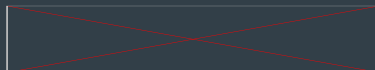




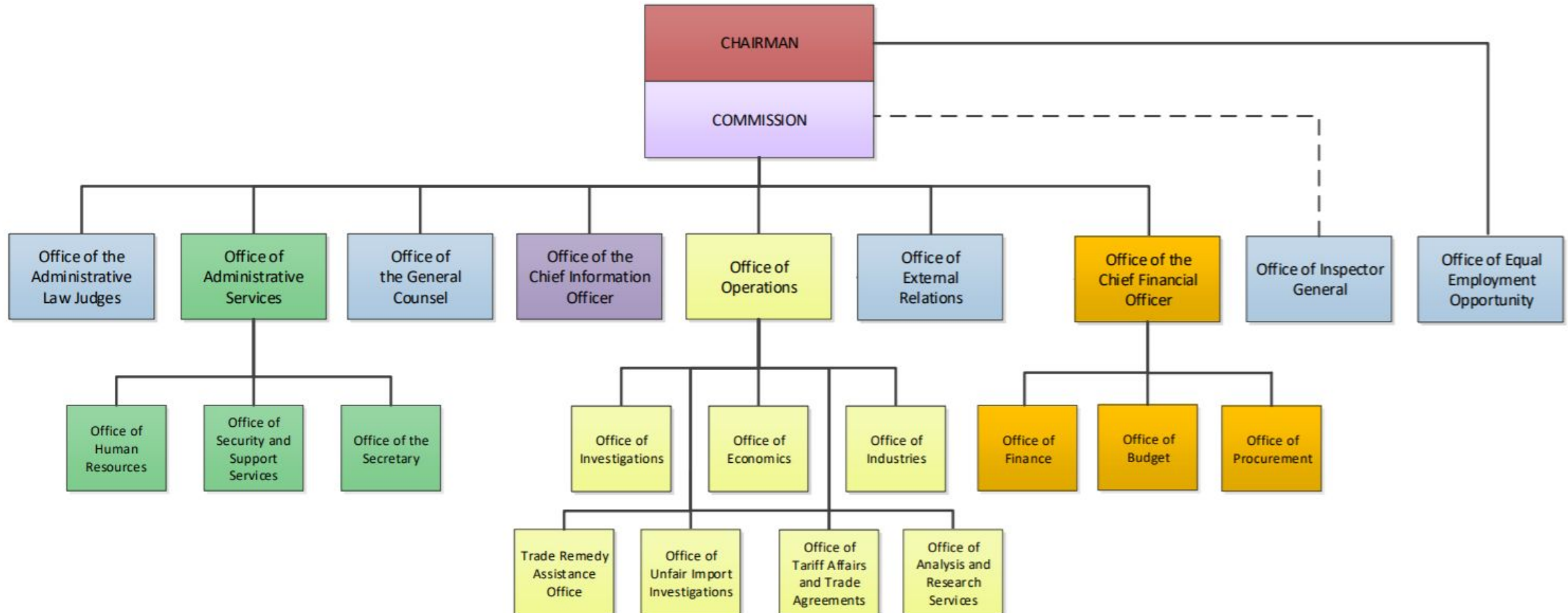
U.S. International Trade Commission – Investigations & Analysis

Deanna Okun
WITA Intensive Trade Academy
September 27, 2024





The U.S. International Trade Commission





The ITC'S "Mission"



