>
<tr>
<td>Investigation No. and title</td>
<td>Origin</td>
</tr>
<tr>
<td>----------------------------</td>
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</tr>
<tr>
<td>751–TA–15 Stainless Steel Plate from Sweden (suspended 8-16-93)</td>
<td>Instituted by the Commission on its own motion 6-30-93</td>
</tr>
</tbody>
</table>
APPENDIX B
REPORTS COMPLETED DURING FISCAL YEAR 1994
AND PENDING ON SEPTEMBER 30, 1994

Section 332 Studies Completed During FY 1994

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

United States-Canada Free-Trade Agreement: Probable Economic Effect on U.S. Industries and Consumers of Immediate Elimination of U.S. Tariffs on Certain Articles from Canada (332-348)

On November 3, 1993, the USTR requested that the ITC advise the President as to the probable economic effect on industries producing like or directly competitive articles and on consumers of the immediate elimination of the U.S. tariff under the U.S.-Canada Free-Trade Agreement with respect to certain dutiable articles. The U.S.-Canada Free-Trade Agreement requires a report from the ITC to the President annually on the operation of the program. The report was submitted on September 30, 1994. Among its findings, the ITC reported that trade and investment indicators for the past decade suggest that CBERA and related U.S. policies have contributed to economic modernization in the Caribbean, that Caribbean exports have diversified over the decade with significant growth in shipments of manufactured goods, that the Caribbean was the fastest growing source of U.S. imports of textiles and apparel during the 1989-93 period, and that production sharing between the United States and the Caribbean region is growing. In 1993, except for sugar, the benefit to consumers from CBERA tariff reductions was greater than the loss in tariff revenue for all the items analyzed.

President's List of Articles Which May Be Designated or Modified as Eligible Articles For Purposes of the U.S. Generalized System of Preferences (332-346; TA-131-20; and 503(a)-25)

On October 18, 1993, the USTR requested that the ITC provide advice as to the probable economic effect on U.S. industries producing like or directly competitive articles and on consumers of the elimination of U.S. import duties under the Generalized System of Preferences (GSP) with respect to certain articles from certain countries. The ITC report was delivered to the USTR on January 19, 1994.

Recurring Industry Surveys under Section 332


Section 215 of the Caribbean Basin Economic Recovery Act (CBERA) requires the ITC to report annually on the operation of the program. The report submitted on September 30, 1994, also assessed the actual and probable effects of CBERA on the U.S. economy generally, on U.S. industries producing products like or directly competitive with those imported from beneficiary countries, and on U.S. consumers.

Synthetic Organic Chemicals, United States Production and Sales, 1992 (332-135)

The ITC reports annually on U.S. production and sales of synthetic organic chemicals. These chemicals are the raw material for many consumer and industrial products. The annual investigation, requested by the House Committee on Ways and Means, results in one of the few publicly available sources of comprehensive information on these chemicals and is widely used by industry. The report covers about 6,000 individual chemicals and chemical products and presents statistics in as great detail as possible without revealing the operations of individual producers. The report is prepared from data supplied by about 600 primary manufacturers and includes a list of manufacturers of each item for which production and/or sales were reported.

Steel Semiannual Monitoring Report (332-327)

On June 11, 1992, the House Committee on Ways and Means requested that the ITC report twice a year on steel trade and steel industry issues. The reports in this series, based on surveys of steel producers and processors, examine conditions in the U.S. steel industry, including developments in steel capacity, production, capital expenditures, environmental expenditures, trade, spending on research and development, employment, and financial performance. During FY 1994, the ITC published the fourth and fifth of six semiannual reports in April and September 1994.

Production Sharing: U.S. Imports under Harmonized Tariff Schedule Subheadings 9802.00.60 and 9802.00.80, 1989-1992 (332-237)

On September 4, 1986, the Commission instituted its own motion an annual investigation that assesses by industry sector the products and countries which make use of the production sharing provisions of the HTS. These provisions provide reduced tariff treatment for eligible goods which are processed in foreign locations but contain components which are U.S.-made. HTS subheading 9802.00.60 involves tariff treatment for metal of U.S. origin processed in a foreign location and returned to the United States for further processing; subheading 9802.00.80 involves tariff treatment for imports that contain U.S.-made components. Most companies involved in Mexico's border assembly industry use subheading 9802.00.80 to reduce their costs. The ITC published the report containing data for the years 1989-92 in February 1994.

The U.S. Automobile Industry Monthly Report on Selected Economic Indicators (332-207)

In December 1980, the House Committee on Ways and Means requested that the ITC provide it with monthly data on U.S. automobile imports, sales, production, and prices. The resulting ITC investigation was begun in 1981. The Committee renewed its request four times between 1981 and 1985, with the most recent request in 1985 having no fixed date for termination. The ITC report uses trade data compiled from official statistics of the U.S. Department of Commerce. Sales, production, and certain price data are derived from Automotive News, an auto industry publication. The U.S. Department of Labor provides employment and consumer and producer price data, while quarterly financial results for U.S.-owned automakers are from various public sources. During FY 1994, the ITC published 12 monthly reports, dated October 1993 through September 1994.

Nonrubber Footwear Quarterly Statistical Report (332-191)

On August 10, 1984, the Senate Committee on Finance requested that the ITC investigate and publish quarterly reports on nonrubber footwear. The quarterly reports include data on production and/or shipments, imports, exports, apparent consumption, market share, employment, and unemployment. The Committee also requested annual information on plant closings in the nonrubber footwear industry. During FY 1994, the ITC published quarterly reports in December 1993, March 1994, June 1994, and September 1994.

Rum: Annual Report (Covering 1992 and 1993) on Selected Economic Indicators (332-175)

On December 21, 1983, the Senate Committee on Finance requested that the ITC evaluate annually the effects of the Caribbean Basin Initiative (CBI) on conditions for rum in the U.S. market. The publication reports selected statistics on rum, including U.S. production, exports, imports (total and by countries designated as eligible under the CBI), consumption, and shipments to the United States from Puerto Rico and the U.S. Virgin Islands. The ITC published its 10th report in this series in June 1994.

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 by 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, 1993, the ITC determined that the base quantity for 1994 was 80.5 million gallons. The ITC published this determination in December 1993.

Monitoring of U.S. Imports of Tomatoes (332-350) and 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 June 1994 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 data included apparent U.S. consumption, U.S. exports and imports, industry-published data (including U.S. and Mexican production and harvested area, U.S. weekly arrivals and shipping point quantities, prices, and U.S. and Mexican cost of production estimates), and industry questionnaire data.

Implementing the European Community Single Market: Sixth Followup Report (332-267)

On October 13, 1988, the House Committee on Ways and Means and the Senate Committee on Finance requested that the ITC provide information on the European Community's "1992" program in periodic reports. The current ITC report, submitted in January 1994, analyzed how implementation of laws associated with the program was proceeding at the national level. The report noted that, although implementation had generally advanced considerably throughout the European Union, national transplantation of rules in such areas as government procurement and intellectual property lagged in most of the Union's 12 member states.

