



United States International Trade Commission
2020 CHIEF FOIA OFFICER REPORT



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Introduction

Congress established the U.S. International Trade Commission (USITC or Commission) in 1916. It is an independent, quasi-judicial federal agency whose mission is to investigate and make determinations in proceedings involving imports claimed to injure a domestic industry or violate U.S. intellectual property rights; provide independent analysis and information on tariffs, trade, and competitiveness; and maintain the U.S. tariff schedule.

The Commission has identified two mission-related strategic goals. First, it will produce sound, objective, and timely determinations in trade remedy proceedings. Second, the Commission will produce independent, objective, and timely analysis and information on tariffs, trade, and competitiveness. These goals reflect the interests of its principal customers – the president, the U.S. Trade Representative, and Congress, and thereby also serve U.S. industry, workers, and the general public. In order to deliver greater impact, the Commission also has established a management goal to efficiently and effectively advance the agency’s mission.

The USITC’s Chief Freedom of Information Act (FOIA) Officer administers the USITC’s FOIA Program with the assistance of the FOIA Public Liaison. As a small agency, the USITC maintains staff commensurate with its needs to effectively implement its FOIA program.

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Please provide a short narrative for how your agency improved its FOIA administration 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. You may also include in this narrative a description of any best practices and/or challenges that your agency has faced in its FOIA administration.

Section I: Steps Taken to Apply the Presumption of Openness

In October 2019, the USITC released an upgrade to its web-based petition system (the Miscellaneous Tariff Bill Petition System (MTBPS) that allows the public to access the petitions, and subsequent comments on those petitions, for duty suspensions or reductions under the American Manufacturing Competitiveness Act of 2016 (AMCA). This portal allows members of the public to view the petitions and comments in response to the requests for duty suspensions or reductions. The Commission provided free training to the public regarding the MTBPS and other topics related to its administration of the AMCA. Moreover, the Commission produced and posted webinars and “how to” guides for both filing a petition and for commenting on a petition. The training sessions, webinars, and guides allow the public to learn more about the features of the MTBPS and help further the Commission’s goals to ensure the presumption of openness.

Section II: Effective System in Place for Responding to Requests

The USITC places a high priority on training and education. During calendar year 2019, FOIA staff attended the Department of Justice’s (DOJ) training sessions covering updates to the annual report and the Chief FOIA Officer’s report, and the Chief FOIA Officer’s Council meetings. All of the Commission’s FOIA professionals attended substantive FOIA training during this reporting period. Also, of note, Commission office directors participated in a half-day FOIA and Records Management training focusing on procedural requirements, FOIA exemptions, and conducting searches.

As part of its continuous efforts to ensure that the USITC’s FOIA Program operates efficiently and effectively, Commission FOIA staff, including the Chief FOIA Officer and the FOIA Public Liaison, meet at least quarterly to review the current-year FOIA files. We review our FOIA checklist to ensure that all appropriate documents are contained within each file, as well as recorded accurately, and we ensure 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 Program 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, the USITC maintains 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. We are dedicated to ensuring openness and transparency as is evidenced by our 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 functional area reviews their applicable section(s) of the Commission's website to determine how best to address the interests of the public.

The USITC website contains links to the resources noted below.

- (1) Federal Register notices (since March 2019, published over **1325** columns notices in the Federal Register and posted over **441** notices on the Commission's website),
- (2) Publications (since March 2019, made over **143** additional publications available online),
- (3) Statistical data regarding investigations before the Commission (for example, **43** new section 337 investigations were instituted in FY 2019),
- (4) Electronic Document Information System (EDIS) (since March 2019, posted over **17,000** public documents),
- (5) Press releases (over **127** press releases issued and posted during the 2019 calendar year), and
- (6) The Harmonized Tariff Schedule of the United States (HTS) (received approximately **9.17** million visits to the HTS Search website for tariff information in 2019, which represents a **12.5%** increase over the **8.15** million visits to the site in 2018).

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

Lastly, the Commission 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 (e.g., country of origin); unfair act(s) at issue (e.g., list of specific patent numbers alleged); procedural history information (e.g., 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 that imported goods infringe on U.S. patents and trademarks.

Section IV: Steps Taken to Greater Utilize Technology

The Commission utilizes electronic means, when feasible, to communicate with FOIA requestors. When requestors provide their email address, we respond by email and acknowledge receipt of their request. We also use email 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 Commission provides electronic records whenever possible and utilizes an Adobe software to electronically apply any necessary redactions to released records.

Notably, we submitted all of the Commission's quarterly FOIA reports to our agency's web team for transmittal to DOJ for web posting. All quarterly reports were timely under DOJ's deadlines.

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

The Commission uses separate tracking for simple requests. In FY 2019, the average number of days to process simple requests was sixteen (16) days, and forty (40) days for complex requests. There was one backlogged request at the end of FY 2019. Historically, the Commission has not maintained backlogs of FOIA requests or appeals.

SUCCESS STORY

The Commission made a substantial improvement to its public web presence in August 2019. The Commission deployed a completely redesigned public website. Incorporating results from an independent website usability study, as well as usage metrics and direct feedback from users, we made enhancements to improve the site's information architecture, navigation, and accessibility for all users.

The Commission developed the new website to be completely responsive on mobile devices, such as tablets and cell phones. Another new feature of the redesign is a new "By Audience" section of the site. This useful new addition is located in the lower half of the new homepage with the goal to help users who fall into core USITC audience segments find what they need more quickly and efficiently. The core audience segments are first-time site visitors, media/press, importers/exporters, law firms, corporations/businesses, government, and researchers.

The Commission's website redesign has resulted in a notable improvement in the monthly satisfaction scores since the deployment of the new site, as well as an increase in positive user feedback.



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