



United States International Trade Commission

Budget Justification

Fiscal Year 2024



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Alphabetical Listing of Abbreviations and Acronyms

Acronym	Description	Acronym	Description
AD/CVD	antidumping/countervailing duty	HSPD-12	Homeland Security Presidential Directive 12
ALJ	administrative law judge	HTS	Harmonized Tariff Schedule of the United States
AMCA	American Manufacturing Competitiveness Act of 2016	HWM	House Ways and Means Committee
APO	administrative protective order	IDS	Investigations Database System
ATO	authority to operate	IP	intellectual property
CBP	U.S. Customs and Border Protection	IT	information technology
CDM	continuous diagnostics and mitigation	KEV	known exploited vulnerability
Census	U.S. Census Bureau	NAFTA	North American Free Trade Agreement
CISA	Cybersecurity and Infrastructure Security Agency	OIG	Office of Inspector General
CIT	U.S. Court of International Trade	OMB	Office of Management and Budget
Commerce	U.S. Department of Commerce	PII	personally identifiable information
DEI	diversity, equity, and inclusion	SCA	security controls assessment
DLP	data loss prevention	SFC	Senate Finance Committee
EDIS	Electronic Document Information System	USITC	U.S. International Trade Commission
ERM	enterprise risk management	USMCA	United States-Mexico-Canada Agreement
FEVS	federal employee viewpoint survey	USTR	United States Trade Representative
FY	fiscal year	WCO	World Customs Organization
GAO	U.S. Government Accountability Office	WTO	World Trade Organization
GDP	gross domestic product	21st Century IDEA	21st Century Integrated Digital Experience Act

Introduction

The U.S. International Trade Commission (Commission or USITC) is an independent and nonpartisan, federal agency with specific responsibilities in adjudicating and enforcing certain U.S. trade laws, providing relevant and timely analyses to the President and Congress on trade issues, and maintaining the Harmonized Tariff Schedule of the United States (HTS).

The Commission adjudicates disputes and enforces U.S. laws to ensure that U.S. businesses and workers do not face unfairly traded and injurious imports in the U.S. market. These laws address issues such as injurious dumping, trade-distorting subsidies, and unfairly traded imports.

Beyond our quasi-judicial work, the Commission informs U.S. trade policy on an evolving range of issues. As trade has become a much larger part of the U.S. economy, trade policy has become more controversial, and trade agreements have become more complicated, Congress and the President frequently turn to us for our uniquely nonpartisan and independent expertise.

The Commission analyzes how international trade impacts the U.S. economy and American workers. Over the past year, the Commission has provided Congress and the President with reports and technical assistance on a variety of topics including a study of distributional effects of trade and trade policy on U.S. workers; studies related to foreign censorship policies and practices and their trade and economic effects on U.S. businesses; studies of the effect of cucumbers and squash imports on U.S. seasonal markets; and a study on the effect of modification to U.S.-Korea Free Trade Agreement Rules of Origin on certain fabrics of triacetate filament yarns.

Congress also periodically adds additional mandates to the Commission's mission. For example, the American Manufacturing Competitiveness Act of 2016 (AMCA), 19 U.S.C. § 1332 note, now expired but may be renewed for another cycle, required the Commission to create and maintain an open and transparent process for consideration of petitions for duty suspensions and reductions. The Commission also received additional responsibilities pursuant to the United States-Mexico-Canada Agreement (USMCA).

Mission

The mission of the USITC is to investigate and make determinations in trade remedy proceedings; analyze and provide information on tariffs, trade, and competitiveness; update and maintain the U.S. tariff schedule; and execute the agency's mission with independence, integrity, trust, and transparency.

Across these mission areas, the Commission provides independent, timely and sound information and analysis. The Commission must remain responsive to evolving global trade issues that require us to develop new analytical methods and expertise to ensure we are able to provide sound analyses. One example of this is a request from the U.S. Trade Representative (USTR) for the Commission to expand the scope of its quantitative analysis in future probable economic effects advice to include estimates of the potential distributional effects of trade and trade policy on U.S. workers. The Commission expanded its analytical capacity for future reports and catalogued information on the distributional effects of trade and trade policy on under-represented and under-served communities in its October 2022 report on the distributional effects of trade.

Responsibilities and Goals

The Commission's investigations fall into three major classes:

- **Import injury investigations**, which include antidumping and countervailing duty (AD/CVD) investigations and five-year reviews of existing AD/CVD orders conducted pursuant to Title VII of the Tariff Act of 1930, global safeguard investigations conducted under section 201 of the Trade Act of 1974, as well as others.
- **Unfair import investigations** conducted pursuant to section 337 of the Tariff Act of 1930, usually based on infringement of intellectual property (IP) rights by imported goods, i.e., patent or trademark infringement, other unfair acts such as trade secret misappropriation, false advertising, and false designation of origin.
- **Factfinding investigations and trade policy support** conducted pursuant to section 332 (g) of the Trade Act of 1974 and various other statutes such as section 131 of the Trade Act and statutes for specific trade agreements.

In AD/CVD investigations, we determine whether a U.S. industry is materially injured or is threatened with material injury, or whether the establishment of an industry is materially retarded, by reason of dumped or subsidized imports. If we make affirmative determinations and the U.S. Department of Commerce (Commerce) finds that those imports are being dumped or subsidized, Commerce orders the imposition of additional duties on these imports—antidumping duties that offset the dumping or countervailing duties that offset subsidies.

We also review existing antidumping and countervailing duty orders every five years. During these five-year reviews, we determine whether an order can be revoked without resulting in continued or recurrent injury to a domestic industry. If the Commission determines that injury is not likely to continue or recur (or Commerce determines that dumping or subsidization is not likely to continue or recur), Commerce will revoke the order.

In addition, we have sole responsibility to conduct investigations under section 201 of the Trade Act of 1974. If we determine that an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat of serious injury, to the domestic industry producing an article like or directly competitive with the imported article, we recommend one or more actions to the President that would remedy the injury and facilitate industry adjustment to import competition. The President makes the final decision on whether to provide a remedy, and the type and duration of any such remedy.

Section 337 investigations examine unfair practices in import trade. These investigations most frequently involve allegations of patent or trademark infringement, copyright infringement, misappropriation of trade secrets, passing off, false advertising, and antitrust violations. If a violation is found, we issue remedial relief, provided that the public interest does not preclude the issuance of such relief. Relief takes the form of exclusion orders, which bar entry of unfairly traded imports, or “cease and desist” orders prohibiting unfair acts in the United States.¹

In our factfinding investigations, we typically analyze the ways that trade, trade policy, and competitiveness affect U.S. workers, producers, consumers, and the U.S. economy. By law, whenever requested, we present the President, and, by delegation, the United States Trade Representative, the Senate Finance Committee (SFC), or the House Ways and Means Committee (HWM) with information and analysis on any matter related to international trade and industry competitiveness. Our analyses help inform policymakers’ decisions on trade policy and international trade negotiations and to better understand the economic and distributional impacts of trade.

The Commission reinforces its commitment to fulfilling these mandates with timely, transparent, thorough, and high-quality determinations and analyses through its strategic goals. The Commission’s first two strategic goals guide how we carry out our investigations, while our third strategic goal and its associated objectives provide the framework for accomplishing our investigative and analytical responsibilities.

¹ If the Commission issues an exclusion order, the President has 60 days to approve or disapprove such relief on policy grounds.

Our first strategic goal: Investigate: conduct reliable and thorough investigations

The Commission's investigations often involve products or industries that are critical to U.S. productivity, innovation, and competitiveness, and policymakers and businesses may make important decisions based on Commission analysis and determinations. The reliability and thoroughness of our investigations are underpinned by objectives ensuring timely and transparent proceedings and regular engagement with relevant stakeholders and experts, including our statutory requestors, U.S. industries, workers, and the American public.

We typically institute trade remedy proceedings in response to complaints and petitions filed by domestic industries seeking protection from unfairly traded imports. Given the rapid evolution of trade in the U.S. and world economies, this work is important in several ways:

- Our investigations of unfair and injurious trade practices help U.S. firms compete more effectively in an integrated global marketplace.
- Our issuance of sound and timely decisions in import injury investigations helps ensure that U.S. companies and workers can compete on a more level playing field in the domestic market.
- Our timely resolution of complex IP disputes is economically critical to holders of U.S. IP rights, especially where innovation drives rapid technology change.

In enforcing U.S. trade laws, we conduct our investigations under the pertinent statutes, regulations, and case law as interpreted by the federal courts. Our determinations in both AD/CVD and section 337 investigations are subject to review by U.S. courts.

Although most requests for factfinding investigations come to us from the SFC, HWM, and USTR, pursuant to section 332 (g) of the Trade Act of 1974, some of our investigations are required by various other statutes or are self-initiated. In response to requests, the Commission provides information and cutting-edge analyses that inform the development of U.S. trade policy. Providing this information and analysis in a timely manner assists policymakers during trade negotiations, in enacting legislation, or taking other policy actions that affect U.S. workers and the competitiveness of U.S. industries as well as the overall U.S. economy.

The Commission conducts comprehensive outreach and engagement to support its investigations. Regular outreach to bar groups, requestors of Commission work products, experts, and other representatives and stakeholders helps us support public understanding of the Commission's work, target Commission capacity-building efforts for future requests, diversify our knowledge base, and gain valuable feedback on Commission analysis.

Our second strategic goal: Inform: develop sound and informed analyses and determinations

In recent years, changes in the global trading environment have brought new issues to the Commission's investigations and determinations. The petitions filed with the Commission in import injury investigations reflect increasing firm and industry complexity. These investigations face analytical challenges associated with interconnectedness of firm relationships, structure of multinational firms and conditions of competition, wide-ranging nature of market participation, rapidly changing technology, and particularization of the supply chain—all of which are conducted in a quasi-judicial forum. To address the depth and scope of these investigations, we collect large, detailed, and primarily confidential data and information from the relevant industries, provide multiple perspectives of analysis reflecting industry and market structure, and develop comprehensive records and issue opinions that can withstand litigation and judicial review. Similarly, in unfair import investigations parties produce large amounts of detailed, primarily confidential information and data either through primary sources or expert opinions that results in a comprehensive record from which the Commission can develop a sound and informed determination.

Similarly, policymakers have expanded the complexity of industry and economic analysis they have requested from the Commission. Our requestors recognize that due to our economic and trade expertise, we can generate primary data, analyze specific industries, and provide insights unavailable elsewhere. To improve our analyses, we also regularly develop new tools, such as economic models that measure the effects of trade on specific U.S. industries and on U.S. companies operating abroad. The goal for developing sound and informed analyses and determinations is underpinned by objectives to apply innovative analysis developed through investment in regularly updated research priority areas and to provide clear, relevant, and accurate information in Commission work products.

As a vital part of this strategic goal, we also maintain and analyze the HTS. The HTS is the official document that sets out the classifications of imported goods and the U.S. tariffs that apply to each category. We make sure that the U.S. tariff schedule is up to date and accurately reflects the implementation of all the trade agreements and programs of the United States. In addition, to further U.S. competitiveness, we work to ensure that changes in the international Harmonized System for goods classification, which is administered by the World Customs Organization, reflect the interests of U.S. stakeholders.

To meet our existing mission and any new mandates, we must maintain the staff, analytic tools, and other resources needed to conduct fair and efficient investigations, as well as to provide high-quality, accurate, and objective information and analysis on a wide array of issues. The FY 2024 budget request will allow the Commission to continue to invest in the development of highly

skilled analysts, economists, and attorneys; creation of new databases and data systems; collaboration with other organizations to enhance our own research; and acquisition of new, or upgrades to existing, advanced analytic tools.

Our third strategic goal: Perform: execute and advance organizational excellence

The first strategic objective that relates to executing and advancing organizational excellence is to attract, develop, and retain a skilled, diverse, and versatile workforce, essential to meeting the varying workload and new mission requirements. In previous years, we have used our capacity for flexible staffing to successfully fulfill new legislative mandates, such as process changes in the AMCA that made the Commission responsible for receiving and processing petitions for specific products to be included in a miscellaneous tariff bill. We have now exhausted that strategy and remain far below our target staffing level. With new legislative mandates and an investigative workload continuing to increase, we have a growing workforce requirement gap that must be closed to fulfill our mission in FY 2023 and FY 2024. To continue our success in executing and advancing organizational excellence through a talented and diverse workforce, and to prevent staff burnout and accelerating departures, we need to recruit and train more staff. In FY 2023, we will begin a long-overdue hiring initiative that aims to provide staffing levels commensurate with our workload and plan to replace any departures as they occur to ensure that we are efficiently and effectively advancing the Commission's mission. The Chief Human Capital Officer ensures that such recruitment targets a diverse applicant pool. Further, the Commission provides robust training for new employees, including an orientation program designed to address the hybrid work environment.

Our human capital objective is consistent with maintaining our recruitment draw. In 2021, the Commission was rated as the #4 Partnership for Public Service's Best Place to Work in the small agency category. Our ability to not only attract, but also to retain, a high-quality workforce has consistently been reflected in our Federal Employee Viewpoint Survey (FEVS) scores in global satisfaction and employee engagement and in responses to questions about hiring practices; career development; and diversity, equity, and inclusion. However, the Commission faces challenges with recent declines in some of our 2022 FEVS scores due to continuing high workload and strained resources.

Our second strategic objective for this goal is to ensure good stewardship of taxpayer funds, accomplished as follows.

- We evaluated the structure of the Office of the Chief Financial Officer and its systems (accounting, procurement, budget, and travel), practices, and policies, to determine if they are suited to meet the current and future needs of the Commission.

- We reviewed our contracting processes and contract files to ensure they meet the needs of customers in a timely way, that the files are accurate and complete, and that the Commission's contracting officer's representatives are properly trained and are faithfully carrying out their duties.
- We ensured that financial controls are documented, implemented, reviewed, and refined on a regular basis to maintain an annual unmodified audit opinion.
- We required managers to tie budget requests for personnel and non-personnel funding to risk assessments, projected workloads, and provide linkage to performance planning.

During FY 2022, the Budget Director refined the robust budget formulation process that directly ties resource requests to projected workload and specific outcomes. The Director of Procurement continued to review the timeliness and efficiency of contract activity and continued to report the status of procurement actions on a real-time basis. Finally, the Director of Finance reviewed the agency's accounting processes each quarter to ensure that key financial controls were identifiable and operational and working as documented. These financial process and control evaluations supported the achievement of our twelfth consecutive unmodified financial audit opinion during the year. In FY 2023, we will continue to explore ways to reduce costs and further streamline our financial management processes.

Our third strategic objective is to implement reliable and secure systems that promote resilience, innovation, and efficiency. We continue to make significant progress toward meeting our information technology (IT) strategic objective, which aims to ensure that IT resources support our mission. Our IT performance goals for FYs 2023 and 2024 have been updated to quantify how the Office of the Chief Information Officer (OCIO) intends to support this objective. The Chief Information Officer, as the leader for this strategic objective, will also ensure that critical IT systems are continuously available and optimized so that we can conduct our operations with little to no loss of efficiency and capability. Additionally, the OCIO will continue to ensure our IT security by complying with federal cybersecurity priorities and best practices.