The study observed that administrative delays and technical problems were the primary obstacles, along with the effects of lingering economic recession in Europe and opposition to the Maastricht Treaty, which would establish a full economic and political union.

Metallurgical Coke: Baseline Analysis of the U.S. Industry and Imports (332-342)

On May 6, 1993, the House Committee on Ways and Means requested that the ITC investigate the U.S. metallurgical coke industry. The Committee requested an analysis of the effect on the U.S. industry of increasing imports from major world producers, including Japan, China, and the former Eastern bloc nations. The ITC report, submitted in March 1994, evaluated the impact of significant market and trade issues related to the consuming industries on the availability of coke in the United States, Japan, and the other nations. The report also studied such coke market practices as pricing, quality, and byproduct valuation as well as the costs of transportation and environmental compliance.

The ITC found that the U.S. coke industry faces several major challenges, including decreased consumption, aging facilities, increasingly stringent environmental regulations, increased imports, and generally declining prices. The report also found that foreign competitors face many of the same challenges.

Section 332 Studies in Progress at the End of FY 1994

The Economic Effects of Antidumping and Countervailing Duty Orders and Suspension Agreements (332-344)

On June 9, 1993, the USTR requested that the ITC investigate the economic effects of antidumping and countervailing duty orders and suspension agreements, and the economic effects of the dumping and subsidy practices that such orders and suspension agreements address. The investigation will include a comprehensive empirical analysis of the economic condition of the U.S. domestic industries impacted (including upstream and downstream industries) by unfairly traded imports both before and after relief was granted. The analysis will include specific industry information on employment, wages, production, prices, investment, trade and other factors internal and external to the industry, including the relevant unfair foreign trade practices affecting the general health and competitiveness of the domestic industries. As the USTR requested, the ITC will use a standard comparative static model to estimate the economic effects of the unfair trade practices and remedies on selected U.S. industries. Also as requested, the ITC will seek to complement the empirical analysis with quantitative and other estimates of the labor and other domestic adjustment costs involved and will seek to provide an assessment of the economy-wide net economic welfare effects of unfair trade practices and the remedies provided. Scheduled completion: June 30, 1995.

Effects of the Arab League Boycott of Israel on U.S. Businesses (332-349)

On November 3, 1993, the USTR requested that the ITC investigate the economic cost to U.S. businesses arising from the Arab League boycott of Israel. The costs, defined in the USTR request as reduced U.S. exports and reduced U.S. profits, include (a) lost sales and business opportunities in Arab League countries and/or Israel arising from being blacklisted or from seeking to avoid such blacklisting; (b) increased costs of sourcing and transportation resulting from the boycott as well as compliance costs, including legal costs and direct and indirect costs associated with compliance with anti-boycott laws; and (c) distorted or foregone investments in either the Arab or Israeli markets resulting from the boycott as well as investment diverted from or denied to blacklisted U.S. businesses due to association with Israel. The ITC will assess the scope of the boycott, the degree of enforcement on a country-by-country basis, and the degree of compliance with

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the boycott by U.S. businesses. The study will be the first to estimate the economic effects of the boycott on the United States, to the ITC's knowledge; most previous analyses have focused on the effect of the boycott on Israel and the boycotting nations. Scheduled completion: November 7, 1994.

Global Competitiveness of U.S. Environmental Technology Industries: Municipal and Industrial Water and Wastewater (332-347)

On October 14, 1993, the Senate Committee on Finance requested that the ITC undertake a two-part investigation on the global competitiveness of U.S. environmental technology industries. The first of two competitiveness studies will deal with goods and services for municipal and industrial water supply and for municipal and industrial wastewater treatment and disposal. The second study will deal with air pollution prevention and abatement equipment and services. The Committee requested that the ITC examine factors relevant to the global competitiveness of the environmental technology industry including government policies such as export promotion and market development, environmental regulation, technology transfer, technical development assistance, economic development or other financial assistance, and intellectual property protection. The Committee also requested that the ITC review the export promotion/technical assistance policies of the United States' top competitors in the environmental technology field, including Japan and Germany. Scheduled completion: February 1995 for the study concerning municipal and industrial water and wastewater; no later than February 1996 for the study concerning air pollution prevention and abatement equipment and services.

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 being required by the General Agreement on Trade in Services (GATS), 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 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. Scheduled completion: January 1, 1995.

President's List of Articles Which May Be Designated or Modified as Eligible Articles For Purposes of the U.S. Generalized System of Preferences (332-356)

On August 16, 1994, the USTR requested that the ITC investigate whether any industry in the United States is likely to be adversely affected by a waiver of certain competitive needs limits with respect to certain articles from Thailand. In 1989, Thailand lost some benefits under the Generalized System of Preferences (GSP) after the President determined that Thailand does not provide adequate and effective intellectual property rights (IPR) protection. On August 12, 1994, the Trade Policy Staff Committee initiated a review process to consider whether any of the benefits lost by Thailand in 1989 should be restored because of Thai progress on IPR protection. In order to restore certain of the lost GSP benefits to Thailand, the President would have to grant Thailand a waiver of the so-called competitive needs limits under the Trade Act of 1974. The 1974 Act requires the President to receive economic advice from the ITC prior to granting a waiver of competitive needs limits. Scheduled completion: November 23, 1994.

Other Publications Issued During FY 1994

Trade Between the United States and China, the Successor States to the Former Soviet Union, and Other Title IV Countries

Title IV, section 410 of the Trade Act of 1974, requires the ITC to monitor imports into the United States from nonmarket economy countries and report at least once each calendar quarter on the effects of such imports on the production of like or directly competitive articles in the United States and on employment within the industry. The ITC issued four such reports during FY 1994, in October 1993, January 1994, April 1994, and July 1994.

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. Thirty such summaries were published in FY 1994.
APPENDIX C
STATUTES INVOLVING
THE U.S. INTERNATIONAL TRADE COMMISSION

Key Statutes

Section 201, Trade Act of 1974 (Escape Clause 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.

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.)


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
hearing 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 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.

**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 preliminary and final injury investigations. (For ease of reference, preliminary and final ITC countervailing duty investigations are referred to as "701" investigations, and preliminary and final 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 Countervailing Duty Investigations (Subsidized Imports) and Preliminary 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 injury investigation.

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

**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.

**Final Countervailing Duty Investigations (Subsidized Imports) and Final 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 a final injury investigation.

