



United States International Trade Commission

# 2019 CHIEF FOIA OFFICER REPORT



Chief FOIA Officer:  
**Lisa R. Barton**  
Secretary to the Commission

If you have questions regarding the report, you may contact:

Lisa R. Barton  
Secretary to the Commission  
U.S. International Trade Commission  
500 E Street, SW Washington, DC 20436  
Telephone: (202) 205-2595  
[lisa.barton@usitc.gov](mailto:lisa.barton@usitc.gov)

Jacqueline N. Gross, FOIA Liaison  
Office of the Secretary  
U.S. International Trade Commission  
500 E Street, SW  
Washington, DC 20436  
Telephone (202) 205-2595  
[jackie.gross@usitc.gov](mailto:jackie.gross@usitc.gov)

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## Introduction

The United States International Trade Commission (USITC or Commission) was established in 1916. It is an independent, quasi-judicial federal agency whose mission is consistent with its statutory mandate, to make determinations in proceedings involving imports claimed to injure a domestic industry or violate U.S. intellectual property rights; provide independent tariff, trade and competitiveness-related analysis and information; and maintain the U.S. tariff schedule.

The Commission has identified two mission-related strategic goals. First, the agency will produce sound, objective, and timely determinations in investigative proceedings. Second, the Commission will produce objective, high-quality and responsive tariff, trade, and competitiveness-related analysis and information. These goals reflect the interests of its principal customers: the President, the United States Trade Representative (USTR), and Congress, and thereby also serve U.S. industry, workers, and the general public. In order to deliver greater impact through increasing effectiveness and efficiency, the Commission also has established a management goal to achieve agency-wide efficiency and effectiveness to advance the agency's mission.

The USITC's Freedom of Information Act (FOIA) program is administered by the Chief FOIA Officer with the assistance of the FOIA Liaison. As a small agency, the USITC maintains staff commensurate with the agency's needs to effectively implement its FOIA program.

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Please provide a short narrative (at least 500 words) for how your agency implemented the President's [FOIA Memorandum](#) and the DOJ's [2009 FOIA Guidelines](#) during the reporting period. Your narrative may include any steps taken to: apply the presumption of openness, ensure that your agency has an effective system in place for responding to requests, increase proactive disclosures, greater utilize technology, and improve timeliness in responding to requests and reducing any backlogs. Please include in this narrative a description of your efforts to ensure that the FOIA is administered in a "spirit of cooperation," highlighting, for example, steps taken to ensure that there is good communication and good customer service when working with requesters.

### **Section I: Steps Taken to Apply the Presumption of Openness**

In September 2018, the agency released a major upgrade to its Electronic Document Information System (EDIS), the Commission's repository for documents filed in import injury, section 337, and other investigations. Any member of the public may register for access to this system without charge. EDIS contains public documents of interest to the general public and lessens the need to formally request such documents through FOIA.

The upgraded system (EDIS 3.10) provides new features to make the system easier to navigate and more user-friendly. Some new helpful features for the public included: a guided submission process, filtered searching capabilities, and the ability to save search preferences. The Commission updated its guidance materials to assist and inform users on how to navigate the new format, including useful webinars that users may download at their convenience. Guidance materials may be found at: [https://www.usitc.gov/press\\_room/edissupport.htm](https://www.usitc.gov/press_room/edissupport.htm).

## Section II: Effective System in Place for Responding to Requests

The USITC places a high priority on training and education to ensure that the applicable laws and best practices are followed when responding to and processing FOIA requests. During calendar year 2018, FOIA staff received FOIA training, including the Department of Justice's (DOJ) training sessions covering updates to the annual report and the Chief FOIA Officer's Council meetings.

In a continual effort to ensure that the USITC FOIA system operates efficiently and effectively, agency FOIA staff, including the Chief FOIA Officer and FOIA Public Liaison, meet at least quarterly to review the current year FOIA files. We review our FOIA checklist to ensure that the all appropriate documents are contained within each file, as well as recorded accurately, and check to make sure that staff has followed all internal procedures. This approach enables the FOIA Office to continually improve and streamline the FOIA process to ensure that our FOIA system operates efficiently and effectively.

The Commission provides the public with reference materials and a guide for requesting records or information. This resource is available on the USITC website at <https://www.usitc.gov/secretary/foia/index.htm>.

