



저작자표시 2.0 대한민국

이용자는 아래의 조건을 따르는 경우에 한하여 자유롭게

- 이 저작물을 복제, 배포, 전송, 전시, 공연 및 방송할 수 있습니다.
- 이차적 저작물을 작성할 수 있습니다.
- 이 저작물을 영리 목적으로 이용할 수 있습니다.

다음과 같은 조건을 따라야 합니다:



저작자표시. 귀하는 원저작자를 표시하여야 합니다.

- 귀하는, 이 저작물의 재이용이나 배포의 경우, 이 저작물에 적용된 이용허락조건을 명확하게 나타내어야 합니다.
- 저작권자로부터 별도의 허가를 받으면 이러한 조건들은 적용되지 않습니다.

저작권법에 따른 이용자의 권리는 위의 내용에 의하여 영향을 받지 않습니다.

이것은 [이용허락규약\(Legal Code\)](#)을 이해하기 쉽게 요약한 것입니다.

[Disclaimer](#) 

국제학석사학위논문

**US Trade Remedy Actions in the Steel
Industry and
its Political Linkage**

미국의 철강산업에 대한 무역구제조치와
정치적 연관성

2017년 8월

서울대학교 국제대학원
국제학과 국제통상학 전공
윤 지 선

Master's thesis

**US Trade Remedy Actions in the
Steel Industry and
its Political Linkage**

August 2017

Seoul National University
Graduate School of International Studies
International Commerce

Youn Ji Sun

US Trade Remedy Actions in the Steel Industry and its Political Linkage

A thesis Presented

By

Ji Sun Youn

to

A dissertation submitted in partial fulfillment
of the requirements for the degree of Master
of International Studies in the subject
of International Commerce

Graduate School of International Studies

Seoul National University

Seoul, Republic of Korea

August 2017

**US Trade Remedy Actions in the
Steel Industry and its Political Linkage**
미국의 철강산업에 대한 무역구제조치와
정치적 연관성

지도교수 안덕근

이 논문을 국제학석사학위논문으로 제출함

2017년 08월

서울대학교 국제대학원
국제학과 국제통상전공
윤지선

윤지선의 국제학석사학위논문을 인준함

2017년 08월

위원장	<u>박태호</u>	(인)
부위원장	<u>이영섭</u>	(인)
위원	<u>안덕근</u>	(인)

THESIS ACCEPTANCE CERTIFICATE

The undersigned, appointed by

**The Graduate School of International Studies
Seoul National University**

Have examined a thesis entitled

**US Trade Remedy Actions in the
Steel Industry and its Political Linkage**

Presented by **Ji Sun Youn**

Candidate for the degree of Master of International Studies and hereby certify
that it is worthy of acceptance

Signature
Committee Chair

Bark, Tae-Ho

Signature
Committee Vice Chair

Rhee, Yeongseop

Signature
Committee Member

Ahn, Dukgeun

Date: August 2017

Abstract

US Trade Remedy Actions in the Steel Industry and its Political Linkage

Youn Ji Sun
International Commerce Major
The Graduate School
Seoul National University

The aim of this paper is to prove that the trade remedy measures are not only based on the legal decisions but also political affairs. the paper will verify whether there is correlation between presidents' political parties and the use of trade remedy measures. With focus on Anti-dumping (AD) and Countervailing Duties (CVD), the paper will analyze the legal amendments and political issues from Reagan Administration (1989) to Trump Administration (2017). The number of investigation surged when the economy was in recession and the trade deficit increased. Furthermore, the amendment of the Trade Acts had impact on the leverage on use of the trade remedy measures. Furthermore, special focus was set on steel industries because it traditionally has been the key target of the AD and CVD measures. By analyzing steel industry, the paper will point out what the problem is and make suggestions to reduces imposition of the trade remedy measures.

.....

keywords: Anti-dumping duties, Countervailing Duties, Trade Act, Political Affairs, Amendments

Student Number : 2015-25009

TABLE OF CONTENTS

ABSTRACT	i
I. INTRODUCTION	1
II. ANALYSIS ON ECONOMY	4
III. TRANSFORMATION OF THE TRADE POLICY	7
1. Before 1930s	
2. Post 1930s	
3. Trade Expansion Act 1962	
4. Trade Reform Act of 1974	
1) Inclusion of the Escape Clause	
2) Section 301	
5. Omnibus Trade and Competitiveness Act of 1988	
IV. ANALYSIS ON STEEL INDUSTRY	17
1. Overview of the Steel Industry	
2. Overview of the American Steel Industry	
V. CONCLUSION	24

I. INTRODUCTION

The purpose of this paper is to prove whether there is correlation between trade remedy measures and politics. To elaborate, the paper categorized current and ex-presidents by their parties: Democratic party or Republic party. Then, the number of Antidumping(AD) and Countervailing Duties(CVD) were counted based on initiation and the actual measures implemented.

Based on the AD and CVD cases collected by the International Trade Administration (ITA), the data was divided into each term of the presidency. By classifying presidents by their political parties, the writer attempted to verify whether the number of trade remedy measures varied according to presidents' political parties.