**Duration:** The ITC final 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 303, Tariff Act of 1930 (Countervailing Duty Investigations), Subsidized Imports

Certain countervailing duty investigations involve articles that enter the United States from countries that are not covered by section 701 of the Tariff Act of 1930 because the countries are not signatories of the GATT Agreement on Subsidies and Countervailing Measures. If those articles enter the United States free of duty, and under certain other circumstances, then under section 303 of the Tariff Act of 1930, the ITC determines, with respect to any article that the Secretary of Commerce has determined is subsidized, whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry is materially retarded, by reason of the article’s import. (For further information, see section 303, Tariff Act of 1930, 19 U.S.C. 1303.)

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. (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(e), Tariff Act of 1930, 19 U.S.C. 1484(e).)

### 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(e) of the Tariff Act of 1930, 19 U.S.C. 1484(e).)

### 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 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 of the 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 of the 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.)

### East-West Trade Monitoring System

The ITC monitors imports into the United States from nonmarket economy countries and prepares a report at least once each calendar quarter on the effect of such imports on the production of like or directly competitive articles in the United States and on employment within the industry. (For further information, see section 410, Trade Act of 1974, 19 U.S.C. 2440.)

### 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 1993

### Reports Submitted to the House on Proposed Legislation

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<td>Mr. Hall</td>
<td>To extend until January 1, 1998, the existing suspension of duty on certain bicycle parts, and for other purposes.</td>
<td>October 27, 1993.</td>
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<tr>
<td>H.R. 1370</td>
<td>Ms. Slaughter</td>
<td>To amend the Harmonized Tariff Schedule of the United States to change the rate of duty for certain bicycles.</td>
<td>October 29, 1993.</td>
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<td>H.R. 1748</td>
<td>Mr. Sensenbrenner</td>
<td>Relating to the tariff treatment of certain plastic flat goods.</td>
<td>March 14, 1994. (See also S. 1395.)</td>
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<td>H.R. 2008</td>
<td>Mr. Ballenger</td>
<td>To suspend until January 1, 1995, the duty on chloranil.</td>
<td>December 3, 1993.</td>
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<td>H.R. 2009</td>
<td>Mr. Ballenger</td>
<td>To suspend until January 1, 1997, the duty on phosphanol mixed with ethylene glycol.</td>
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<td>H.R. 2045</td>
<td>Mr. Wheat</td>
<td>To suspend until January 1, 1997, the duty on O₂-dimethyl-s-((4-oxo-1,2,3-benzotriazin-3(4h)-yl)methyl] phosphoro-dithioate.</td>
<td>October 29, 1993.</td>
<td>(See also S. 2168.)</td>
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<td>H.R. 2048</td>
<td>Mr. Sensenbrenner</td>
<td>Relating to the tariff treatment of certain plastic flat goods.</td>
<td>October 27, 1993.</td>
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<td>H.R. 2054</td>
<td>Mr. Lewis</td>
<td>To provide duty-free entry privileges to participants in, and other individuals associated with, the XXVI Summer Olympiad in Atlanta, Georgia, and for other purposes.</td>
<td>October 25, 1993.</td>
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<td>H.R. 2104</td>
<td>Mr. Ballenger</td>
<td>To suspend until January 1, 1997, the duty on dimethyl succinyl succinate.</td>
<td>October 29, 1993.</td>
<td>(See also S. 593 and H.R. 2166.)</td>
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<td>H.R. 2122</td>
<td>Mr. Hoekstra</td>
<td>To extend until January 1, 1997, the existing suspension of duty on fluazifop-p-butyl.</td>
<td>October 29, 1993.</td>
<td>(See also S. 593.)</td>
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<td>H.R. 2163</td>
<td>Mr. Grady</td>
<td>To reduce the column 1-general rate of duty on piperonil butoxide (PBO).</td>
<td>October 27, 1993.</td>
<td>(See also S. 1153.)</td>
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<td>H.R. 2165</td>
<td>Mr. Grandy</td>
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<td>H.R. 2166</td>
<td>Mr. Grandy</td>
<td>To extend until January 1, 1995, the existing suspension of duty on fluazifop-p-butyl.</td>
<td>October 29, 1993.</td>
<td>(See also S. 593.)</td>
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<tr>
<td>H.R. 2168</td>
<td>Mr. Grandy</td>
<td>To reduce the column 1-general rate of duty on piperonil butoxide (PBO).</td>
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<td>(See also S. 2163.)</td>
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<td>H.R. 2185</td>
<td>Mr. Porter</td>
<td>To suspend temporarily the duty on Tacrolimus in bulk or measured dose form subject to approval by the Food and Drug Administration.</td>
<td>October 29, 1993.</td>
<td>(See also S. 1153.)</td>
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20. **H.R. 2281**  
Mr. Reed  
To extend until January 1, 1995, the previously existing suspension of duty on acet quinone base.  
October 29, 1993.  
(See also S. 1246.)

21. **H.R. 2301**  
Mr. Castle  
To suspend until January 1, 1997, the duty on PCMX.  
October 29, 1993.  
(See also S. 511.)

22. **H.R. 2303**  
Mr. Castle  
Relating to the tariff treatment of gum rosin and wood rosin.  
October 27, 1993.

23. **H.R. 2304**  
Mr. Castle  
To extend until January 1, 1996, the existing temporary duty suspension on certain chemicals.  
December 3, 1993.

24. **H.R. 2384**  
Mr. Payne  
To extend until January 1, 1997, the previously existing suspension of duty on Quizalofop-ethyl.  
October 29, 1993.

25. **H.R. 2385**  
Mr. Payne  
To suspend until January 1, 1995, the duty on certain chemicals.  
October 27, 1993.

26. **H.R. 2452**  
Mr. Kleczka  
Relating to the tariff treatment of certain agglomerated cork products.  
December 8, 1993.  
(See also S. 838.)

27. **H.R. 2465**  
Mr. Manton  
To suspend temporarily the duty on Bisphenol AP.  
February 18, 1994.  
(See also S. 813.)

28. **H.R. 2485**  
Mr. Ramstad  
To suspend temporarily the duty on Bisphenol AF.  
February 18, 1994.  
(See also S. 813.)

29. **H.R. 2486**  
Mr. Ramstad  
To extend the temporarily suspension of duty on octadeyl isocyanate.  
December 8, 1993.  
(See also S. 754.)

30. **H.R. 2487**  
Mr. Ramstad  
To suspend until January 1, 1996, the duty on certain ceramic ferrules and sleeves.  
December 8, 1993.  
(See also S. 369.)

31. **H.R. 2505**  
Mr. Machtley  
To extend until January 1, 1998, the existing suspension of duty on stuffed dolls, certain toy figures, and the skins thereof.  
December 8, 1993.  
(See also S. 1237.)

32. **H.R. 2506**  
Mr. Quillen  
To suspend temporarily the duty on photographic gelatin.  

33. **H.R. 2507**  
Mr. Quillen  
To continue until the close of December 31, 1994, the existing suspension of duties on color couplers and coupler intermediates used in the manufacture of photographic sensitized material.  

34. **H.R. 2508**  
Mr. Quillen  
To suspend temporarily the duty on benzoxazol.  

