

U.S. INTERNATIONAL TRADE COMMISSION

STRATEGIC PLAN

FISCAL YEARS

2009–2014





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United States International Trade Commission

Strategic Plan FY 2009–2014



Introduction

The United States International Trade Commission (Commission) is an independent federal agency whose strategic operations are to determine import injury to U.S. industries in antidumping, countervailing duty, and global and bilateral safeguard investigations; direct actions against unfair trade practices involving patent, trademark, and copyright infringement; support policymakers through economic analysis and research on the global competitiveness of U.S. industries; and maintain the Harmonized Tariff Schedule of the United States.

The six Commissioners who lead the agency are nominated by the President and confirmed by the U.S. Senate. No more than three Commissioners may be of any one political party. The Commissioners serve overlapping terms of 9 years each, with a new term beginning every 18 months. The Chairman and Vice Chairman are designated by the President from among the current Commissioners for two-year terms. The Chairman and Vice Chairman must be from different political parties, and the Chairman cannot be from the same political party as the preceding Chairman. The Commission staff of about 365 individuals includes investigators, auditors, industry and tariff nomenclature analysts, international economists, attorneys, and support personnel. An organization chart for the agency is attached.

This seventh edition of the Commission's Strategic Plan covers fiscal years 2009–2014. The Strategic Plan consists of a mission statement, the agency's strategic vision, strategic goals that will be used to measure the agency's success level, and the performance goals and strategies that will be used to achieve the mission. The mission is based on the functions assigned to the Commission by statute.¹

Mission Statement

The mission of the U.S. International Trade Commission is to: (1) administer U.S. trade remedy laws within its mandate in a fair and objective manner; (2) provide the President, the United States Trade Representative (USTR), and Congress with independent, quality analysis, information, and support on matters relating to tariffs and international trade and competitiveness; and (3) maintain the Harmonized Tariff Schedule of the United States.

¹ Relevant statutory provisions include 19 U.S.C. §§ 1332, 1337, 1484, 1671 et seq., 2151, 2252, 2436, 2451, 2451a, 2463, 2704, 3005, 3007, 3010, 3203, 3204, 3803, and 3804.

In so doing, the Commission serves the public by implementing U.S. law and contributing to the development of sound and informed U.S. trade policy.

Strategic Vision

International trade plays a central role in the U.S. economy and, thus, the work of the Commission has and will continue to have a broad impact on many aspects of the U.S. economy. In light of this, the Commission recognizes the importance of striving for excellence in all aspects of its mission. The Commission is dedicated to objectivity, transparency, timeliness, and continual improvement in support of its customers.

As an independent, quasi-judicial federal agency, the Commission is uniquely placed to administer important U.S. trade laws in a fair and impartial manner. The Commission is committed to the objective administration of the laws under its authority and is dedicated to improving the clarity and analytical and legal excellence of its decisions.

Likewise, the Commission's independent structure places it in a position to provide objective analysis and information to the President, USTR, Congress, and the general public. The Commission is committed to serving as a key federal resource for analysis of international trade matters through its industry, economic, legal, nomenclature, and regional expertise.

The Commission anticipates that the need for its expertise will expand. Thus, it envisions enhancing its ability to assess a wide range of emerging trade issues.

Goals and Strategies

The Commission is committed to the effective conduct of its five strategic Operations:

- Import injury investigations
- Intellectual property–based import investigations
- Industry and economic analysis
- Tariff and trade information services
- Trade policy support

Together, these strategic Operations emphasize the benefits that the Commission provides in facilitating an open trading system based on the rule of law and the economic interests of the United States. The Commission will strive for continuous improvement in the conduct of its Operations.

The Commissioners and the staff offices of the agency work closely together to carry out the Commission's strategic Operations. Within each Operation, the Strategic Plan identifies a strategic goal, performance goals, and strategies. These can be found in the sections, set out below, addressing the Operations.

The performance goals and strategies outlined in each Operation are designed to assist the Commission in meeting its strategic goals. Many of the goals and strategies stress the importance of performing agency functions in an “effective” manner. Effectiveness includes ensuring that:

- Commission products are of state-of-the-art quality;
- Those products fully and objectively fulfill the agency’s obligations;
- Where appropriate, the products are responsive to the needs of customers, as measured in part by feedback; and
- The products are disseminated to customers in an efficient and cost-effective way.

In developing its goals and strategies, the Commission seeks to adopt performance measures that focus on outcomes, set ambitious targets, and meaningfully reflect the purpose of the agency’s strategic Operations. In some areas, this endeavor has resulted in goals that are clearly understandable as outcome-oriented. Where the agency seeks to provide its customers with enhanced information, for example, the agency can determine by customer reaction whether the enhancement has led to a successful outcome. In contrast, the conduct of trade remedy investigations tends to be less amenable to conventional outcome goals. A goal such as timely completion of proceedings can seem an output measure, whereas, as in the case of intellectual property-related investigations, timely dispute resolution can in fact be an outcome that is of substantial benefit to parties. In some areas, however, the nature of the Commission’s functions makes developing outcome goals impractical, and in those areas the agency has used output or process measures.

