



United States International Trade Commission

# Budget Justification

Fiscal Year 2025



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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	The Office of the 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		

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# 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 United States-Mexico-Canada Agreement (USMCA) automotive rules of origin, the economic impact of section 232 and 301 tariffs on U.S. industries, COVID-19 diagnostics and therapeutics and intellectual property protections, U.S.-Haiti trade, the African Growth and Opportunity Act, and the operations of foreign trade zones in North America.

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 USMCA implementing legislation.

## 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 capabilities to include estimates of the distributional effects of trade and trade policy on U.S. workers in its quantitative analysis in future probable economic effects advice. 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 1930 and various other statutes such as section 131 of the Trade Act of 1974 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.<sup>1</sup>

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.

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<sup>1</sup> If the Commission finds a violation and issues an exclusion order and/or cease and desist 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 1930, 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, industry and firm representatives and advocates, 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 evolution 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 U.S. workers, 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 2025 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. With new legislative mandates and an investigative workload that remains relatively high and stable, that strategy is not sustainable, and we have a growing workforce requirement gap that must be closed to fulfill our mission in FY 2024 and FY 2025. 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 FYs 2022 and 2023, we received much-needed increases in our appropriations. In FY 2023, we began a long-overdue hiring initiative that aims to provide staffing levels commensurate with our workload and 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 2022, the Commission was rated as the #7 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 2023 FEVS scores, the root causes of which we are continuing to explore.

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 and projected workloads, and provide linkage to performance planning, i.e., specific outcomes.

Our budget formulation process directly ties resource requests to risk and performance. Our procurement process includes reviewing the timeliness and efficiency of contract activity and reporting the status of procurement actions on a real-time basis. On a quarterly basis, our accounting processes are reviewed to ensure that key financial controls are identifiable and operational and working as documented. These financial process and control evaluations supported the achievement of our thirteenth consecutive unmodified financial audit opinion during FY 2023. In FY 2024, 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 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 2023, 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 modernizing its review processes and ensuring accurate and consistent citing of sources across reports. 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 2024–2025*, and *Annual Performance Report, FY 2023*, which can be found at [https://www.usitc.gov/strategic\\_plan.htm](https://www.usitc.gov/strategic_plan.htm).

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## Budget Highlights

For FY 2025, the Commission requests \$132 million to carry out our mission and functions. The request is in line with compounding inflation over our FY 2023 appropriation of \$122.4 million and is the level of funding required to sustain the human capital investments we plan to make during FY 2024. The volume and complexity of our workload demand a challenging level of effort by our current number of staff. In FY 2023, we began 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 429. As of early-February 2024, our onboard staffing level is 402, with vacancy rates as high as 21 percent in offices responsible for statutory workload. Our hiring initiative 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 will also provide additional resources for section 337 investigations, which remain at high levels.

The request also provides resources for IT investments needed to continuously advance the security of and capabilities of 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 mandated standards and best practices. FY 2025 IT investments include continued replacement of end-of-life equipment, maintaining a zero-trust architecture, and the continued enhancement of our telecommunications network to support continuity of operations, redundancy, and enhanced remote access controls. Additionally, this request includes funds to continuously optimize the overall user experience to include the hybrid working capabilities of staff in their support of internal, public, and intra-governmental customers.



## Workload Drivers

The Commission continues to experience relatively high and stable 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 recent substantial increases in petition filings in import injury investigations coupled with low levels of terminated orders, the average number of instituted and completed investigations has almost doubled in the last decade with commensurate increases in monthly import injury activity levels. This workload is expected to remain at relatively 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 evaluations on large residential washers and monitoring investigation on solar products.

In FY 2023, our section 337 monthly workload normalized to just below the ten-year average, mainly due to the low number of new complaints being filed, after a two-year period of high activity. This allowed the Commission to work through a backlog of investigations remaining from the pandemic and high level of activity in FYs 2021 and 2022. The settlement rate in section 337 remained low, so we expect the majority of current unfair import investigations to remain before the Commission for longer, terminating either at or close to their target date. Indeed, for nearly two decades, there has been an overall upward trend in new investigations filed year over year and even with the decline in new investigations filed this year, we expect the trend to continue in FYs 2024 and 2025.

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 *Distributional Effects*, *Economic Impact of Section 232 and 301 Tariffs*, *Greenhouse Gas Emissions*, and *COVID-19 Diagnostics and Therapeutics* have increased requirements for innovative analysis 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) more often in recent years to incorporate changes brought about by Administration initiatives. Prior to FY 2018, we would typically publish the HTS two or three times per year; in FYs 2021 and 2022, the HTS was published 18 and 17 times, respectively. In FY 2023, the Commission continued

to complete revisions to the HTS at an elevated level: publishing the HTS 14 times to implement multiple tariff changes. We expect that a similar number of publications will be necessary for FYs 2024 and 2025.

## **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 2023, the number of AD/CVD investigations remained at relatively high levels. The caseload is expected to stabilize at relatively high levels in FYs 2024 and 2025, though driven primarily by the structural and more predictable increase in reviews of existing orders required every five years after imposition. In FY 2023, new unfair import matters under section 337 fell to just below the ten-year monthly average after a two-year period of peak activity, and we are expecting caseload to increase in FYs 2024 and 2025.

#### **AD/CVD Caseload Remain at Historically High Levels**

In FY 2023, 10 petitions were filed under Title VII of the Tariff Act of 1930. Filings in FY 2023 were low compared to recent record-breaking years though consistent with the pre-2015 average. In FY 2023, approximately four-fifths of the petitions involved imports from multiple countries. Domestic industries filing petitions in FY 2023 produced a range of products, including various processed agricultural, steel and metal, intermediate, and retail products. More than one-half of the investigations covered retail products (such as gas-powered pressure washers, paper file folders, paper shopping bags, and mattresses). Additional investigations covered processed agricultural products (pea protein) and steel-related intermediate products (such as tin mill products, brass rod, and aluminum lithographic plates). Some investigations were notable because of the size and/or complexity of the U.S. industry and market, including tin mill products, mattresses, and pea protein. In addition to new investigations, we instituted 35 reviews of existing AD/CVD orders in FY 2023 and anticipate instituting 35 in FY 2024 and 34 in FY 2025. While the number of import injury review activity increased, the amount of safeguard activity was less than recent years. In FY 2023, the Commission completed one safeguard end-of-relief evaluation on large residential washers and, as a result of the extension of

relief, initiated a second monitoring investigation on crystalline silicon photovoltaic cells and modules (solar products). Overall, the Commission instituted 53 investigations and reviews and completed 64 investigations and reviews in FY 2023. Recent activity reflects the normal cyclical activity of cases and continued, but stabilizing, elevated levels. We anticipate continued high caseload levels, driven primarily by returning reviews; in FY 2024, we anticipate instituting 70 proceedings and completing 64. In FY 2025, we anticipate instituting 71 proceedings and completing 73.

During FY 2023, we continued our efforts to increase the transparency of our proceedings and reduce the burden on participating parties, as well as increase investigative efficiency. We rolled out a standard format for collection of quantitative information requested in connection with the Commission's responses to its notice of institution for 5-year reviews. This new approach substantially reduces manual activity by Commission staff and provides consistency and reduced revisions for external parties. We met with stakeholders and used feedback to update this information collection vehicle. In FY 2023, we completed development and launch of the Investigations Database System, or IDS, which provides more complete, timely, and accessible reporting of investigative information across Commission investigative activities, including import injury information.

### **Unfair Import Investigations Caseload Remains High**

After peaking in FY 2022, our section 337 workload returned to the ten-year average levels of monthly activity, due to a decline in the number of complaints filed during the FY 2023. Despite this normalizing, we anticipate that there will likely be an increased number of filings in FY 2024 into FY 2025.

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, as well as cease and desist orders that prohibit domestic marketing and sales of the unfairly traded imports. 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 smart

thermostats, hazelnuts, landscape lighting devices, raised garden beds, fitness devices, compact wallets, icemaking machines, and golf clubs. 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, focusing on making the process more efficient and less costly for both litigants and the agency. Our efforts include improvements to courtroom space to allow for witnesses to appear remotely through our FedRAMP-certified video-teleconference platform, 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 2024. 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 launched IDS, which has provided detailed information to the public about investigations instituted since October 1, 2008. These efforts necessitate an adequate level of funding.

Synergies between EDIS and IDS have helped 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 2023, and the number of requests will likely remain at similar levels in FYs 2024 and 2025.