Adjudicate Trade
Statutes Directed at
Imports

Title VII
Section 201
Section 337



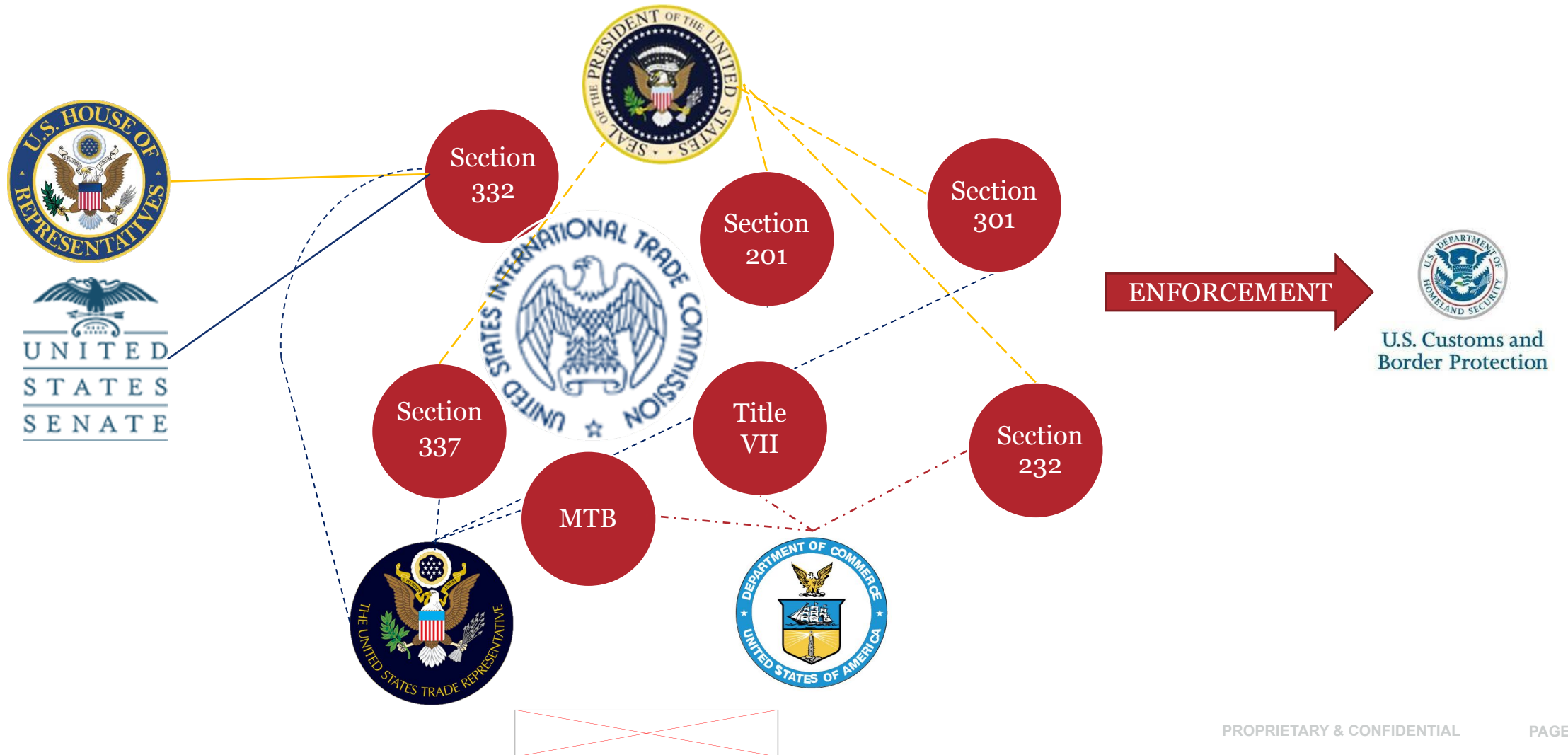
Provide independent analysis on
tariffs, trade and competitiveness



Maintain the HTS/AMCA Petitions



The ITC's Responsibilities and Relationships





Fact Finding Investigations and Expert Advice (Section 332)



ITC's Factfinding Role

- The ITC, the President, the Senate Committee on Finance, the House Committee on Ways and Means, or the USTR, may initiate a factfinding investigation on any matter involving tariffs or international trade, including:
- The ITC makes objective findings and then issues a public* report that makes no recommendations on policy.