Members of the agency’s senior staff coordinate the planning for the strategic Operations relating to their areas of responsibility. In implementing the Strategic Plan, the Commission is communicating its goals to all agency employees, and making clear to managers and staff the importance of achieving those goals. The planning process has made the agency more aware of the concerns of its customers and stakeholders, which has helped the Commission learn from their perspectives. The Commission has also taken advantage of the planning experiences of other agencies.

The Commission has placed this Strategic Plan on its Internet site (<http://www.usitc.gov>), and welcomes comments. Also available on the site are documents such as the Commission’s annual Performance Budget, which includes the agency’s annual Performance Plans, and the annual Performance and Accountability Report, which presents information on the performance of the Commission in its efforts to meet its goals.

In the years ahead, the Commission will continue to refine its plan to adapt to changing circumstances. The Commission takes into account in its planning government-wide initiatives, such as the Administration’s Management and Performance Agenda.

The Commission conducts periodic evaluations of its programs and processes to contribute to the refinement of the agency's goals. Such reviews in the past have resulted in such enhancements as a new and more user-friendly version of the agency's Electronic Document Information System (EDIS). Future evaluations will focus on aspects of the strategic Operations that can be improved with respect to the effectiveness of the agency's programs. Evaluations of procedures and internal business practices will seek to improve staff productivity, reduce costs for parties and other participants in Commission investigations, enhance the quality of research without substantially increasing costs, improve the ability of the public to participate in investigations, strive for the most effective allocation of agency resources, and improve the quality of tariff and trade information resources provided to public via the Commission's Web site. The Commission plans to begin the first evaluation under the new Strategic Plan during FY 2010, and will continue to conduct evaluations during the period covered by the Plan.

Relationship to Other Planning Documents

The Commission conducts planning for multiple purposes and at multiple levels based on Federal mandates and guidance. The Strategic Plan is prepared in accordance with the Government Performance and Results Act of 1993 (Results Act). The planning processes result in a number of documents designed to guide the Commission's decisionmaking. The Commission coordinates the content of these documents to the extent practicable.

As in previous years and consistent with the Results Act, each year the Commission will issue Performance Plans based on the Strategic Plan. These annual Performance Plans are closely linked to the Strategic Plan in that each goal in the Performance Plans corresponds directly to a goal in the Strategic Plan, although each annual performance goal is geared toward the time frame of a single fiscal year. The Performance Plans also set out means to measure the Commission's success at meeting its performance goals; those annual measurements of success aim, in the aggregate over the period covered by the Strategic Plan, to indicate the Commission's progress at meeting its strategic goals. Moreover, the Performance Plans summarize the extent of such progress achieved each year. The Commission integrates each year's Performance Plan into the year's Budget Justification; the combined document, a Performance Budget, is submitted to Congress. The first Performance Plan to be developed under this edition of the Strategic Plan will cover FY 2011; the Commission anticipates issuing along with it a revised FY 2010 Performance Plan.

Consistent with Office of Management and Budget (OMB) guidance, the Commission issues each year a Performance and Accountability Report (PAR) providing information on the agency's performance in meeting its goals during the previous year. Both the Performance Plans and the PARs address the adequacy and reliability of data sources and information systems to support strategic planning. The reports that the Commission has issued so far—PARs covering FY 2004–2008, and their predecessor Program Performance Reports for FY 1999–2003—have shown that the agency has achieved a high degree of success in meeting its goals.

In accordance with the Information Technology Management Reform Act of 1996 (Clinger-Cohen Act) and the Paperwork Reduction Act of 1995, the Commission prepares an Information Resources Management (IRM) Strategic Plan. That document contains goals and performance measures, based on the goals in the agency's Strategic Plan, designed to assist the Commission in acquiring, maintaining, and enhancing effective systems for the management of information resources. The Commission also maintains an Information Security Plan as part of its commitment to safeguarding the nonpublic information entrusted to the agency consistent with OMB Circular A-130.

To ensure it has the workforce needed to be successful over the next five years, the Commission has developed a Strategic Human Capital Plan. Among other things, this plan identifies the human resources programs and activities, such as improved hiring practices, that need to be initiated in the short-term to ensure the right workforce is developed over the long-term. The Commission expects to update this plan on a regular basis.

The discussion of each strategic Operation, set out below, includes a section on the resources allocated to the functions under that Operation. Those sections are informed by the agency's IRM Strategic Plan and Strategic Human Capital Plan.

The Commission also issues documents relating to its budget. The primary document is the annual Budget Justification, which the agency transmits to Congress when the President presents the Budget of the United States Government. The Commission ensures that its budget documents are in close alignment with the Strategic Plan, and, as discussed above, combines the Budget Justification with the Performance Plan to form a Performance Budget. The Budget Justification reports the agency's historical and proposed expenditures according to the five strategic goals in the Strategic Plan, and the agency allocates direct and indirect costs as much as practicable to each of those goals. Also, the Commission's PARs include both the agency's Program Performance Reports and its financial statements.