The years which had significant number of surge in the investigations were 1985, 1986, 1991, 1992, 2013 and 2015. To analyze the reason for the increase of investigation cases, the both political and legal circumstances of those eras were examined closely.

President	Terms	Political Affiliation		INITIATION		TOTAL	MEASURE		TOTAL
				AD	CVD		AD	CVD	
Donald Trump	2017-	Republican	2017	17	6	23	-	-	-
			TOTAL	17	6	23	-	-	-
Barack Obama	2009-2017	Democrat	2009	20	14	34	17	10	27
			2010	3	3	6	3	3	6
			2011	15	9	24	6	2	8
			2012	11	5	16	8	4	12
			2013	38	19	57	19	6	25
			2014	19	18	37	14	8	22
			2015	41	23	64	15	10	25
			2016	37	16	53	-	-	-
			TOTAL	201	113	314	82	43	125
George W. Bush	2001-2009	Republican	2001	77	18	103	29	10	39
			2002	34	4	38	12	2	14
			2003	37	5	42	16	2	18
			2004	26	3	29	17	0	17
			2005	13	2	15	6	2	8
			2006	7	3	10	2	0	2
			2007	28	7	35	21	7	28
			2008	16	6	22	15	6	21
			TOTAL	234	44	294	118	29	147
Bill Clinton	1993-2001	Democrat	1993	37	5	42	16	1	17
			1994	51	7	58	25	2	27
			1995	14	2	16	8	2	10
			1996	21	1	22	10	0	10
			1997	15	6	21	8	1	9
			1998	36	12	48	20	6	26
			1999	46	10	56	0	0	0
			2000	46	7	53	30	6	36
			TOTAL	270	54	324	117	18	135
George Bush	1989-1993	Republican	1989	24	7	31	17	3	20
			1990	35	7	42	20	3	23
			1991	66	11	77	17	4	21
			1992	84	22	106	40	16	56
			1993	-	-	-	-	-	-
TOTAL	209	47	256	94	26	120			
Ronald Reagan	1981-1989	Republican	1981	14	10	24	5	1	6
			1982	34	60	94	12	18	30
			1983	44	19	63	20	9	29
			1984	38	37	75	9	15	24
			1985	72	39	111	27	17	44
			1986	82	28	110	59	15	74
			1987	16	8	24	8	4	12
			1988	42	17	59	19	9	28
			TOTAL	342	218	560	159	88	247

Table 1¹ AD/CVD Measures according to the Political Party

The AD and CVD measures are known to be legal measures in existence to address the harms done by the imports increase due to unfair trade. However, the terminology of being unfair may not be applicable in reality as the trade remedy

¹ Data: Steel Import Monitoring and Analysis System, International Trade Administration (ITA)

measures were used not to address unfair trade but more of as a mechanism to protect domestic market from the import surge of foreign products.

To clarify, the tendency was that the countries showed general trend of using trade remedy measures as a protective mechanism and this may be the loophole of the trade remedy measures codified in the World Trade Organization (WTO).

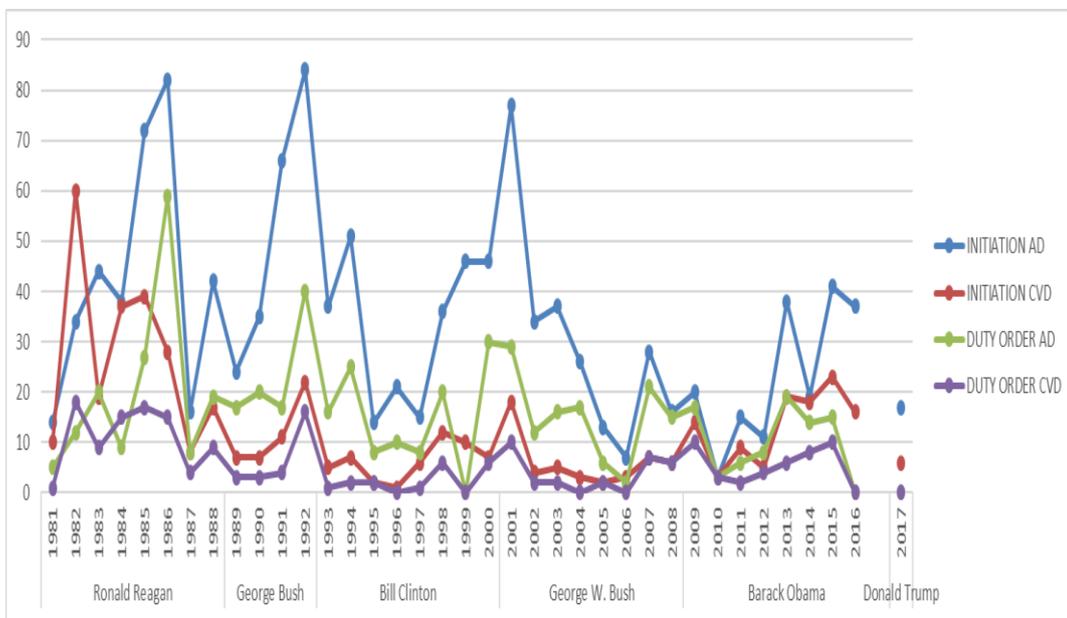


Figure 1² Flow of the AD/CVD Investigations and Duty Orders

As shown above, the investigation on AD and CVD surged in specific years, regardless of Presidents’ political parties. To be specific, it is not the Presidents’

² Data: Steel Import Monitoring and Analysis System, International Trade Administration (ITA)

political parties which determines or affects the use of the trade remedy measures.