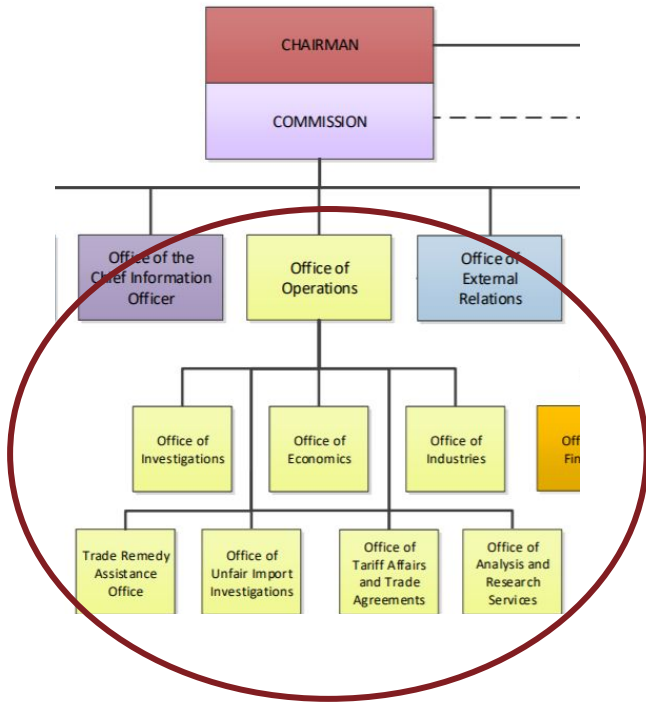


ITC's Expert Advisory Role

- Performs independent research on tariff-related services and trade policy support.
- Identifies and researches priority areas in international trade, industry competitiveness, and the U.S. and global economies.
- Industry and economic analysis and research is generally public and freely available, except for requested confidential studies.



ITC Investigative Staff



**INDUSTRY AND COMPETITIVENESS
ANALYSIS**



Ongoing Fact-Finding Investigations



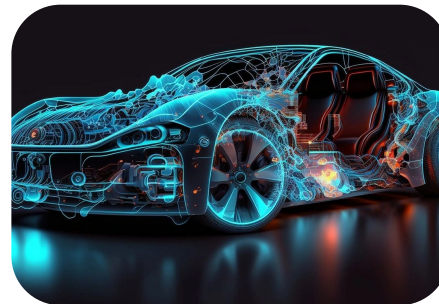
Textile & Apparel Imports
from China (332-501)



Greenhouse Gas Emissions
Intensities of the U.S. Steel
and Aluminum Industries
(331-598)



Distributional Effects of
Trade and Trade Policy on
U.S. Workers Series
(332-599)



USMCA Automotive Rules of
Origin: Economic Impact
and Operation (332-600)



Rice: Global
Competitiveness and
Impacts on Trade and the
U.S. Industry (332-603)