35. **H.R. 2509**  
Mr. Quillen  
To suspend until January 1, 1995, the duty on ortho aminophenol.  
February 18, 1994.

36. **H.R. 2510**  
Mr. Ramstad  
To suspend until January 1, 1995, the duty on certain machinery used to recycle mercury.  
February 18, 1994.  
(See also S. 1308.)

37. **H.R. 2533**  
Mr. Holden  
To suspend until January 1, 1996, the duty on certain chemicals.  
December 3, 1993.  
(See also S. 1287.)

38. **H.R. 2563**  
Mr. Callahan  
To suspend until January 1, 1995, the duty on 2-(2H-benzotriazol-2-yl)-6-dodecyl-4-methylphenol, branched and linear.  

39. **H.R. 2637**  
Mr. Valentine  
To revive and extend until January 1, 1999, a suspension of duty on Cefixime.  
February 18, 1994.

40. **H.R. 2690**  
Mr. Fazio  
Relating to the tariff treatment of Benthiocarb.  

41. **H.R. 2700**  
Mr. Tauzin  
To extend until January 1, 1998, certain previously existing temporary duty suspensions.  

42. **H.R. 2701**  
Mr. Tauzin  
To extend the previously existing temporary reduction of duty on caffeine.  
December 8, 1993.  
(See also S. 700.)

43. **H.R. 2754**  
Mr. Gingrich  
To extend until January 1, 1998, the previously existing suspension of duty on lactulose.  
February 18, 1994.

44. **H.R. 2755**  
Mr. Gingrich  
To suspend until January 1, 1998, the duty on fluvoxamine.  
February 18, 1994.

45. **H.R. 2798**  
Mr. Shays  
To revive the suspension of duty on 3,5,6-trichlorosalicylic acid.  
February 18, 1994.

46. **H.R. 2799**  
Mr. Shays  
To suspend temporarily the duty on anthraquinone disulfonic acid sodium salt.  

47. **H.R. 2801**  
Mr. Shays  
To suspend temporarily the duty on acid violet 19.  
H.R. 2821
Mr. Gilman
To suspend until January 1, 1997, the duty on Ethambutol hydrochloride. February 18, 1994.

H.R. 2822
Mr. Gilman

H.R. 2823
Mr. Gilman

H.R. 2844
Mr. Santorum
To renew until January 1, 1996, the previous suspension of duty on certain chemicals, and for other purposes. February 18, 1994.

H.R. 2845
Mr. Santorum
To suspend until January 1, 1996, the duty on continuous oxidized polyacrylonitrile fiber tow. March 14, 1994.

H.R. 2855
Mr. Andrews
To suspend until January 1, 1995, the duty on anthraquinone. December 8, 1993.

H.R. 2865
Mr. Greenwood
To extend until January 1, 1998, the existing suspensions of duty on m-Xylenediamine and 1,3-Bis(aminomethyl)cyclohexane. January 12, 1994.

H.R. 2869
Mrs. Johnson
To suspend temporarily the duty on synthetic staple fibers containing 84 percent or more by weight of vinyl chloride and 14 percent or more by weight of vinyl acetate. March 14, 1994.

H.R. 2883
Mr. Whitten
To revive and extend through December 31, 1996, a temporary reduction of duty on certain disposable surgical gowns and drapes. March 14, 1994.

H.R. 2885
Mr. Gibbons

H.R. 2896
Mr. Reynolds
To suspend temporarily the duty on thiocyanates of calcium, and certain other individuals associated with, the 1994 World Cup soccer games. October 25, 1993.

H.R. 2907
Mrs. Clayton

H.R. 2920
Mrs. Clayton
To suspend until January 1, 1996, the duty on certain textile spinning machines. December 8, 1993.

H.R. 2948
Mrs. Johnson
To suspend temporarily the duty on synthetic staple fibers containing 84 percent or more by weight of vinyl chloride and 14 percent or more by weight of vinyl acetate. March 14, 1994.

H.R. 2967
Mr. Levy
To revive and extend until January 1, 1996, the suspension of duty on norfloxacin. February 18, 1994.

H.R. 3007
Mr. Valentine
To suspend, until January 1, 1997, the duty on Tfa Lys Pro in free base and tosyl salt forms. January 26, 1994.

H.R. 3047
Mr. Andrews
To suspend temporarily the duty on synthetic staple fibers containing 84 percent or more by weight of vinyl chloride and 14 percent or more by weight of vinyl acetate. March 14, 1994.

H.R. 3052
Mr. Santorum
To suspend until January 1, 1996, the duty on continuous oxidized polyacrylonitrile fiber tow. March 14, 1994.

H.R. 3053
Mr. Valentine
To suspend, until January 1, 1997, the duty on N,N-dimethyl-N'- (3-((methylamino)carbonyl)-oxy)phenyl)methanimidamide monohydrochloride. April 20, 1994.

H.R. 3104
Mr. McElmury
To suspend until January 1, 1996, the duty on diphenyldichlorosilane and phenyltrichlorosilane. March 15, 1994.

H.R. 3148
Mr. Emerson
To extend the duty reduction on certain unwrought lead for a period of two years. April 20, 1994.

H.R. 3151
Mr. Hoekstra
To suspend, until January 1, 1997, the suspension of duty on benzocarb. April 21, 1994.