It was rather the political and economic situations which affect the likelihood of resorting to trade remedy measures. Therefore, no vivid correlation between the President's political parties and trade remedy measures were observed.

To add, the general trend is that investigation and duty order on AD are more numerous than the number of CVD cases investigated and actually implemented. Therefore, it is important to note that the duty order is the substantial criterion in counting the number of cases implemented, rather than the mere number of investigations which include the cases with no duty orders.

II. ANALYSIS ON ECONOMY

The aim of the study is to review in which year the antidumping and countervailing duties were imposed the most or have increased significantly. The analysis is based on the Trade Policy Review (TPR) which is issued by the World Trade Organization (WTO), in which large economies like the US are examined biannually. It is meaningful to examine the practice of the US trade policy as it has been functioning as the model for other countries' trade policies. Therefore, by scrutinizing the trade policy of the US, it will be possible to infer what could

be expected from other countries.³ Currently, the US has proceeded its thirteenth TPR.⁴

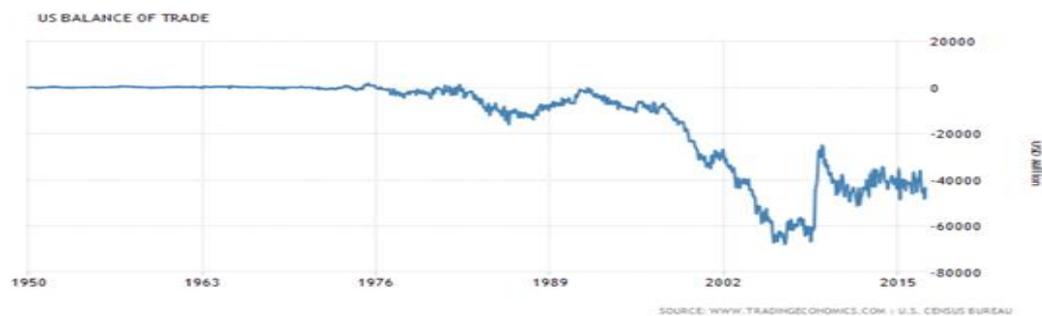


Figure 2⁵ US Balance of Trade

Moving on to the analysis, during 2002-2003, US economy fell into recession, which took place for the first time in a decade.⁶ Furthermore, this was the controversial period for the US as it decided to initiate the greatest safeguard action for the time in history. In US perspective, safeguard and antidumping could be justified as the foreign demand was rather flat during this period. Regardless

³ Thomas J. Prusa. 2005. 2004 Trade Policy Review-The United States.

⁴ WTO. Trade Policy Review. https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009-DP.aspx?language=E&CatalogueIdList=235295,235296,234961,234882,232659,232658,130929,130376,130259,128525&CurrentCatalogueIdIndex=0&FullTextHash=&HasEnglishRecord=True&HasFrenchRecord=True&HasSpanishRecord=False(accessed on 4 May 2017).

⁵ Trading-economics. <https://tradingeconomics.com>, US Census Bureau (accessed on 16 May 2017)..

⁶ Thomas J. Prusa. 2005. 2004 Trade Policy Review-The United States.

of its safeguard and antidumping protectionist measures, the US has been persisting that it is in support of the trade liberalization and devoted to the multilateral trading system such as the WTO, despite its resistance to comply with the WTO laws by amending the Continued Dumping and Subsidy Offset Act of 2000(CDSOA), which is better known as the Byrd Amendment.⁷ In addition, there has been WTO rulings against US trade policies including the Antidumping Act of 1916 (Unfair Competition Act) and the Byrd Amendment, which the US refused to comply with the WTO ruling in any circumstances.

The number of the AD and CVD investigation itself is crucial as it conveys signal to the market that penetration of such import product is distorting the trade flow and the domestic market of the US. According to the research conducted by the Staiger and Wolak (1994), more than half of the duties were imposed as the preliminary duty, and even though the injury test turned out to be negative in the final determination, the trade pattern was already being distorted by the preliminary duty as a matter of fact.⁸ Furthermore, it takes 2-3 years for the

⁷ Ibid.

⁸ Robert W. Staiger, Frank A. Wolak.1994.Measuring Industry Specific Protection: Antidumping in the United States.NBER Working Paper No. 4696

Dispute Settlement Body (DSB) to make the decision. To be specific, it is technically beneficial for the petitioners to initiate the trade remedy measure as it takes time to end the measure and for the final determination to be issued. For instance, the steel safeguard incorporating numerous steel products only ended 18 months after its imposition. Had there not been opposition for the domestic steel users, the ending time could have been postponed to the later date. To elaborate, the trade remedy measures are easier option for the countries, which explains why countries have tendency of resorting to them.

