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# **Trade-Related Agencies: FY2023 Appropriations, Commerce, Justice, Science, and Related Agencies (CJS)**

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**Keigh E. Hammond**  
Senior Research Librarian

**M. Angeles Villarreal**  
Specialist in International  
Trade and Finance

# Trade-Related Agencies: FY2023 Appropriations, Commerce, Justice, Science, and Related Agencies (CJS)

This report provides an overview of actions taken by the Administration and Congress to provide Fiscal Year (FY) 2023 appropriations for the International Trade Administration (ITA), the U.S. International Trade Commission (USITC or the Commission), and the Office of the United States Trade Representative (USTR). These three trade-related agencies are funded through the annual Commerce, Justice, Science, and Related Agencies (CJS) appropriations. This report also reviews these trade agencies' programs.

## **FY2023 Appropriations**

The Consolidated Appropriations Act, 2023 (P.L. 117-328), was signed into law on December 29, 2022. The Act provided a total of \$811.4 million in appropriations for the three CJS trade-related agencies. The final amount was \$71.4 million (9.6%) more than the FY2022-enacted level, and \$2.8 million less (-0.3%) than the President's request. The final agreement included the following funding amounts for each of the three agencies:

- ITA: \$613.0 million in direct appropriations, 9.7% more than the FY2022-enacted amount;
- USITC: \$122.4 million, 11.3% more than the FY2022-enacted amount;
- USTR: a total of \$76.0 million, 7.0% more than the FY2022-enacted amount. (Total USTR funding included direct appropriations and funds to be derived from the Trade Enforcement Trust Fund.)

## **Summary and Timeline of the FY2023 Budget Process:**

The President submitted his FY2023 budget request to Congress on March 28, 2022. For FY2023, the Administration requested a total of \$814.2 million in appropriations for the three CJS trade-related agencies. The request was \$74.2 million (10.0%) more than the FY2022-enacted level and included the following funding amounts for each of the three agencies:

- ITA: \$630.8 million in direct appropriations, 12.8% more than the FY2022-enacted amount;
- USITC: \$106.8 million, 2.9% less than the FY2022-enacted amount;
- USTR: a total of \$76.5 million, 7.8% more than the FY2022-enacted amount.

The House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies reported its CJS proposal on June 30, 2022 (H.R. 8256). For FY2023, the House Appropriations Committee-reported bill proposed a total of \$815.3 million in appropriations for the three CJS trade-related agencies. The request was \$75.3 million (10.2%) more than the FY2022-enacted level and \$1.1 million (0.1%) more than the President's request. The bill included the following for the three agencies:

- ITA: \$617.9 million in direct appropriations, 10.5% more than the FY2022-enacted amount and 2.1% less than the President's request;
- USITC: \$122.4 million, 11.3% more than the FY2022-enacted amount and 14.6% more than the President's request;
- USTR: a total of \$75.0 million, 5.6% more than the FY2022-enacted amount and 2.0% less than the President's request.

On July 28, 2022, a CSJ bill was introduced in the Senate (S. 4664) and the Senate Committee on Appropriations released explanatory text on the committee's website. That bill did not receive a mark-up by the full committee. It proposed \$811.9 million for the three CJS trade-related agencies. The proposal was \$71.9 million (9.7%) more than the FY2022-enacted level and \$2.2 million less (-0.3%) than the President's request. The bill included the following for the three agencies:

- ITA: \$613.0 million in direct appropriations, 9.7% more than the FY2022-enacted amount and 2.8% less than the President's request;
- USITC: \$122.4 million, 11.3% more than the FY2022-enacted amount and 14.6% more than the President's request;
- USTR: a total of \$76.5 million, 7.8% more than the FY2022-enacted amount and equal to the President's request.

Congress passed two continuing resolutions before agreeing on a final omnibus appropriations bill (H.R. 2617), which was signed into law on December 29, 2022 (P.L. 117-328).

## Contents

Background .....	1
FY2023 Appropriations .....	1
International Trade Administration (ITA).....	3
Global Markets.....	4
Enforcement and Compliance .....	5
Industry and Analysis.....	6
U.S. International Trade Commission (USITC) .....	7
Office of the U.S. Trade Representative (USTR).....	8
Selected Trade-Related Programs and Activities.....	9
China Trade Enforcement and Compliance Activities, ITA.....	9
Survey of International Air Travelers (SIAT), ITA .....	10
Trade Enforcement Trust Fund (TETF), USTR .....	10

## Tables

Table 1. Appropriations for CJS Trade-Related Agencies, FY2022-FY2023.....	2
Table 2. ITA Appropriations, by Unit, FY2022-FY2023.....	4
Table 3. USTR: FY2022-FY2023 Regular Appropriations.....	9
Table A-1. Budget Authority for ITA, by Unit: FY2013-FY2022.....	12
Table A-2. Budget Authority for USITC and USTR: FY2013-FY2022.....	13
Table A-3. Budget Authority for Selected Trade-Related Programs: FY2013-FY2022.....	14