Business Environment

The Commission's planning process takes into account the business environment in which the agency carries out its functions. The mission of the Commission is mandated by statute and does not change dramatically over time. Customers and stakeholders will continue to look to the Commission to administer trade remedy laws; provide independent, high-quality analyses and information; and maintain the Harmonized Tariff Schedule of the United States. The agency's direct customers include the President, USTR, and Congress, in that they request and receive trade policy support, including analytical reports and trade data. In addition, domestic industries, represented by the international trade bar and others, petition the Commission to conduct investigations where it has statutory authority to do so; all parties to these investigations depend on the Commission to conduct high-quality and timely investigations. Finally, the public seeks assistance and information on tariff and trade issues.

External factors. In contrast to the Commission's basic mission, the agency's workload is dynamic, and depends heavily on external factors. Many factors that influence the Commission's success at achieving its goals are largely outside the Commission's control; the factors include the number and nature of requests and petitions received from its customers, appropriation levels, changes in the laws the Commission administers, and decisions by courts, World Trade Organization (WTO) panels, and North American Free Trade Agreement (NAFTA) panels reviewing Commission determinations. Congress and USTR choose when to request studies, and firms choose when and how to file petitions and complaints. Changes in the international economy, in trade flows, and in U.S. trade policy influence the scope and volume of the Commission's workload, as well as the distribution of the workload among the agency's lines of business. These workload shifts will continue to place added pressure on the agency to be agile and flexible in responding to new and changing workload requirements, while at the same time deepening its expertise.

Several factors have increased the agency's workload in recent years. Intellectual property rights holders have shown a preference for selecting the Commission as a litigation forum by filing substantially increasing numbers of cases under section 337 of the Tariff Act of 1930. In addition, the Commission's role in reviewing outstanding antidumping and countervailing duty orders—which number almost 300 at this time—represents an increase in the agency's workload. In other areas, trade initiatives such as free trade agreements have resulted in a number of requests by USTR and Congress for comprehensive studies and for staff support in negotiations. Moreover, policy makers continue to request information and analysis regarding various other trade policy issues.

Overall funding levels are not expected to rise substantially. This will require the agency to find creative, flexible, and efficient ways of accomplishing its mission and responding to future workload changes. The Commission is funded entirely by appropriations. The Commission has one program activity (research, investigations, and reports) set forth in the Budget of the United States Government. Rent, salaries, and benefits account for most of the Commission's expenditures. The Commission had available funds of \$ 75.4 million for FY 2009.

In its human capital strategies, the Commission takes into account factors such as the President's Management Agenda, the Chief Human Capital Officer Act, and e-Gov initiatives sponsored by the Office of Personnel Management (OPM) and OMB. OPM initiatives in recruitment and staffing, employment data warehousing, retirement processing, and security clearance processing affect both how the Commission chooses to manage its human resources and the tools and technologies the agency uses to manage those resources.

Human resources. The Commission is a multi-disciplinary, knowledge-based organization whose mission accomplishment is directly related to the quality and competence of its workforce. As such, the agency's workforce is its most important asset. The Commission has knowledge, skills and capabilities to provide comprehensive analyses on a wide variety of questions on trade and competitiveness in terms of staff expertise and information resources. Teams for investigations often

include analysts, economists, and attorneys. These individuals possess country and regional expertise, general and industry-specific expertise covering various aspects of industry structure and dynamics, economic modeling capabilities, and extensive knowledge of foreign investment, finance, engineering and science, international trade law, intellectual property rights, and tariff nomenclature.

To be successful, the Commission needs a workforce that appropriately balances the following characteristics:

Technical expertise. The Commission must preserve its long tradition of outstanding investigative, economic, industry, technical, and legal expertise and its ability to conduct analyses and make judgments in an objective, independent manner. To meet this requirement successfully, the agency must replenish the significant portion of its current workforce that will retire over the next 5–10 years—just over half of the Commission’s workforce will be eligible to retire during that period—while maintaining high technical standards and preserving invaluable institutional knowledge.

Flexibility. To support its mission the Commission must continue to build a workforce that is flexible. Reaching this goal will require developing multiple skill sets and organizational structures so that more employees can quickly and seamlessly move from one type of assignment to another as the need arises.

Diversity. By recruiting across the full spectrum of the labor market, the Commission will enhance its ability to acquire a qualified and diverse workforce. The Commission will develop plans for recruitment that will employ all available hiring authorities.

The Commission’s expert workforce is grouped into a number of offices, each of which contributes to the fulfilment of the agency’s goals. The portions of the Strategic Plan that focus on each Operation detail the human resources devoted primarily to that Operation. Staff from the Offices of the Secretary, the Chief Information Officer, External Relations, and Administration provide support for the activities in each Operation.

The Commission recognizes that equality of opportunity is essential to attracting, developing, and retaining the most qualified workforce to support the agency’s achievement of its strategic mission. Consequently, the Commission includes in its planning actions support of equal employment opportunity (EEO), including ensuring an appropriate role for the agency’s EEO Director and the allocation of sufficient resources to the agency’s EEO program, consistent with 29 CFR 1614.102. The Commission is committed to enhancing the professional capabilities of a talented and diverse workforce and fostering upward mobility by means of learning and development programs for both supervisors and staff.

Workforce flexibility also calls for worklife measures to enhance employee productivity. In particular, the Commission is committed to supporting telework by all employees whose functions can be, in part, carried out from remote locations. This involves schedule adjustments and developing the capability for secure remote access to agency information technology systems.