III. Transformation of the Trade Policy

1. Before 1930s

According to Hiscox (2002), the level of duties and tariffs were determined by the majority party in the house.⁹ When the Democratic Party, which is in favor of the liberal perspective, was the majority in the house, the duties and tariffs tended to decrease. In contrast, when the Republican Party was the dominant party, the duties and tariffs had tendency of escalating. This is not only to the party's preference in certain ideology, but more of the structure of the Congress

⁹ Nitsan Chorev.2009. The Judicial Transformation of the State: The Case of U.S. Trade Policy, 1974–2004. *Law & Policy*: 31(1):31 – 68.

in nature. Lohmann and O'Halloran(1994) elaborated that the Congress is susceptible to the public opinion and social pressure.¹⁰ Furthermore, Rogowski(2002) explained that the Congress is largely affected by the labor intensive groups and those groups concentrated in certain geographical location.

2. Post 1930s

Nonetheless, the regime shifted toward trade liberalization and the overall tariff rate decreased. The fundamental causes of the shift toward trade liberalization were Reciprocal Trade Agreements Act (RTAA) of 1934 and General Agreement on Tariff and Trade (GATT) of 1947.¹¹ Congress still held the jurisdiction on imposing import quotas which functioned as leverage to counterbalance extension of the presidential authority 1934.¹²

3. Trade Expansion Act 1962

The Trade Expansion Act of 1962 was the counteractive measure to seek power balance between the European Economic Community(EEC) which is called the

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

European Union(EU) status quo.¹³ Through adoption of the Trade Expansion Act of 1962, President Kennedy aimed to gain power to negotiate with the EEC in equalizing the trade conditions and terms in the European market. To be specific, Kennedy attempted to resort to linear method, or so-called European method used for the “across the board negotiation.” This is only partial rationale and the reasons why the Trade Act was needed were demonstrated by President Kenney’s assertion.

On January 6, 1962, President Kennedy unfolded that the timing was appropriate as Great Britain was pursuing admission to the EEC in 1962. The logic behind the scene was that Great Britain, the ally of the US, will contribute to US efforts in cutting the tariff rates. Therefore, the Trade Act was needed to be passed on time. Furthermore, Kennedy believed that the Trade Act will eventually solve the chronic trade deficit, provoking matter on the balance of payment.

In 1962, Congress transferred the negotiating authority on the trade issues to the Office of Special Trade Representative (STR), which was newly launched.¹⁴ As a consequence, executive branch’s leverage on the negotiating power by utilizing

¹³ Edward S. Kaplan. 1996. American Trade Policy: Greenwood Press.

¹⁴ Destler, Irving M. 2005. American trade politics. Columbia University Press.

bilateral and multilateral mechanism has been reduced due to Congress' effort.¹⁵

In the same context, the executive branch secured the politically debatable industries which Congress considered to be protected.¹⁶

4. Trade Reform Act of 1974

1) Inclusion of the Escape Clause

In 1960s, European and Japanese economies began to recover which increased the import penetration to the US market. To counteract, the US corporations called for protective measure from the government. Thus, during the Nixon Administration, the escape clause was incorporated into the trade remedy law.¹⁷ The escape clause literally allowed the domestic industries being injured from foreign imports by compensation and government measure. Although the law has been in existence even in previous period, it was during the Nixon Administration which actually used the law and its existence arose to the surface. Under the previous escape clause, which was incorporated in the Trade Expansion Act of

¹⁵ Nitsan Chorev.2009. The Judicial Transformation of the State: The Case of U.S. Trade Policy, 1974–2004. *Law & Policy* 31(1):43

¹⁶ Ibid.

¹⁷ Ibid.

1962, the industry had the liability to prove that the increased imports were the major or dominant cause or threat of injury to the domestic market.¹⁸ The Trade Reform Act of 1974 has eradicated the burden of proving “causal” link between the incrementing import and the concession. The Act rather set the criteria of requiring only “substantial” link between the surge of imports and the cause or threat of injury.¹⁹

The escape clause was greatly supported by the business sector. According to the letters sent to the Nixon Administration and the testimonies conveyed in the Congress reveals that the industries were in support to including and using such law as it may also alleviate the stress that Congress receives from the public pressure regarding the import surge.

Nonetheless, an analyst from the *National Journal* explained that the Nixon Administration incorporated the escape clause to trade remedy measure as part of the Administration’s strategy to alleviate the pressure from the protectionists who had been hindering US policy on liberal trade.²⁰ The passage of the Act

¹⁸ Edward S. Kaplan. 1996. *American Trade Policy: 1923-1995*. Greenwood Press.

¹⁹ Ibid.

²⁰ Ibid

would enable President Nixon to enter in the trade negotiation with other countries during the Tokyo Round and international agreements. Nixon was in need of passage of the Act in order to conduct gainful negotiation during the Tokyo Round. This was part of the foreign policy with Japan and other highly lucrative countries focused on export as the Act also contained guaranteeing the President with the right to impose import tax or quotas to restrict US import when the US suffers from serious trade deficit in the balance of payment. Likewise, authority to cut tax and relieve restriction when the balance of payment is facing surplus was also included in the Act.