## **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 2023, our priority effort for model innovation was estimating the distributional effects of trade on underserved U.S. communities. During FYs 2024 and 2025, 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 the United States-Mexico-Canada Agreement (USMCA) automotive rules of origin, anti-corruption provisions in international agreements, and evolutions in global supply chains; estimate the greenhouse gas emissions intensity of U.S. industries; and assess industry competitiveness.

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 possibilities—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. 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 international nomenclature is harmonized and considers stakeholder interests and changing patterns of trade. Compared to two or three revisions in a typical year, in FY 2023, we prepared and published the HTS 14 times, including the annual Basic Edition in January 2023. Revisions were made to reflect trade actions with respect to, inter alia, increasing the column 2 rate of duty for imports from the Russian Federation; adjusting tariff rates for Russian aluminum and Ukrainian steel; adjusting tariff rate quota quantity limitations in accordance with the U.S.-Australia Free Trade Agreement; and, to make conforming and technical amendments to section 301 tariffs, including extending COVID-related product exclusions.

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 reporting numbers must be updated and maintained throughout the year to reflect changes from implementing trade agreements and from other congressional and administration actions. In FY 2023, we deployed much needed functional improvements to the HTS Data Management System and limited, necessary improvements to HTS Search. In FY 2023, the Commission administered a user survey to collect stakeholder feedback on how to improve DataWeb (the USITC web application that makes available official U.S. import and export statistics to the public in a queryable web-based interface) to update documentation of new system requirements which will be developed and implemented in FY 2024.

In FY 2024, we will evaluate the effectiveness of the recent HTS updates, documenting any deficiencies, in preparation for future development efforts. By employing this cycle of continued evaluation and improvement, 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. The FY 2023 improvements to the HTS Data Management System will be followed by a major version update to DataWeb, which will be implemented in FY 2024. 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**

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. 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 2023, 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 the impact of trade on U.S. workers, tariffs imposed under sections 232 and 301, the Russia-Ukraine war, digital services and trade, environmental impacts of trade agreements, trade facilitation measures, the identification and impact of nontariff 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.

### **Diversity, Equity, and Inclusion in Our Workforce**

In FY 2023, our diversity, equity, and inclusion (DEI) program was primarily led by the Office of Human Resources. 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 and events; 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 2024 and 2025, we must maintain our commitment to hiring diverse staff and reducing our vacancy rate to ensure a lasting and meaningful commitment to these efforts. In the meantime, the executive staff in conjunction with the DEI Council as a consultative body, will continue to assess program diversity, equity, inclusion, and accessibility 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 Pathways 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 demonstrate our commitment to improved IT security by complying with and implementing mandates and best business practices pertaining to IT security in a timely way. We continue to enhance our access controls and core architecture using secure devices and a reduced physical footprint. We continuously mature our monitoring abilities, tracking and reporting on all activities via our security operations center. We maintain and adhere to a zero-trust architecture.

In FY 2025, 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 evaluation and 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
- continued participation in the Cybersecurity and Infrastructure Security Agency (CISA) Continuous Diagnostics and Mitigation (CDM) program
- refinement 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 2025 by maintaining a secure and modernized remote access solution and ensuring improved levels of availability and accessibility by expanding our hybrid cloud-based architecture, as necessary. We will continue to evaluate the need for additional compute capabilities in the cloud to 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 2025, 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 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, \$132,000,000, 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 is 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 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 steel, processed agricultural products, intermediate products, and retail products. In FY 2023, we instituted 10 preliminary-phase investigations covering a wide variety of industries in the U.S. economy. More than one-half of the investigations covered retail products (such as paper file folders, paper shopping bags, gas powered pressure washers, and mattresses). Other investigations covered processed agricultural products (pea protein) and steel or intermediate products (such as tin mill products, brass rod, and aluminum lithographic printing plates). The high level of import injury activity over the last 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 35 reviews of existing AD/CVD orders in FY 2023 and anticipate instituting 35 and 34 in FYs 2024 and 2025, respectively. The five-year average number of review institutions increased from 19 in FY 2013 to 22 in FY 2018 to 31 in FY 2023. In FY 2023, the Commission completed one safeguard end-of-relief evaluation on large residential washers and, as a result of the extension of relief, initiated a second monitoring investigation on crystalline silicon photovoltaic cells and modules (solar products). The Commission will also conduct an end-of-relief evaluation when actions taken by the President for solar products expire on February 6, 2026. In FY 2023, the Commission instituted 53 investigations and reviews (compared to 65 in FY 2022) and completed 64 investigations and reviews (compared to 52 in FY 2022). This level of overall investigations reflects the normal cycle of cases and is consistent with recent elevated levels (the FY 2013-to-FY 2022 average for institutions and completions was 57 and 54, respectively).

In FY 2023, four-fifths of the 10 petitions filed involved imports from multiple countries, ranging from 2 to 13 countries per filing, totaling 30 countries, with China and India being the predominant import sources (included in 6 of 10 petitions each). Collectively, AD/CVD investigations resulting from petitions filed in FY 2023 involved about \$14.5 billion in U.S. consumption, \$5.0 billion in imports, and just under 18,000 U.S. production employees. The leading contributors to the U.S. consumption value were mattresses and tin mill products, representing more than 65 percent of the total, followed by paper shopping bags and brass rod. The mattresses industry accounted for the single-largest U.S. employment value, followed by the tin mill products 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 2023, the Commission completed development and rollout of the Investigations Database System, or IDS, which provides more complete, timely, and accessible investigative information across all major Commission mission areas, including import injury investigative information.

In FY 2023, we reached out to import-injury mission area stakeholders to discuss investigative processes and procedures, and to get feedback regarding ongoing efforts. Representatives across Commission import-injury mission offices met with representatives of the Customs and International Trade Bar Association (CITBA) to identify and discuss key areas for feedback and improvement. As a result of this communication effort, the Commission and CITBA collaborated on improvements to the responses to the notice of institution data collection vehicle and feedback on the useability of an alternative platform for collection of import-injury investigation questionnaires. These efforts improve our investigative processes by reducing the burden on participating parties and increasing investigative efficiency. This new approach substantially reduces manual activity by Commission staff and provides consistency and reduced revisions for external parties. We continued to meet statutory deadlines despite the challenges of recruiting and retaining staff. Throughout FY 2023, we continued to make publicly available investigations-related content on our website, and despite the relatively elevated workload, the Commission met 100 percent 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. While we can be more certain of the number of reviews in the near future – 5 to 6 years – there is substantially more uncertainty in estimating the number of future filings. Overall caseload (i.e., new filings plus reviews) fluctuates from year to year. While our caseload has steadily increased, investigations appear to be transitioning to an elevated, but more slowly growing, level that is increasingly variable compared to historic levels. During FY 2009–13, annual institutions fluctuated between 32 and 43, with an average of 37; during FY



2014–18, institutions fluctuated between 42 and 66, with an average of 54; and during FY 2019–23, institutions fluctuated between 53 and 75, with an average of 63. This upward shift was driven by several years of relatively high petition filings that began in FY 2015. The average number of petitions in the eight years preceding FY 2015 was 10, whereas the average was 16 in the eight years following FY 2015. The growth in cases instituted per year has also been the result of fewer trade-remedy orders being revoked than being issued, resulting in a stock of orders that has increased substantially in the past five years. The rolling five-year average of instituted reviews has steadily increased from 14 in FY 2010 to 31 in FY 2023; the projected rolling five-year average for FY 2024–29 is 39 and is projected to reach a 20-year record level of 48 in FY 2028. We anticipate continued high caseload levels, driven primarily by returning review investigations; in FY 2024, we anticipate instituting 70 proceedings and completing 64. In FY 2025, we anticipate instituting 71 proceedings and completing 73. In addition to the steadily increasing caseload, 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.

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.

A significant share of employee resources in the Office of the General Counsel (OGC) are dedicated to defending Commission Title VII determinations in domestic courts, as well as before WTO and NAFTA/USMCA dispute settlement panels. The Commission also assists USTR in defending U.S. safeguard determinations in WTO dispute settlement proceedings. In FY 2023, there were 14 new appeals related to Commission Title VII proceedings to the CIT and one new appeal to the Federal Circuit. At the close of FY 2023, there were 23 Commission import injury cases pending in the CIT, one pending case in the Federal Circuit, and one pending before a NAFTA dispute settlement panel. During FY 2023, there were five disputes involving challenges to Commission determinations pending at the WTO, including one new dispute that commenced in FY 2023.

