



U.S. International Trade Commission
Office of the Secretary

Commission Decision-Making

Publication No. 4488



The following summary describes the procedures by which the Commission makes decisions. It focuses on the two principal methods of decision-making at the Commission, i.e., public meeting and notational voting; the latter is called the “action jacket” process. Some decisions, such as those on staff hiring and procurement, are not included herein because they are made by the Chairman, subject to disapproval by a majority of the Commission.

Meetings

The Commission typically holds a public briefing and vote at a Commission meeting several days before the statutory deadline for completion of an import injury proceeding. Such proceedings include antidumping and countervailing duty investigations and reviews, and global and bilateral safeguard investigations. During the period prior to the vote, each Commissioner carefully studies the record (including information from any public hearing) and may request briefings by the staff. At the public briefing and vote, Commissioners have the opportunity to ask the staff any questions they may have regarding the investigation before approving the staff report and announcing their votes. Meetings are normally held in the Commission’s Main Hearing Room (room 101 on the first floor of the Commission building) (see photo below), and are conducted in accordance with the Government in the Sunshine Act (5 U.S.C. § 552b).

Each meeting is announced by a notice published in the Federal Register and posted on the Commission’s website at <http://www.usitc.gov>. Meetings are normally open to the public, and no advance notice is required to attend. An attendee should inform the guards in the lobby that he or she plans to attend the Commission meeting, and follow their instructions for security screening. Please note that members of the public are permitted to observe the meeting, but not to participate actively in the proceeding.

On a rare occasion, the Commission may determine to close all or a portion of a meeting to public view. This would be done in accordance with a provision of the Government in the Sunshine Act such as 5 U.S.C. § 552b(c)(4) relating to confidential business or business proprietary information.

Information regarding particular Commission meetings can be obtained by contacting the Office of the Secretary at 202-205-2000 and at: http://www.usitc.gov/secretary/fed_reg_notices/meetings/

Transcripts

A verbatim transcript is prepared by a court reporting contractor for all Commission meetings. Public transcripts may be obtained from the contractor. Information regarding the court reporting service can be obtained by contacting the Office of the Secretary at 202-205-2595.

Transcripts for all Commission meetings are placed on the official investigative record on the Electronic Document Information System (EDIS), <http://edis.usitc.gov>. These transcripts become available via EDIS 45 days from the date of the proceeding. Until that time, those seeking the transcripts must purchase them from the contractor.

Action Jackets

An action jacket is the official document used to obtain the Commission's approval for proposed agency actions via notational voting. Action jackets relate to all areas of the Commission's work, including notices and determinations in intellectual property-related import investigations conducted under 19 U.S.C. § 1337; institution notices and reports prepared under 19 U.S.C. §§ 1332 and 2151; the Harmonized Tariff Schedule; and the agency's budget requests.

The action jacket package consists of the following:

- Action Jacket Approval Record – vote sheet which records the vote of each Commissioner
- Action Jacket Comment Record
- Action Request, stating the proposed action
- Normally, supporting documents (e.g., memorandum, correspondence)
- Documents subject to approval, such as notices, orders, or reports

The action jacket package is delivered to the Chairman's office for circulation. The circulation phase begins when the Chairman provides a circulation date on the Action Jacket Approval record. The Chairman's office will distribute a copy of the action jacket package to each Commissioner and to the Office of the Secretary, Hearings and Information Division. Each Commissioner, in predefined order (see below) will record his/her vote (approval, approval with modifications, or disapproval) on the Action Jacket Approval Record and Action Jacket Comment Record. The completed, annotated action jacket package is delivered to the Hearings and Information Division for processing. The Hearings and Information Division works with other staff offices to issue the results of the Commission's determination, such as a notice, order, or report. Notices of determinations normally are posted on the Commission's website and, where appropriate, are published in the Federal Register.

If appropriate, the Hearings and Information Division files action jackets and approval records on EDIS.

The Office of the Secretary maintains an official logbook of all action jackets and tracks the status and outcome of all action jackets. All action jackets on which the Commission has acted are subsequently "ratified" through Commission vote at a public meeting. The Commission typically approves a ratification list which identifies all action jackets on which the Commission has acted, whether by approval or disapproval.

Action jacket circulation order is in reverse seniority order, i.e., junior Commissioner first, Chairman last. To allow an incoming Commissioner time to become familiar with action jackets and Commission procedures, an incoming Commissioner is granted a 30-day period of being second-to-last on the action jacket circulation. At the end of those 30 days, the Commissioner will be listed first. The Hearings and Information Division sends agency-wide e-mails on action jacket circulation and other action jacket-related matters.

Below is a photo of the Main Hearing Room of the Commission.





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