To reinvigorate, in the previous decade, the US trade policy seemed to be shifting away from the multilateralism to unilateralism, believing that trade concession could be implemented by retaliation threat. The turning point may be considered as the Trade Act of 1974, but there are more fundamental changes with impact on the US policy. Nonetheless, it is questionable for what purposes the Trade Act 1974 was to gain backing from the Congress on preceding the new multilateral negotiation which Nixon Administration considered of importance to overcome the economic hardship US was facing.²¹ The Nixon Administration attempted to

²¹ Ibid.

improve access to the markets by lowering tariffs and eradicating non-tariff barriers which hindered US export. To clarify, the Trade Act of 1974 was to convoke liberal trade and provide with a substituting settlement to protectionism.²² Interestingly, the current “fast track” was introduced during Nixon Administration. The fast track empowers the Administrations authority and leverage to negotiate as the Congress has to either accept or reject the result of the negotiation without any authority to alter the content. Needless to say, the Trade Act 1974 was supported by competitive sectors as it enables them to better access foreign markets.

2) Section 301

Section 301 incorporated in the final version of the Trade Reform Act 1974 empowered US President to retaliate foreign government subsidizing their producers. Interestingly, Section 301 provided a grace period for 4 years.

²² Mattew J. Marks. 1978. Remedies to ‘Unfair’ Trade: American Action against Steel Imports. Volume 1, Issue2.

It was later amended by the Omnibus Trade and Competitiveness Act of 1988 and the 1994 Uruguay Round Agreement Act which later came to be called as the Special 301. Under Special 301 provision, countries which are violating the intellectual property rights(IPR) and reject "fair and equitable market access" for people that depend on IPR. Furthermore, those countries with distressing or irksome policies, acts and practices with negative influence on US products would be categorized as "Priority Foreign Countries."²³

5. Omnibus Trade and Competitiveness Act of 1988

When it comes to analyzing the legal aspect, it is importance to take the background into consideration. In the 1970s, the overall economy was in recession. The US was faced with soaring prices, economic downturn overlapped with low growth in productivity. To clarify, the economy has to handle stagnation and inflation simultaneously.²⁴ What even made the situation worse was that the US became the net importer of petroleum after World War II from net exporter

²³ USTR, Annex1, Statutory Background on Special 301

²⁴ Kent Hughes.2003. American Trade Politics: From the Omnibus Act of 1988 to the Trade Act of 2002. Paper presented at Woodrow Wilson International Center for Scholar

of petroleum. As it was dependent on import of petroleum, the oil shocks in 1973 and 1979 aggravated the economic difficulty.²⁵

President Reagan was able to serve for the second term as he was reelected in 1984. Nonetheless, there were lingering issues to be handles which were the trade deficit and budget deficit.

The 1980s was contentious period due to US trade policy. Both Democrats and some Republicans sought after broader use of US trade remedy laws which include anti-dumping measures, countervailing duties to offset subsidies and Section 301.²⁶ In this context, with support from both Republic and Democratic parties, the Omnibus Trade and Competitiveness Act of 1988 was passed.²⁷ The Act contained “Super 301” provision which purpose to preserve the fair trade competitive market.²⁸ Furthermore, the Act contained strategy enhancing competitiveness, fast track authority. The fast track authority was used in the

²⁵ Ibid.

²⁶ Lovett, W. A., Eckes Jr, A. E., & Brinkman, R. L.2004.US trade policy: history, theory and the WTO.
ME Sharpe.

²⁷ Ibid.

²⁸ Ibid.

negotiation process of the Uruguay Round which ultimately established the World Trade Organization (WTO).²⁹ Therefore, it could be evaluated that the Omnibus Trade and Competitiveness Act of 1988 might have contributed to establishing WTO in partial way. Nonetheless, the 1994 GATT earned criticism from the US as it was considered to encompass structural imbalance causing chronic trade deficit in the US.³⁰

However, the fast track ended on June 1 1993, only resulting in failure for the President Clinton despite his effort to regain the fast track authority in 1997. In 2001, the New Administration successfully renewed the fast track under the new name called Trade Promotion Authority (TPA).

²⁹ Washington Trade Report. http://www.washingtontradereport.com/dictionarym.htm#_Omnibus_Trade_and (accessed on 8 May 2017)

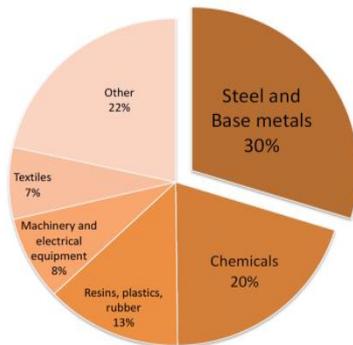
³⁰ Ibid.

IV. ANALYSIS ON STEEL INDUSTRY

1. Overview of the Steel Industry

Although there are numerous sectors, the paper has focal point on the steel sector.

Steel sector is known to be the main destination for the AD duty to be levied.



According to the WTO data, steel and base metals consist 30% of AD investigations initiated during 1995-2015.³¹ After steel and base metals, chemical accounted for 20%, resins, plastics and rubbers consist 13% and so on.