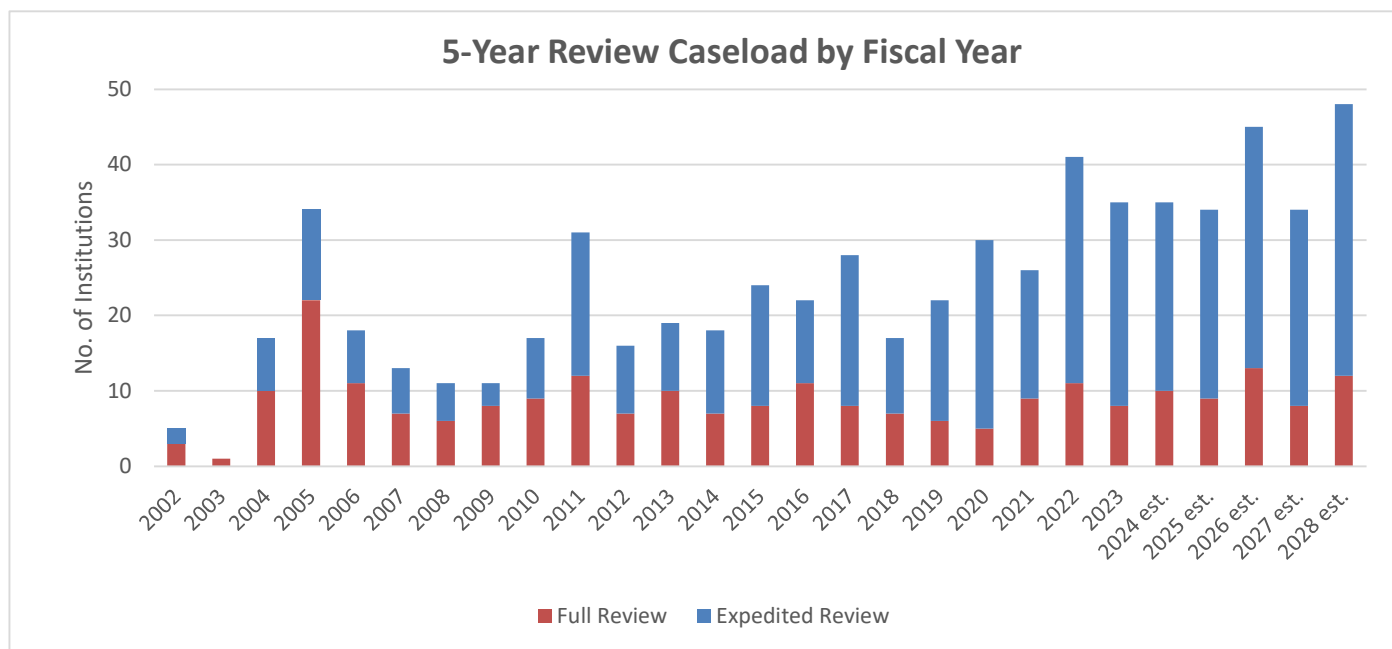
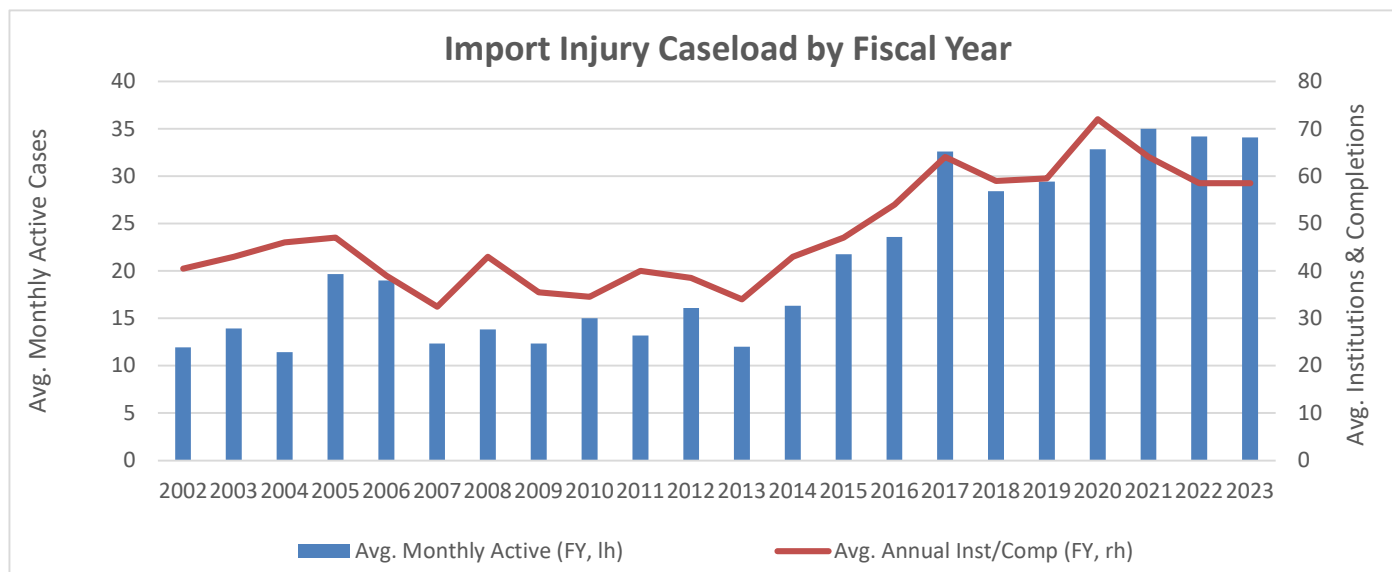
For FYs 2024 and 2025, we project that the number of new appeals challenging our import injury determinations will continue to remain high or increase, reflecting the increased number of new petitions filed in FYs 2022 and 2023, as well as the number of active investigations and five-year reviews that were recently completed in FY 2023 or will be completed in FY 2024.

Trends in the investigative caseload and caseload estimates for FYs 2024 and 2025 are shown below.

## Import Injury Investigations Caseload

### Instituted and Completed Investigations

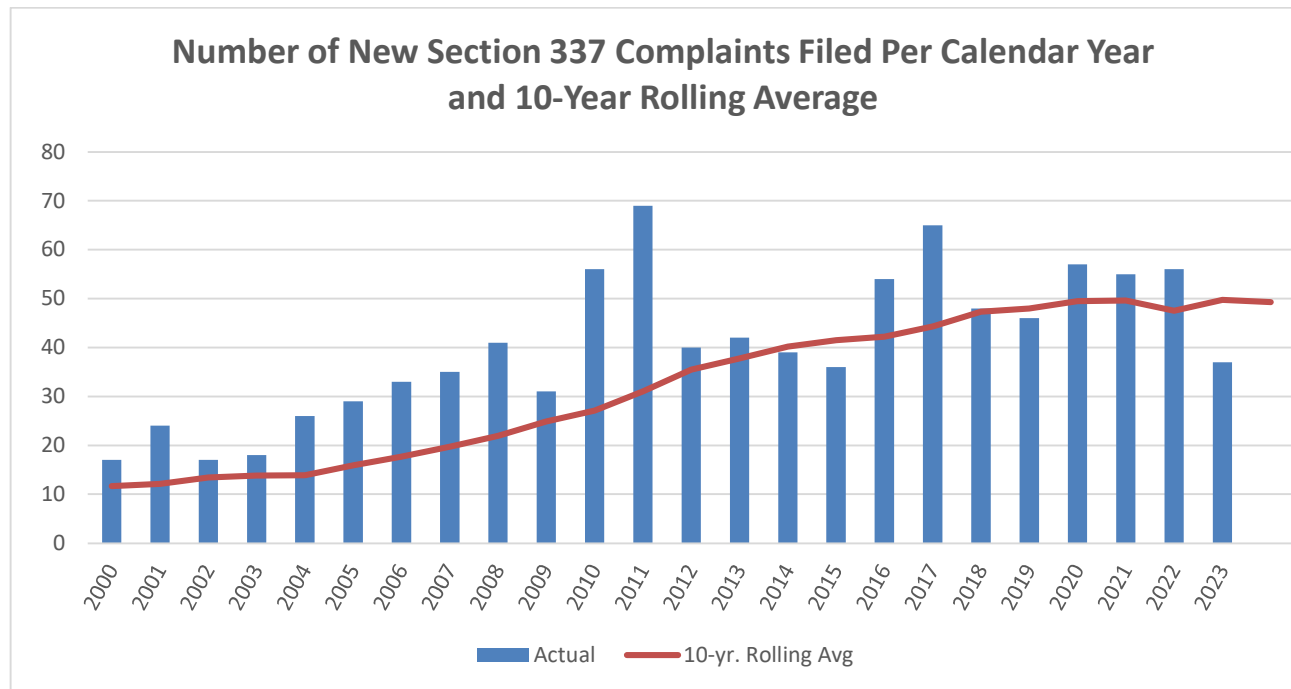
	Instituted							Completed						
	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimate	FY 2025 Estimate	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimate	FY 2025 Estimate
Preliminary Title VII	15	26	11	10	10	18	17	19	25	12	10	10	15	18
Final Title VII	19	16	23	14	6	15	18	15	20	25	13	9	12	18
Other	3	3	1	0	2	2	2	2	2	2	1	1	2	2
Full review	6	5	9	11	8	10	9	7	6	5	6	11	9	10
Expedited review	16	25	17	30	27	25	25	17	16	23	22	33	26	25
<b>Total</b>	<b>59</b>	<b>75</b>	<b>61</b>	<b>65</b>	<b>53</b>	<b>70</b>	<b>71</b>	<b>60</b>	<b>69</b>	<b>67</b>	<b>52</b>	<b>64</b>	<b>64</b>	<b>73</b>