The Commission anticipates that it will continue to be able to carry out fully its functions with all its components located in Washington, D.C.

Information technology resources. Information technology will continue to alter the way the Commission's work is accomplished. Along with new technology will come new customer expectations. The Commission must be prepared to respond more quickly to customer requests and to provide a wider variety of analytical services beyond traditional reports. In conjunction with succession planning, the agency is focusing on the importance of knowledge resources, and will continue to expand its efforts in that direction. The Commission also looks to information technology for assistance in meeting the challenges ahead. This is particularly true in the area of information security, as the Commission continues extensive efforts to protect national security information and other nonpublic information the agency needs to accomplish its mission. The ongoing adoption of new and enhanced electronic processes is expected to facilitate the Commission's investigative and research activities and enhance the ability of agency customers to access information provided by the Commission. An example is the effort to employ technology to facilitate participation by parties and the public in proceedings by upgrading the facilities in the agency's courtrooms and hearing room.

Cross-Cutting Activities

The Commission participates in a number of cross-cutting activities in Strategic Operation Nos. 4 (Tariff and Trade Information Services) and 5 (Trade Policy Support) that involve significant cooperation with other U.S. Government agencies. To the extent appropriate, the objectives of these activities are subsumed within the strategic goal for the provision of tariff and trade information services under Strategic Operation No. 4. The activities are also discussed below.

The Commission is actively engaged in the development of the International Trade Data System (ITDS). The ITDS is envisioned as an Internet-based integrated government trade data system designed for the secure electronic collection and distribution of international trade and transportation transaction data required by federal agencies. A Commission representative serves on the inter-agency Board of Directors responsible for developing the ITDS. In addition, several other Commission employees actively participate in the work of the program. Additional background information regarding the ITDS can be found at www.itds.gov.

In connection with the maintenance of the Harmonized Tariff Schedule of the United States (HTS), and at the request of U.S. Customs and Border Protection, the Commission recently implemented an on-line HTS reference tool, which provides enhanced search capabilities and navigation for users of the HTS. The tool also has direct links to related on-line sites such as the Customs Rulings Online Search System

(CROSS). An important feature of the on-line tool is that it greatly facilitates the two-way transfer of key tariff data between the HTS and the Commission's Tariff Data Base, as well as the transfer of those data to the Customs Automated Customs Entry system, which itself is a linchpin of the ITDS project. Other enhancements to the tool are foreseen in the coming years.

The Commission also chairs an interagency committee for determining the categories for which import and export statistics are collected. The so-called 484(f) Committee comprises a Commission representative, who chairs the Committee, as well as representatives of the Census Bureau, on behalf of the Department of Commerce (Commerce), and Customs, in the Department of Homeland Security. This committee was established pursuant to Section 484(f) of the Tariff Act of 1930, as amended, and has been in operation since 1964.

Finally, Commission staff, along with staff from other agencies, represent the U.S. Government at the World Customs Organization (WCO, formally known as the Customs Cooperation Council) with respect to the development and maintenance of the Harmonized Commodity Description and Coding System (HS). The HS is the basic nomenclature system in use by over two hundred countries, including the United States, as the basis for their Customs tariff and foreign trade statistical systems. Commission staff prepare positions and serve on U.S. delegations to the Harmonized System (HS) Committee and the Scientific Subcommittee. A Commission representative regularly chairs the U.S. delegation to the HS Review Sub-Committee.

The Commission interacts with other agencies in various other areas. The Commission is part of an interagency trade policy mechanism mandated by the Trade Expansion Act of 1962 and designed to develop and coordinate U.S. Government positions on international trade and trade-related issues. The Trade Policy Review Group (TPRG) and the Trade Policy Staff Committee (TPSC), both chaired by USTR, are the subcabinet interagency trade policy coordination groups. The Commission is a non-voting member of the TPSC and an observer at meetings of the TPRG.

Agencies such as Customs and Commerce perform closely related functions to those of the Commission in some areas. Commerce determines whether and to what extent imports are dumped or subsidized in proceedings corresponding to Commission investigations conducted under Strategic Operation No. 1. Customs enforces antidumping and countervailing duty orders, as well as exclusion orders issued in Commission intellectual-property-based investigations conducted under Strategic Operation No. 2. However, those functions of Customs and Commerce are, by statute, distinct and do not significantly overlap with those of the Commission. The Commission also works with agencies such as USTR, at its request, in support of various USTR programs.

STRATEGIC OPERATION NO. 1: Import Injury Investigations

As part of its mission, the Commission produces high-quality, well-reasoned determinations in a variety of import injury investigations, including antidumping and countervailing duty (AD/CVD) investigations concerning the effects of unfairly traded imports on a U.S. industry, five-year reviews of outstanding AD/CVD orders, and safeguards and market disruption investigations. The Commission provides a fair and transparent mechanism for investigating allegations of injury to domestic industries. The Commission thereby facilitates a rules-based international trading system and carries out U.S. law. While changes in the statutory regimes governing import injury investigations have occurred in the past and can be expected to occur in the future, the fundamental mission of the Commission in conducting import injury investigations is expected to continue. The investigations are conducted fairly and objectively and provide interested parties with meaningful opportunities to participate in and influence the investigative proceedings. The Commission regularly assesses the procedural requirements for investigations to identify costs incurred by the Commission and private litigants that could be reduced consistent with the provision of a fair and thorough investigative process. The determinations issued by the Commission conform to applicable deadlines and required procedures. The Commission expertly defends its AD/CVD determinations in litigation before courts and dispute resolution panels.