Table 2.³² AD cases by sector:1995-2015

There are numerous factors causing increase in the AD cases in steel sector. One of the core factors is known to be the continuous excess steelmaking capacity which is causing steel to be exported in low prices or to be dumped to foreign markets less than the normal value.

³¹ OECD.2017. Recent Developments in Steel Trade and Trade Policy Measures. DSTI/SC(2017)3

Directorate for Science, Technology and Innovation Steel Committee

³² Ibid.

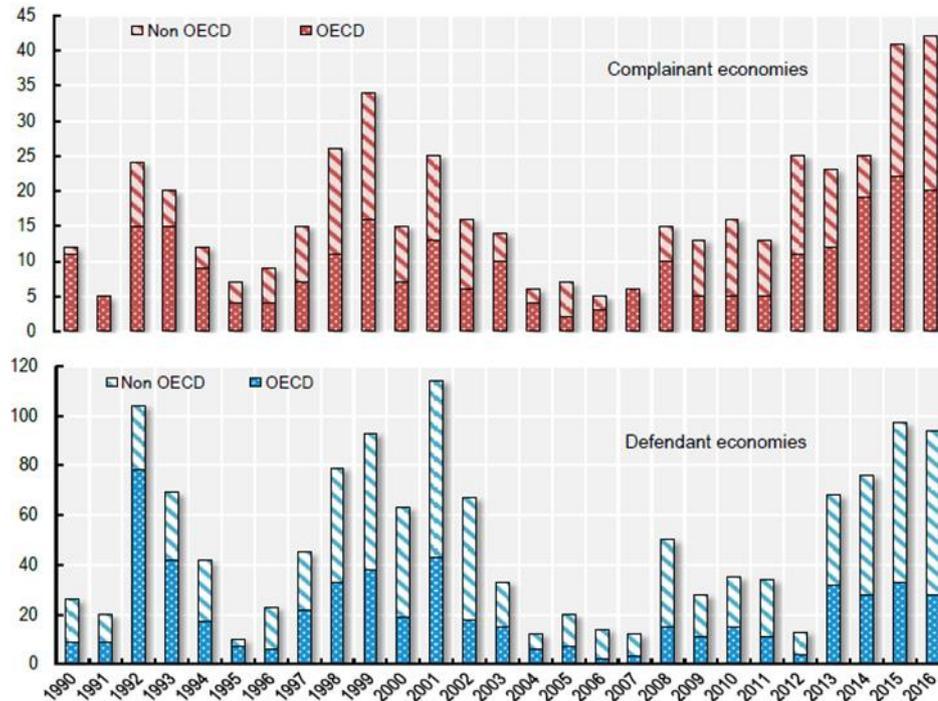


Figure 3³³ New Steel AD CVD Investigations: 1990-2016

According to the OECD report, in 2015 and 2016, the number of newly initiated AD and CVD cases took up unprecedented level for the past 25 years.³⁴ Even making the situation worse, the 2016, AD and CVD cases have increased in numbers compared to those of 2015. In the past, only a handful of countries were

³³ Ibid.

³⁴ Ibid.

the complainant economies of the AD and CVD investigations. Currently, the spectrum of complainant economies are numerous including both OECD and non-OECD countries. In 2016, the number of complainants increased from 19 to 22, which exceeded the number of OECD complainants, which accounted for 20 cases in 206.³⁵ Initially, Brazil, Thailand, Malaysia and Turkey were not the distinguished countries resorting to trade remedy measures. To elaborate, growing number of countries are resorting to trade remedy measures, including those countries which have not utilized the option in the past.

This may be due to the vague distinction between those categorized as fair and unfair trades. Due to the sophistication, a complication of the laws which the complainants could take advantage on, the definition of what is being unfair has expanded. For example, Adverse Facts Available (AFA), Particular Market Situation (PMS) and other concepts became more widely used in the contemporary era, which enabled dumping margins to be determined in the favorable manner to the petitioners.

³⁵ Ibid.

Unit: Thousands of metric tons

Exporter	2008	2009	2010	2011	2012	2013	2014	2015	2016	Change (2016/2015) Volume	Change (2016/2015) %
China	59,270	23,537	41,227	47,450	54,341	61,083	92,348	110,928	107,531	-3,397	-3.1%
share in world total	22.3%	10.8%	16.3%	18.1%	19.9%	22.3%	29.5%	35.0%	34.2%	-269	-0.7%
Japan	37,420	33,235	42,656	40,562	41,355	42,406	41,247	40,720	40,452	-269	-0.7%
share in world total	14.1%	15.2%	16.8%	15.4%	15.1%	15.5%	13.2%	12.9%	12.9%	-3,683	-11.2%
EU28, external trade	34,276	30,683	33,092	34,767	38,028	36,087	36,451	32,998	29,305	-3,683	-11.2%
share in world total	12.9%	14.0%	13.1%	13.2%	13.9%	13.2%	11.6%	10.4%	9.3%	-573	-1.8%
Korea	20,433	20,127	24,499	28,728	30,097	28,826	31,803	31,077	30,504	-573	-1.8%
share in world total	7.7%	9.2%	9.7%	10.9%	11.0%	10.5%	10.1%	9.8%	9.7%	1,471	5.0%
Russia	28,363	27,542	26,731	24,673	26,594	23,598	26,939	29,605	31,076	1,471	5.0%
share in world total	10.7%	12.6%	10.5%	9.4%	9.7%	8.6%	8.6%	9.3%	9.9%	508	2.9%
Ukraine	28,559	23,929	25,143	25,862	24,080	24,671	21,469	17,705	16,213	508	2.9%
share in world total	10.7%	10.9%	9.9%	9.8%	8.8%	9.0%	6.8%	5.6%	5.8%	-2,368	-0.7%
World total	265,805	218,914	253,416	262,814	273,707	273,715	313,666	316,680	314,312	-2,368	-0.7%