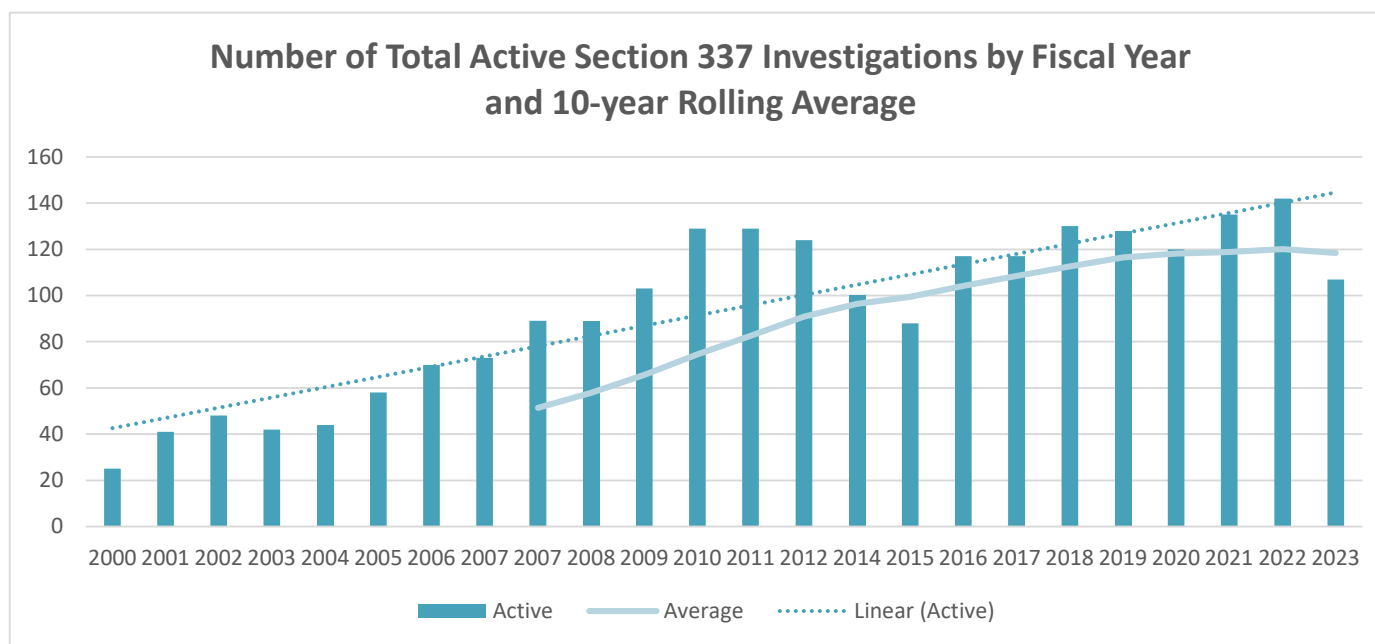
## Unfair Import Investigations

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 that 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. The Commission has 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.

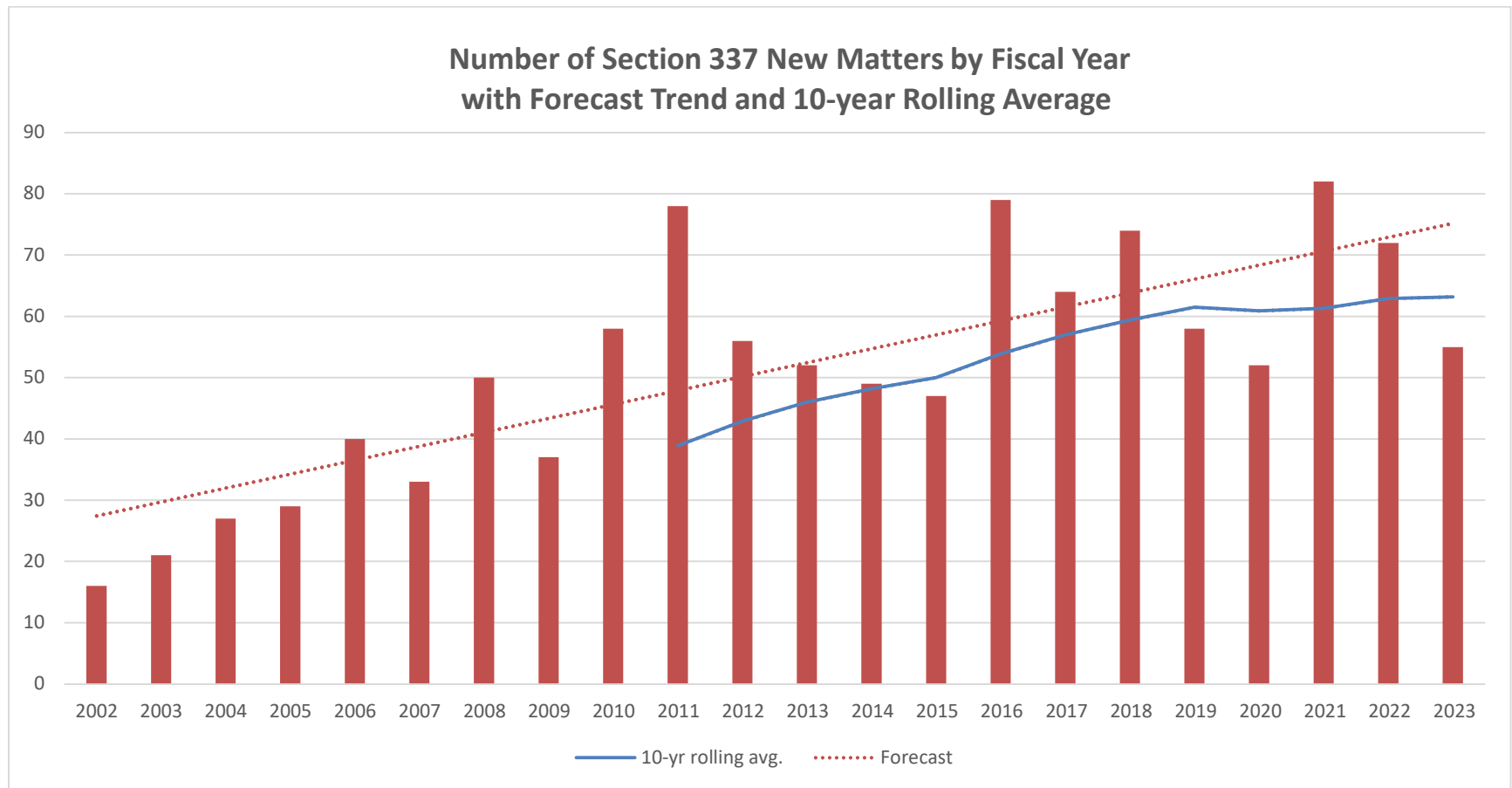
For nearly two decades, there has been an overall upward trend in new complaints filed year over year (as illustrated in the chart below). In FY 2023, we saw this trend plateau after two years of heavy filings. Based on the number of complaints filed during the first quarter of FY 2024, 15, we expect this level of new filings to at least remain at the current level or increase in FYs 2024 and 2025. 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) identification of 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 and ancillary proceedings, 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 in FY 2023 declined from the peak in FY 2022. However, the ten-year rolling average only declined slightly due to the overall upward trend over the last 10 years.