To achieve our third strategic objective and address government-wide priorities and initiatives, we:

- Maintain the availability of core IT systems
- Verify and validate our ability to restore business information in emergency situations, compromise, or attack by threat actors
- Continue to adhere to strict security configurations

- Adhere to a well-defined vulnerability patch process that prioritizes the remediation of known exploitable vulnerabilities
- Ensure that our systems have a valid Authority to Operate
- Continuously monitor the effectiveness of security controls
- Maintain a modern IT infrastructure
- Utilize virtualization and automation to consolidate resources, improve network and system availability, and optimize performance
- Migrate appropriate applications and services to a hybrid architecture, combining local and cloud-based resources into one cohesive architecture

Our fourth strategic objective is to manage and leverage data as an asset. We recognize the importance of leveraging data as an asset and are focusing significant effort and resources on addressing our needs in this area, including priorities contained in various federal initiatives. To achieve this objective, we:

- Strive to strengthen agency-wide data governance by establishing enterprise-wide strategies, objectives, and policies for managing data
- Seek to advance the agency's strategic use of data by identifying priority questions of decision makers and deploying accurate, timely, insightful, and relevant information to answer them
- Ensure data are leveraged as a strategic asset by making them discoverable
- Strive to foster transparency by developing and deploying cutting-edge technologies to improve the flow of information; and develop controls to ensure data are appropriately protected from creation through destruction

Our fifth strategic objective is to increase our operational effectiveness by evaluating and improving processes and communication. Operational effectiveness is about continually improving functional performance. To accomplish this, managers lead and control the functional activities within the agency, and continually measure and improve the processes for which they are responsible.

Strategies we will continue to use to meet this strategic objective include:

- Using enterprise risk management (ERM) to identify risks and establish priorities to inform agency decision makers
- Refocusing available resources to support agency-wide policy development
- Investing in and modernizing our IT infrastructure and management systems

The Commission recognizes that resource constraints, unexpected external requirements, and other priorities may slow efforts to fully accomplish all planned initiatives. During FY 2022, the Commission continued to make improvements to operational processes and procedures and to its use of risk analysis. For factfinding investigations, the Commission dedicated additional resources to ensure the accuracy of these reports, including revisions to internal procedures for thorough fact-checking and review of regulatory issues. We continue to evaluate how to improve our planning and ERM processes and how to make more effective use of the data that we collect. Our management committees provide information to the Performance Management and Strategic Planning Committee (PMSPC) on any changes to the risks and the PMSPC makes a final determination on risks, as they relate to the top agency risks. This new process has resulted in a more in-depth analysis of risks and their importance to the Commission and its ability to meet its mission and achieve its performance goals.

Detailed performance goals for program and management activities are presented in our *Annual Performance Plan, FY 2023–2024*, and *Annual Performance Report, FY 2022*, which can be found at https://www.usitc.gov/strategic_plan.htm.

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Budget Highlights

For FY 2024, the Commission requests \$131 million to carry out our mission and functions. This funding reflects an inflationary increase over our FY 2023 appropriation and will enable us to sustain the human capital investments we plan to make during FY 2023. The volume and complexity of our workload demand an unsustainable level of effort by our current number of staff. Receipt of our FY 2023 budget request of \$122.4 million will enable us to begin a long-overdue hiring initiative that aims to provide staffing levels commensurate with our workload. Our FY 2024 staffing goal is to have an average staffing level (i.e., full-time equivalents, or FTE) of 437. As of late-January 2023, our onboard staffing level is 394, with vacancy rates as high as 25 percent in offices responsible for statutory workload. The staffing increase in FY 2023 is largely focused on offices responsible for statutory investigations pursuant to Title VII (antidumping and countervailing duty, or AD/CVD) and section 332 (factfinding and trade policy support) of the Tariff Act of 1930 but it also provides additional resources for section 337 investigations, which remain at high levels.

Our request reflects the resources required to increase staffing levels in the Office of Operations and the Office of the General Counsel, as they are heavily impacted by the continued high investigative caseloads, specifically AD/CVD, unfair import, and industry and economic analysis investigations. Caseload has surpassed the workload assumptions that we used to build our current staffing plan several years ago and we are reassessing our staffing plan to ensure that it aligns with the current caseload and near-term projections.

The request also provides resources to continue making IT investments to continuously improve the security of and enhance our IT infrastructure while maintaining equipment lifecycles. The request ensures the availability and accessibility of our public-facing IT systems, as well as ensuring they are in compliance with the 21st Century Integrated Digital Experience Act (21st Century IDEA). FY 2024 IT investments also include continued replacement of end-of-life equipment, continued work towards implementing a zero-trust architecture, and the expansion of our telecommunications network to improve continuity of operations, redundancy, and enhanced remote access controls. Additionally, this request includes funds to increase hybrid working capabilities of staff in their support of internal, public, and intra-governmental customers.

Workload Drivers

The Commission continues to experience sustained high caseload levels in AD/CVD investigations and a higher number of unfair import investigations described below, and we have been devoting more resources to conducting or supporting other investigations and Administration initiatives. Due to repeated increases and record-number of petition filings in import injury investigations, the average number of instituted and completed investigations has almost doubled in the last decade with commensurate increases in monthly import injury activity levels. While stabilizing, workload is expected to remain at high levels due to an increased number of investigations regularly returning for five-year reviews. Although AD/CVD investigations represent the bulk of import injury activity, the Commission continues to handle litigation-related activity, and manages ongoing follow-on safeguard-related investigations, such as end-of-relief investigations on large residential washers and solar products.

Likewise, in FY 2022, our section 337 workload reached the highest level of activity to date and is expected to remain at high levels. The high level of active section 337 investigations in FY 2022 was due to the number of investigations instituted in FY 2020 and FY 2021 that were carried-over into FY 2022 in addition to new investigations commenced in FY 2022. Despite the record number of completed investigations in FY 2022, the settlement rate in section 337 remained low, so we expect the number of unfair import investigations to remain at high levels for years to come. Indeed, for nearly two decades, there has been an overall upward trend in new investigations filed year over year and FY 2022 was no exception, and we expect the trend to continue in FYs 2023 and 2024.

At the same time, the number and increased complexity of factfinding investigations and trade policy support requests have required more research and resources. The increasing number of complex reports with broad scope, such as *Foreign Censorship* and *Distributional Effects*, have increased requirements for innovative modeling and increased the number of staff and hours devoted to these reports.

In addition, we have had to amend the Harmonized Tariff Schedule of the United States (HTS) in recent years an unprecedented number of times to incorporate the changes brought about by Administration initiatives. In a typical year, two or three HTS revisions are made; in FYs 2020 and 2021, 28 and 18 revisions were made, respectively. In FY 2022, the Commission continued to complete revisions to the HTS at an elevated level: publishing the HTS 17 times to implement multiple tariff changes.

Program Overview

Antidumping/Countervailing Duty Investigations and Unfair Import Investigations (Section 337)

The Commission provides a venue for private sector firms and other qualifying entities to bring allegations of certain unfair or injurious trade practices involving imports before an independent, objective, and expert quasi-judicial governmental body. Our trade remedy investigations caseload continues to grow in volume and complexity. In FY 2022, the number of AD/CVD investigations remained at historically elevated levels. The caseload is expected to stay relatively high in FYs 2023 and 2024, though driven primarily by the structural and more predictable increase in reviews of existing orders required every five years after imposition. In FY 2022, new unfair import matters under section 337 exceeded the peaks in previous fiscal years by five percent, and we expect caseload to remain high in FYs 2023 and 2024.

AD/CVD Caseload and Recent Safeguard Actions are at Record High Levels

In FY 2022, 10 petitions were filed under Title VII of the Tariff Act of 1930. Filings in FY 2022 were low compared to recent record-breaking years though consistent with the pre-2015 average. In FY 2022, approximately two-thirds of the petitions involved imports from multiple countries. Domestic industries filing petitions in FY 2022 produced a range of products, including various chemical, processed agricultural, steel and metal and intermediate products. Almost half of the investigations covered chemical products (such as sodium nitrite, barium chloride, and superabsorbent polymers). Additional investigations covered agricultural products (such as preserved mushrooms, white grape juice concentrate, and lemon juice) and steel-related products (such as oil country tubular goods, steel nails, and freight rail couplers and parts). Some investigations were notable because of the size and/or complexity of the U.S. industry and market, including oil country tubular goods, steel nails, and superabsorbent polymers. In addition to new investigations, we instituted 41 reviews of existing AD/CVD orders in FY 2022 and anticipate instituting 35 in each of FYs 2023 and 2024. While the number of import injury review activity increased, the amount of safeguard activity was less than recent years. In FY 2022, the Commission completed one safeguard extension investigation on crystalline silicon photovoltaic cells and modules (solar panels). The Commission will also conduct end-of-relief assessment reports when actions taken by the President expire for large residential washers and solar products, two measures that are based on investigations that were initiated

in 2017. In addition, as a result of the extension of relief, the Commission will conduct a second monitoring investigation on solar products starting in FY 2023. Overall, the Commission instituted 65 investigations and reviews and completed 52 investigations and reviews in FY 2022. Recent activity reflects the normal cyclical activity of cases and continued, but stabilizing, elevated levels (the FY 2012-to-FY 2021 average for institutions and completions was 54 and 53, respectively). We anticipate continued high caseload levels, driven primarily by returning reviews; in FY 2023, we anticipate instituting 67 proceedings and completing 73. In FY 2024, we anticipate instituting 71 proceedings and completing 72.

During FY 2022, we continued our efforts to increase the transparency of our proceedings and reduce the burden on participating parties. We used information obtained from the FY 2021 external stakeholders survey about virtual staff conferences and hearings to inform ongoing efforts related to hybrid and in-person staff conferences and hearings. In FY 2022, we made substantial gains in our ongoing efforts to develop a data system for more complete, timely, and accessible reporting of investigative information (the Investigations Database System, or IDS), including Title VII information. Completion and rollout of IDS for the public occurred in the second quarter of FY 2023.

Unfair Import Investigations Caseload Remains High

In FY 2022, our section 337 workload reached the highest level of activity to date, due to the number of carryover investigations from FY 2021 into FY 2022 and new investigations commenced in FY 2022. We anticipate that there will be a high number of active cases throughout FY 2023 and into FY 2024.

Our proceedings provide for timely resolution of matters involving imported goods alleged to infringe U.S. intellectual property (IP) rights and imports that are involved with other unfair acts or methods of competition, such as trade secret misappropriation, that harm domestic industries. Indeed, it has been reported that nearly a quarter of the patent trials in the United States occur at the Commission. Section 337 authorizes relief in the form of exclusion of infringing or otherwise unfairly traded imports at the border. IP-intensive domestic industries that seek relief against unfair imports under section 337 account for a large number of high-wage jobs in U.S. industries that generate significant exports.

The range of technologies covered in these investigations is quite broad, encompassing, among other things, various electronic devices, pharmaceutical and medical devices, transportation-related products, and other consumer goods such as artificial

eyelashes, stud finders, shingled solar modules, home security and HVAC systems, swabs used in medical testing, and decorative wood grain paper for use in furniture. Section 337 investigations typically involve allegations of patent infringement and other unfair acts such as trademark infringement, trade dress infringement, false advertising, and trade secret misappropriation, the latter of which is an area of heightened concern for U.S. companies and Congress.

Work is ongoing to ensure that section 337 investigations are completed expeditiously, in line with congressional intent. We continue to build and develop the necessary staff and resources to conduct evidentiary hearings in section 337 investigations and focus on making the process more efficient and less costly for both litigants and the agency. Our efforts include improvements to courtroom space, acquisition of a FedRAMP-certified video-conference platform for virtual evidentiary hearings, outfitting our hearing rooms to accommodate remote witness testimony, improvements to our rules of procedure, procedural pilot programs, and substantial investments over the past few years in our Electronic Document Information System (EDIS). Further, in FY 2021, we implemented electronic service of public documents through EDIS, and plan to expand to include confidential service in FY 2023. We acquired BOX, a FedRAMP-certified cloud content management system, to enhance the secure transfer, use, and storage of the voluminous electronic documents produced in our investigations. We also transitioned our unfair import investigation database, 337Info, which has provided detailed information to the public about investigations instituted since October 1, 2008, to IDS, enhancing features that were provided in 337Info. These efforts necessitate an adequate level of funding.

Synergies between EDIS and IDS will help us to better manage our large volume of investigation-related materials while making our investigative process more transparent. These systems also comply with government Open Data rules, furthering our efforts to make our data more accessible to and usable by other agencies and the public. Funding these types of improvements will help us to address the challenges of resolving section 337 matters expeditiously and will keep the public informed on these matters.

Analysis and Information on Tariffs, Trade, and Competitiveness

The Commission supplies the executive branch and Congress with objective analyses of significant trade issues. We provide industry and economic research, tariff and trade information, and trade policy support through investigations and other expert advice. Given our independent economic and trade expertise, we offer cutting-edge data and insights that support the development of sound U.S. trade policy. The caseload for industry and economic analysis was at a high level in FY 2022, and the number of requests will likely remain at similar levels in FY 2023 and FY 2024.

We Continue to Develop New Approaches in Our Industry and Economic Analyses

International trade touches nearly all sectors of the U.S. economy. As with section 337 and Title VII investigations, we constantly develop and refine our capabilities to meet requests for increasingly complex analyses in emerging areas of international trade, trade policy, and competitiveness. We gather primary data to provide unique insights into emerging issues, assembling this information via a variety of instruments, including carefully crafted industry surveys.

Our staff also develops new methods to produce high-quality economic analysis to meet analytical priorities relevant to our requestors. During FY 2022, our priority effort for model innovation was estimating the distributional effects of trade on underserved U.S. communities. During FYs 2023 and 2024, we plan to continue our efforts estimating impacts of trade on U.S. workers and communities. We will also improve our analytical capabilities to estimate the effects of tariffs imposed under Sections 232 and 301, the impact of the United States-Mexico-Canada Agreement (USMCA) automotive rules of origin, assessing industry competitiveness, and analyzing supply chains.

Our work in industry and economic analysis spans a wide variety of issues and responds to both specific requests and areas of potential interest from the President and Congress. A few examples include:

- The performance of U.S. industries in critical supply chains and the effects of global disruptions
- How trade and investment barriers, rules of origin, and standards affect U.S. firms, workers, and consumers
- The promises—and pitfalls—of new technologies, industries, and business models
- The intersection of trade and the environment
- Assessments of industry competitiveness
- Economic analysis of U.S. free trade agreements, both proposed and completed, as well as technical support to policymakers during trade negotiations

To effectively support the requests of trade policymakers, we must maintain a staff with expert knowledge and skills to provide relevant and timely insights on trade, investment, and the international competitiveness of U.S. companies in the global marketplace.

Tariff and Trade Information Services Benefits from New Technology and Improved Business Processes

Our work to maintain and update the HTS, as discussed above, also impacts other U.S. agencies, private parties, and other stakeholders. U.S. Customs and Border Protection (CBP) relies upon the HTS for collecting tariff revenues on imported goods. Private firms use the HTS to learn the duties that they will pay on imported goods. U.S. exporters and importers depend on our work in the World Customs Organization to ensure that global tariff product classification (“nomenclature”) is up to date and takes into account stakeholder interests and changing patterns of trade. Compared to two or three revisions in a typical year, in FY 2022, we prepared and published the HTS 17 times, including the Preliminary Edition and the annual Basic Edition in January 2022. Revisions were made to reflect trade actions with respect to infant formula, increase the column 2 rate of duty with respect to imports from the Russian Federation, adjust tariff rate quota quantity limitations in accordance with the U.S.-Australia Free Trade Agreement, suspend application of the safeguard measure to imports of crystalline silicon photovoltaic cells originating from Canada, and address changes with respect to steel and aluminum imports and Section 301 China tariffs.