The Commission's caseload related to original import injury investigations will continue to fluctuate in response to general economic trends, trade flows, and other factors. In addition, during the next five years and beyond there will be a substantial volume of five-year reviews of AD/CVD orders. There are currently approximately 300 such orders in place, many of which are now "non-transition" orders that entered into effect after passage of the legislation mandating reviews. The Commission maintains high standards in the conduct of import injury investigations while accommodating increases in workload.

Strategic Goal

The Commission's strategic goal in conducting import injury investigations is to support a rules-based international trading system by producing high-quality and timely import injury determinations based on the following:

- *an effective exchange of information between the Commission and interested parties,*
- *an appropriate investigative record, and*
- *transparent, fair, and equitably-implemented procedures.*

Maintaining and enhancing a rules-based, transparent international trading system can significantly benefit the U.S. economy by decreasing uncertainty for participants in the system.

Performance Goals

The Commission will use performance goals to aid in reaching its strategic goal and in measuring its success in that effort.

1. Improve the quality and efficiency of the investigative process by conducting internal reviews, including review of draft investigation and litigation documents.
2. Meet statutory, court, and administrative deadlines.
3. Improve the development of investigative records.
4. Improve the scope, quality, and transparency of information regarding investigations, both to investigative participants and the public.

Internal review by Commissioners and staff and adherence to deadlines will contribute to high-quality and timely determinations. Effectively gathering records and providing information will help ensure that information is exchanged effectively, that the record is appropriate and complete, and that procedures are fair and equitably implemented.

Strategies

The Commission will employ strategies to contribute to the fulfilment of its goals.

1. Effectively allocate and enhance human resources.
2. Continually assess and adapt new technologies and revise business processes as needed.
3. Review programs and procedures in light of changing needs of investigation participants and technological developments.

The strategies are closely linked with the performance goals and are designed to assist the Commission in achieving the goals and in measuring success. Effective gathering of investigative records and provision of information will involve the use of all appropriate state-of-the-art methods and tools including, where appropriate, electronic information processing and dissemination systems such as the agency's EDIS.

The time frame for executing the goals and strategies in Strategic Operation No. 1 extends over the period covered by the Strategic Plan. The results of the agency's efforts to meet its goals will be measured and reported annually.

Resource Requirements

The Commission seeks to ensure adequate resources for the conduct of investigations and five-year reviews. This effort includes providing effective analytical and other research tools to the Commission staff including EDIS, electronic research tools, and Internet access, as well as appropriate hardware, software, telecommunications, and library resources.

Commission staff provide high-quality support, including fact-gathering and analysis, for Commission decision-making. Strategic Operation No. 1 primarily involves the efforts of Commissioners and their staffs, and investigative teams made up of investigators, financial analysts, and statisticians from the Commission's Office of Investigations, attorneys from the Office of the General Counsel, economists in the Office of Economics, industry analysts in the Office of Industries, and attorneys and nomenclature analysts in the Office of Tariff Affairs and Trade Agreements. The effort also includes keeping staff up-to-date on analytical methods by such means as participation in outside and in-house academic conferences and other professional fora.

STRATEGIC OPERATION NO. 2: Intellectual Property-Based Import Investigations

The Commission adjudicates complaints brought by domestic industries under Section 337 of the Tariff Act of 1930 that allege infringement of U.S. intellectual property rights and other unfair methods of competition in connection with imported goods. The Commission thereby facilitates a rules-based international trading system by providing a fair and transparent forum for the adjudication of such disputes. Section 337 investigations are conducted in accordance with the Administrative Procedure Act, which affords the parties the opportunity to conduct discovery, present evidence, and make legal arguments before the Administrative Law Judges and the Commission. The procedures also protect the public interest and provide the parties with expedited determinations. The Commission expertly defends these determinations during judicial appeals.

The Section 337 caseload has grown substantially in recent years as the Commission's forum has become of greater importance to intellectual property right holders. Indeed, in FY 2008, the number of new Section 337 complaints not only reached an historic high, but was more than 125 percent above the number of new Section 337 complaints filed five years earlier. The bulk of the agency's docket in this area consists of patent-based matters, and it appears that usage of Section 337 for the resolution of patent-based disputes is likely to continue at the heightened levels of recent years. It is expected that a wide range of products and technologies will continue to be the subject of Section 337 investigations. However, computer and telecommunications-related disputes will likely account for a majority of the docket, as has been the case in recent years. The Commission is allocating additional resources to Section 337 investigations so that it can continue to produce high-quality, detailed analyses of complex legal and technical subject matter while shouldering an increased workload. The Commission has also initiated a voluntary pilot mediation program for investigations under section 337 to assist litigants to find mutually acceptable settlements.

Strategic Goal

The Commission's strategic goal is to conduct intellectual property-based import investigations in an expeditious, technically sound, and transparent manner, and provide for effective relief when relief is warranted, to support a rules-based international trading system.