Table 3.³⁶ Top 6 Major Steel Exporting Economies

According to the OECD calculations based on data from ISSB, the top six steel exporting countries include China (34.2%), Japan (12.9%), EU (9.3%), Korea (9.7%), Russia (9.9%) and Ukraine (5.8%). Not alarmingly, the top steel exporting countries except EU were within the ranking of the top 12 defendant countries. To clarify, the top steel exporting countries are also the defendant countries of AD and CVD measures as they are sued more often since they export abundant quantity of steel to the foreign markets. However, it doesn't mean that all of the top steel exporting countries are dumping their products.

³⁶ Ibid.

2. Overview of the American Steel Industry

With the foundation of the United States Steel (US Steel), an integrated steel producing company, in 1901, the US Steel industry came to face a pivotal moment. US Steel took up 65% of steel production of US.

Nonetheless, US steel industry started to lose competitiveness in 1950s. As European and Japanese steel industries were recovering from the war reminiscence by adopting new technology and investing in new facilities, US took different path. The US steel industry relied on stabilization business policy, labor union rights. Furthermore, the US steel industry wasted large sum of money by reinvesting in the old facilities which already lost competitiveness.

In 1953, the US crude steel production reached its record high 1 million tons and in 1973, the total US production of crude steel has reached 137 million tons, which was the pinnacle of the US crude steel production. After reaching zenith in 1973, the US crude steel production illustrated downward trend.

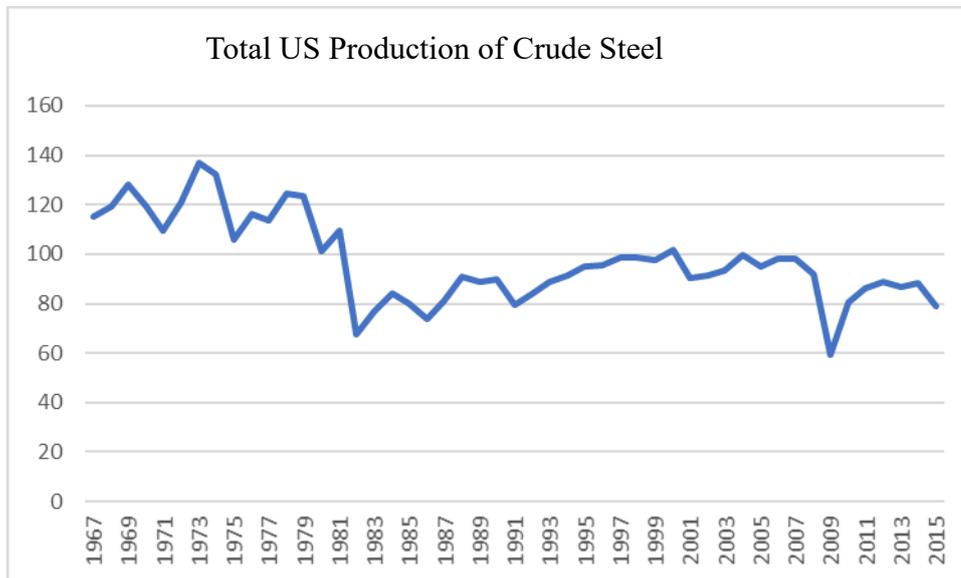


Figure 4. ³⁷Total US Production of Crude Steel

In the mid-1970s, Japanese crude steel production has improved enormously with the continuous casting came into wide use. In 1980, Japan replaced US by ranking first as the largest crude steel producer in the world. This is largely due to the domestic demand decrease in the US steel market, which provoked social problem as well with the increase in unemployment rate and facility closure.