The HTS provides the foundation for the U.S. trade data maintained by the U.S. Census Bureau (Census), and it enables CBP to manage its trade and enforcement activities. We ensure that the HTS is both accurate and up to date so that it meets the demands for trade and tariff information from Census, CBP, U.S. exporters and importers, the Administration, and policymakers in Congress. Due to the size and openness of the U.S. economy and the volume of U.S. trade, the HTS is the most heavily used tariff schedule in the world. Its more than 19,000 10-digit statistical subheadings must be updated and maintained throughout the year to reflect changes from implementing trade agreements and from other congressional and administration actions. In FY 2014, the HTS was redesigned and developed as a data management system to which we have made routine and incremental improvements. In FY 2021, we began to gather requirements to significantly upgrade the data management system and HTS search application. This effort continued in FY 2022. In FY 2022, we continued to make improvements to DataWeb (the USITC web application that makes available official U.S. import and export statistics to the public in a queryable web-based interface), which had undergone an extensive redesign in FY 2018. We have plans to conduct another major overhaul; however, the timing of this major version change is uncertain.

Thoughtfully executing these necessary improvements requires time and resources. In particular, we plan to deploy needed functional improvements to the HTS Data Management System in FY 2023, while simultaneously continuing the effort to gather requirements and scope-out a more significant reengineering of both the HTS Data Management System and the public-facing

search application. The FY 2023 improvements to the HTS Data Management System will be followed by a major version update to DataWeb; however, the timing of the development of the next version of DataWeb is contingent on successful completion of the HTS improvements. The skills needed to support many of these tariff and trade information services (e.g., HTS maintenance and improvement and working with large volumes of merchandise trade data statistics) are unique and can take years to develop. Moreover, many of the agency experts that we rely on for tariff and trade information services are approaching retirement eligibility, so we expect human capital planning and recruitment to be a priority over the next few years.

Trade Policy Support Remains a Key Focus Requiring Deep Expertise

We draw heavily on staff in all agency program areas to respond to requests for trade policy support from Congress and the Administration. In FY 2022, we supplied rapid responses on a broad array of issues and topics, ranging from litigation support in international tribunals to assessments of specific industry and economic issues, including digital services and trade, environmental impacts of trade agreements, trade facilitation measures, and the USMCA dairy dispute panels. Moreover, behind-the-border issues related to regulation and services trade have required us to refocus our resources, apply new analytic techniques, and develop new trade-related databases. Our staff often provides support to policymakers developing new or revising existing trade programs and policies as well as negotiators working on proposed trade agreements or adjustments to existing agreements. We supply information, expertise, and software-based tools to support U.S. negotiating teams.

Congress and the Administration place a high value on our staff's ability to produce timely, objective, and independent information related to their most urgent issues. Because we are facing heavier workloads, work that is more complex, and staffing challenges in various areas, we anticipate that we will experience significant constraints on our ability to respond to these requests if the requested level of funding is not received.

Diversity, Equity, and Inclusion in Our Workforce

In FY 2022, our diversity, equity, and inclusion (DEI) program was primarily led by the Office of Human Resources. Programmatic enhancements included coaching training for all supervisors and managers as part of their triennial mandatory training with the intent of building the skills needed to foster a more inclusive environment. The DEI Council, the cross-agency working group formed to make recommendations representative of the broader workforce and carry out a portion of the DEI programming, held

regular activities and distributed a newsletter highlighting the significance of each special emphasis and heritage month. Additional programming included agency-wide, DEI-related trainings; an agency-wide mentoring program and coaching for supervisors; sponsorship for an employee to attend a leadership program with a focus on DEI; and dedicated intranet resources, including a SharePoint page. Additional efforts in the area of accessibility and inclusion have included training and application of 508 accessibility measures both through our reporting and at hearings. Specifically, all published factfinding investigations, staff working papers, Journal of International Commerce and Economics articles, administrative reports, and Commission reports for Title VII investigations were 508 compliant.

To effectively support and advance these efforts in FYs 2023 and 2024, we must maintain our commitment to hiring staff with expert knowledge in these areas including DEI, hiring and staffing, retention, and training. Dedicated human capital resources are needed to ensure a lasting and meaningful commitment to these efforts. In the meantime, we expect to continue to utilize the DEI Council as a consultative body to help assess program diversity, equity, and inclusion across the agency and recommend areas for further examination and review. We will maintain the continuity of programming mentioned previously, alongside improving workforce satisfaction with the Commission's DEI efforts, sponsoring participation in a variety of leadership development programs, and continuing our commitment to diverse recruitment through initiatives such as the paid internship program. Over the next two years, the Commission will continue its efforts to increase the accessibility of the written materials it provides the public by achieving full 508 compliance for its public documents. This supports its broader efforts to provide clear and accurate work products and customer service.

Information Technology Security

We continue to demonstrate our commitment to improving our IT security by complying with and implementing mandates and best business practices pertaining to IT security in a timely way. We continue to expand and improve our access controls, as well as bolster our core architecture using more secure devices and reducing our physical footprint. We continue to enhance our continuous monitoring abilities as they relate not only directly to IT security, but also to operations and maintenance activities. We monitor, track, and report on all activities via our security operations center. We continue to implement a full zero-trust architecture.

In FY 2024, strengthening our IT security posture by investing in new technologies, processes, and capabilities will continue to be a priority. Planned improvements include the following:

- More stringent remote access controls to further secure our infrastructure
- Continued maturing of our incident response and intrusion detection processes
- Improved flexibility and security in application development utilizing containerization both locally and in the cloud
- Enhancements to the Commission's continuous monitoring program
- Ongoing integration with the Cybersecurity and Infrastructure Security Agency (CISA) Continuous Diagnostics and Mitigation (CDM) program
- Continued enhancement of the vulnerability management processes
- Coordinating with the U.S. Department of Homeland Security to conduct external assessments and scans of agency systems
- Continuing independent assessments of our security and privacy controls systems to ensure that security controls are applied correctly, operating as intended, and producing the desired outcome for security requirements

Remote and Cloud Computing

We plan to further advance our continuity and telework capabilities in FY 2024 by maintaining a secure and modernized remote access solution, adding additional service provider capacity and redundancy, and ensuring improved levels of availability and accessibility by expanding our hybrid cloud-based architecture. We also expect to add additional compute capabilities to the second, remote telecommunications core schedule for procurement and implementation in FY 2023. This additional compute capability will provide even higher levels of redundancy and performance for remote and local users.

The Commission will continue to implement non-proprietary development techniques and technologies to ensure flexibility and portability in cloud deployments, while maintaining the necessary levels of IT security. In FY 2024, we expect to continue utilizing a hybrid cloud-based architecture to improve the availability and accessibility of our systems, increase our redundancy, and reduce our dependence on physical data centers.

Risk Management and Planning

We have an enterprise risk management (ERM) process to establish, maintain, monitor, evaluate, and report on agency risks. The process is led by the Director of the Office of Internal Control and Risk Management, who reports directly to the Chairman. ERM is an integral part of all strategic planning, performance management, budget, IT, and human capital functions and activities. As part of this effort, we maintain an ERM database, which supports categorizing, documenting, and evaluating risks to the agency. Management performs ongoing assessments to identify, manage, and update the risks in this database. Our risk profile is developed from the risk database and ranks risks from an agency-wide perspective. The profile is discussed, prioritized, and reviewed by the Commission's Performance Management and Strategic Planning Committee. The primary purpose of the risk profile is to assess how the risks we face from operations, mission-support activities, and external factors influence our ability to meet the agency's mission and achieve its performance goals.

The Office of Management and Budget (OMB) provides agencies with guidance related to risk management in certain specialized areas, including cybersecurity. OMB directs agencies to assess their cybersecurity risk, to manage the cybersecurity component of enterprise risk, and to adopt the Framework for Improving Critical Infrastructure Cybersecurity. The Commission manages risk in a way that is commensurate with the magnitude of the harm that would result from unauthorized access, use, disclosure, disruption, modification, or destruction of a federal information system or federal information. The Commission complies with all cybersecurity reporting requirements.

Each quarter, agency leaders and other senior staff review progress on our strategic and management objectives and identify and discuss enterprise risks. These reviews, along with the evidence related to specific performance goals and associated risks identified by our managers, inform the development of our Annual Performance Plan and Congressional Budget Justification. We continue to evaluate how to improve our planning and ERM processes and how to make more effective use of the data we collect.

Good Accounting Obligation in Government Act

The Good Accounting Obligation in Government Act requires each agency to include in its annual budget justification a report that lists each public recommendation issued by the Government Accountability Office (GAO) and the agency's Office of Inspector General (OIG) that has remained unimplemented for one year or more from the annual budget justification submission date. The

Commission does not have any open GAO recommendations. The Commission also does not have any IG recommendations that have been open for more than one year.

Publications Proposed for Elimination

The Commission has identified two publications that it has proposed for elimination or streamlining in response to requirements of the GPRA Modernization Act of 2010. Specifically, the Commission has requested elimination of the requirement found in 19 U.S.C. § 3204 to provide the Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution report. The requirement is outdated because the President's authority to provide trade preferences under the Act expired in 2013 and has not been extended by Congress. Thus, none of the four eligible countries has participated in the program since 2013. As a result, there is no continued benefit to issuing the report.

Similarly, the Commission requested that Congress streamline the production of the HTS by eliminating the requirement to print a hard copy of it, which can be found in 19 U.S.C. § 3007(a). The statute requires the Commission to prepare a hard-copy version of the HTS and authorizes it to publish an electronic version. Users of the HTS rely almost exclusively on the electronic version. The requirement of a hard copy duplicates the electronic version. In addition, the hard-copy version often becomes outdated soon after issuance due to the numerous modifications, and it therefore provides little benefit to the public.

Preparing for Future of Work and Physical Space Reconfiguration

Agency leadership is engaging with mission owners and human capital, IT, and real property mission support functions to determine the most effective and efficient business practices to meet mission requirements in the post-pandemic era. The analysis includes assessing the continued use of telework, remote work, and hybrid work, hallmarks of pandemic and post-pandemic operations for government and non-government employers alike, and the implications of those work models on our physical space requirements. The agency may be able to achieve cost savings through a reduction in leased space. Of particular concern to the agency when assessing future of work and physical space configuration is ensuring optimal hybrid operations of our public courtroom complex.

Appropriations Language

Salaries and Expenses

“For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed \$2,250 for official reception and representation expenses, \$130,980,000, to remain available until expended.”

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Trade Remedy Investigations

The Commission plays an important role in administering and applying U.S. trade remedy laws by conducting several types of investigative proceedings. These proceedings focus on allegations that subsidized and dumped imports are injuring a domestic industry; that a surge of imports are injuring a domestic industry; or that imports are infringing domestic intellectual property (IP) rights or are involved in unfair acts that injure or threaten a domestic industry.

Our first strategic goal is to “investigate: conduct reliable and thorough investigations” by making them expeditious and transparent and engaging the public, including stakeholders and experts, and collecting all relevant data to inform and support investigations. Our enforcement work supports U.S. industries and their workers’ efforts to compete in the United States and in the global economy on a level playing field. In addition, our timely resolution of complaints filed by domestic industries that seek relief against unfairly traded imports under section 337, including complex IP disputes, can be of paramount economic importance to domestic industries, their workers, and their ability to make continued investments in the United States.

Import Injury Investigations

We conduct investigations to determine whether unfairly traded imports cause or threaten material injury to a U.S. industry, or materially retard an industry’s establishment, under Title VII of the Tariff Act of 1930. Under this law, unfair imports can be remedied through antidumping and countervailing duty (AD/CVD) orders imposing duties on the goods in question. The U.S. Department of Commerce (Commerce) issues and administers these orders. We conduct five-year reviews of existing AD/CVD orders to determine whether their revocation would be likely to cause material injury to a U.S. industry to continue or recur. We have independent litigation authority to defend our decisions in appeals to the U.S. Court of International Trade and the U.S. Court of Appeals for the Federal Circuit (Federal Circuit), as well as in proceedings under the United States-Mexico-Canada Agreement (USMCA, formerly NAFTA). We also give extensive assistance to the United States Trade Representative (USTR) in resolving disputes before the World Trade Organization (WTO).

Unfair imports, whether subsidized by a foreign government or “dumped” for sale at prices below the foreign market price or the cost of production, can injure U.S. companies. Congress enacted the AD/CVD laws to give U.S. producers and labor unions a way to

obtain remedies when we find material injury or threat of material injury stemming from imports that Commerce has determined to be unfairly traded. The remedies take the form of AD/CVD duties on imported merchandise equivalent in value to the dumping margin and/or subsidy rate found for foreign producers by Commerce.

Historically, AD/CVD petitions have covered a broad range of products representing many sectors of the economy, including chemical, steel, processed agricultural, and intermediate products. In FY 2022, we instituted 10 preliminary-phase investigations covering a wide variety of industries in the U.S. economy. Almost half of the investigations covered chemical products (such as sodium nitrite, barium chloride, and superabsorbent polymers). A substantial number of the investigations covered processed agricultural products (such as preserved mushrooms, white grape juice concentrate, and lemon juice) and steel or intermediate products (such as oil country tubular goods, steel nails, and freight rail couplers and parts). The high level of import injury activity over the last 5 to 10 years has contributed to a structural increase in the number of AD/CVD orders returning for five-year reviews. In addition to new investigations, we instituted 41 reviews of existing AD/CVD orders in FY 2022 and anticipate instituting 35 in each of FYs 2023 and 2024. The five-year average number of review institutions increased from 17 during 2008–2012, to 22 during 2013–2017, to 27 during 2018–2022. In FY 2022, the Commission completed one safeguard extension investigation on solar panels and, as a result of the extension of relief, will conduct a second monitoring investigation on solar products. The Commission will also conduct end-of-relief assessment reports when actions taken by the President expire for large residential washers and solar products, two measures that are based on investigations that were initiated in 2017. In FY 2022, the Commission instituted 65 investigations and reviews (compared to 61 in FY 2021) and completed 52 investigations and reviews (compared to 67 in FY 2021). This level of overall investigations reflects the normal cycle of cases and is consistent with recent elevated levels (the FY 2012-to-FY 2021 average for institutions and completions was 54 and 53, respectively).

In FY 2022, approximately two-thirds of the 10 petitions filed involved imports from multiple countries, ranging from 2 to 5 countries per filing, totaling 18 countries with India and Russia being the predominant import sources (included in 3 of 10 petitions each). Collectively, AD/CVD investigations resulting from petitions filed in FY 2022 involved about \$7.1 billion in U.S. consumption, \$4.0 billion in imports, and more than 7,000 U.S. production employees. The leading contributors to the U.S. consumption value were oil country tubular goods, representing more than half of the total, followed by steel nails, and superabsorbent polymers. The oil country tubular goods industry accounted for most of the U.S. employment value, followed by the steel nails industry.