Maintaining and enhancing a rules-based, transparent international trading system can significantly benefit the U.S. economy by decreasing uncertainty for participants in the system.

Performance Goals

The Commission will use performance goals to aid in reaching its strategic goal and in measuring its success in that effort.

1. Meet statutory and key administrative and court deadlines, conclude Section 337 investigations expeditiously, and reduce the average time to conclude ancillary proceedings.
2. Improve the scope, quality, and transparency of information regarding investigations provided to investigative participants and the public.
3. Actively facilitate enforcement of exclusion orders.
4. Improve the Commission's physical and information infrastructure in order to meet the demand and requirements for expeditious adjudication of often-complex intellectual property disputes.

Meeting deadlines and concluding proceedings expeditiously will provide participants with the benefit of a prompt resolution of disputes. The Commission will continue to assess at regular intervals whether time frames for proceedings are reasonable, consistent with the requirements of the Uruguay Round Agreements Act and the provision of a fair and equitable investigation and decisionmaking process. The agency is committed to providing to the public adequate facilities for the conduct of proceedings, as well as a wide range of information on the Section 337 process and on individual proceedings. Increasing the availability of information will make investigations more transparent. The Commission is also committed to providing to complainants adequate information on enforcement mechanisms for remedial orders, and to working with Customs, as appropriate.

Strategies

The Commission will employ strategies to contribute to the fulfilment of its goals.

1. Effectively allocate and enhance human resources.
2. Continually assess and adapt new technologies and revise business processes as needed.
3. Review programs and procedures in light of changing needs of investigation participants and technological developments.

The strategies are closely linked with the performance goals and are designed to assist the Commission in achieving the goals and in measuring success. The time frame for executing the goals and strategies in Strategic Operation No. 2 extends over the period covered by the Strategic Plan. The results of the agency's efforts to meet its goals will be measured and reported annually. The Commission anticipates concluding its efforts under Goal No. 4 within three years.

Resource Requirements

Strategic Operation No. 2 primarily involves the efforts of Commissioners and their staffs, Commission Administrative Law Judges and their law clerks, and attorneys from the Office of Unfair Import Investigations and the Office of the General Counsel. Attorneys in the various offices that work on substantive Section 337 issues have technical and intellectual property law expertise.

The Commission seeks to provide effective litigation support tools to Commission staff, such as document access via electronic means such as EDIS, and to monitor continuously and, when necessary, rebalance caseloads, in order to produce the best work product with the available technical and human resources.

The effort also includes maintaining staff currency in litigation skills, intellectual property law, technical expertise, and analytical methods by such means as participation in outside and in-house academic conferences and other professional fora.

STRATEGIC OPERATION NO. 3: Industry and Economic Analysis

The Commission contributes to the development of sound and informed U.S. international trade policy and to the public dialogue on issues relating to U.S. international trade and competitiveness through extensive industry and economic analysis. The Commission's long-range goals are to strengthen a recognized resource of industry, economic, and regional trade experts for the nation's policymakers and to enhance its position and effectiveness with customers through objective and timely analytical reports. Further, the Commission seeks to improve communications with the Executive Branch and Congress to maximize the Commission's contribution to trade policy decisionmakers, particularly through regular contact with them. The Commission's industry and economic analysis program includes its probable economic effects investigations under Section 131 of the Trade Act of 1974 and Section 2104 of the Trade Act of 2002; analysis of trade and competitiveness issues under Section 332 of the Tariff Act of 1930; and independent research on a wide range of emerging trade issues. While changes in the statutory regimes governing industry and economic analysis investigations have occurred in the past and can be expected to occur in the future, the fundamental mission of the Commission in conducting such investigations is expected to continue.

The industry and economic expertise developed and strengthened as part of industry and economic analysis contributes to the conduct of the Commission's import injury investigations under Strategic Operation No. 1, formal studies under Strategic Operation No. 3, legislative reports under Strategic Operation No. 4, and the rapid provision of technical assistance to the Executive Branch and Congress under Strategic Operation No. 5. The expertise developed in the Commission's industry and economic analysis program is also used to provide technical assistance on industry and trade conditions to the general public and the business community.

The focus and nature of Commission research shifts with changes in U.S. trade legislation and with new country and sectoral trade initiatives. For example, based on recent history, the Commission could be asked to provide analysis on bilateral, multilateral, and sectoral trade negotiations, third-country agreements, regional and developing country-preference programs, various textiles preference programs, and agricultural trade. Commission research efforts on the service industries will continue to grow as those industries' importance in the U.S. economy and U.S. trade negotiations has expanded. Also, as average tariffs continue to fall the agency has increased the resources it allocates to examine non-tariff barriers, new technologies, and other important issues identified by the agency's customers.

Strategic Goal

The Commission's strategic goal is to enhance the quality and timeliness of its industry and economic analysis to support sound and informed trade policy formulation.

The Commission is committed to providing the legislative and executive branches, and the public, with timely state-of-the-art research products that are widely recognized for their contribution to policy formulation. International trade plays a central role in the U.S. economy, and widely available information and analysis can contribute significantly both to effective trade policy and public understanding.

Performance Goals

The Commission will use performance goals to aid in reaching its strategic goal and in measuring its success in that effort.