H.R. 3152
Mr. Hoekstra
To suspend, until January 1, 1997, the duty on N,N-dimethyl-N'-(3-((methylamino)carbonyl)-oxy)phenyl)methanimidamide monohydrochloride. April 20, 1994.
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<thead>
<tr>
<th>Bill Number</th>
<th>Sponsor</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>H.R. 3174</td>
<td>Mrs. Margolies-Mezvinsky</td>
<td>To suspend until January 1, 1997, the duty on finasteride and finasteride tablets. April 12, 1994. (See also S. 1753.)</td>
</tr>
<tr>
<td>H.R. 3175</td>
<td>Mrs. Margolies-Mezvinsky</td>
<td>To extend retroactively until January 1, 1996, the prior suspension of duty on L-alanyl-L-proline, also known as Ala Pro. April 12, 1994.</td>
</tr>
<tr>
<td>H.R. 3176</td>
<td>Mrs. Margolies-Mezvinsky</td>
<td>To extend retroactively until January 1, 1996, the prior suspension of duty on diflunisal. April 21, 1994. (See also S. 1754.)</td>
</tr>
<tr>
<td>H.R. 3177</td>
<td>Mrs. Margolies-Mezvinsky</td>
<td>To suspend until January 1, 1997, the duty on levodopa. February 18, 1994. (See also S. 1482.)</td>
</tr>
<tr>
<td>H.R. 3179</td>
<td>Mr. Kanjorski</td>
<td>To suspend temporarily the duty on ranitidine hydrochloride (bulk and dosage forms). March 14, 1994. (See also S. 1292.)</td>
</tr>
<tr>
<td>H.R. 3180</td>
<td>Mr. Kanjorski</td>
<td>To suspend temporarily the duties on salmeterol xinafoate (bulk and dosage forms). March 14, 1994. (See also S. 1290.)</td>
</tr>
<tr>
<td>H.R. 3181</td>
<td>Mr. Hobson</td>
<td>To renew until January 1, 1996, the previous suspension of duty on 2,2-dimethylcyclopropyloxycarbboxamide, also known as D-carboxamide. April 12, 1994.</td>
</tr>
<tr>
<td>H.R. 3182</td>
<td>Mr. Monkley</td>
<td>To suspend temporarily the duty on film of polymers of propylene. April 20, 1994.</td>
</tr>
<tr>
<td>H.R. 3183</td>
<td>Mr. Price</td>
<td>To suspend temporarily the duties on sumatriptan succinate (bulk and dosage forms). March 14, 1994. (See also S. 1294.)</td>
</tr>
<tr>
<td>H.R. 3184</td>
<td>Mr. Meehan</td>
<td>To suspend temporarily the duty on Cardiolite (complete dosage kits). April 12, 1994.</td>
</tr>
<tr>
<td>H.R. 3185</td>
<td>Mr. Valentine</td>
<td>To suspend temporarily the duties on salmeterol xinafoate (bulk and dosage forms). March 14, 1994. (See also S. 1290.)</td>
</tr>
<tr>
<td>H.R. 3187</td>
<td>Mr. Lancaster</td>
<td>To suspend temporarily the duties on ondansetron hydrochloride (bulk and dosage forms). March 14, 1994. (See also S. 1291.)</td>
</tr>
<tr>
<td>H.R. 3188</td>
<td>Mr. Lancaster</td>
<td>To suspend temporarily the duties on ondansetron hydrochloride (bulk and dosage forms). March 14, 1994. (See also S. 1293.)</td>
</tr>
<tr>
<td>H.R. 3189</td>
<td>Mr. Coble</td>
<td>To suspend until January 1, 1999, the duty on certain machinery. April 20, 1994.</td>
</tr>
<tr>
<td>H.R. 3190</td>
<td>Mr. Neal</td>
<td>To provide for the duty-free entry of methanol produced aboard United States vessels on the high seas or in foreign waters. April 29, 1994.</td>
</tr>
<tr>
<td>H.R. 3191</td>
<td>Mr. Tauzin</td>
<td>To clarify the tariff classification of certain organo-phosphorous compounds and preparations thereof. April 29, 1994.</td>
</tr>
<tr>
<td>H.R. 3192</td>
<td>Ms. Schenk</td>
<td>To amend the south Pacific Tuna Act of 1988 to provide for duty-free treatment of canned tuna imported into the United States that was caught by certain vessels and processed in certain facilities. May 12, 1994.</td>
</tr>
<tr>
<td>H.R. 3193</td>
<td>Mr. Slattery</td>
<td>To revive and extend until December 31, 1996, the suspension of duty on certain chemicals, and for other purposes. August 9, 1994.</td>
</tr>
</tbody>
</table>
1. H.R. 3608
Mr. Slattery
To suspend temporarily the duty on certain chemicals.

2. H.R. 3638
Ms. Eshoo
To suspend temporarily the duty on mycophenlate mofetil.

3. H.R. 3644
Mr. Grams
To correct the tariff treatment of certain articles covered by the Nairobi Protocol.
April 21, 1994.

4. H.R. 3648
Mr. Coble
To suspend until January 1, 1996, the duty on certain machinery.

5. H.R. 3848
Mr. Leach
To suspend temporarily the duty on Halo-sulfuron-Methyl.

6. H.R. 3858
Ms. Pryce
To extend the suspension of duty on certain diamond tool and drill blanks, and for other purposes.
June 3, 1994. (See also S. 1323.)

7. H.R. 4004
Mr. Tanner
A bill to suspend temporarily the duty on combination microwave convection ovens.

8. H.R. 4016
Mr. Crane
To suspend temporarily the duty on octadecyl-isocyanate.
July 21, 1994. (See also H.R. 2486.)

9. H.R. 4020
Mr. Hoekstra
To suspend temporarily the duty on ACM.
August 9, 1994. (See also S. 1922.)

10. H.R. 4021
Mr. Hoekstra
To suspend temporarily the duty on amitraz.

11. H.R. 4023
Mr. Portman
To extend until June 30, 1995, the temporary suspension of duties on self-folding telescopic shaft collapsible umbrellas.
June 21, 1994. (See also S. 1322.)

12. H.R. 4080
Ms. Kaptur
To suspend until January 1, 1998, the duty on di-pentaerythritol.

13. H.R. 4098
Mr. Montgomery
To suspend through September 30, 1995, the duty on certain textile manufacturing machinery.
June 15, 1994. (See also S. 2011.)

14. H.R. 4104
Mr. Holden
To suspend until January 1, 1996, the duty on certain chemicals.
June 21, 1994. (See H.R. 2533.)

15. H.R. 4355
Mr. Gingrich
To suspend until January 1, 1998, the duty on fluvoxamine maleate.
September 6, 1994.

16. H.R. 4641
Mr. Sundquist
To restore the previous tariff treatment accorded to hand-cast string-drawn fishing nets.

Reports Submitted to the Senate on Proposed Legislation

1. S. 640
Mr. Bradley
To suspend until January 1, 1995, the duty on Malathion.
October 27, 1993.

2. S. 699
Mr. Johnston
To extend certain existing temporary duty suspensions.
December 3, 1993.

3. S. 955
Mr. Danforth
To suspend temporarily the duty on sulfathiazole.
October 27, 1993.

4. S. 958
Mr. Danforth
To extend the temporary suspension of duty on O,O-dimethyl-S-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate.
October 29, 1993. (See also H.R. 2045.)

5. S. 964
Mr. Danforth
To suspend temporarily the duty on sulfamethazine.
October 27, 1993.
6. **S. 1012**  
*Mr. Exon*  
To suspend temporarily the duty on 3,4,4'-trichlorocarbanilide.  
October 27, 1993.  
*(See also H.R. 2314.)*

7. **S. 1043**  
*Mr. Glenn*  
To extend until January 1, 1998, the existing suspension of duty on certain bicycle parts, and for other purposes.  
October 27, 1993.  
*(See also H.R. 1098.)*

8. **S. 1101**  
*Mr. Roth*  
To suspend temporarily the duty on (+)-Methyl p-[2-hydroxy-3-(iso-propylamino) propoxy] hydrocyanaminate hydrochloride.  
October 27, 1993.

9. **S. 1102**  
*Mr. Roth*  
To suspend temporarily the duty on 3-(a-acetonylbenzyl)-4-hydroxycoumarin sodium salt.  
October 27, 1993.