In FY 2023, the settlement rate of section 337 investigations (i.e., the rate at which private parties settled their disputes or complaints were withdrawn) remained at 46 percent, similar to FY 2022. While settlement rates did not reach their all-time low of 34 percent in FY 2020, this continued level of settlements 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 being litigated in subsequent years. As a result, the investigations instituted in FY 2023 will continue to have an impact on workload in FY 2024 and possibly 2025 as the Commission institutes new investigations and ancillary matters each year. As the table below indicates, the trend of these institutions and their effect on the active caseload in subsequent years continues to increase over time, even in years where the number of new matters instituted declined. These new investigations add to the overall number of active investigations.



The average length of an investigation completed on the merits in FY 2023 increased to 17.5 months from 17.1 months in FY 2022. By the close of FY 2023, the Commission was able to resolve all but one investigation filed during FY 2021 and many of the investigations commenced in FY 2022. In early FY 2023, the Commission resumed in-person evidentiary hearings, 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. The Commission also uses its video teleconferencing platform for many other types of hearings, such as claim construction and case management conferences to reduce expense to the private parties.

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 10 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.<sup>2</sup>

The spectrum of products and IP rights at issue in section 337 investigations is quite broad. There continues to be a steady number of investigations seeking general exclusion orders for consumer goods. 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 2023, we also adjudicated investigations involving pharmaceuticals and medical devices, transportation-related products, and products such as smart thermostats, hazelnuts, landscape lighting devices, raised garden beds, fitness devices, compact wallets, icemaking machines, and golf clubs.

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 an independent 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

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



to be the most IP-intensive in the United States.<sup>3</sup> 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 conduct 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. Since inception, fourteen investigations have been in this program, including one in FY 2023. All but two of these investigations were completed prior to their initial target date. The existence of this program has also 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 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. Two investigations have used this new pilot. 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

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<sup>3</sup> 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.

consent order. U.S. importers, would-be importers, and IP rights holders have all expressed concern in recent years about how they 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 21 investigations since FY 2016, including one in FY 2023. 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. While our settlement rate remains low, settlements reduce the number of investigations in which we must make final determinations and conserve the resources of both litigants and the agency.

**Office of the General Counsel's Appellate Litigation Stemming from Unfair Import Investigations (Section 337)**

Status	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimate
Number of appeals pending end of FY	17	15	26	17	26	17	24	23	25

A significant share of employee resources in the Office of the General Counsel (OGC) are dedicated to appellate litigation pending at the U.S. Court of Appeals for the Federal Circuit stemming from section 337 investigations. The Office of the General Counsel is

typically successful in defending the Commission’s determinations before the Federal Circuit. The table above displays the number of pending appeals at the end of each fiscal year, FYs 2016–24. This is only a snapshot of the appellate litigation challenging section 337 determinations handled by OGC, and it does not capture the full number of active cases handled during any particular year (while many cases last beyond a single fiscal year, others open and close during the same fiscal year and are not reflected). For example, during FY 2023, OGC handled 39 active section 337 litigation appellate matters all before the Federal Circuit. OGC also handles district court litigation involving subpoena enforcement and assists the Department of Justice in other section 337-related litigation.

Caseload estimates for FYs 2024 and 2025 are shown below.

# Unfair Import Investigations Caseload

## Instituted and Completed Original and Ancillary Investigations

Status	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimate	FY 2025 Estimate
Instituted	59	52	82	71	55	71	73
Completed	60	67	64	90	60	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. Investigations completed in FY 2023 include:

- *U.S.-Haiti Trade: Impact of U.S. Preference Programs on Haiti's Economy and Workers*, Inv. 332-590
- *Certain Fabrics of Triacetate Filament Yarns: Effect of Modification to U.S.-Korea Free Trade Agreement Rules of Origin*, Inv. 103-033
- *Monitoring of Fresh or Chilled Bell Peppers*; Inv. No. 332-582
- *Monitoring of Fresh or Chilled Strawberries*; Inv. No. 332-581
- *Foreign Trade Zones: Effects of FTZ Policies and Practices on U.S. Firms Operating in U.S. FTZs and under Similar Programs in Canada and Mexico*, Inv. 332-588
- *African Growth and Opportunity Act: Program Usage, Trends, and Sectoral Highlights*, Inv. 332-589
- *Economic Impact of Section 232 and 301 Tariffs on U.S. Industries*, Inv. 332-591
- *Distributional Effects of Trade and Trade Policy on U.S. Workers*, Inv. 332-587
- *Caribbean Basin Economic Recovery Act: Impact on U.S. Industries and Consumers and on Beneficiary Countries*, Inv. 332-595
- *Shifts in U.S. Merchandise Trade 2022*, Inv. No. 332-597
- *USMCA Automotive Rules of Origin: Economic Impact and Operation, 2023 Report*, Inv. No. 332-592
- *Recent Trends in U.S. Services Trade: 2023 Annual Report*, Inv. No. 332-594

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 2023, 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 2024 and 2025

In FYs 2024 and 2025, we expect the number of new factfinding investigations to be similar to that of FY 2023, 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 routinely engage with requestors to discuss emerging priorities that may affect Commission work. Our staff also 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 2024, 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 concluded or ongoing in FY 2024 include:

- *COVID-19 Diagnostics and Therapeutics: Supply, Demand, and TRIPS Agreement Flexibilities* (report issued October 2023)
- *Distributional Effects of Trade and Trade Policy on U.S. Workers, 2026 Report*
- *USMCA Automotive Rules of Origin: Economic Impact and Operation, 2025 Report*
- *U.S.-Pacific Islands Trade and Investment: Impediments and Opportunities* (report issued October 2023)
- *Recent Trends in U.S. Services Trade: 2024 Annual Report*
- *Shifts in U.S. Merchandise Trade, 2023*
- *The Year in Trade, 2023*
- *Greenhouse Gas Emissions Intensities of the U.S. Steel and Aluminum Industries at the Product Level*

- *Certain Textile and Apparel Imports from China* (quarterly report)
- *Apparel: Export Competitiveness of Certain Foreign Suppliers to the United States*

We anticipate a robust analytic workload in FYs 2024 and 2025 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 economic models 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; industry competitiveness; and global supply chains
- deepening expertise on provisions in trade agreements and their effects on U.S. trade
- 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 2024 and 2025 include, among others, the following:

- the trade policy focus of the executive and legislative branches
- interest by trade policymakers in the impact of artificial intelligence and other 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 2024 and 2025, 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 the 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 2024 and 2025 are shown below.



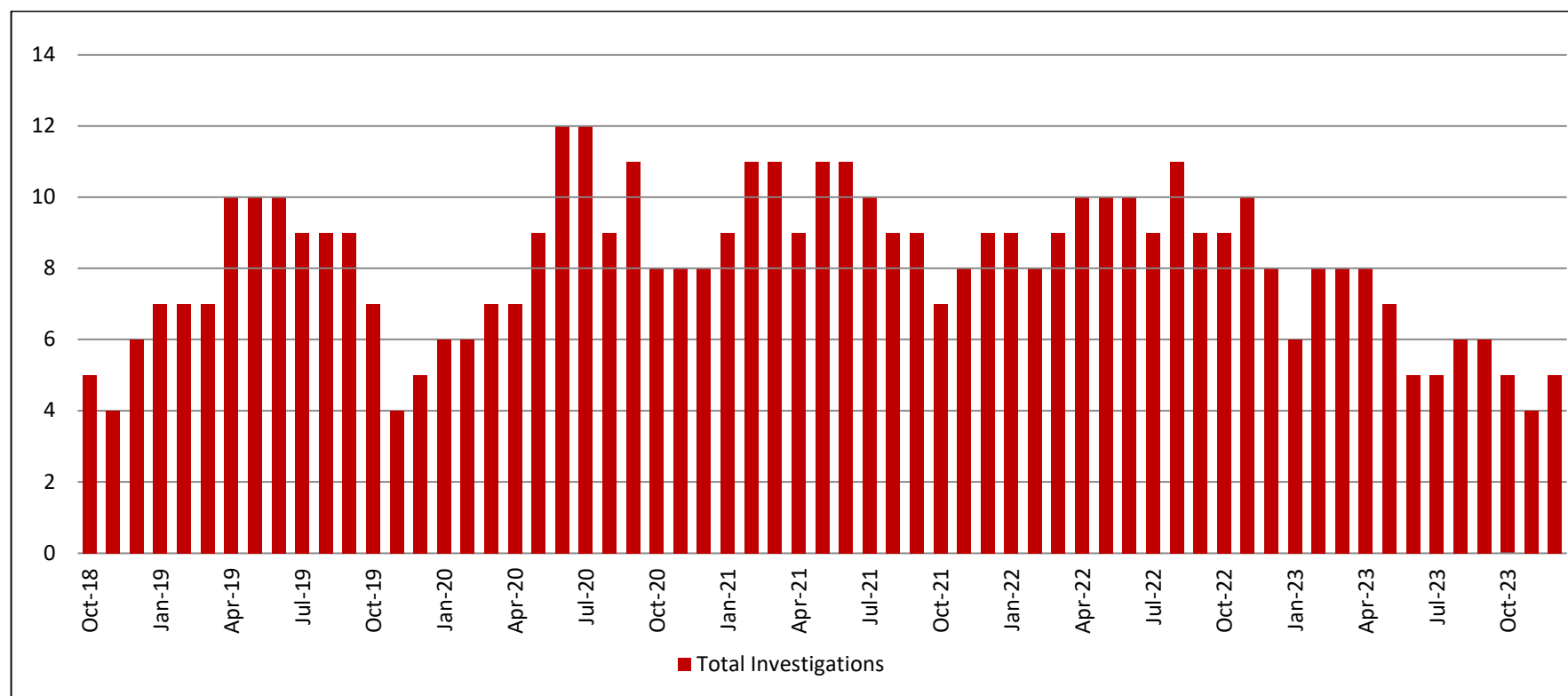
## Industry and Economic Analysis Investigations Caseload