Additionally, in March 2017, the USITC created the FOIA Releasable Documents page which provides the public with documents requested under FOIA. The USITC actively reviews closed FOIAs throughout the year in order to be able to proactively disclose records likely to be of interest to the public. The agency is dedicated to ensuring openness and transparency as is evidenced by its commitment to increase proactive disclosures. The USITC FOIA Releasable Documents page may be accessed at: <https://www.usitc.gov/secretary/foia/foia-releasable-documents>.

### Section III: Steps Taken to Increase Proactive Disclosures

The Commission has an informal but extensive practice for identifying records and information of interest to the public for proactive disclosure. Staff working in each function area reviews their applicable section(s) of the agency's website to determine what information is available and what information is needed to address the interests of the public.

The USITC website contains links to the resources noted below.

- ( 1 ) Federal Register notices (since March 2018, published over 1137 columns notices in the Federal Register and posted over 388 notices on the agency website),
- ( 2 ) Publications (since March 2018, made over 74 additional publications available online),
- ( 3 ) Statistical data regarding investigations before the Commission (for example, 61 new section 337 investigations were instituted in FY 2018),
- ( 4 ) Electronic Document Information System (EDIS) (since March 2018, posted over 15,500 public documents),
- ( 5 ) Press releases (over 148 press releases issued and posted during the 2018 calendar year), and
- ( 6 ) The Harmonized Tariff Schedule (HTS) (received approximately 8.15 million visits to the HTS Search website for tariff information in 2018, which represents a 28% increase over the 6.36 million visits to the site in 2017).

The Commission also offers free email updates via eSubscribe. Users may select multiple topic areas of interest to receive email notifications.

Lastly, the agency maintains the 337Info repository which contains section 337 investigative data from FY 2009 to the present. It provides a list of recent complaints filed, and comprehensive investigative data including: complainant/respondent(s) information (i.e. country of origin); unfair act(s) at issue (i.e. list of specific patent numbers alleged); procedural history information (i.e. evidentiary hearing dates, target date, etc.); appeal information; and the assigned administrative law judge. Users may utilize the search engine to obtain a wealth of detailed information regarding 337 investigations. Section 337 investigations conducted by the Commission most often involve claims regarding intellectual property rights, including allegations of patent infringement and trademark infringement by imported goods. The primary remedy available in section 337 investigations is an exclusion order that directs U.S. Customs and Border Protection to stop infringing imports from entering the United States. In addition, the Commission may issue cease and desist orders against named importers and other persons engaged in unfair acts that violate section 337.

## **Section IV: Steps Taken to Greater Utilize Technology**

The USITC utilizes an online survey tool to solicit feedback regarding the agency website. The agency released a survey specifically tailored to obtain feedback regarding EDIS. Also, in the 337Info repository, users may provide comments and concerns to the Commission via e-mail.

The agency utilizes electronic means, when feasible, to communicate with requestors. When requestors provide their e-mail information we provide a receipt via e-mail indicating receipt of their request. We also use e-mail as an opportunity to communicate with requestors during the course of processing the FOIA request and to respond to any general concerns or feedback relating to the request. Additionally, the agency provides electronic records whenever possible and utilizes an Adobe platform in applying any necessary redactions to released records.

Notably, all of the Commission's FOIA reports for each quarter were submitted to our agency's web team for transmittal to the DOJ to post to their website location and were submitted timely in accordance with DOJ's deadline.

## **Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs**

The Commission uses separate tracking for simple requests. In FY 2018, the average number of days to process simple requests was sixteen (16) days. There was no backlog of requests or appeals in FY 2017 or FY 2018.

## **SUCCESS STORY**

The Commission continually strives to proactively provide the public with easy to access and useful information. In November 2018, the Commission released an upgrade to the USITC DataWeb, an interactive system that provides access to extensive tariff and trade data, allowing users to run their own data queries using official U.S. government import and export data. The upgraded DataWeb has been entirely re-engineered to make it more modern, agile, and ready for future improvements. It features a more modern interface, with a streamlined presentation, more user-friendly navigation, and it is also mobile-friendly.

Data in this Internet-based system is updated monthly and can be retrieved on a monthly, quarterly, annual, or year-to-date basis and in a number of classification systems, including the Harmonized Tariff Schedule, the Standard Industrial Classification (SIC), the Standard International Trade Classification (SITC), or the North American Industry Classification System (NAICS). Frequent users of this system include USITC staff as well as staff at various federal government agencies, congressional offices, U.S. trade negotiating groups, U.S. embassies, educational institutions, the U.S. private sector, and numerous private and public entities in other countries.



500 E Street, SW  
Washington, DC 20436