1. Develop and improve efficient and effective research methods.
2. Expand the Commission's capacity to anticipate and address new research issues and areas as they emerge.
3. Improve the Commission's communications with its customers to ensure that they understand the agency's capabilities and are able to benefit from its expertise.

The performance goals are closely linked with the strategic goal and are designed to assist the Commission in achieving the goal and in measuring success. The provision of research products as described and the implementation of innovative research methods and initiatives in emerging areas and issues will contribute to sound and informed trade policy formulation.

Strategies

The Commission will employ strategies to contribute to the fulfilment of its goals.

1. Effectively allocate and enhance human resources.
2. Continually assess and adapt new technologies and revise business processes as needed.
3. Review programs and procedures in light of changing needs of customers and technological developments.

The Commission seeks to initiate research studies on cutting-edge, trade-related issues, analyze information in new, useful ways, apply rigorous economic analysis to these issues and develop unique insights on them, and provide our analysis in highly accessible reports that add significant value to the policy dialogue. It is critical for the Commission to invest in new technologies and develop resources in order to provide its customers with state of the art research and analysis. The Commission will also continue to recruit and develop a workforce recognized for its expertise in matters related to industry, trade, geographic regions, and trade policies.

The time frame for executing the goals and strategies in Strategic Operation No. 3 extends over the period covered by the Strategic Plan. The results of the agency's efforts to meet its goals will be measured and reported annually.

Resource Requirements

Strategic Operation No. 3 generally involves the efforts of Commissioners and their staffs, industry analysts, economists, nomenclature analysts, statisticians, and attorneys. In particular, industry analysts in the Office of Industries specialize in commodity and service areas such as agriculture and forest products, textiles and apparel, steel, electronics, financial services, telecommunications, and associated issues such as standards, intellectual property rights, and labor, environmental, and investment issues; economists in the Office of Economics specialize in regional expertise or analytical specialties on economic modeling, non-tariff barriers, foreign direct investment and labor issues. Other staff Commission-wide contribute as needed.

The Commission seeks to provide effective research tools to the Commission staff, including appropriate hardware, software, telecommunications, U.S. and foreign databases, and library resources. The agency makes research available through wide public dissemination of reports and databases, including both electronic (e.g., Internet) and hard copy formats.

The Commission maintains close contact with its customers to understand their research needs. The goals of these communications are to ensure that Commission staff acquire new skills and knowledge that meet the changing requirements of its customers; to identify new conceptual approaches; to enhance research procedures; to optimize Commission review time; and to make other changes that enhance quality, efficiency, and effectiveness.

The agency is committed to expanding the areas of resident industry, economic, and trade expertise and maintaining currency of professional and analytical skills, such as modeling and economic expertise, by providing appropriate individual and group training and maintaining an environment for innovative research. The Commission seeks the knowledge and expertise of customers, other agencies, academia, and industry in the formulation and evaluation of research plans and the conduct of research via means such as participation in academic conferences, interagency fora, Commission seminars, and active outreach to Congress and USTR.

STRATEGIC OPERATION NO. 4: Tariff and Trade Information Services

The aim of this strategic Operation is to provide the U.S. trade community with tariff and trade data and trade-related expertise relating to international trade and competitiveness. More specifically, the Commission fulfills statutory requirements and responds to specific requests by the Congress and the President by (i) maintaining and publishing the HTS, including the HTS on-line reference tool; (ii) preparing and updating the U.S. Schedule of Duty Rate Concessions (Schedule XX), the U.S. Schedule of Services Commitments, and U.S. submissions to the Integrated Database on behalf of USTR for the World Trade Organization; (iii) preparation of Presidential Proclamations and USTR notices relating to free trade agreements and other tariff matters; (iv) preparation of reports on tariff legislation affecting the HTS for the Congress; (v) development and maintenance of the online Data Web and Tariff and Trade Database; and (vi) providing library services, analysis on tariff classification and related matters, and other information gathering, processing and dissemination.

Commission staff participate on the U.S. delegation to various committees of the WCO. The Commission participates actively in the U.S. delegation to the Harmonized System Committee, leads the U.S. delegation to the HS Review Sub-Committee, and participates in the delegation to the Scientific Sub-Committee. Furthermore, the Commission makes recommendations (under section 1205 of the Omnibus Trade and Competitiveness Act of 1988) to the President for modifying the HTS to correspond to amendments in the international Harmonized System. The Commission also serves as an observer on the TPSC and its subcommittees on Market Access and the Generalized System of Preferences. The Commission is also a board member of an interagency effort to streamline the collection and dissemination of U.S. international trade data (the ITDS). The Commission chairs the interagency Committee for Statistical Annotation of the Tariff Schedules, which is responsible for developing statistical categories for U.S. imports and exports.

The Commission's workload in this strategic Operation fluctuates directly with legislative and executive branch activity, especially with regard to tariff legislation, bilateral and multilateral trade agreements, and other trade policy changes.

Strategic Goal

The Commission's strategic goal is to improve the availability of and access to high-quality and up-to-date tariff and international trade information and technical expertise to support the executive and legislative branches, the broader trade community, and the public.