### Instituted and Completed Investigations

	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimate	FY 2025 Estimate
Instituted	16	15	9	11	8	10	9
Completed	13	14	9	9	12	9	9

Note: Instituted and completed totals include both recurring and non-recurring reports. Investigation totals reflect the historical record available in IDS, which became available in FY 2023, and may be more complete (higher) than reported in earlier years of this report.

### Monthly Active Caseload



## 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) and World Trade Organization (WTO). 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.

## 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 \$74.9 billion assessed on \$3.1 trillion in imports in FY 2023. 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, and, in FY 2023, over 2.27 million unique visitors used the publicly available online system, known as HTS Search. The HTS underlies the U.S. trade data maintained by the U.S. Census Bureau (Census) and is critical to CBP managing its trade enforcement activities.

In FY 2023, we published the HTS 14 times—a Basic Edition in January 2023, plus 13 revisions over the course of the fiscal year. Prior to FY 2018, the USITC typically published the HTS only two or three times annually.

Number of HTS Publications	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
	Actual	Actual	Actual	Actual	Actual	Actual	Actual
	3	16	16	31	18	17	14

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 years. In FY 2023, we deployed much needed functional improvements to the HTS Data Management System and limited, necessary improvements to HTS Search. In FY 2024, we will evaluate the effectiveness of the implemented solutions and document deficiencies, in preparation for future development efforts. By employing this cycle of continued evaluation and improvement, 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.

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 reporting numbers 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. interests into account. In addition, we provide ongoing support to Congress and the USTR on national, bilateral, plurilateral and multilateral trade programs, on topics affecting the HTS such as trade preference programs, trade agreements, rules of origin, and other tariff actions. Finally, we assist the public in understanding the HTS, answering over 1,600 questions received through HTS help channels in FY 2023.

## DataWeb

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, in FY 2023, the Commission administered a user survey to collect stakeholder feedback to identify requirements to improve the DataWeb. The solutions will be developed and implemented in FY 2024.

## 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 2023, 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 2024 and 2025 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.

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# 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 2025 budget request of \$132 million includes \$13.4 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 maintain 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 continue 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 2023, with over 2.6 million unique visitors, up from 2.0 million in FY 2022. The HTS system is scheduled to be re-engineered in FY 2025 to take advantage of modern database technologies.

**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, and U.S. total imports and related duty data for 1989 to the present. 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 in FY 2024–25 to improve functionality and update technologies.

## Information Security

We will continue to strengthen our security posture in FY 2025 by investing in, maintaining, and enhancing 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 2025, we will continue to participate in the CDM program.

**Security Controls Assessments (SCAs):** We continue to conduct SCAs on defined local and cloud-based 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. USITC has a well-defined ATO process for both internal and cloud-based systems which utilizes a continuous monitoring model. In FY 2025, 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 2025, we will continue using login.gov for public facing applications as part of our zero-trust architecture.

**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 2025, 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 mature our privacy program in FY 2025 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.



**Maintaining 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 2025, USITC will continue to build on its successes experienced in previous years while maintaining zero trust throughout our 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 2025, we will continue 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

All executive branch agencies are required 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](http://www.usitc.gov)) is the most important digital service that we offer for public engagement, with over 1.14 million visitors accounting for over 1.61 million site visits in FY 2023. 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.

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.

# 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 2024. The OIG uses contractor support to perform the independent audit of the Commission's annual financial statements and review the Commission's compliance with the Federal Information Security Modernization Act (FISMA). In-house staff will provide oversight of the contractors and perform the remaining three mandatory reviews. In addition to these reviews, the OIG has identified five potential areas for discretionary review in the FY 2024 Annual Audit Plan. The plan also contains a list of reserve audits and reviews that the OIG would like to perform if resources become available.

The Inspector General Reform Act (Pub. L. 110-409) was signed by the President on October 14, 2008. Section 6(f)(1) of the Inspector General Act of 1978, 5 U.S.C. app., was amended to require certain specifications concerning Office of Inspector General budget submissions each fiscal year.

Each Inspector General (IG) is required to transmit a budget request to the head of the establishment or designated Federal entity to which the IG reports specifying:

- the aggregate amount of funds requested for the operations of the OIG
- the portion of this amount requested for OIG training, including a certification from the IG that the amount requested satisfies all OIG training requirements for that fiscal year
- the portion of this amount necessary to support the Council of the Inspectors General on Integrity and Efficiency (CIGIE)

The head of each establishment or designated Federal entity, in transmitting a proposed budget to the President for approval, shall include:

- an aggregate request for the OIG
- the portion of this aggregate request for OIG training

- the portion of this aggregate request for support of the CIGIE
- any comments of the affected IG with respect to the proposal

The President shall include in each budget of the U.S. Government submitted to Congress:

- a separate statement of the budget estimate submitted by each IG
- the amount requested by the President for each OIG
- the amount requested by the President for training of OIGs
- the amount requested by the President for support of the CIGIE
- any comments of the affected IG with respect to the proposal if the IG concludes that the budget submitted by the President would substantially inhibit the IG from performing the duties of the OIG

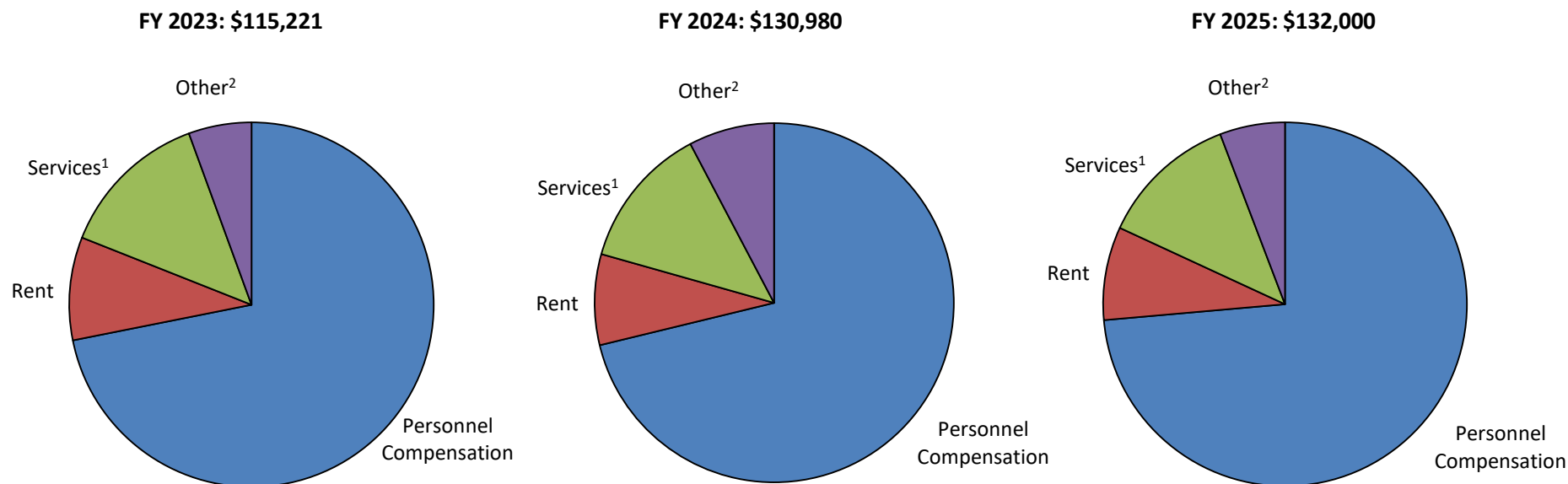
Following the requirements as specified above, the OIG of the U.S. International Trade Commission submits the following information relating to the OIG's requested budget for fiscal year 2025:





- \$2,073,933 in aggregate for the operations of the OIG
- \$28,000 of that amount for OIG training
- \$8,263 (0.40 percent of the budget request) for OIG's contribution to the Council of the Inspectors General on Integrity and Efficiency

I, Rekha "Rashmi" Bartlett, certify as the IG of the U.S. International Trade Commission that the amount I have requested for training satisfies all OIG training requirements for fiscal year 2025.