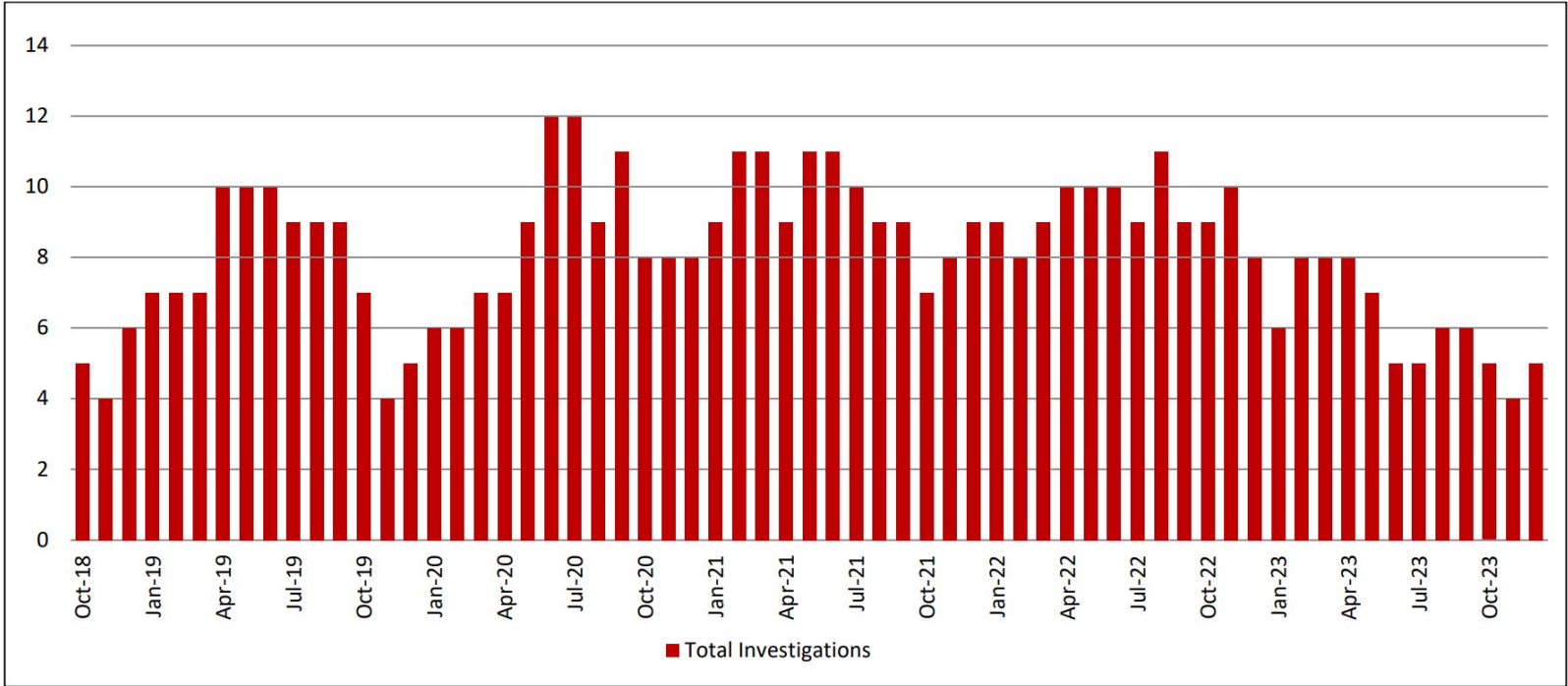
Industry and Economic Analysis Investigations Caseload

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



Research to Support Innovative Trade Policy

Key focus areas for future studies:

- *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



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.

- Advancing our modeling capabilities 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

USITC, Budget Justification, FY 2025

Anticipated Workload in 2024 and 2025

Executive Briefings on Trade (EBOTs), Working Papers, & Journal Articles



Yes, We Have No Bananas? (Again!)



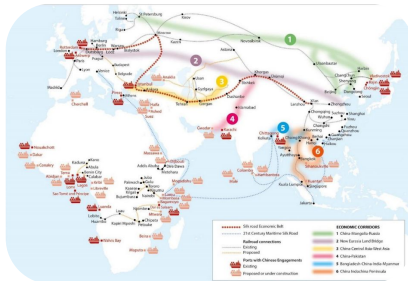
Baltimore Bridge Collapse: U.S. Coal Export Disruptions



RFID: Growth of a Trade-Enhancing Technology



Skilling Up for a Sustainable Future: A Look at the Labor Shortage in Renewable Energy



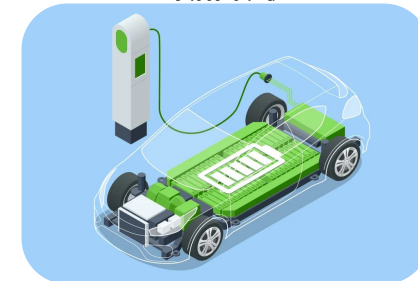
Growth and Trade Diversion Due to China's BRI



Export Restrictions on Metals and Minerals (Indonesia/Nickel & Zimbabwe/Chromium)