The provision of tariff and trade information services contributes to sound and informed U.S. trade policy formulation and increased public understanding of the role of trade in the U.S. economy. Moreover, access to up-to-date tariff and trade information is important to commercial interests.

Performance Goals

The Commission will use performance goals to aid in reaching its strategic goal and in measuring its success in that effort.

1. Increase the utility and improve the dissemination of tariff and trade information services to customers.
2. Provide timely, effective, and responsive nomenclature and related technical services to customers.

These goals are closely linked with the strategic goal and are designed to assist the Commission in achieving that goal and in measuring success. Provision of services corresponds directly with the Commission's mission for this strategic Operation. The Commission seeks to enhance the coverage and availability of tariff and trade information, and to improve its methods of dissemination, for example, by increasing self-service capabilities and responsiveness of automated systems, such as the aforementioned HTS reference tool. The Commission seeks to increase the public's awareness of U.S. trade policies and programs and of how the activities of this strategic Operation can aid U.S. national economic interests.

Strategies

The Commission will employ strategies to contribute to the fulfilment of its goals.

1. Effectively allocate and enhance human resources.
2. Continually assess and adapt new technologies and revise business processes as needed.
3. Review programs and procedures in light of changing needs of customers and technological developments.

As part of the Commission's overall budget and performance review, the work-hours and financial costs of this strategic Operation are analyzed at mid-fiscal year and at the end of the fiscal year. In addition, feedback from on-line surveys are collected and analyzed for the purposes of performance reporting and planning. On the basis of these analyses and of the results achieved in day to day operations each year, management makes adjustments as necessary.

The time frame for executing the goals and strategies in Strategic Operation No. 4 extends over the period covered by the Strategic Plan. The results of the agency's efforts to meet its goals will be measured and reported annually.

Resource Requirements

Strategic Operation No. 4 primarily involves the efforts of Commissioners and their staff, nomenclature and international trade analysts and attorneys in the Office of Tariff Affairs and Trade Agreements, staff in the Office of Operations, and international trade (commodity) analysts in the Office of Industries.

The Commission constantly seeks to develop more effective and efficient research tools for Commission staff, including the latest IT hardware, software, telecommunications, library resources, and meeting facilities. Under this strategic Operation, the Commission continues to maintain the Data Web, the Tariff and Trade Database, and the on-line HTS reference tool, to develop alternative methods of preparing and publishing the HTS with a view to automating updates in the future, and to support the efforts of the ITDS.

STRATEGIC OPERATION NO. 5: Trade Policy Support

The Commission is a direct and active contributor to the formulation of U.S. trade policy, providing objective analysis and data to its statutorily defined customers in both the executive and legislative branches. These customers are the President, USTR, the Committee on Ways and Means of the House of Representatives, and the Senate Committee on Finance. However, the Commission does not make trade policy, nor does its staff participate in policy decisions on any committee on which they participate.

The Commission provides technical analysis for a variety of international trade issues, ranging from the simple to the complex. Agency staff also serve as technical advisors to U.S. delegations in trade negotiations and to U.S. delegations involved in dispute settlement litigation. The Commission staff experts stand ready to conduct “quick response” research and analysis for Congress and the Executive Branch on any trade or competitiveness issues.

Strategic Goal

The Commission's strategic goal is to provide enhanced support to the development of well-informed U.S. international trade policy by quickly responding to executive and legislative branch policymakers' needs for technical support, data, and analysis.

Commission activities under this strategic Operation are designed to support informed trade policy formulation by the provision of analysis and other assistance.

Performance Goals

The Commission will use performance goals to aid in reaching its strategic goal and in measuring its success in that effort.

1. Provide enhanced real-time, efficient, and effective technical information and analysis to support organizations involved in trade policy formulation.
2. Improve the Commission's communications with its customers to ensure that they understand the agency's capabilities and are able to benefit from its expertise.

The performance goals are closely linked with the strategic goal and are designed to assist the Commission in achieving the goal and in measuring success. The Commission seeks to improve communications with the executive branch and Congress to maximize the Commission's contribution to trade decision-makers, particularly through regular contact by the Office of External Relations, encouraging the active involvement of Commission staff in interagency and congressional committee

activities where appropriate, and facilitating the participation of Commission staff as technical advisors to U.S. delegations to negotiations and meetings of multilateral organizations.

Strategies

The Commission will employ strategies to contribute to the fulfilment of its goals.

1. Effectively allocate and enhance human resources.
2. Continually assess and adapt new technologies and revise business processes as needed.
3. Review programs and procedures in light of changing needs of customers and technological developments.

The time frame for executing the goals and strategies in Strategic Operation No. 5 extends over the period covered by the Strategic Plan. The results of the agency's efforts to meet its goals will be measured and reported annually.

Resource Requirements

Strategic Operation No. 5 primarily involves the efforts of Commissioners and their staffs, industry analysts in the Office of Industries, economists in the Office of Economics, nomenclature analysts and attorneys in the Office of Tariff Affairs and Trade Agreements, attorneys from the Office of the General Counsel, and staff in the Offices of Operations and External Relations.

The Commission continues to enhance the scope and quality of its analysis and trade policy support through the application of information technology, such as electronic databases, web-enabled programs, and quantitative software.

Appendix: Commission Organization

U.S. International Trade Commission