To conduct import injury investigations and reviews, we assemble multidisciplinary teams that compile information from several sources, including questionnaire responses from domestic and foreign firms, publicly available information, plant tours, testimony at USITC staff conferences and hearings, and legal briefs from parties. Our investigative teams prepare fact-based reports on which the commissioners rely to make their determinations. Interested parties' representatives approved under administrative protective orders (APOs) have access to the information that we examine, including confidential information released under the APO. All hearings and votes are open or available to the public, and public versions of reports, party submissions, and opinions are available on our website, offering timely and useful information to companies and individuals.

Our investigative processes are fair and transparent. We ensure that investigative records are complete and contain information from all parties so the commissioners can make sound and objective determinations that can withstand judicial scrutiny. We continually seek to upgrade our processes in terms of speed, efficiency, and technical soundness. In FY 2022, the Commission made substantial advances to ongoing efforts to develop a data system for more complete, timely, and accessible reporting of investigative information (the Investigations Database System, or IDS), including Title VII information. We implemented advancements in the areas of system testing, advanced search functionality, as well as initial deployment of the system for internal use. We completed migration and checks of historical data and expanded the system's functionality. Completion and rollout of IDS for the public occurred in the second quarter of FY 2023.

In FY 2021, we issued a stakeholder survey about virtual staff conferences and hearings to better understand the benefits and challenges of virtual staff conferences and hearings for external parties. During FY 2022, we used this feedback to inform initiatives related to hybrid hearings and the transition to in-person staff conferences and hearings. To support more dynamic and timely dialogue and feedback on Commission process, during FY 2022 we also reached out to external stakeholders to establish regular meetings and information exchanges. In FY 2022, the Commission completed and implemented an initiative to collect quantitative information from firms responding to the Commission's notice of institution in five-year reviews. As noted above, these investigations constitute a growing share of import injury investigations, and standardized collection of data in spreadsheet rather than PDF allows more efficient submission and processing of firm and industry data. We continued our efforts to promote transparency—efforts that are critical to maintaining operations and meeting statutory deadlines despite the challenges of transitioning back to in-person activities during the fiscal year. Throughout FY 2022, we continued to make publicly available investigations-related content available on the internet. Despite the elevated workload, the Commission met 100% of deadlines set by statute for agency determinations and reports.

Our workload in import injury investigations is a function of both new filings and reviews of existing orders; estimating the number of future filings is more difficult than estimating the number of future reviews. Overall caseload (i.e., new filings plus reviews) fluctuates from year to year and the number of investigations and reviews instituted has steadily increased, exhibiting a sustained upward shift in recent years. Annual institutions fluctuated between 32 and 47 from FY 2008 to FY 2015 (with an average of 40) but fluctuated between 56 and 75 from FY 2016 to FY 2022 (with an average of 63). This upward shift was driven by several years of above-average petitions; petition filings fluctuated between 3 and 15 from FY 2007 to FY 2015 (with an average of 10) but fluctuated between 11 and 26 from FY 2016 to FY 2022 (with an average of 17). A complicating factor is the large share of staggered cases (i.e., multiple-country investigations that have more than one final determination date) because of the uncertainty they cause regarding investigation start dates and overall duration. Because of these issues, staggered cases further complicate the administrative and scheduling challenges across an existing heavy caseload. The growth in cases instituted per year has also been the result of fewer trade-remedy orders being revoked in recent years, either at the Commission or at Commerce, resulting in a stock of orders that has increased substantially in the past five years. The five-year average of instituted reviews increased from 20 for FY 2012–16 to 25 for FY 2017–21; the projected five-year average for FY 2022–26 is 37. We anticipate continued high caseload levels, driven primarily by returning review investigations; in FY 2023, we anticipate instituting 67 proceedings and completing 73. In FY 2024, we anticipate instituting 71 proceedings and completing 72.

Another significant portion of our workload in this area is defending our determinations in response to domestic litigation challenging them. This litigation is conducted at the U.S. Court of International Trade (CIT), the Federal Circuit, and binational review panels under NAFTA (or under USMCA for cases initiated after July 1, 2020). In addition, our staff assists the USTR in WTO disputes defending our import injury determinations, challenging injury determinations made by other WTO members that affect U.S. exports, or providing third-party comments on legal issues that are of institutional interest.

In FY 2022, there were nine new appeals of Commission Title VII determinations to the CIT and one new appeal of a Commission Title VII determination to the Federal Circuit. At the close of FY 2022, there were 15 Commission import injury cases pending in the CIT, one pending in the Federal Circuit, and two pending before NAFTA dispute settlement panels. The CIT issued an opinion in one case, affirming the Commission's determination in full. During FY 2022, there were two active challenges involving Commission determinations pending under the dispute settlement procedures of the WTO, and six inactive disputes. With respect to the active disputes, the WTO panel hearing one of these disputes involving a challenge to Commission antidumping and countervailing duty

injury investigations upheld the Commission's injury determinations in full. Another WTO panel reviewing a U.S. safeguard measure upheld the Commission's serious injury determination in part but found it inconsistent with the WTO Safeguards Agreement in part. In addition to the disputes challenging Commission determinations, there were five other WTO disputes involving trade remedies, and two USMCA disputes, in which Commission staff provided trade policy support to the USTR during FY 2022. Also, the Commission's Office of the General Counsel provided litigation support to the Commission's Office of Tariff Affairs and Trade Agreements in responding to subpoena and deposition requests related to CIT litigation concerning a tariff classification matter.

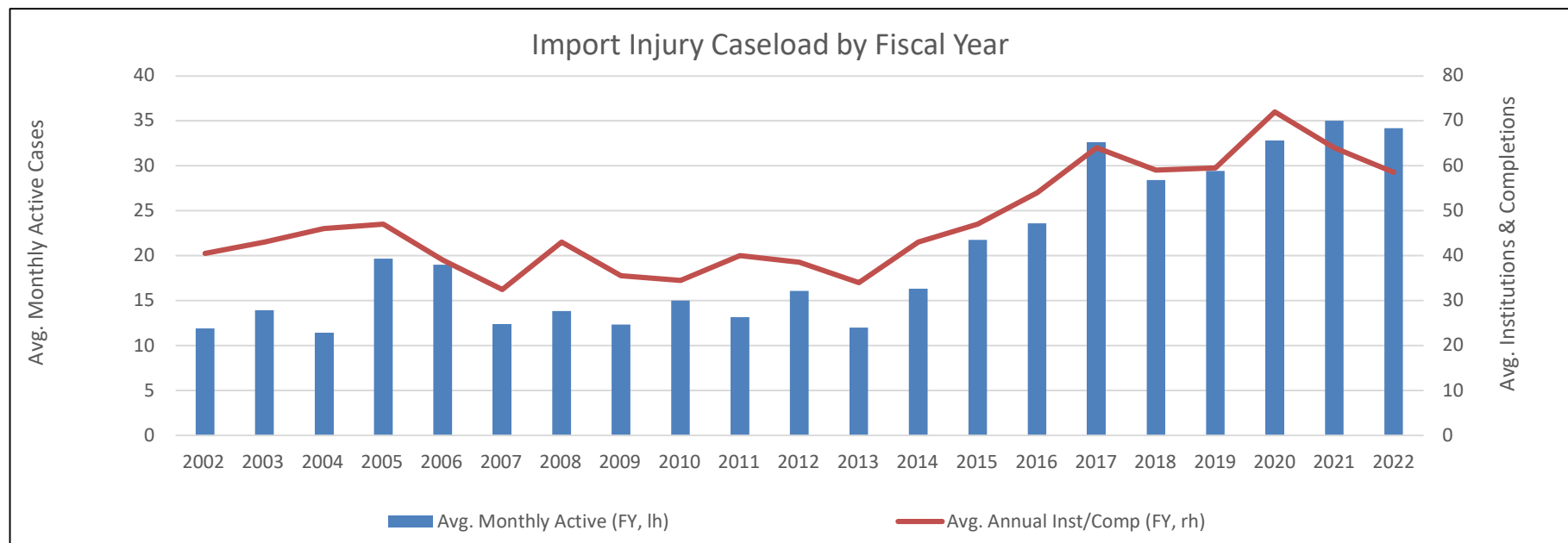
For FYs 2023 and 2024, we project that the number of new appeals challenging our import injury determinations will increase, reflecting the historically high number of new petitions filed in FYs 2021 and 2022, and the number of active investigations that were recently completed in FY 2022 or will be completed in FY 2023.

Trends in the investigative caseload and caseload estimates for FYs 2023 and 2024 are shown below.

Import Injury Investigations Caseload

Instituted and Completed Investigations

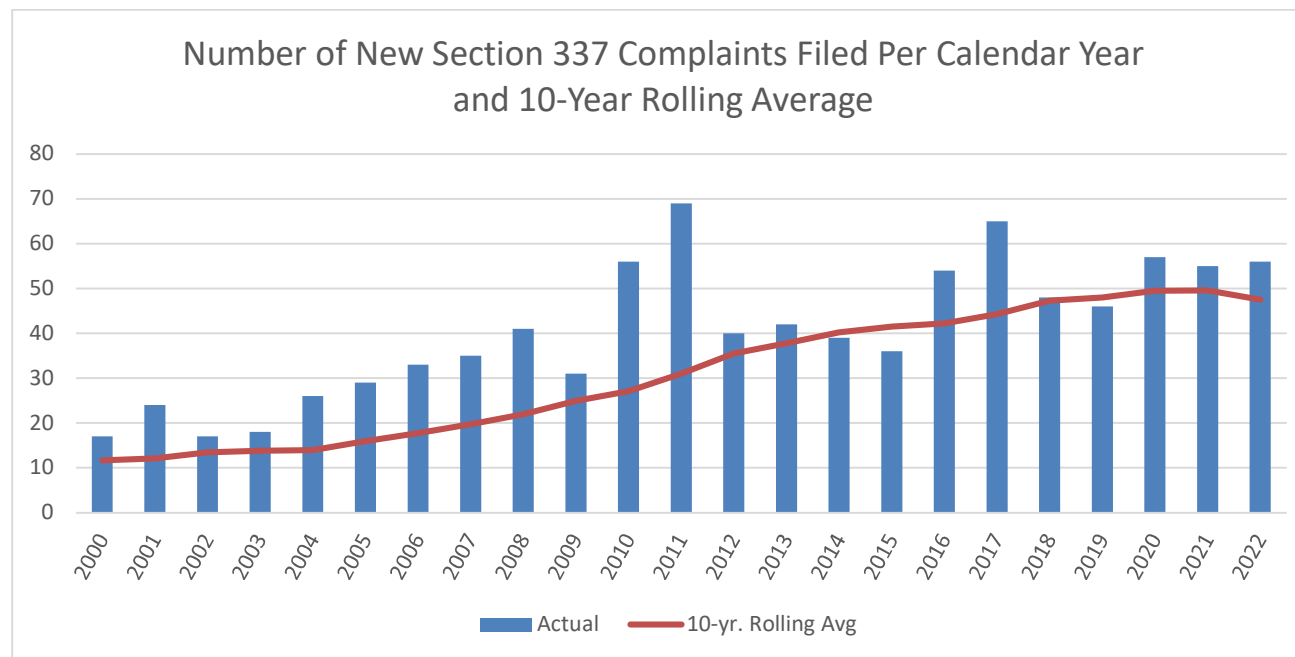
	Instituted							Completed						
	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Estimate	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Estimate
Preliminary Title VII	18	15	26	11	10	16	17	18	19	25	12	10	17	17
Final Title VII	21	19	16	23	14	13	16	18	15	20	25	13	15	17
Other	0	3	3	1	0	3	3	2	2	2	2	1	3	3
Full review	7	6	5	9	11	10	10	11	7	6	5	6	10	10
Expedited review	10	16	25	17	30	25	25	13	17	16	23	22	28	25
Total	56	59	75	61	65	67	71	62	60	69	67	52	73	72



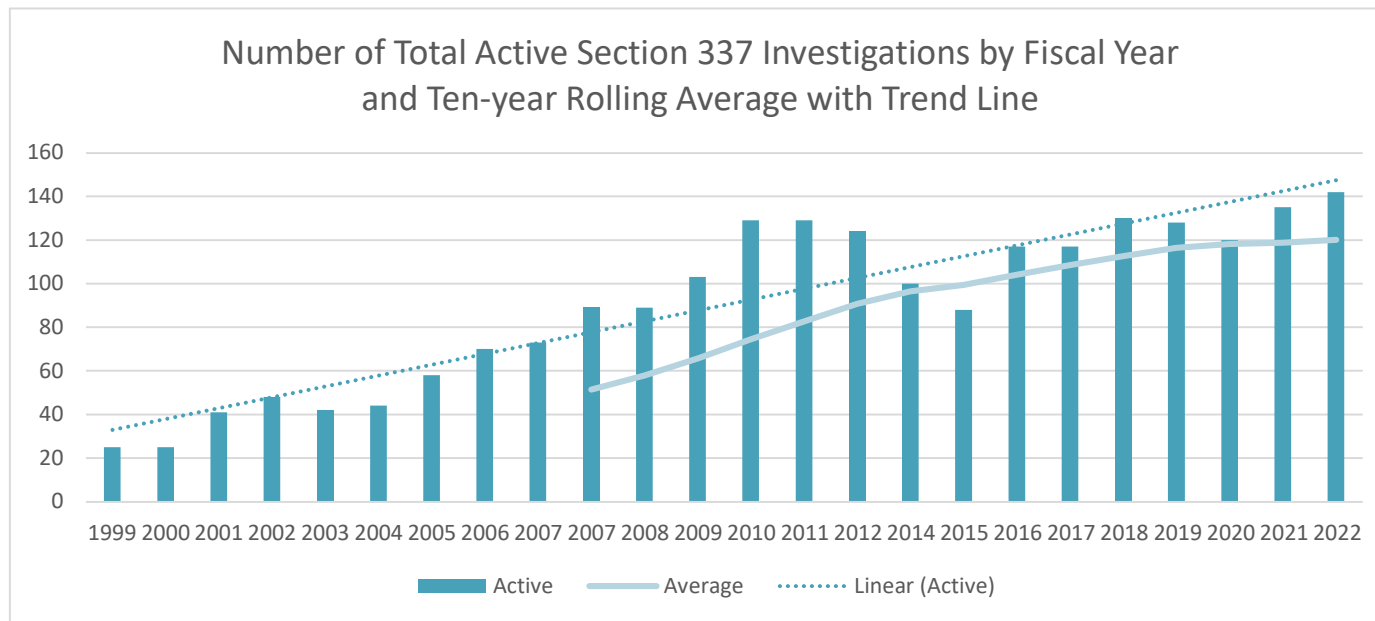
Unfair Import Investigations

The Commission investigates unfair methods of competition and unfair acts involving imported articles under section 337 of the Tariff Act of 1930. These investigations are brought by U.S. industries who seek to obtain timely relief against unfair competition from imports, including imports that infringe their U.S. statutory IP rights, primarily patent rights, or imports that benefit from unfair methods of competition and unfair acts that injure U.S. industries. IP is a key driver of the U.S. economy and a critical element in U.S. competitiveness. The Commission provides relief to domestic industries from imports that infringe their U.S. IP rights and harm U.S. industries through unfair competition. The primary relief available under section 337 is exclusion of goods at the border. We have earned a reputation for providing fair, timely, and expert adjudication of complex IP disputes. As a result, many IP rights holders, particularly in industries where the product life cycle is short, have come to see the Commission as a vital forum for the redress of IP infringement. This interest is reflected in the number of complaints requesting relief against unfair imports that we have received in recent years and in reporting indicating that nearly a quarter of all patent trials held in the United States are conducted at the Commission.