10. **S. 1104**  
*Mr. Roth*  
To suspend temporarily the duty on Triphenylmethyl chloride, Imidazole Intermediate, 1,3-Dihydroxyacetone, N-Chlorosuccinimide, Losartan (active), and COZAAR (Formulation).  
October 22, 1993.

11. **S. 1152**  
*Mr. McConnell*  
To suspend temporarily the duties on certain chemicals.  
December 3, 1993.

12. **S. 1153**  
*Mr. Simon*  
To suspend temporarily the duty on Tacrolimus in bulk or measured dose form subject to approval by the Food and Drug Administration.  
October 29, 1993.  
*(See also H.R. 2279.)*

13. **S. 1176**  
*Mr. Kohl*  
To clarify the tariff classification of certain plastic flat goods.  
*(See also H.R. 1748.)*

14. **S. 1211**  
*Mr. Brown*  
To extend the suspension of duties on certain glass fibers.  
October 29, 1993.  
*(See also H.R. 1851.)*

15. **S. 1219**  
*Mr. Coats*  
To extend the existing suspension of duty on chemical intermediate.  
October 22, 1993.

16. **S. 1237**  
*Mr. Chafee*  
To extend the temporary suspension of duty on stuffed dolls, certain toy figures, and the skins thereof.  
October 29, 1993.  
*(See also H.R. 2505.)*

17. **S. 1238**  
*Mr. Chafee*  
To extend the temporary suspension of the duty on chloramino base.  
October 29, 1993.

18. **S. 1239**  
*Mr. Chafee*  
To extend the temporary suspension of the duty on 3,4-diaminophenetole dihydrogen sulfate.  
October 29, 1993.

19. **S. 1240**  
*Mr. Chafee*  
To extend the temporary suspension of the duty on 2,5-dimethoxyacetanilide.  
October 29, 1993.  
*(See also H.R. 2280.)*

20. **S. 1241**  
*Mr. Chafee*  
To extend the temporary suspension of the duty on N-acetylsulfanilyl chloride.  
October 29, 1993.  
*(See also H.R. 2280.)*

21. **S. 1242**  
*Mr. Chafee*  
To extend the temporary suspension of the duty on 4-chloro-2-nitroaniline.  
October 29, 1993.  
*(See also H.R. 2384.)*

22. **S. 1243**  
*Mr. Chafee*  
To extend the temporary suspension of the duty on cefuroxime axetil (bulk and dosage forms).  
October 29, 1993.  
*(See also H.R. 3318.)*

23. **S. 1244**  
*Mr. Chafee*  
To extend the temporary suspension of the duty on ranitidine hydrochloride (bulk and dosage forms).  
October 29, 1993.  
*(See also H.R. 3279.)*

24. **S. 1246**  
*Mr. Helms*  
To suspend temporarily the duties on ondansetron hydrochloride (bulk and dosage forms).  
October 29, 1993.  
*(See also H.R. 3517.)*

25. **S. 1289**  
*Mr. Helms*  
To suspend temporarily the duties on sumatriptan succinate (bulk and dosage forms).  
October 29, 1993.  
*(See also H.R. 3243.)*

26. **S. 1290**  
*Mr. Helms*  
To suspend temporarily the duties on salmeterol xinafoate (bulk and dosage forms).  
October 29, 1993.  
*(See also H.R. 3280.)*

27. **S. 1291**  
*Mr. Helms*  
To suspend temporarily the duties on cefuroxime axetil (bulk and dosage forms).  
October 29, 1993.  
*(See also H.R. 3280.)*

28. **S. 1292**  
*Mr. Helms*  
To suspend temporarily the duties on ranitidine hydrochloride (bulk and dosage forms).  
October 29, 1993.  
*(See also H.R. 3280.)*

29. **S. 1293**  
*Mr. Helms*  
To suspend temporarily the duties on ondansetron hydrochloride (bulk and dosage forms).  
October 29, 1993.  
*(See also H.R. 3280.)*

30. **S. 1294**  
*Mr. Helms*  
To suspend temporarily the duties on sumatriptan succinate (bulk and dosage forms).  
October 29, 1993.  
*(See also H.R. 3280.)*

31. **S. 1305**  
*Mr. D'Amato*  
To clarify the tariff treatment of certain footwear.  
October 29, 1993.
32. S. 1307
Mr. D'Amato
To correct the
Harmonized Tariff
Schedule of the United
States as it applies to
certain electric
toothbrushes and parts
thereof.
February 18, 1994.
(See also H.R. 1473.)

33. S. 1308
Mr. Durenberger
To suspend until Janu­
ary 1, 1995, the duty on
 certain machinery used to
 recycle mercury.
February 18, 1994.
(See also H.R. 2510.)

34. S. 1316
Mr. Kerrey
To suspend temporarily
the duty on tefluthrin.
October 22, 1993.
(See also H.R. 2165 and
S. 594.)

35. S. 1321
Mr. Glenn
To extend the temporary
suspension of duty on
umbrella frames.
October 22, 1993.
(See also H.R. 1626.)

36. S. 1322
Mr. Glenn
To extend the suspension
of duty on certain
 collapsible umbrellas.
December 3, 1993.
(See also H.R. 4023.)

37. S. 1323
Mr. Glenn
To extend the suspension
of duty on certain
diamond tool and drill
blanks, and for other
purposes.
December 3, 1993.
(See also H.R. 3858.)

38. S. 1358
Mr. Thurmond
To extend the temporary
suspension of duty on
diamond tool and drill
blanks, and for other
purposes.
December 3, 1993.
(See also H.R. 1590.)

39. S. 1387
Mr. Thurmond
To extend the temporary
suspension of duty on
tefluthrin.
December 3, 1993.
(See also H.R. 2007.)

40. S. 1388
Mr. Thurmond
To extend the temporary
suspension of duty on
tefluthrin.
December 3, 1993.
(See also H.R. 2008.)

41. S. 1389
Mr. Thurmond
To extend the temporary
suspension of duty on
chlorothiazide.
December 3, 1993.
(See also H.R. 1748.)

42. S. 1390
Mr. Thurmond
To extend the temporary
suspension of duty on
certain
collapsible umbrellas.
December 3, 1993.
(See also H.R. 2011.)

43. S. 1391
Mr. Thurmond
To suspend temporarily
the duty on diazo–2,1,4–
sulfonic acid and its
salts.
December 3, 1993.
(See also H.R. 2006.)

44. S. 1392
Mr. Thurmond
To suspend temporarily
the duty on tetraamino
biphenyl.
October 29, 1993.
(See also H.R. 1427.)

45. S. 1393
Mr. Thurmond
To extend the temporary
suspension of duty on
Phospholan.
October 29, 1993.
(See also H.R. 1743.)

46. S. 1394
Mr. Thurmond
To extend the temporary
suspension of duty on
2,6-quinone.
October 29, 1993.
(See also H.R. 2005.)

