

**U.S. International Trade Commission**  
**Plan for an Orderly Shutdown in the Absence of an Appropriation**  
**Revised: December 21, 2018**

**Activities that must be completed prior to plan implementation:**

1. Pending payroll activity must be processed.
2. On notice that a shutdown will take place, Commission staff must make every effort to return promptly from temporary duty/travel status.

**Continuing significant activities:**

1. Protection of federal land, buildings, and property.
2. Network services required to maintain security services (circuits, card readers, etc.)
3. Incoming mail processing to facilitate the receipt of possible court orders requiring action by agency attorneys.
4. Litigation activities for which time extensions have not been granted.
5. Other activities necessary to support excepted functions, e.g., emergency procurement of a critical component in a security or safety system.

**Significant activities that will be disrupted:**

- Investigative activities, including proceedings under sections 332, 337, and 201, and Title VII of the Tariff Act of 1930, maintenance of the Harmonized Tariff Schedule of the U.S., technical assistance to the U.S. Trade Representative and Congress, as well as all other government functions other than those directly supporting active litigation to which the USITC or the United States is a party.

**Time required to shutdown activities:**

- An orderly shutdown of non-excepted functions will commence as soon as possible following definitive notice of a shutdown in the absence of a last-minute restoration of funding. The shutdown of network and system facilities not supporting excepted functions will be completed within 12 hours after the shutdown is declared. Seven excepted personnel are required to perform this function which is included in the total count of excepted personnel. The time in excess of a half day to complete the shutdown of systems is due to the complexity of providing partial support for excepted activities while discontinuing all other functions.

**Total number of employees on-board prior to shutdown:**

- As of 12/24/2018, Commission staffing will be 411 federal employees (392 permanent, 19 temp) plus contractor support.

**Total number of employees retained in a pay status under the shutdown:**

- The count of excepted personnel includes individuals subject to recall to provide services in connection with excepted functions. The smallest practical number of support personnel would be recalled on an as-needed, intermittent basis for the least time needed to perform requisite duties. Excepted personnel on furlough may be recalled to duty for short, intermittent periods during contingencies such as: an

attempted compromise of building security; overheating in the computer room requiring action by technical staff to prevent damage to equipment or systems; property damage requiring an emergency acquisition to correct the problem; cybersecurity actions to prevent compromise of IT assets.

<b>Compensation is financed by source other than annual appropriations</b>	<b>0</b>
<b>Necessary to perform activities expressly authorized by law</b>	<b>0</b>
<b>Necessary to perform activities implied by law</b>	<b>0</b>
<b>Necessary to the discharge of Presidential duties and powers</b>	<b>0</b>
<b>Necessary to protect life and property</b>	<b>Up to 83*</b>

\*Given the current status of active litigation, we anticipate seven excepted personnel to be retained on the first day of a shutdown. We anticipate three to seven individuals on intermittent recall to preserve and protect property. Eighty-three individuals are designated excepted for response to extraordinary or contingency situations arising while conducting excepted activities.

USITC's six Commissioners are presidential appointees and exempt from furlough.

**Legal basis for retention of employees and description of the nature of the agency activities in which these employees will be engaged:**

- Pursuant to 31 U.S.C. 1342, certain Commission personnel will be retained to the extent necessary to protect property. The activities performed by these employees will include representation of the agency in litigation, monitoring and preserving the agency's information resources, and protecting the agency's physical assets.