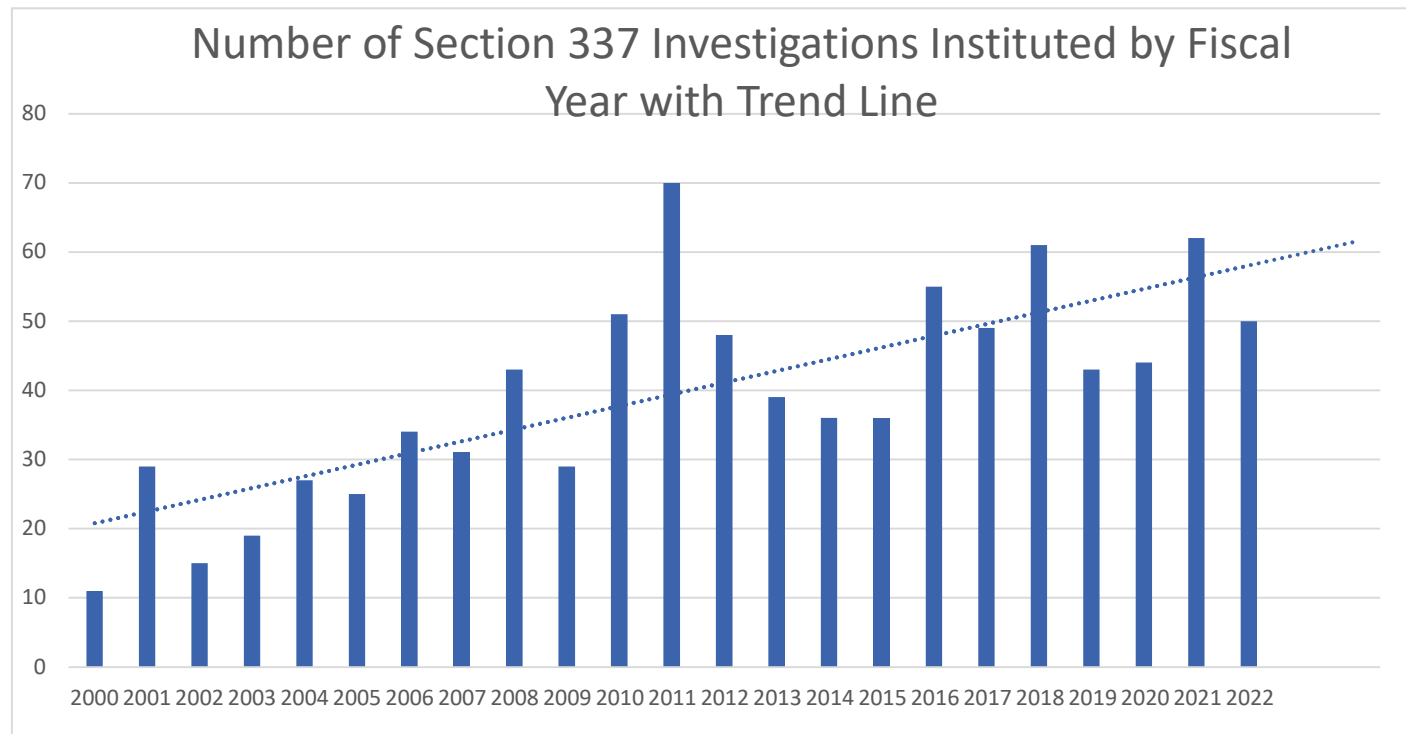
For nearly two decades, there has been an overall upward trend in new complaints filed year over year (as illustrated in the chart below). FY 2022 was no exception, and we expect the trend to continue in FYs 2023 and 2024. The number of complaints filed provides an indication of the level of work flowing into the agency because under section 337, prior to institution of an investigation, all complaints must be examined for (1) sufficiency and compliance with the applicable rules to determine whether they were properly filed; (2) identified sources of relevant information; and (3) assurance of the probable availability of evidence therein. This involves a substantial amount of work by the Commission and Office of Unfair Import Investigations. Thus, the chart below indicates how many complaints are being considered each calendar year.



Another metric that reflects our current workload trends is the number of active investigations by fiscal year. This number reveals how many section 337 investigations are active at the agency, not just the number of incoming complaints illustrated in the previous graph. The active investigation number is influenced by the incoming number of investigations, the settlement rate, and any delays in reaching a final determination, whether internal or external. As the charts below demonstrate, the number of overall active investigations was at its highest in FY 2022. In addition, the ten-year rolling average and the overall trends in active unfair import investigations demonstrate a sustained upward trend in active investigations year over year.



In FY 2022, the settlement rate of section 337 investigations (i.e., the rate at which private parties settled their disputes or complaints were withdrawn) declined again to 46 percent after rising in FY 2021 to 62 percent. While settlement rates did not reach their all-time low of 34 percent in FY 2020, this decrease indicates that investigations are less likely to end in a settlement, consent order, or a complaint being withdrawn, meaning investigations are more likely to continue into subsequent years. As a result, the volume of investigations instituted in FY 2022, despite the large number of terminations in FY 2022, will continue to have an impact on workload in FYs 2023 and 2024 as the Commission institutes new investigations each year. As the table below indicates, the trend of these institutions continues to increase over time. These new investigations add to the overall number of investigations.



The average length of an investigation completed on the merits in FY 2022 decreased to 17.1 months from 18.2 months in FY 2021. By the close of FY 2022, the Commission was able to resolve the investigations initially delayed early in the pandemic in FY 2020 as well as investigations commenced in FY 2021, which accounts for the unusually high number of terminations in FY 2022. While the pandemic no longer is the major source of delays, investigation length continues to be impacted by the inability to gather necessary discovery abroad due to pandemic lockdowns. The Commission has resumed in-person evidentiary hearings and is using its FedRAMP-certified video teleconferencing platform to secure testimony of witnesses who are unable to attend a hearing in person due to illness or travel restrictions.

While domestic industries typically seek relief against unfair imports that infringe their U.S. patent rights, an increased number of domestic industries have sought relief against imports that injure their industries by reason of unfair acts and methods of

competition other than patent infringement, including claims based on trademarks, trade dress, false advertising, false designation of origin, and trade secret misappropriation. The recent focus in both the executive and legislative branches on the protection of trade secrets highlights the importance of this part of our docket. These investigations continue to make up approximately 11 percent of our investigations. The U.S. Patent and Trademark Office found that industries that intensely use IP account for nearly 41 percent of U.S. GDP and 33 percent of all U.S. employment.²

The spectrum of products and IP rights at issue in section 337 investigations is quite broad. There continues to be an increase in the number of investigations seeking general exclusion orders for consumer good items. The docket has included many investigations involving the importation of sophisticated electronic devices, such as smartphones, tablets, laptops, memory devices, and other 5G devices and this will likely continue. In FY 2022, we also adjudicated investigations involving pharmaceuticals and medical devices, transportation-related products, and products such as artificial eyelashes, smart thermostat systems, smart speaker systems, swabs used in medical testing, water filter systems, interactive fitness devices, and pillows and seat cushions.

To adjudicate section 337 investigations, our administrative law judges (ALJs), in accordance with the Administrative Procedure Act, conduct evidentiary hearings, issue initial determinations, and facilitate dispute settlement. Our Office of Unfair Import Investigations reviews complaints before investigations are instituted, advises the commissioners on institution determinations, participates (when appropriate) as a party to proceedings, and aids in facilitating settlements. The ALJs' initial determinations are subject to review by the commissioners, and the Commission's final determinations in section 337 investigations can be appealed to the U.S. Court of Appeals for the Federal Circuit. Our Office of the General Counsel provides advice to the commissioners during each investigation and defends the agency's final decision during any subsequent appeals. Each of these offices employ attorneys with technical backgrounds who have spent years developing expertise not only in patent and competition law, but also in the law of section 337.

There is a substantial overlap between the industries that dominate our IP docket and the industries found in a Commerce study to

² U.S. Patent and Trademark Office, Intellectual property and the U.S. economy: Third edition, 13 (2021).

be the most IP-intensive in the United States.³ The study found that these IP-intensive industries represent 29.8 percent of all jobs in the United States; that wages of private sector workers in IP-intensive industries were 46 percent higher than those of workers in non-IP-intensive industries; and that wages for workers in patent-intensive industries were over 74 percent higher than those of workers in non-IP-intensive industries. Our IP enforcement efforts to stop unfair imports at the border therefore contribute to strengthening U.S. industries and their workers and enabling them to continue to invest in the United States.

As noted above, one of our strategic goals is to investigate by conducting reliable and thorough investigations. The Commission aims to make unfair import investigations expeditious and transparent. It also seeks to engage the public, including stakeholders and experts, and to collect all relevant data to inform and support investigations. The timely resolution of section 337 disputes is particularly important to patent holders because the duration of patents is limited. Speed is even more crucial when disputes involve high-technology products that tend to have short commercial life cycles. Thus, in accordance with congressional intent, it is important to conclude our unfair import-based investigations as quickly as possible. This goal has been challenging in recent years because of the volume and complexity of investigations. We continue to examine various options for shortening the length of investigations. For instance, we have implemented rules under which, in selected investigations, the Commission may identify a potentially case-dispositive issue at institution for the ALJ to adjudicate within the first 100 days of the investigation. While this program was not used in FY 2022 due to resources constraints, the existence of this program has led to more fulsome complaints.

The Commission also introduced rules regarding the severing of investigations with unrelated patents and technologies into multiple investigations to divide a larger, more complex investigation into more manageable investigations. The Commission has also introduced a new pilot whereby an ALJ may identify an issue to resolve early in an investigation, take evidence on that issue, and then issue an interim initial determination. The purpose of these rules is to help us meet our strategic goal of issuing timely decisions while providing due process to litigants, allowing us to build sufficient factual records and maintain quality decision making.

We are also assessing ways to improve the effectiveness of the remedial orders that we issue. One issue frequently raised in this area is whether new and redesigned products are covered by an existing Commission exclusion order, cease and desist order, or consent order. U.S. importers, would-be importers, and IP rights holders have all expressed concern in recent years about how they

³ U.S. Patent and Trademark Office, Intellectual property and the U.S. economy: Third edition, 15-19 (2021); U.S. Department of Commerce, Intellectual Property and the U.S. Economy: 2016 Update, 2016.

can obtain timely, transparent, and binding decisions in this regard. In response, in FY 2015 we announced a pilot program to test the use of expedited modification and advisory opinion procedures to evaluate and rule on redesigned and new products that are potentially covered by our remedial orders. While modification and advisory opinion procedures have been available for years, we have set performance goals to streamline them to better meet the needs of those who may be affected by remedial orders. We have tested this pilot in 20 investigations since FY 2016, including three in FY 2022. Overall, this pilot decreased the length of time for these redesign proceedings.

In addition, we continue to improve both our ability to report data involving section 337 investigations and the transparency of our data to the public. In FY 2023, we launched IDS, a searchable database providing data on investigations instituted since 2008. Accessible from our website, IDS offers members of the public easy access to information on scheduling, parties involved, patents at issue and unfair acts alleged, staff assigned, disposition of the investigation, and any appeals. IDS assists the Commission in managing its investigation data. We use information captured in IDS to generate statistics to respond to internal and external inquiries about section 337. IDS continues to improve the process of capturing additional information and automating some of our reporting processes.

We continue to encourage and support settlement of cases by the parties involved in our section 337 investigations in several ways. These include ALJs ordering settlement discussions throughout the investigation; some ALJs requiring formal mediation; investigative attorneys fostering settlement efforts in those investigations in which they participate; and all parties having access to our mediation program. Settlements reduce the number of investigations in which we must make final determinations and conserve the resources of both litigants and the agency.

Appellate litigation pending at the U.S. Court of Appeals for the Federal Circuit stemming from section 337 investigations absorbs a significant share of employee resources in our Office of the General Counsel. We are typically successful in defending our determinations before the Federal Circuit. The table below displays the number of pending appeals at the end of each fiscal year, FYs 2013–22.

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Number of pending appeals at end of FY	13	17	16	17	15	26	17	24	26	24

This is only a snapshot of the appellate litigation challenging section 337 determinations handled by the Office of the General Counsel. During FY 2022, there were 44 active section 337 litigation appellate matters (some of which were concluded prior to the close of the fiscal year and are not counted above). For FYs 2023 and 2024, we anticipate a similar number of new appeals challenging section 337 determinations, based on the historical rate of appeals and the projected filings.

Caseload estimates for FYs 2023 and 2024 are shown below.

Unfair Import Investigations Caseload

Instituted and Completed Original and Ancillary Investigations

Status	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Estimate
Instituted	74	59	52	82	71	67	69
Completed	61	60	67	64	90	65	65

Tariff, Trade, and Competitiveness-related Analysis and Information

To fulfill our mission, we must give timely, objective, sound information and analysis to federal policymakers to help them in negotiating trade agreements and evaluating the effect of legislation or other trade policy actions on the U.S. economy and industry competitiveness.

We have statutory responsibilities to provide information at our disposal to Congress and the President, who has delegated the President's request authority to the United States Trade Representative (USTR). In response to these policymakers' requests, we supply independent research on numerous topics, both through factfinding investigations (industry and economic research and analysis) and expert advice (tariff-related services and trade policy support). To ensure that we develop and maintain the technical expertise needed for this work, we also identify and research priority areas in international trade, industry competitiveness, and the U.S. and global economies.

Except for requested confidential studies, we make available our industry and economic analysis and research freely to the public.

Industry and Economic Analysis

Investigations

We conduct factfinding investigations on a wide range of international trade and competitiveness issues of interest to U.S. policymakers and that affect firms, industries, workers, and consumers. Authority for most of our investigations is granted by section 332 of the Tariff Act of 1930, but also by various implementation statutes for specific trade agreements and by several general trade statutes.

External events that impact U.S. international trade and domestic competitiveness shape our requestors' needs and interests. Consequently, the nature, timing, and complexity of requests for these investigations are unpredictable and lead to wide variations

in resources required to complete any specific investigation. Resource needs depend on such factors as the state of global competition in specific sectors or with certain trading partners, emerging interests of policymakers in the Administration and Congress, the scope and scale of policymakers' requests, and the level of public information available related to the request. The interplay of these factors and their uncertainty make accurate forecasting of future workloads challenging.

Our industry-specific, competitiveness, and economic analysis is widely considered to be expert and objective, and it is routinely cited by parties representing all sides in trade debates. Our ability to collect, compile, and assess trade and economic data is widely sought-after by policymakers, who rely on us for authoritative information to support informed decision making.