47. S. 1395
Mr. Kohl
Relating to the tariff
treatment of certain
vegetable Chronicle
goods.
(See also H.R. 3177.)

48. S. 1396
Mr. Kohl
To extend the temporary
suspension of duty on
certain
collapsible umbrellas.
December 3, 1993.
(See also H.R. 3054.)

49. S. 1434
Mr. Bradley
To extend the temporary
suspension of duty on
N–Amidino–3,5–diamino–
6–chloropyrazinecarbox­
amide monohydrochlo­
rinate dihydrate.

50. S. 1435
Mr. Bradley
To extend the temporary
suspension of duty on
N–Amidino–3,5–diamino–
6–chloropyrazinecarbox­
amide monohydrochlo­
rinate dihydrate.

51. S. 1436
Mr. Bradley
To extend the temporary
suspension of duty on
N–Amidino–3,5–diamino–
6–chloropyrazinecarbox­
amide monohydrochlo­
rinate dihydrate.

52. S. 1437
Mr. Bradley
To extend the temporary
suspension of duty on
N–Amidino–3,5–diamino–
6–chloropyrazinecarbox­
amide monohydrochlo­
rinate dihydrate.

53. S. 1482
Mr. Lautenberg
To extend the temporary
suspension of duty on
Levodopa.
February 18, 1994.
(See also H.R. 2362.)
58. S. 1705
Mr. Wofford
To extend temporarily the suspension of duty on TFA Lys Pro in free base and tosyl salt forms.
(See also H.R. 3055.)

59. S. 1706
Mr. Wofford
To suspend temporarily the duty on certain chemicals.

60. S. 1707
Mr. Wofford
To suspend temporarily the duty on keto ester.
(See also H.R. 3053.)

61. S. 1708
Ms. Moseley-Braun
To renew the previously existing suspension of duty on parts of aircraft generators.
February 18, 1994.
(See also H.R. 1849.)

62. S. 1709
Mr. Wofford
To suspend temporarily the duty on mounted closed circuit television lenses.
(See also H.R. 1074.)

63. S. 1710
Mr. Wofford
To extend temporarily the suspension of duty on certain chemicals.
(See also H.R. 1288.)

64. S. 1711
Mr. Wofford
To suspend temporarily the duty on certain chemicals.
February 18, 1994.
(See also H.R. 1287.)

65. S. 1730
Mr. Thurmond
To suspend temporarily the duty on 3,4-Dimethylbenzaldehyde (3,4-DBAL).

66. S. 1739
Mr. Pryor
To suspend temporarily the duty on lambda-cyhalothrin.
(See also H.R. 2164 and S. 1519.)

67. S. 1740
Mr. Pryor
To suspend temporarily the duty on Diquat Dibromide.
(See also H.R. 2162 and S. 1518.)

68. S. 1752
Mr. Bradley
Amending the Harmonized Tariff Schedule.
(See also H.R. 3428.)

69. S. 1753
Mr. Bradley
Amending the Harmonized Tariff Schedule.
April 12, 1994.
(See also H.R. 3174.)

70. S. 1754
Mr. Bradley
Regarding the suspension of duty on difunisal.
April 21, 1994.
(See also H.R. 3176.)

71. S. 1837
Mr. Riegle
To suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup soccer games.
(See also H.R. 2897.)

72. S. 1850
Mr. Danforth
To suspend temporarily the duty on 2-(4-chloro-2-methyl phenoxy) propionic acid.
(See also H.R. 3856.)

73. S. 1861
Mr. Chafee
To suspend temporarily the duty on certain pigments.
(See also H.R. 3910.)

74. S. 1896
Mr. D'Amato
To suspend temporarily the duty on certain PVC rain slickers.

75. S. 1911
Mr. Helms
To suspend temporarily the duty on 5-Chloro-2-(2,4-dichlorophenoxy) phenol.
(See also H.R. 3995.)

76. S. 1918
Mr. Roth
To suspend temporarily the duty on cross-carmellose sodium.

77. S. 1921
Mr. Riegle
To suspend temporarily the duty on amitraz.
(See also H.R. 4021.)

78. S. 1922
Mr. Riegle
To suspend temporarily the duty on ACM.
August 9, 1994.
(See also H.R. 4020.)

79. S. 1931
Mr. Lugar
To provide duty-free privileges to participants in the 1994 World Rowing Championships.
(See also H.R. 3938.)

80. S. 2011
Mr. Cochran
To suspend temporarily the duty on certain textile-manufacturing machinery.
(See also H.R. 4098.)

81. S. 2228
Mr. Lott
To suspend temporarily the duty on certain textile-manufacturing machinery.
(See also S. 2011.)
APPENDIX E
LITIGATION IN FISCAL YEAR 1994

Litigation Completed
Appeals Arising From Antidumping and Countervailing Duty Investigations

Bando Chemical Industries, Ltd. and Bando American Inc. v. United States, Appeal No. 94–1011 (Court of Appeals for the Federal Circuit)

The Court of Appeals for the Federal Circuit (Federal Circuit) upheld the Court of International Trade's (CIT's) affirmative finding that after remand of the CIT's original affirmative determination in Industrial Belts from Israel, Italy, Japan, Singapore, South Korea, Taiwan, the United Kingdom, and West Germany, Investigations Nos. 731–TA–412–419 (final), [see USITC publication 2194 (May 1980)]. The CIT remanded the Commission’s affirmative determination in industrial belts from Italy and Japan for further explanation of views by one Commission-
er. After that explanation was filed, the CIT affirmed the remand affirmative determination, upholding the Commissioner’s practice of determining whether the industry is a vulnerable condition, as well as his conclusion that on the facts of record stated foreign producers’ capacity was not a limit on production increases. The Federal Circuit affirmed without opinion.

The CIT emphasized that the Cit's remand on appeal to the Federal Circuit, the Commission found two like products (pure and alloy magnesium) and reached affirmative determinations on each like product [see USITC publication 2696 (Nov. 1993)], and the panel affirmed.

In this appeal of the Commission's final affirmative determination in Sulfanilic Acid from the Republic of Hungary, Investigation No. 731–TA–560 (final), [see USITC publication 2603 (Feb. 1993)], the CIT remanded for further explanation of various Commissioners’ views, particularly requesting their view of whether cumulation of imports recently subject to investigations that led to orders under title VII was an exercise of discretion or subject to the mandatory cumulation provision. The
Commission reached the same result on remand, stating, *inter alia*, that such “recent order” cumulation was discretionary, and, plaintiff not opposing the remand determination, the CIT affirmed the Commission’s determination on remand without an opinion.

