

**U.S. International Trade Commission**  
**Plan for an Orderly Shutdown in the Absence of an Appropriation**  
**Revised: December 13, 2022**

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

- Pending payroll activity must be processed
- 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:**

- Protection of federal land, buildings, and property
- Network services required to maintain security services (circuits, card readers, etc.)
- Incoming mail processing to facilitate the receipt of possible court orders requiring action by agency attorneys
- Litigation activities for which time extensions have not been granted
- 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, 201 and Title VII of the Tariff Act of 1930
- Maintenance of the Harmonized Tariff Schedule of the United States
- Technical assistance to the U.S. Trade Representative and Congress
- 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. Acceptance of new electronic case filings that do not support excepted functions will be disabled within 12 hours after the shutdown is declared.

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

- As of 12/12/2022, Commission staffing is 398 federal employees (permanent and term) plus temps and 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 information technology 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 human life or property</b>	<b>Up to 109*</b>

\*We anticipate two to four individuals to be retained on the first day to perform HR-, security- and facility-related tasks required for an orderly shutdown. We anticipate three to seven individuals on intermittent recall to preserve and protect human life or property. One-hundred-nine individuals are exempt or designated excepted for response to extraordinary or contingency situations arising while conducting excepted activities.

Note: The Commission’s six Commissioners are presidentially appointed, Senate-confirmed appointees who are 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 human life or 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.
- Under 5 U.S.C. § 8905(i) and § 8702(d) and 5 C.F.R. § 870.106 and § 890.113, certain activities related to the Federal Employee Health Benefits Program and the Federal Employees’ Group Life Insurance Program qualify as services for emergencies involving the safety of human life or the protection of property for purposes of 31 U.S.C. § 1342. The Commission will retain personnel to the extent necessary to administer those services.

**Methods for notifying employees that the shutdown furlough has ended:**

- The Commission employs an Emergency Notification System (ENS) with employees’ personal cell phone numbers and other contact information. The Commission uses this system to alert employees to significant operational or environmental issues that might affect or impede Commission operations. Most employees prepare to return to work on hearing public broadcast news of the end of a government shutdown. The Commission uses the ENS as the formal alert to return to work on a specified day, and augments the system as necessary using email or a call tree, particularly for newer employees or for those who may not be accessible through the ENS.

**Flexibilities available to supervisors if employees have problems returning to work on the day specified by the agency:**

- Supervisors at the Commission have the flexibility to grant requests for use of annual leave, telework, compensatory time, or credit hours to assist employees who might experience difficulties in reassuming their work schedules following a furlough.

**Procedures for resuming program activities, including steps to ensure appropriate oversight and disbursement of funds:**

- The Commission is a small agency with a single physical location and a well-defined, coherent set of mission elements, which provides an operational environment that is relatively easy to recover after a hiatus.
- Addressing the need to keep essential excepted government services and litigation support operating during a shutdown, the senior leadership and significant operational staff of the Offices of the Chair and the Commissioners, the Office of the Chief Financial Officer, the Office of Administration, the Office of the General Counsel, the Office of the Chief Information Officer, and the Office of Operations are included in the list of excepted or contingently excepted staff.
- These factors ensure that the Commission retains effective oversight and control of critical operational areas, notably legal/litigation, financial management, human resources/benefits, security, and technology.