## Appendixes

Appendix. Budget Authority Tables .....	12
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## Contacts

Author Information.....	15
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## Background

The International Trade Administration (ITA), the U.S. International Trade Commission (USITC, or the Commission), and the Office of the United States Trade Representative (USTR) are the three trade-related agencies funded through the annual Commerce, Justice, Science, and Related Agencies (CJS) appropriations.<sup>1</sup> This report provides an overview of these agencies' programs and compares the FY2023 CJS proposals with the previous fiscal year's enacted legislation.<sup>2</sup> In this report, appropriations are rounded to the nearest thousand. However, for greater accuracy, percentage change and annual differences are calculated using whole, not rounded, numbers; this means that, in some instances, totals may not sum due to rounding and there may be small differences between the actual percentage change and the percentage change that would be calculated by using the rounded amounts.

For FY2022, the Consolidated Appropriations Act, 2022 (P.L. 117-103), provided \$740.0 million for the three CJS trade-related agencies, including \$559.0 million in direct appropriations for ITA; \$110.0 million for USITC; and a total of \$71.0 million for USTR.<sup>3</sup> The FY2022 appropriations amount was \$37.0 million (5.3%) more than the previous year's enacted amount.

In addition to providing funding through regular appropriations, Congress also passed supplemental funding for USTR in Title IX of the United States-Mexico-Canada Agreement Implementation Act (USMCA, P.L. 116-113) in December 2019. USMCA implementing legislation provided a total of \$90.0 million for USTR, to remain available until September 30, 2023. The supplemental funds were provided for USTR to monitor compliance with labor and environmental obligations of the agreement and to enforce USMCA environmental obligations, including for state-to-state dispute settlement actions. In this report, funding levels are taken from the regular annual Consolidated Appropriations Acts and do not include supplemental appropriations provided in USMCA.

See the **Appendix** for enacted budget authority for the trade-related agencies for FY2013-FY2022.

## FY2023 Appropriations

For FY2023, the Administration requested a total of \$814.2 million in appropriations for the three CJS trade-related agencies (see **Table 1**). This request was \$74.2 million (10.0%) more than the FY2022-enacted amount. The President's budget included \$630.8 million in direct appropriations for ITA, \$106.8 million for USITC, and a total of \$76.5 million for USTR.<sup>4</sup>

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<sup>1</sup> For more on the overall CJS appropriations, see CRS Report R47157, *Overview of FY2023 Appropriations for Commerce, Justice, Science, and Related Agencies (CJS)*, by Nathan James.

<sup>2</sup> The FY2022 funding levels stated in this report reflect the amounts appropriated in the Consolidated Appropriations Act, 2022. They do not include supplemental appropriations provided in the United States-Mexico-Canada Agreement implementing legislation (P.L. 116-113).

<sup>3</sup> Total USTR funding amounts in this report include both direct appropriations for "salaries and expenses" and funding to be derived from the Trade Enforcement Trust Fund for certain trade enforcement activities. See the "Trade Enforcement Trust Fund (TETF), USTR" section in this report.

<sup>4</sup> Office of Management and Budget, *Appendix, Budget of the United States Government, Fiscal Year 2023*, White House, Washington, DC, 2023. Total USTR funding amounts in this report include both direct appropriations for "salaries and expenses" and funding to be derived from the Trade Enforcement Trust Fund for certain trade enforcement activities. See the "Trade Enforcement Trust Fund (TETF), USTR" section in this report.

The House Appropriations Committee-reported bill (H.R. 8256) proposed a total of \$815.3 million in appropriations for the three CJS trade-related agencies. The request was \$75.3 million (10.2%) more than the FY2022-enacted level and \$1.1 million (0.1%) more than the President’s request. The proposal included \$617.9 million in direct appropriations for ITA, \$122.4 million for USITC, and a total of \$75.0 million for USTR.

The Senate-introduced bill (S. 4664) proposed \$811.9 million for the three CJS trade-related agencies. The proposal was \$71.9 million (9.7%) more than the FY2022-enacted level and \$2.2 million less (-0.3%) than the President’s request. The bill included \$613.0 million in direct appropriations for ITA, \$122.4 million for USITC, and a total of \$76.5 million for USTR.<sup>5</sup>

The Consolidated Appropriations Act, 2023 (P.L. 117-328), provided a total of \$811.4 million in appropriations for the three CJS trade-related agencies. The final agreement was \$71.4 million (9.6%) more than the FY2022-enacted level and included \$613.0 million in direct appropriations for ITA, \$122.4 million for USITC, and a total of \$76.0 million for USTR.