Our investigations in most cases focus on issues that affect U.S. trade or important parts of the U.S. economy. Policymakers rely on us to produce expert analysis of the global competitiveness of U.S. industries and U.S. trade with specific countries or regions. Policymakers also rely on us to provide expert information about policy changes that may affect the economy as a whole or certain sectors or industries. Reports completed in FY 2022 include:

- *Foreign Censorship, Part 1, Policies and Practices Affecting U.S. Businesses*
- *Foreign Censorship, Part 2, Trade and Economic Effects on U.S. Businesses*
- *Cucumbers: Effect of Imports on U.S. Seasonal Markets, with a Focus on the U.S. Southeast*
- *Squash: Effect of Imports on U.S. Seasonal Markets, with a Focus on the U.S. Southeast*

Moreover, requests often require us to develop or apply new analytic methods; collect and analyze unique primary data obtained through extensive multi-sector questionnaires or other outreach; or research and analyze new industries, competitive conditions, or trade issues. During FY 2022, Commission staff executed multiple industry and economic analysis projects in tandem with other work projects required by statute, such as import injury investigations, trade policy support, and tariff and trade information services.

Workload Expectations in FYs 2023 and 2024

In FYs 2023 and 2024, we expect the number of new factfinding investigations to be similar to or slightly higher than that of FY 2022, given the active trade policy agenda of the executive and legislative branches. In both fiscal years, we expect to administer, develop, and analyze up to two surveys, drawing on a relatively large amount of agency resources. We continue to advance our use of electronic survey tools and methods, which has contributed to productivity gains in recent questionnaire-based investigations.

Our staff periodically discusses recurring reports with the requestors to ensure their continued interest in the information provided or to learn whether we should furnish additional information to meet emerging needs. For FY 2023, in addition to the recurring reports, we anticipate responding to requests or statutory direction for new reports providing unique data and analysis. The reports will inform federal policymakers' efforts in international trade negotiations or in developing trade and other economic policies.

Factfinding investigations in FY 2023 known to date include:

- *COVID-19 Diagnostics and Therapeutics: Supply, Demand, and TRIPS Agreement Flexibilities*
- *Distributional Effects of Trade and Trade Policy on U.S. Workers*
- *Certain Fabrics of Triacetate Filament Yarns: Effect of Modification to U.S. Korea Free Trade Agreement Rules of Origin*
- *Monitoring of Fresh or Chilled Strawberries*
- *Monitoring of Fresh or Chilled Bell Peppers*
- *Foreign Trade Zones (FTZs): Operations and Conditions of Competitiveness in U.S. FTZs and Similar Programs in Canada and Mexico*
- *Economic Impact of Section 232 and 301 Tariffs on U.S. Industries*
- *USMCA Automotive Rules of Origin: Economic Impact and Operation, 2023 Report*
- *U.S.-Haiti Trade: Impact of U.S. Preference Programs on Haiti's Economy and Workers*
- *U.S.-Pacific Islands Trade and Investment: Impediments and Opportunities*
- *Caribbean Basin Economic Recovery Act: Impact on U.S. Industries and Consumers and on Beneficiary Countries*
- *African Growth and Opportunity Act (AGOA): Program Usage, Trends, and Sectoral Highlights*
- *Recent Trends in U.S. Services Trade: 2023 Annual Report*

- *Shifts in U.S. Merchandise Trade, 2022*
- *The Year in Trade, 2022*

We anticipate a robust analytic workload in FYs 2023 and 2024 and have a performance goal of expanding our capability to anticipate and address new areas of economic and industry analysis. To achieve this goal, we will focus our research and data development work in high-interest areas with an emphasis on:

- Advancing our modeling capabilities, such as increasing the flexibility and capacity to tailor partial equilibrium (PE) analysis to better capture the nuances of specific industries and developing new econometric approaches to better represent U.S. labor markets
- Expanding analysis in areas such as the distributional effects of trade and trade policy on U.S. workers; trade and the environment; the effect of global economic disruptions; and global supply chains
- Deepening expertise on provisions in trade agreements and trade-related agreements
- Deepening expertise on U.S. trade relationships, including with non-market economies like China

Such preparatory work expands our expertise and can help us respond efficiently and effectively to requests for analytical investigations, while also contributing to our work in import injury cases, tariff schedule maintenance, and trade policy support. These high-interest areas tend to require information and tools that are not readily available. Moreover, such work often requires significant staff effort to refine existing analytic tools or develop new ones. Our research priorities have kept us at the forefront of emerging analytic areas, such as evaluating impacts of disruptions and changes in global supply chains; assessing the effects of trade on U.S. workers; quantifying a wider variety of nontariff measures and nontariff provisions in U.S. agreements; analyzing the growth of digital trade and its impact on a wide range of industries; and evaluating the impacts of government policies and regulations on trade and investment in specific industries. Consistent dedication of resources to support such work is needed to maintain the world-class quality of our work products.

External factors that are likely to influence the scope and number of requests for analytical investigations in FYs 2023 and 2024 include, among others, the following:

- The trade policy focus of the executive and legislative branches

- Interest by trade policymakers in the impact of new technologies on the global economy, economic and trade policy developments in global markets, and other drivers of global economic conditions
- Interest in sector-specific factors affecting U.S. industry competitiveness
- Challenges and opportunities presented by shifting trade patterns and economic relationships between the United States and major trading partners

To respond to these requests efficiently and effectively, we must recruit, develop, and maintain staff with a high level of expertise in industry, regional, and economic matters. Skilled personnel are our single most important resource and account for most of our budget request. Staff research and external communication and collaboration are vital to honing staff skills and developing information and analytic tools for use in requested investigations. We conduct these activities under the broad authority of sections 332(a) and (b) of the Tariff Act of 1930, often publishing our findings as articles or presenting them at international meetings of experts and multilateral institutions. We also develop expertise and make our research available through direct interaction with many international and domestic agencies, at academic gatherings, and with private sector and worker associations. This engagement offers us an important forum for external technical review of new analytic approaches and often suggests new, relevant areas of potential interest. Staff travel is often necessary to share and gather knowledge from domestic and international experts, as well as to conduct critical field research for investigations.

During FYs 2023 and 2024, we will continue to invest in both our human capital and other resources to ensure that we can provide high-quality trade- and competitiveness-related analysis and information to policymakers in both the executive and legislative branches. As a first priority, we invest in hiring personnel with skills in areas of high statutory workload and key areas of interest to our requesters at USTR, Senate Finance Committee, and House Ways and Means Committee. In addition, we invest funds to ensure that we can respond efficiently and effectively to requests from Congress and the Administration through the continuous acquisition, development, and improvement of analytic tools, information resources, and research approaches, including survey methods and statistical, econometric, and simulation analyses. These funds are primarily spent on acquiring or developing databases, expert consulting services, and specialized software. Staff collaborates with outside experts to develop models and databases so that we can better estimate the impact of policies affecting U.S. workers, regions, and communities; labor-related policies in international trade agreements; and the effects of trade restrictions at home and abroad.

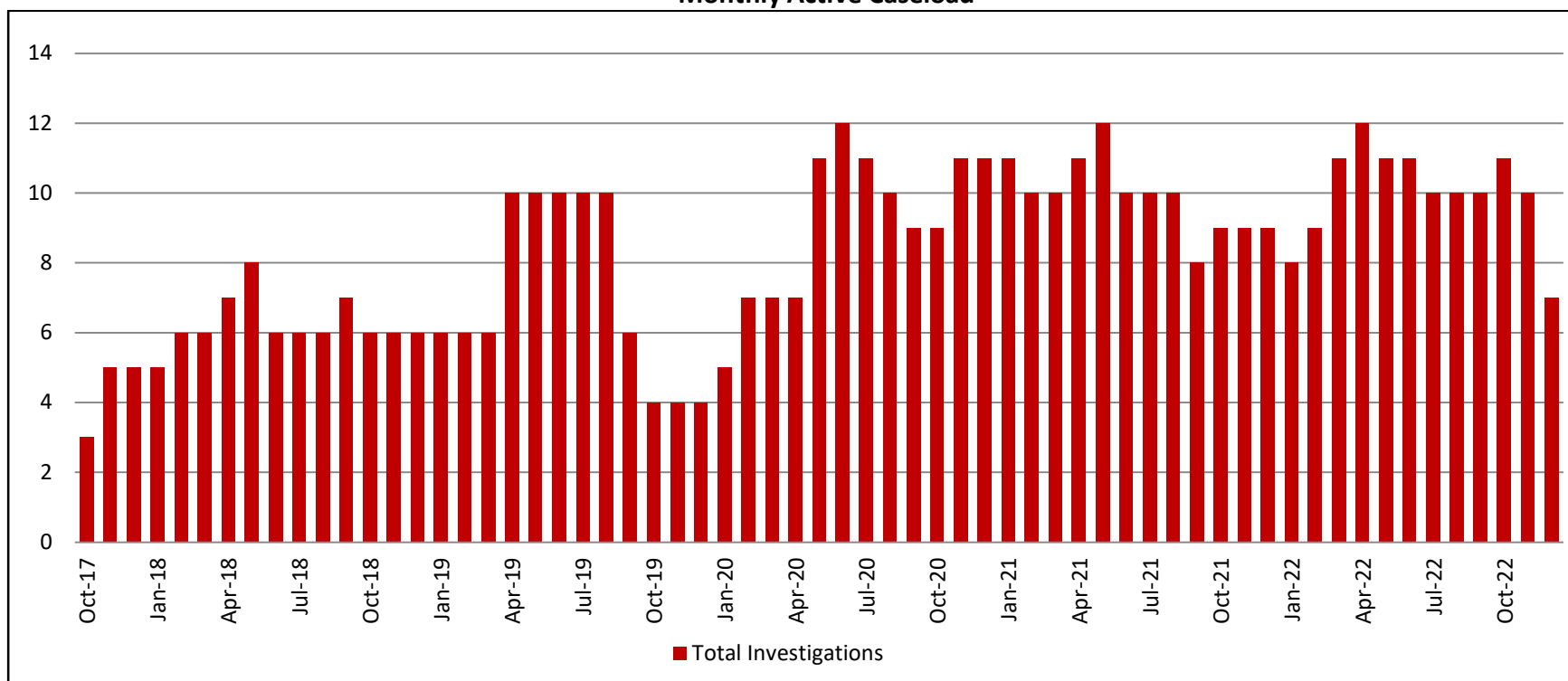
Trends in the investigative caseload and caseload estimates for FYs 2023 and 2024 are shown below.

Industry and Economic Analysis Investigations Caseload

Instituted, Completed, and Active Recurring Investigations

Status	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Estimate
Instituted	5	7	10	6	7	8	8
Completed	4	9	5	6	4	7	7
Active Recurring*	6	6	5	5	6	6	6

Monthly Active Caseload



*"Active recurring" includes the number of recurring reports (e.g., *Trade Shifts*, *Recent Trends*, *Year in Trade*) that were active during the year. For those that are instituted annually, two reports from different years may occasionally be active at the same time.

Tariff and Trade Information Services

The USITC maintains and publishes the Harmonized Tariff Schedule of the United States (HTS) under the Tariff Act of 1930 and section 1207 of the Omnibus Trade and Competitiveness Act of 1988 (1988 Act). In line with this mission, we strive to improve access to high-quality, up-to-date tariff and international trade information and to reinforce our technical expertise in these areas to support the executive and legislative branches, the broader trade community, and the public. We maintain online interactive and in-house databases and an online HTS search tool; chair the U.S. interagency Committee for Statistical Annotation of Tariff Schedules; conduct investigations under section 1205 of the 1988 Act to propose certain HTS amendments to the President to meet our international obligations; and participate in the U.S. delegation to the World Customs Organization (WCO). Staff expertise in these areas strengthens our investigative work, as well as the trade policy support that we give to the executive and legislative branches. We also advise the USTR on aspects of the trade agreements program.

Maintenance of the Harmonized Tariff Schedule of the United States

Maintaining and ensuring access to an accurate and up-to-date tariff schedule is of critical importance to the U.S. government and the private sector. U.S. Customs and Border Protection (CBP) relies on the HTS for collecting all tariff revenues and fees, which were estimated to be \$94.2 billion assessed on \$3.2 trillion in imports in FY 2022. U.S. importing firms rely on the HTS for accurate information in importing all goods into the country. As noted above, the HTS is the most heavily used tariff schedule in the world, based on the volume of trade covered. The HTS underlies the U.S. trade data maintained by the U.S. Census Bureau (Census), enables anyone interested in trade information to find tariff codes and rates, and is critical to CBP managing its trade enforcement activities.

The Harmonized Tariff Schedule of the United States Annotated consists of the HTS, its statistical annotations, and other related information. In addition to its tariff schedule management responsibilities, the Commission chairs the interagency Committee for Statistical Annotation of the Tariff Schedules in coordination with CBP and Census. That committee administers statistical breakouts for tracking specific goods, if certain criteria are met. We also participate in or lead the U.S. delegation to various committees of the WCO. Continued funding for staff to attend WCO-related meetings is an agency priority as part of U.S. government efforts to ensure that the international tariff nomenclature takes U.S. economic interests into account.

In FY 2022, we published the HTS 17 times—a Preliminary Edition and the Basic Edition in January 2022, plus 15 revisions over the course of the fiscal year. Prior to FY 2018, the USITC typically made only two or three HTS revisions annually. The HTS Data Management System facilitates updating the HTS when trade actions are taken by the administration or Congress and is a primary tool allowing us to keep pace with the increased number of revisions in recent fiscal years.

The HTS Data Management System has received substantial positive feedback from the trade community and other agencies. Users particularly appreciate the system’s ability to allow access to HTS data in machine-readable format. In FY 2023, we plan to deploy much needed functional improvements to the HTS Data Management System, while simultaneously continuing an effort to gather requirements and scope-out a more significant reengineering of both the HTS Data Management System and the public-facing search application. With these improvements, we expect the Data Management System to better serve as the backbone for issuing accurate and timely updates to the HTS for many years to come.

Revisions to the Harmonized Tariff Schedule of the United States

Number of Revisions	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual
	2	3	15	20	28	18	15

We also provide ongoing support to the USTR in developing and analyzing rules for determining a product’s origin—vital for negotiating and carrying out free trade agreements. This is another responsibility that will require significant staff time, particularly in connection with the evaluation of existing and new agreements. Our staff also helps the USTR prepare the final versions of the implementing proclamations for trade agreements and other actions affecting the HTS.

Other Online Tariff-related Services

The Commission provides a publicly available online system, known as the HTS Search, to access and search the HTS for current tariff information. In FY 2022, over 2 million unique visitors used the HTS Search system. The Commission also provides online trade services, such as the USITC DataWeb. DataWeb is a valuable tool used by our staff, external stakeholders, and the public to

organize U.S. import and U.S. export data for analysis. As discussed previously, we deployed a major overhaul to the USITC DataWeb in FY 2018, to which we made technical improvements through FY 2022. We are planning a major version update to DataWeb in the future, contingent on the successful reengineer of the HTS Data Management System. The unique content we offer as the official manager of the HTS ensures that we will continue to be a “go-to” source for the business community, domestic and foreign government agencies, and taxpayers.