SAARSTAHLL AG v. United States, Court No. 93-04-00219S (Court of International Trade)

The CIT affirmed the Commission’s final affirmative determination in *Certified Hot-Rolled Lead and Bismuth Carbon Steel Products from Brazil, France, Germany, and the United Kingdom*, Investigations Nos. 731-TA-552-555 (final) and 701-TA-314-317 (final), [see USITC publication 2611 (Mar. 1993)]. The CIT held, *inter alia*, that the Commission acted properly in considering the effect of subject imports on the domestic industry’s ability to raise capital and make investments over the investigative period.

Litigation Terminated

In addition to the cases discussed above, a number of cases were terminated during FY 1994 without final substantive decisions on the merits, including by court dismissal, voluntary dismissal by the plaintiff, or failure by the plaintiff to file a complaint after the service of a summons. Those cases are listed below.

- *Altos Hornos de Mexico, S.A. de C.V. v. United States*, Court No. 93-09-00626 (Court of International Trade) (dismissal for lack of prosecution)
- Plaintiff failed to file a complaint perfecting its appeal of the affirmative determination in *Certified Flat-Rolled Carbon Steel Products from Mexico* (cut-to-length plate), Investigation No. 731-TA-582 (final), [see USITC publication 2664 (Aug. 1993)].
- *Co-Steel Raritan, Connecticut Steel Corp., Georgetown Steel, Keystone Steel & Wire Co., North Star Steel Texas, Inc. & Northwestern Steel & Wire Co. v. United States*, Court No. 94-05-00263 (Court of International Trade) (voluntary dismissal)
- This action appealed the Commission’s final negative determination in *Certified Steel Wire Rod from Germany*, Investigation No. 731-TA-687 (preliminary), [see USITC publication 2760 (Mar. 1994)].
- *Echjay Forgings Private Limited v. United States*, Court No. 94-03-00157 (Court of International Trade) (voluntary dismissal)
- This action challenged the Commission’s final affirmative determination in *Certain Stainless Steel Flanges from India and Taiwan*, Investigations Nos. 731-TA-639 and 640 (final), [see USITC publication 2724 (Feb. 1994)].
- *Fried. Krupp AG Hoesch-Krupp, Krupp Hoesch Stahl AG and Krupp Steel Products, Inc. v. The United States*, Court No. 93-09-00604 (Court of International Trade) (dismissal for lack of prosecution)
- *Lehigh Portland Cement Company v. United States*, Court No. 94-06-00343 (Court of International Trade) (voluntary dismissal)

This action appealed the Commission’s final negative determination in *Calcium Aluminate Cement and Cement Clinker from France*, Investigation No. 731-TA-645 (final), [see USITC publication 2772 (May 1994)].

*MiniFIBERS, Inc. v. United States International Trade Commission*, Case No. 2:94-CV-181 (U.S. District Court, Eastern District of Tennessee); CA No. 94-5688 (U.S. Court of Appeals for the Sixth Circuit) (appeal in action to quash administrative subpoena terminated after voluntary compliance)

Plaintiff’s motion to quash seeking a response to the Commission’s questionnaire in *Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide from the Netherlands*, Investigation No. 731-TA-652 (final), [see USITC publication 2783 (June 1994)], was dismissed, and plaintiff’s appeal to the Court of Appeals for the Sixth Circuit contested that dismissal.

Filati Lastex Eslafibre v. United States International Trade Commission, Court No. 92–11–00741S (Court of International Trade) (voluntary dismissal)

This suit appealed the Commission's final affirmative determination in Extruded Rubber Thread from Malaysia, Investigation No. 731–TA–527 (final), [see USITC publication 2559 (Sept. 1992)].

Sandoz Chemicals Corporation v. The United States, The United States Department Of Commerce, and the United States International Trade Commission, Court No. 93–03–00178 (Court of International Trade) (voluntary dismissal)

After plaintiff's motion for immediate remand of the Commission's final negative injury determinations in Sulfur Dyes from China, Hong Kong, India, and the United Kingdom, Investigations Nos. 731–TA–548–551 (final), [see USITC publication 2602 (Feb. 1993)] was denied, the CIT granted a Stipulation of Dismissal.

Seagate Technology, Inc. v. United States International Trade Commission, Appeal No. 94–1124 (Court of Appeals for the Federal Circuit) (dismissal for lack of jurisdiction)

The Federal Circuit granted the Commission's motion to dismiss as premature this appeal from the Commission's summary determinations on jurisdiction in Certain Sputtered Carbon Coated Computer Disks and Products Containing Same, Including Disk Drives, Investigation No. 337–TA–350, [see USITC publication 2701 (Nov. 1993)].


The consolidated appeals challenged the Commission's determinations in Certain Integrated Circuit Telecommunication Chips and Products Containing Same, Including Dialing Apparatus, Investigation No. 337–TA–337, [see USITC publication 2670 (Aug. 1993)].

Smith Corona Corporation, Smith Corona (PTE) Ltd. v. United States and the United States International Trade Commission, Court No. 93–11–00752 (Court of International Trade) (voluntary dismissal following settlement between the private parties)

This appeal challenged the Commission's final affirmative determination in Portable Electric Typewriters from Singapore, Investigation No. 731–TA–515 (final), [see USITC publication 2681 (Sept. 1993)].

Texas Insititutes Incorporated v. United States International Trade Commission, Appeal No. 93–1529 (Court of Appeals for the Federal Circuit) (voluntary dismissal)

This action challenged aspects of the Commission's determination in Certain Plastic Encapsulated Integrated Circuits, Investigation No. 337–TA–315, [see USITC publication 2574 (Nov. 1992)].


The Commission brought this action to enforce an administrative subpoena to obtain a response to the Commission's questionnaire in Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide from the Netherlands, Investigation No. 731–TA–652 (final), [see USITC publication 2783 (June 1994)]

Wire Rope Importers Association v. United States, Appeal No. 94–1010 (Court of Appeals for the Federal Circuit) (dismissal for lack of prosecution)

The Federal Circuit dismissed this appeal by the Wire Rope Importers Association of the CIT's dismissal as untimely filed of its complaint challenging the Commission's final affirmative determination in Steel Wire Rope from Korea and Mexico, Investigations Nos. 731–TA–546 and 547 (final), [see USITC publication 2613 (Mar. 1993)] after appellant failed to file a brief.

Litigation Pending at the End of Fiscal Year 1994

| Cases arising from antidumping and countervailing duty investigations | 24 |
| Cases arising from section 337 determinations | 6 |
| Other litigation | 1 |
| **Total** | **31** |

1 All cases filed by different parties that have been consolidated by the court are counted only as a single piece of litigation. Thus, the actual number of complaints filed is greater than the number given above. In this year, for instance, 31 complaints in the CIT challenging various Commission determinations concerning flat-rolled carbon steel products were consolidated into four cases.

By comparison, at the end of FY 1993, there were 47 pending cases arising from antidumping and countervailing duty investigations, three arising from section 337 determinations, and three arising from other subjects, for a total of 53.
Commission and Executive Staff as of September 30, 1994

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