From Silicon to Donkey Kong: Use of Semiconductors in Video Game Consoles



Electrifying the Global Battery Electric Vehicle Landscape

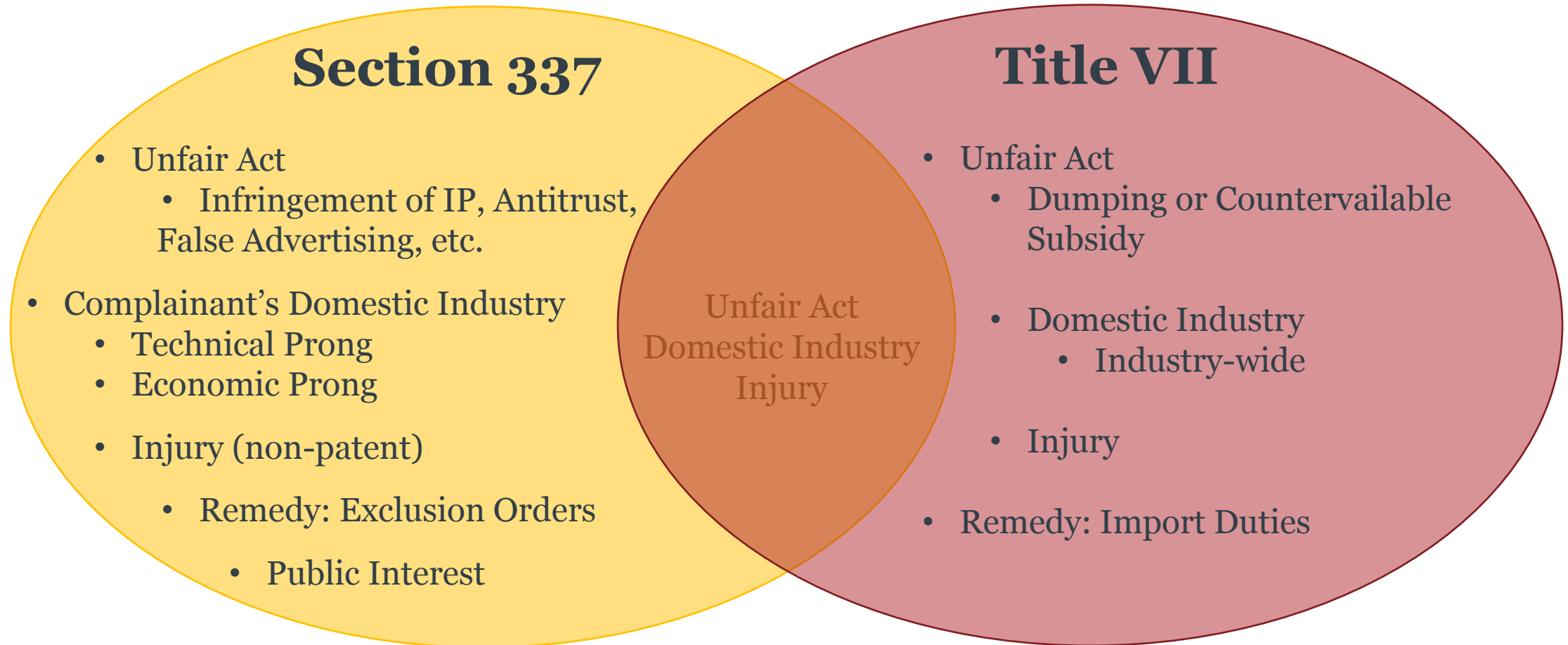




Unfair Import Investigations (Section 337)



Title VII vs. Section 337



Section 337 Remedies

- **General Exclusion Order**
 - Excludes infringing products from all sources, whether source was a party to the litigation or not (in rem)
 - Heighted statutory standard
- **Limited Exclusion Order**
 - Excludes infringing products of specific person(s) found to be violating the statute (in rem)
 - Default remedy
- **Cease and Desist Order**
 - Directed to specific litigating party with commercially significant inventory of imported infringing goods (in personam)
- **Remedy must not be contrary to the public interest**



Post-Investigation

- Advisory Opinions
 - Not appealable
- Enforcement Proceedings
 - Cannot relitigate original investigation
- Proceedings Before Customs
 - Determine whether product covered by exclusion order
- Seizure, Forfeiture, Fines and Penalties





Deanna Okun

Chair, International Trade
Commission Section 337 Litigation
& Trade Remedies Practice Group

dtokun@polsinelli.com
202.626.8329