## Obligations: Comparison by Budget Object Classification, Fiscal Years 2023–25

(Dollar amounts in thousands)



CATEGORY OF OBLIGATION		FY 2023 Actual		FY 2024 Request		FY 2025 Request	
		Dollars	Percent of Total	Dollars	Percent of Total	Dollars	Percent of Total
Personnel Compensation		\$82,796	71.9%	\$95,033	72.6%	\$97,152	73.6%
Rent		10,523	9.1%	10,654	8.1%	10,959	8.3%
Services		15,472	13.4%	17,583	13.4%	16,227	12.3%
Other		6,430	5.6%	7,710	5.9%	7,662	5.8%
<b>TOTAL</b>		<b>\$115,221</b>	<b>100.0%</b>	<b>\$130,980</b>	<b>100.0%</b>	<b>\$132,000</b>	<b>100.0%</b>

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

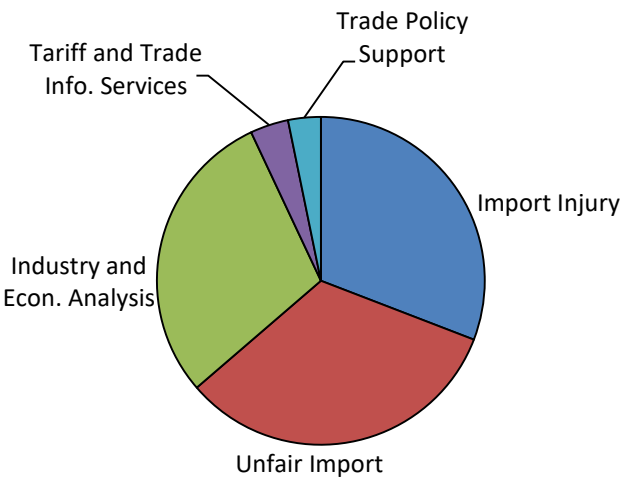
<sup>1</sup>Services include, but are not limited to, obligations for contractor staff (IT service desk, security guards, financial audits), software licenses, and equipment maintenance.

<sup>2</sup>“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.

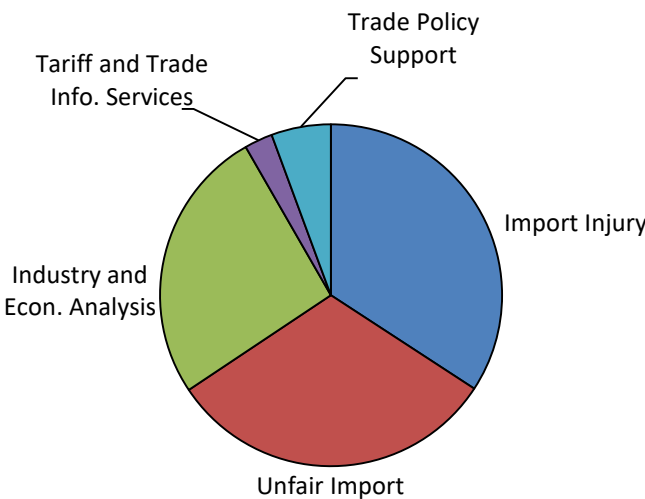
# Obligations: Comparison by Strategic Goal, Fiscal Years 2023–25

(Dollar amounts in thousands)

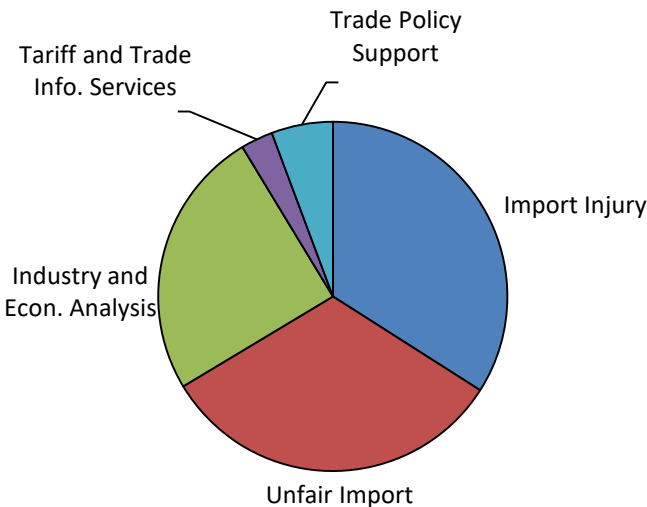
**FY 2023: \$115,221**








**FY 2024: \$130,980**



**FY 2025: \$132,000**



CATEGORY OF OBLIGATION		FY 2023 Actual		FY 2024 Request		FY 2025 Request	
		Dollars	Percent of Total	Dollars	Percent of Total	Dollars	Percent of Total
Trade Remedy Investigations (Strategic Goal 1)							
Import Injury		\$35,556	30.9%	\$44,808	34.3%	\$44,933	34.0%
Unfair Import		37,819	32.8%	41,180	31.4%	42,702	32.4%
Tariff, Trade, and Competitiveness related Analysis and Information (Strategic Goal 2)							
Industry and Economic Analysis		33,807	29.3%	34,107	26.0%	32,921	24.9%
Tariff and Trade Information Services		4,356	3.8%	3,497	2.7%	3,920	3.0%
Trade Policy Support		3,684	3.2%	7,387	5.6%	7,524	5.7%
<b>TOTAL</b>		<b>\$115,221</b>	<b>100.0%</b>	<b>\$130,980</b>	<b>100.0%</b>	<b>\$132,000</b>	<b>100.0%</b>

## Analysis of Change by Budget Object Classification, Fiscal Years 2023–25

(Dollar amounts in thousands)

	FY 2023 Actual	FY 2024 Request	FY 2025 Request	FY 2024–25 Change	Percentage Change
<b>Personnel Obligations</b>	<b>\$82,796</b>	<b>\$95,033</b>	<b>\$97,152</b>	<b>\$2,119</b>	<b>2.2%</b>
<b>Non-personnel Obligations</b>					
Rent	\$10,523	\$10,654	\$10,959	\$305	2.9%
Services	15,472	17,583	16,227	-1,356	-7.7%
Supplies	1,993	2,035	2,152	117	5.7%
Equipment	1,710	1,538	1,405	-133	-8.6%
Travel	377	673	600	-73	-10.8%
Training	437	789	700	-89	-11.3%
Communications and Equipment Rental	1,601	2,177	2,324	147	6.8%
Printing and Reproduction	280	343	338	-5	-1.6%
Official Reception and Representation	1	4	4	0	0.0%
All Other (Transportation, Postage, Land and Structures, Credit Card Rebates)	30	152	139	-13	-8.6%
<b>Subtotal Non-personnel Obligations</b>	<b>\$32,425</b>	<b>\$35,947</b>	<b>\$34,848</b>	<b>-\$1,100</b>	<b>-3.1%</b>
<b>Total Obligations</b>	<b>\$115,221</b>	<b>\$130,980</b>	<b>\$132,000</b>	<b>\$1,020</b>	<b>0.8%</b>

# Summary of Changes from the FY 2024 Budget Request

(Dollar amounts in thousands)

## Personnel Obligations

**Personnel..... +\$2,119**

Personnel obligations are expected to increase by about \$2.1 million. This funding is required to sustain the human capital investments that we plan to make in FY 2024. The volume and complexity of our workload demand a challenging level of effort by our current number of staff. In FY 2023, we began 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 429 and our plan is to maintain that level in FY 2025. As of early-February 2024, our onboard staffing level is 402, with vacancy rates as high as 21 percent in offices responsible for statutory workload. What was originally expected to be a temporary surge in caseload has proven to be a sustained, though stabilizing, structural change. The substantial increases in activity from approximately FY 2015 to FY 2019 have transitioned to sustained elevated levels. For example, the average monthly anti-dumping/countervailing duty active case count between FY 2010 and FY 2014 was 15 and typically fluctuated plus-or-minus 4; however, the average monthly active case count between FY 2020 and FY 2023 was 34 and fluctuated plus-or-minus 2.