Trade Policy Support

We draw on knowledge gained from our formal investigations and other research to respond to expedited requests for technical expertise and data that trade policymakers can use to inform the development of U.S. international trade policy. This trade policy support, provided under section 332 of the Tariff Act of 1930, includes:

- Providing information and analysis on current issues related to trade and competitiveness
- Providing technical comments on draft legislation
- Preparing draft tariff legislation and annexes for presidential proclamations, memoranda, executive orders, and final decisions by various agencies
- Providing information and analysis in briefings and meetings
- Temporarily assigning (i.e., detailing) Commission staff to our oversight committees and the USTR
- Assisting trade delegations, negotiating teams, and USTR-led litigation teams in international dispute settlement forums

Providing trade policy support falls under our strategic goal of developing sound and informed analyses and determinations. We use regular communication and formalized feedback mechanisms to help us anticipate policymakers’ needs and proactively develop expertise to meet a high volume of requests for assistance.

In FY 2022, trade policy support requests covered a broad range of topics and issues. The variety of these requests underscores the wide scope of current trade policy issues, as well as recognition of our unique capabilities and expertise. We anticipate that the volume of trade policy support requests for FYs 2023 and 2024 will remain high. Congressional interest in obtaining real-time

assistance with draft legislation and emerging policy issues is expected to continue, as is executive branch interest in our support of negotiating teams and appearances before the World Trade Organization. In some instances, we have met our requestors' requirements by detailing our staff to congressional oversight committees or to the U.S. Trade Representative. As budget and statutory workload permit, we may continue to detail a limited number of staff to these entities, on their request.

Information Technology

General Statement

The Commission is committed to leveraging the power of IT to transform agency operations, improve the customer experience, and safeguard our computer networks and information. Our IT program is critical to achieving our strategic goals and objectives, managing risk, and creating value for our stakeholders. Our FY 2024 budget request of \$131 million includes \$14 million to operate and maintain existing IT systems, infrastructure, and security; supply the IT resources needed to enhance systems; accommodate increased cybersecurity requirements; enhance our disaster recovery capabilities; and improve hybrid capabilities.

Approximately 90 percent of our IT budget continues to be directly related to maintaining or enhancing the Commission's cybersecurity posture. As threat actors become more proficient at locating and attacking technical vulnerabilities, it is important that even the most mundane IT administration activities continue unimpeded to mount a viable defense and reduce the number of exploitable vulnerabilities, in both hardware and software. These activities include, but are not limited to, operations and maintenance of existing systems, software upgrades and replacement, lifecycle replacement of key components, and continuous monitoring and reporting.

We fully expect to see the number of reported cybersecurity incidents throughout the government increase as threat actors and technologies continue to evolve, especially in the exploitation of known vulnerabilities. Likewise, we expect to see an increase in the number of mandates issued to address industry- and government-wide security incidents, thus reinforcing the importance of receiving adequate IT funding.

Supporting the Agency's Mission

Our IT budget contains the resources to operate and maintain, as well as develop, modernize, and enhance, a complex suite of essential systems. These systems support all of our mission areas and the analysis and information that we provide to the public and our stakeholders. In addition to the ongoing maintenance of all systems to ensure their availability, accessibility, and security, specific funding has been requested to address the following:

Harmonized Tariff Schedule of the United States (HTS): Maintaining and ensuring access to an accurate and up-to-date tariff schedule is of critical importance to the U.S. government and private sector. U.S. Customs and Border Protection relies on the HTS in collecting all tariff revenues and U.S. import firms rely on the HTS for accurate information in importing all goods into the country. The HTS system provides a chapter-by-chapter listing of the Harmonized Tariff Schedule and general notes in an electronic format, providing much more flexible search capabilities and greater accessibility than the printed text. HTS user sessions increased again for FY 2022, with over 2 million unique visitors, up from 1.9 million in FY 2021.

DataWeb: DataWeb provides U.S. merchandise trade and tariff data in a user-friendly web interface. Trade data for 1989 to the present are available on a monthly, quarterly, annual, or year-to-date basis and can be retrieved using a sophisticated querying tool with features such as user-defined country and commodity groups. This tool allows the data to be shown in terms of a number of classification systems, including the HTS, the Standard International Trade Classification, or the North American Industry Classification System. U.S. tariff data that are maintained and published by the USITC as a statutory responsibility can also be retrieved using DataWeb. These data include past, current, and future normal and preferential U.S. tariff rates accessible using sophisticated look-up tools. Tools are also available to view the correlations between the classification systems and product descriptions for the codes used in these systems. Trade data reports prepared by the USITC are also available showing U.S. trade with Sub-Saharan Africa partners, U.S. total imports and related duty data for 1989-present year, and a U.S. import monitoring tool. All trade data on DataWeb are compiled from official data retrieved from the U.S. Bureau of the Census (an agency within the U.S. Department of Commerce). When using these data, the Commission suggests that the following citation be used: U.S. International Trade Commission DataWeb (USITC DataWeb), using data retrieved from the U.S. Bureau of the Census (accessed [date]). All tariff data are from the U.S. International Trade Commission and should be so cited with an access date. Classification correlations are also from the Bureau of the Census.

DataWeb is scheduled to undergo significant enhancements beginning in FY 2023 and extending into FY 2024 to improve functionality, update technologies, and bring it into compliance with the new design aesthetic as required by the 21st Century Integrated Digital Experience Act (21st Century IDEA).

Information Security

We will continue to strengthen our security posture in FY 2024 by investing in new technologies, processes, and capabilities in line with mandates and best practices.

Continuous Diagnostics and Mitigation (CDM): USITC has worked with the Cybersecurity and Infrastructure Security Agency (CISA) to integrate USITC vulnerability and configuration compliance data into CISA's CDM Capability Shared Service Platform. This platform provides continuous monitoring capabilities for agencies to manage their security posture as well as provides CISA a means to aggregate security information across the government. In FY 2024, we will continue to enhance both our internal capabilities as well as CDM integration through the combination of locally sourced and externally available technologies.

Security Controls Assessments (SCAs): We continue to conduct SCAs on all of our defined IT systems. An SCA is a due-diligence exercise that uses a comprehensive, documented process to evaluate the extent to which an agency's security controls are implemented correctly, operating as intended, and meeting the security requirements for an information system. These assessments are needed to issue an Authority to Operate (ATO) for each defined system, and they must be recertified every three years. USITC has a well-defined ATO process for both internal and cloud-based systems which utilizes a continuous monitoring model. In FY 2024, we will maintain ATOs for all mission-essential local and cloud-based systems.

Multifactor Authentication: We implemented Homeland Security Presidential Directive 12 (HSPD-12) at the Commission in FY 2016, enforcing multifactor authentication (i.e., a personal identification verification card plus a personal identification number) for system access. In FY 2021 and continuing into FY 2022, we expanded multifactor authentication to include internal and external applications. We will continue utilizing login.gov to reduce the number of application-based login systems and alleviate the need for members of the public to maintain separate login credentials for multiple .gov applications, in compliance with the Zero-Trust mandate.

Data Loss Prevention (DLP): We are currently able to detect the transmission of personally identifiable information (PII) via a scanner system that monitors all network transmissions in real time for certain PII patterns (primarily Social Security numbers) and a forensic network packet recorder that records all network transmissions for later retrieval and analysis. This recorder can also search for arbitrary text patterns such as PII keywords. We have implemented a DLP solution that reviews data in emails sent externally

from an internal agency address (i.e., email exfiltration) to prevent email containing PII, such as Social Security numbers and dates of birth, from being transmitted outside the agency's network. In FY 2024, we will continue to optimize our monitoring and maintain our ability to retain audit data to better analyze trends.

Privacy Program: We will continue to improve our maturing privacy program in FY 2024 by revising privacy policies that define how we manage and protect the PII that we collect, use, and maintain. Maintaining a robust privacy program will ensure that we continually comply with all relevant privacy requirements, such as the Privacy Act of 1974, the E-Government Act of 2002, and OMB directives, and minimize the risk to individuals whose PII we use in our work.

Implementing Zero Trust: Zero Trust is a strategic initiative designed to prevent data breaches by eliminating trust within a network architecture. In the event of a successful network breach, a threat actor is prevented from moving from asset to asset. While significantly more complicated to implement in many legacy networks, it provides a greater level of protection. In FY 2024, USITC will continue to build on its successes experienced in FY 2022 and FY 2023 while taking steps to implement Zero Trust throughout its entire network infrastructure.

Vulnerability Management: In FY 2023, USITC implemented a new patch policy that prioritizes vulnerabilities that have been exploited or have known exploits as documented in the CISA-maintained Known Exploited Vulnerability (KEV) catalog. All federal civilian executive branch agencies are required to remediate vulnerabilities in the KEV catalog within prescribed timeframes under Binding Operational Directive (BOD) 22-01, *Reducing the Significant Risk of Known Exploited Vulnerabilities*. In FY 2024, we expect to enhance our patch processes and BOD compliance through the procurement of additional scanning and monitoring tools that complement our cyber hygiene services.

Digital Systems Modernization

The 21st Century IDEA requires all executive branch agencies to improve their digital services and make them more accessible to all users. We consistently review our publicly available website and assess its digital services, ensuring that they provide modern functionality and accessibility. We prioritize ongoing modernization efforts based on those with the most direct user impact.

The USITC website (www.usitc.gov) is the most important digital service that we offer for public engagement, with over 700,000 visitors accounting for over 1.2 million site visits in FY 2022. It provides tariff information, industry and economic research, and trade data to the general public. We have identified four additional Commission digital services as having a significant role in public engagement: the Electronic Document Information System, DataWeb, the Miscellaneous Tariff Bill Petition System, and the HTS web applications. All four services are modern and accessible, and they meet the technical, functional, and security requirements of new websites and digital services. As previously mentioned, we plan to upgrade DataWeb to the common aesthetic in FY 2024. The agency remains committed to modernizing and enhancing its digital services using data-driven analysis to ensure that they address user needs, and that all new websites and digital services will comply with the requirements of the 21st Century IDEA.

The Commission continues to use digital signatures unless handwritten signatures are required by law. We also provide policy and rules on the use of electronic signatures, of which digital signatures are a type, for agency personnel. The Commission requires that new electronic applications and major application revisions support electronic signatures.

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The Office of Inspector General

The U.S. International Trade Commission's Office of Inspector General (OIG) is an independent office that conducts audit, evaluation, inspection, and investigative activities covering all Commission programs and strategic operations. Its mission is to detect fraud, waste, and abuse and to promote integrity, efficiency, and economy in the Commission's programs and operations. By statute, the OIG is required to perform five reviews in FY 2023. The OIG uses contractor support to perform the independent audit of the Commission's annual financial statement. In-house staff will perform the remaining four reviews. In addition to these reviews, the OIG has identified five potential areas for discretionary review in the FY 2023 Annual Audit Plan. The plan also contains a list of reserve audits and reviews that the OIG would like to perform if resources are available.

As required by the Inspector General Act of 1978 (as amended), the IG of the U.S. International Trade Commission submits the following information for the OIG's budget estimate and request for FY 2024.

- \$1,915,711 in aggregate for the operations of the OIG
- \$43,000 of that amount for OIG training
- \$7,663 (.40 percent of the budget request) for OIG's contribution to the Council of the Inspectors General on Integrity and Efficiency

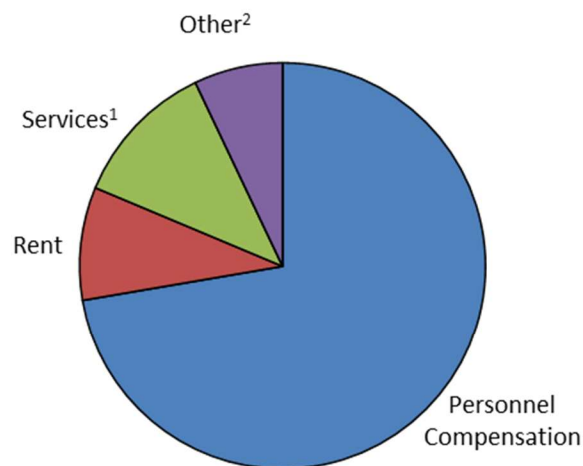
The IG of the U.S. International Trade Commission certifies that the amount requested for training satisfies all OIG training requirements for FY 2024.

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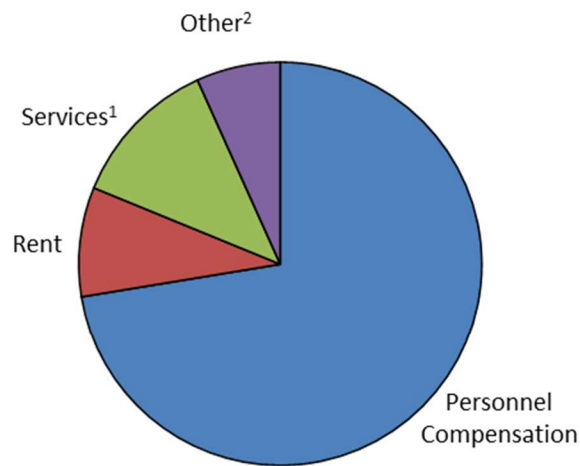
Obligations: Comparison by Budget Object Classification, Fiscal Years 2022–24

(Dollar amounts in thousands)

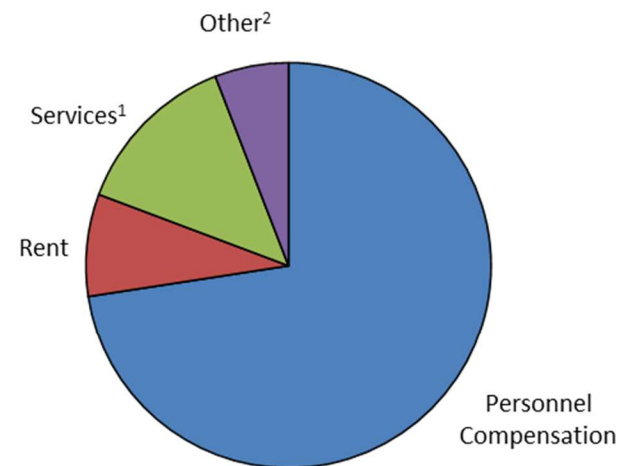
FY 2022: \$108,458







FY 2023: \$122,400



FY 2024: \$130,980



CATEGORY OF OBLIGATION		FY 2022 Actual		FY 2023 Request		FY 2024 Request	
		Dollars	Percent of Total	Dollars	Percent of Total	Dollars	Percent of Total
Personnel Compensation		\$78,432	72.3%	\$90,780	74.2%	\$95,033	72.6%
Rent		9,751	9.0%	10,698	8.7%	10,654	8.1%
Services		12,607	11.6%	14,677	12.0%	17,583	13.4%
Other		7,668	7.1%	6,245	5.1%	7,710	5.9%
TOTAL		\$108,458	100.0%	\$122,400	100.0%	\$130,980	100.0%

Note: Dollars may not add due to rounding in this and subsequent charts.

¹Services include, but are not limited to, obligations for contractor staff (IT service desk, security guards, financial audits), software licenses, and equipment maintenance.

²“Other” includes budget object classes such as equipment, supplies, communications and equipment rental, travel, training, printing and reproduction, land and structures, postage and contractual mail, and transportation.