³⁷ World Steel. Steel Statistical Yearbook (1979- 2016), <https://www.worldsteel.org/steel-by-topic/statistics/steel-statistical-yearbook-.html> (accessed on June, 8 2017)

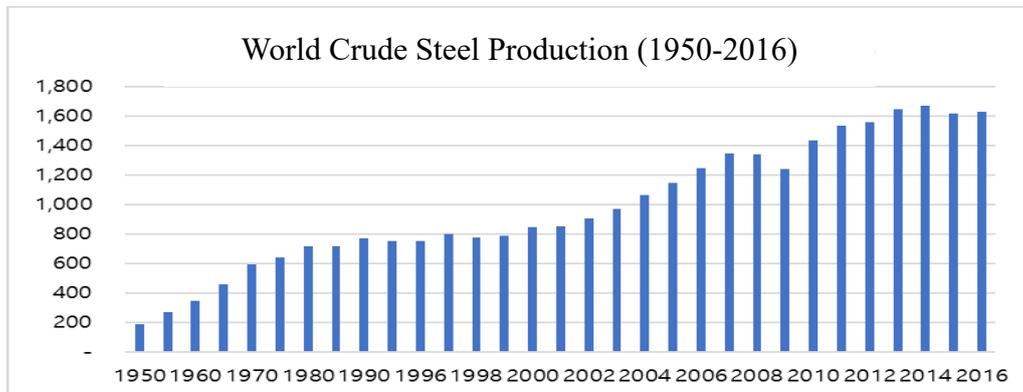


Figure 5. ³⁸World Crude Steel Production (1950-2016)

The overcapacity which refers to the excessive steel production capacity, is due to two contributing factors which are as follows: 1) structural factor and 2) transitory factor.³⁹ To begin, the structural factor could have been caused artificially or purposefully through the government intervention. The government subsidies may outlive the inefficient facilities and prevent the optimal exit. To elaborate, the government intervention or other measures distorting the free trade may postpone uncompetitive or the inefficient steel facilities from closing.

³⁸ Ibid.

³⁹ OECD, Published Paper: Excess capacity in the global steel industry: The Current Situation and Ways Forward.

V. CONCLUSION

The overall paper attempted to explain that trade remedy measure is not only the legal decision but also political affair as well, but not determined by the political parties. There were certain periods when the US more often resorted to trade remedy measures due to availability of new law and wider scope of its application to the cases. However, the study is limited to the period between Reagan Administration to Trump Administration, which is rather ongoing phenomenon. Therefore, it is necessary to have a closer look how the prevalent of protectionism in the overall economy will turn out. To conclude, the trade policies are constantly amended and altered but it is important to see what have caused the amendment and what is behind the scene rather than taking notice of the superficial phenomenon.

REFERENCE

- Alfred E. Eckes. 1995. *Opening America's Market: US Foreign Trade Policy Since 1776*. Chapel Hill
- Anne O. Krueger. 1995. *American Trade Policy- A Tragedy in the Making*. The AEI Press
- Anne O. Krueger, Laura D'Andrea Tyson and Rudiger W. Dornbusch. 1990. *An American Trade Strategy-Options for the 1990s*. Brookings
- Data: Steel Import Monitoring and Analysis System , International Trade Administration (ITA)
- Destler, Irving M. 2005. *American trade politics*. Columbia University Press.
- Edward S. Kaplan. 1996. *American Trade Policy*: Greenwood Press.
- I. M. Destler. 2005. *American Trade Politics*
- Kent Hughes. 2003. *American Trade Politics: From the Omnibus Act of 1988 to the Trade Act of 2002*. Paper presented at Woodrow Wilson International Center for Scholar
- Lovett, W. A., Eckes Jr, A. E., & Brinkman, R. L. 2004. *US trade policy: history, theory and the WTO*. ME Sharpe.
- Matthew J. Marks. 1978. Remedies to 'Unfair' Trade: American Action against Steel Imports. Volume 1, Issue 2. January 1978. Pages 223–237
- Nitsan Chorev. 2009. The Judicial Transformation of the State: The Case of U.S. Trade Policy, 1974–2004. *Law & Policy* 31(1):31 - 68
- OECD. 2017. *Recent Developments in Steel Trade and Trade Policy Measures*. DSTI/SC(2017)3 Directorate for Science, Technology and Innovation Steel Committee
- OECD, *Published Paper: Excess capacity in the global steel industry: The current situation and ways forward*.

Robert W. Staiger, Frank A. Wolak. 1994. Measuring Industry Specific Protection: Antidumping in the United States. NBER Working Paper No. 4696

Thomas J. Prusa. 2005. 2004 Trade Policy Review-The United States

Trading-economics. <https://tradingeconomics.com>, US Census Bureau (accessed on 16 May 2017).

USTR, Annex 1, Statutory Background on Special 301

Washington Trade Report. http://www.washingtontradereport.com/dictionary.htm#_Omnibus_Trade_and (accessed on 8 May 2017)

WTO. Trade Policy Review. https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009DP.aspx?language=E&CatalogueIdList=235295,235296,234961,234882,232659,232658,130929,130376,130259,128525&CurrentCatalogueIdIndex=0&FullTextHash=&HasEnglishRecord=True&HasFrenchRecord=True&HasSpanishRecord=False (accessed on 4 May 2017)

World Steel. Steel Statistical Yearbook (1979- 2016), <https://www.worldsteel.org/steel-by-topic/statistics/steel-statistical-yearbook-.html> (accessed on June, 8 2017)

WTO. Trade Policy Review. https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009-DP.aspx?language=E&CatalogueIdList=235295,235296,234961,234882,232659,232658,130929,130376,130259,128525&CurrentCatalogueIdIndex=0&FullTextHash=&HasEnglishRecord=True&HasFrenchRecord=True&HasSpanishRecord=False (accessed on 4 May 2017).