Further, in FY 2023, our section 337 monthly workload normalized to just below the ten-year average, mainly due to the low number of new complaints being filed, after a two-year period of high activity. Based on the number of complaints filed during the first quarter of FY 2024, 15, we expect the level of new filings to increase in FYs 2024 and 2025. Additionally, in FYs 2024 and 2025, we expect the number of new incoming factfinding reports to be similar to that of FY 2023, given the active trade policy agenda of the executive and legislative branches. Lastly, compared to two or three publications in a typical year, in FY 2023, we published the HTS 14 times to implement multiple tariff changes. We expect that a similar number of publications will be necessary for FYs 2024 and 2025.

This funding level will also cover the anticipated pay raise effective January 1, 2025, and pay for the normal cost of employee promotions, within-grade increases, and increased benefits.

## Non-personnel Obligations

**Rent..... +\$305**

FY 2025 rent obligations are expected to increase by \$305,000 because of an inflationary increase to operating costs.

**Services ..... -\$1,356**

Services obligations are expected to decrease by \$1.4 million, largely because of the one-time cost that we would incur in FY 2024 to change financial services providers. We are reviewing our processes and procedures and have met with federal financial shared services providers to discuss the financial, procurement, and travel service offerings. While all of the services discussed would result in efficiencies, and some would result in long-term savings, all have an upfront cost.

**Supplies ..... +\$117**

Supplies obligations are expected to increase \$117,000 to accommodate the increased cost of data to support our statutory investigations.

**Equipment ..... -\$133**

Equipment obligations are expected to decrease by \$133,000, which reflects the FY 2024 lifecycle replacement of IT equipment that is not included in the FY 2025 request.

**Travel ..... -\$73**

Travel obligations are projected to decrease \$73,000 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 ..... -\$89**

Training obligations are expected to decrease \$89,000. The request 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.



<b>Communications and Equipment Rental</b>	<b>+\$147</b>
Communications and equipment rental obligations are expected to increase \$147,000, driven by 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.	
<b>Printing and Reproduction</b>	<b>-\$5</b>
Printing and reproduction obligations are expected to decrease slightly to reflect updated Government Publishing Office requirements.	
<b>All Other</b> (Official Reception and Representation, Transportation, Postage, Land and Structures, Credit Card Rebates)	<b>-\$13</b>
Postage obligations are expected to decrease.	
<b>Net Non-personnel Obligations Changes</b>	<b>-\$1,100</b>
<b>Total Adjustment to FY 2024 Base (\$130,980)</b>	<b>+\$1,020</b>
<b>Total FY 2025 Budget Request</b>	<b>\$132,000</b>

## 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. Schmidlein, Jason E. Kearns, and Amy A. Karpel, who are Democrats.<sup>4</sup>

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.<sup>5</sup> 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 President and serve for a statutory two-year term.<sup>6</sup> 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 one Republican serve as commissioners.

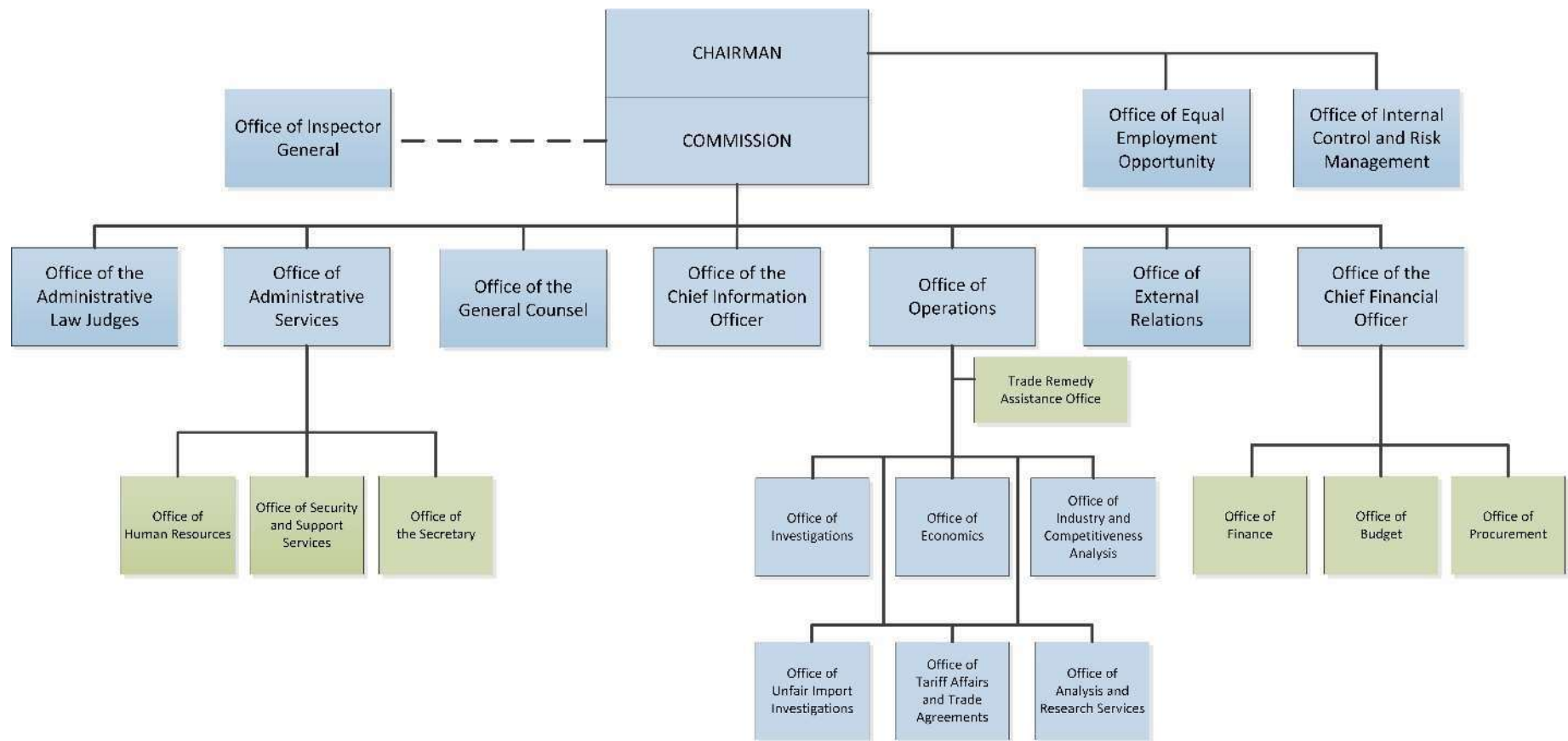
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<sup>4</sup> Currently, there are two vacancies.

<sup>5</sup> 19 U.S.C. § 1330.

<sup>6</sup> 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 Onboard Staffing Levels

Office	Permanent and Term Positions		
	FY 2024 Staffing Plan	Onboard as of 2/5/2024	Gap
Commissioners	38	26	12
External Relations	4	3	1
Internal Control & Risk Management	4	4	0
Inspector General	5	5	0
General Counsel	53	50	3
Administrative Law Judges	26	25	1
Equal Employment Opportunity	2	2	0
Chief Information Officer	38	38	0
<b>Subtotal: Other Offices</b>	<b>170</b>	<b>153</b>	<b>17</b>
Operations	7	6	1
Analysis and Research Services	28	27	1
Investigations	31	28	3
Unfair Import Investigations	25	24	1
Economics	44	36	8
Tariff Affairs and Trade Agreements	14	11	3
Industry and Competitiveness Analysis	75	62	13
<b>Subtotal: Operations</b>	<b>224</b>	<b>194</b>	<b>30</b>
Chief Financial Officer	2	1	1
Budget	3	3	0
Finance	7	6	1
Procurement	6	5	1
<b>Subtotal: Chief Financial Officer</b>	<b>18</b>	<b>15</b>	<b>3</b>
Administrative Services	5	5	0
Human Resources	13	9	4
Security and Support Services	11	9	2
Secretary and Dockets	20	17	3
<b>Subtotal: Administrative Services</b>	<b>49</b>	<b>40</b>	<b>9</b>
<b>Commission Total</b>	<b>461</b>	<b>402</b>	<b>59</b>

The End.



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