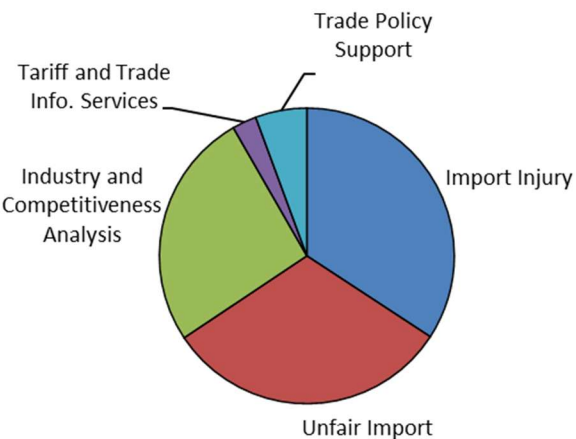
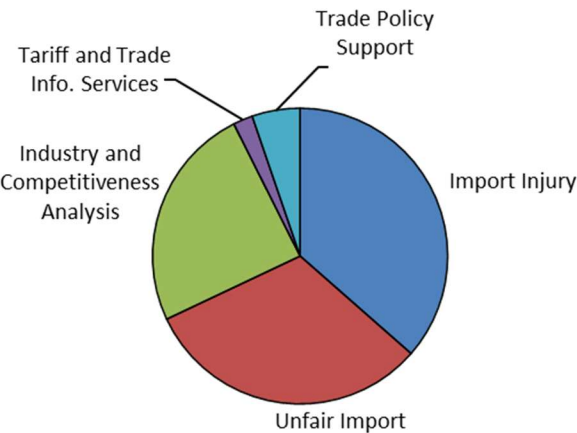
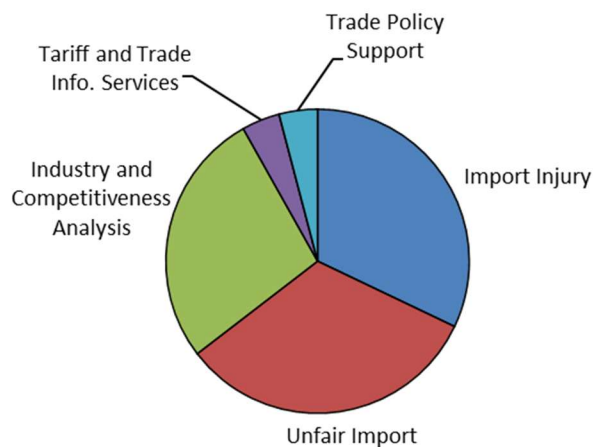
Obligations: Comparison by Strategic Goal, Fiscal Years 2022–24






(Dollar amounts in thousands)

FY 2022: \$108,458

FY 2023: \$122,400

FY 2024: \$130,980



CATEGORY OF OBLIGATION		FY 2022 Actual		FY 2023 Request		FY 2024 Request	
		Dollars	Percent of Total	Dollars	Percent of Total	Dollars	Percent of Total
Trade Remedy Investigations (Strategic Goal 1)							
Import Injury		\$34,777	32.1%	\$44,633	36.5%	\$44,808	34.3%
Unfair Import		35,267	32.5%	38,589	31.5%	41,180	31.4%
Tariff, Trade, and Competitiveness Related Analysis and Information (Strategic Goal 2)							
Industry and Competitiveness Analysis		29,581	27.3%	30,101	24.6%	34,107	26.0%
Tariff and Trade Information Services		4,390	4.0%	2,634	2.2%	3,497	2.7%
Trade Policy Support		4,443	4.1%	6,443	5.3%	7,387	5.6%
TOTAL		\$108,458	100.0%	\$122,400	100.0%	\$130,980	100.0%

Analysis of Change by Budget Object Classification, Fiscal Years 2022–24

(Dollar amounts in thousands)

	FY 2022 Actual	FY 2023 Request	FY 2024 Request	FY 2023–24 Change	Percentage Change
Personnel Obligations	\$78,432	\$90,780	\$95,033	\$4,253	4.7%
Non-personnel Obligations					
Rent	\$9,751	\$10,698	\$10,654	-44	-0.4%
Services	12,607	14,677	17,583	2,906	19.8%
Supplies	1,713	1,997	2,035	38	1.9%
Equipment	3,671	1,770	1,538	-232	-13.1%
Travel	174	411	673	262	63.7%
Training	298	641	789	148	23.1%
Communications and Equipment Rental	1,399	895	2,177	1,282	143.2%
Printing and Reproduction	317	355	343	-12	-3.4%
Official Reception and Representation	2	4	4	0	0.0%
All Other (Transportation, Postage, Land and Structures, Credit Card Rebates)	94	172	152	-20	-11.6%
Subtotal Non-personnel Obligations	\$30,026	\$31,620	\$35,947	\$4,327	13.7%
Total Obligations	\$108,458	\$122,400	\$130,980	\$8,580	7.0%

Summary of Changes from the FY 2023 Budget Request

(Dollar amounts in thousands)

Personnel Obligations

Personnel +\$4,253

Personnel obligations are expected to increase by about \$4.3 million. This funding is required to sustain the human capital investments that we plan to make in FY 2023. Receipt of our FY 2023 budget request of \$122.4 million will enable us to begin a long-overdue hiring initiative that will provide staffing levels commensurate with our workload. Our FY 2024 staffing goal is to have an average staffing level (i.e., full-time equivalents, or FTE) of 437. As of late-January 2023, our onboard staffing level is 394, with vacancy rates as high as 25 percent in offices responsible for statutory workload. What was originally expected to be a temporary surge in caseload has proven to be a sustained structural change. The historically high level of import injury activity over the last 5 to 10 years has contributed to a structural increase in the number of AD/CVD orders returning for five-year reviews. For example, the five-year average number of review institutions increased nearly 30% from 17 during 2008–2012 to 22 during 2013–2017, and increased almost 60% to 27 during 2018–2022.

Further, in FY 2022, our section 337 workload reached the highest level of activity to date and due to the number of new investigations filed and the large number of new investigations filed in FY 2021 and carried into FY 2022, we anticipate that there will be a high number of active cases throughout FY 2023 and into FY 2024. Additionally, in FY 2023 we expect the number of new incoming factfinding reports to increase over FY 2022 and remain steady into FY 2024. Lastly, compared to two or three revisions in a typical year, in FY 2022, we published the HTS 17 times to implement multiple tariff changes. We expect that a similar number of revisions will be necessary for FYs 2023 and 2024.

This funding level will also cover an anticipated 4 percent pay raise effective January 1, 2024, and pay for the normal cost of employee promotions, within-grade increases, and increased benefits.

Non-personnel Obligations

Rent.....-\$44

FY 2024 rent obligations are expected to remain stable; the \$44,000 decrease reflects an adjustment to real estate taxes.

Services.....+\$2,906

Services obligations are expected to increase by \$2.9 million. The largest portion of the increase, \$1.2 million, is requested to explore and contract for more efficient and effective services and/or service providers for our business systems (financial, procurement, travel, and payroll systems). Additionally, funds are required for cloud computing software and inflationary increases to our software engineering contract, IT service desk, building security guards, and software/hardware licensing.

Supplies.....+\$38

Supplies obligations reflect an inflationary increase.

Equipment.....-\$232

Equipment obligations are expected to decrease by \$232,000, which reflects the FY 2023 lifecycle replacement of IT equipment that is not included in the FY 2024 request.

Travel+\$262

Travel obligations are projected to increase \$262,000 and align with post-pandemic travel expectations. This request will sufficiently fund statutory investigations, anticipated studies, knowledge development in emerging trade issues and priority areas, representational travel to international organization meetings, litigation support, and multilateral and regional agreement negotiation support.

Training.....+\$148

Training obligations are expected to increase \$148,000, which will provide sufficient funding for developing and advancing staff skills and meeting the licensing, certification, and professional education requirements of existing and newly hired staff.

Communications and Equipment Rental+\$1,282

Communications and equipment rental obligations are expected to increase by nearly \$1.3 million. The largest contributor is the recurring annual cost of a second telecommunications circuit and carrier to our datacenter being implemented in FY 2023. Currently, we are dependent upon a single circuit and carrier and if either were to experience prolonged outages, we would be unable to access the majority of our data. Build-out of the second circuit provided by another carrier is planned to start this year and will significantly decrease our risk. Additionally, there is an increase in the recurring cost of our Enterprise Infrastructure Solutions telecommunications contract resulting from increases in managed network and security services, bandwidth, and communications circuits that accommodate higher data, voice, and video usage.

Printing and Reproduction-\$12

Printing and reproduction obligations are expected to decrease slightly to reflect updated Government Publishing Office requirements.

All Other (Official Reception and Representation, Transportation, Postage, Land and Structures, Credit Card Rebates)-\$20

Postage obligations are expected to decrease.

Net Non-personnel Obligations Changes.....+\$4,327

Total Adjustment to FY 2023 Base (\$122,400).....+\$8,580

Total FY 2024 Budget Request.....\$130,980

The Commissioners

The USITC is headed by six commissioners, who are nominated by the President and confirmed by the U.S. Senate. David S. Johanson, a Republican, is serving as Chairman of the Commission by operation of law effective June 17, 2022. A Vice Chairman has not been nominated for the current term. Other commissioners currently serving are, in order of seniority, Rhonda K. Schmidtlein, Jason E. Kearns, Randolph J. Stayin, and Amy A. Karpel.⁴

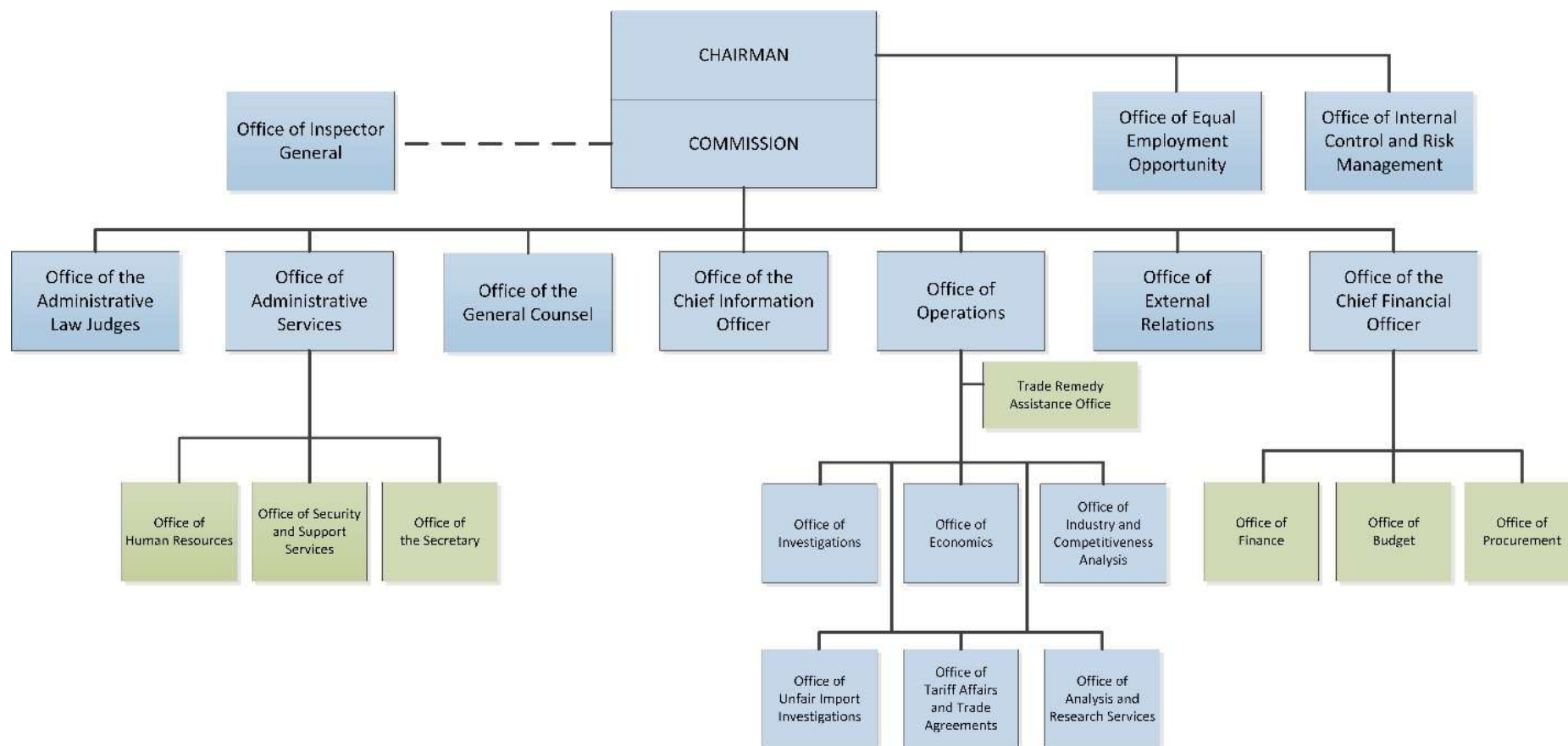
Each commissioner serves a term of nine years, unless appointed to fill an unexpired term. The terms are set by statute and are staggered such that a different term expires every 18 months.⁵ A commissioner who has served for more than five years is ineligible for reappointment. A commissioner may, however, continue to serve after the expiration of his or her term until a successor is appointed and qualified. Congress's desire to create an independent and nonpartisan Commission is evident in the rules that dictate the composition of the Commission. No more than three commissioners may be members of the same political party. The Chairman and the Vice Chairman are designated by the President⁶ and serve for a statutory two-year term. The Chairman may not be of the same political party as the preceding Chairman, nor may the President designate two commissioners of the same political party to serve as the Chairman and Vice Chairman. Currently three Democrats and two Republicans serve as commissioners.

⁴ Currently, there is one vacancy.

⁵ 19 U.S.C. § 1330.

⁶ If the President does not designate a Chairman, the senior commissioner of the relevant political party serves as Chairman, by operation of law.

U.S. International Trade Commission Office-level Organization Chart



Current Permanent and Term Staffing Plan and Target Staffing Levels

Office	Permanent and Term Positions		
	FY 2023 Staffing Plan	Onboard as of 1/23/2023	Gap
Commissioners	38	29	9
External Relations	4	3	1
Internal Control & Risk Management	4	4	0
Inspector General	5	3	2
General Counsel	53	48	5
Administrative Law Judges	26	24	2
Equal Employment Opportunity	2	3	-1
Chief Information Officer	38	35	3
Subtotal: Other Offices	170	149	21
Operations	7	6	1
Analysis and Research Services	28	24	4
Investigations	31	30	1
Unfair Import Investigations	25	23	2
Economics	44	33	11
Tariff Affairs and Trade Agreements	14	12	2
Industry and Competitiveness Analysis	76	62	14
Subtotal: Operations	225	190	35
Chief Financial Officer	2	1	1
Budget	3	3	0
Finance	7	7	0
Procurement	6	6	0
Subtotal: Chief Financial Officer	18	17	1
Administrative Services	5	4	1
Human Resources	12	9	3
Security and Support Services	11	8	3
Secretary and Dockets	20	17	3
Subtotal: Administrative Services	48	38	10
Commission Total	461	394	67

Note: We are constantly evaluating our workload and aligning resources to meet emergent needs. In the short term, we may approve requests for staffing that exceed office allocations to meet workload challenges. If those workload challenges persist, we may make the adjustment permanent by shifting positions. Furthermore, end-of-Q1/beginning-of-Q2 staffing levels typically reflect the lowest point for staffing due to year-end retirements.

The End.



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