**Table I. Appropriations for CJS Trade-Related Agencies, FY2022-FY2023**

Millions of Current U.S. Dollars

CJS Trade-Related Agencies	FY2022 Enacted	Request	FY2023		
			House-Reported H.R. 8256	Senate-Introduced S. 4664	Enacted P.L. 117-328
<b>Total</b>	<b>740.0</b>	<b>814.2</b>	<b>815.3</b>	<b>811.9</b>	<b>811.4</b>
International Trade Administration (ITA) (direct appropriations) <sup>a</sup>	559.0	630.8	617.9	613.0	613.0
U.S. International Trade Commission (USITC) <sup>b</sup>	110.0	106.8	122.4	122.4	122.4
Office of the U.S. Trade Representative (USTR) <sup>c</sup>	71.0	76.5	75.0	76.5	76.0

**Sources:** For FY2022-enacted amounts see P.L. 117-103. For FY2023, see the appendix tables to the President’s budget, H.R. 8256, S. 4664, and P.L. 117-328.

**Notes:** Totals may not sum due to rounding.

- In addition to the direct appropriations listed above, ITA’s budget authority included a portion to be derived from user fees, which increased ITA’s available funds. For FY2022, ITA’s available funds were \$570.0 million, including \$11.0 million in user fees. For the FY2023 figures, in addition to the direct appropriations above, ITA’s available funds include \$12.0 million to be derived from user fees. This raises ITA’s available funds to \$625.0 million for FY2023.
- In this table, USITC’s request represents the President’s budget request. The Commission is also authorized to submit an independent request directly to Congress (19 U.S.C. §2232). The Commission’s independent request for FY2023 was \$122.4 million.
- USTR appropriations include direct appropriations for salaries and expenses and funds to be derived from the Trade Enforcement Trust Fund (TETF) for certain trade enforcement activities. Supplemental funding provided in USMCA implementing legislation is excluded from USTR totals above.

<sup>5</sup> Also see, Senate Committee on Appropriations, press release, “Chairman Leahy Releases Fiscal Year 2023 Senate Appropriations Bills,” July 28, 2022, <https://www.appropriations.senate.gov/news/majority/breaking-chairman-leahy-releases-fiscal-year-2023-senate-appropriations-bills>. The released draft bill and explanatory text were not marked up by the full committee.

## International Trade Administration (ITA)<sup>6</sup>

ITA, a bureau within the Department of Commerce, has a mission to improve U.S. prosperity by strengthening the competitiveness of U.S. industry, promoting trade and investment, and ensuring compliance with trade laws and agreements. ITA provides export promotion services, works to enforce and ensure compliance with trade laws and agreements, administers trade remedies such as antidumping and countervailing duties, and provides analytical support for ongoing trade negotiations.<sup>7</sup>

ITA is comprised of three primary units: (1) Global Markets, (2) Enforcement and Compliance, and (3) Industry and Analysis. ITA also has a fourth organizational unit, the Executive and Administrative Directorate, which is responsible for providing policy leadership, information technology support, and administration services for all of ITA. (Table 2 outlines the FY2023 budget for ITA by unit. For historical budget amounts for ITA units, see the Appendix.)

ITA is funded through a combination of direct appropriations and user fees collected for certain services. For FY2023, the Administration requested \$630.8 million in direct appropriations for ITA, with an additional \$12.0 million to be collected in fees, for a total of \$642.8 million in authorized spending. The budget request for ITA's direct appropriations was \$71.8 million (12.8%) more than the FY2022-enacted direct appropriation.

The House committee-reported bill (H.R. 8256) proposed \$617.9 million in direct appropriations for ITA, with an additional \$12.0 million to be collected in fees, for a total of \$629.9 million in authorized spending. The proposal was \$58.9 million (10.5%) more than the amount enacted through FY2022 direct appropriations, and \$13.0 million less (-2.1%) than the President's request. Among other program-level priorities, the committee also included language regarding a Ukraine reconstruction plan and directed the Secretary of Commerce and ITA to contribute to plans for a post-conflict rebuilding of Ukraine, specifically "to help facilitate the expansion of the U.S. economic footprint in Ukraine and increase direct engagement with Ukrainian businesses."<sup>8</sup>

The Senate-introduced bill proposed \$613.0 million in direct appropriations for ITA, with an additional \$12.0 million to be collected in fees, for a total of \$625.0 million in authorized spending. The proposal was \$54.0 million more (9.7%) than the amount enacted through FY2022 direct appropriations and \$17.8 million less (-2.8%) than the President's budget request.

The Consolidated Appropriations Act, 2023 (P.L. 117-328), provided \$613.0 million in direct appropriations for ITA, with an additional \$12.0 million to be collected in fees, for a total of \$625.0 million in authorized spending. The enacted funding is \$54.0 million (9.7%) more than the amount enacted through FY2022 direct appropriations, and \$17.8 million less than (-2.8%) the President's request.

<sup>6</sup> In this report, the budget authority figures for ITA's subunits have been rounded; however, calculations comparing ITA's FY2022 budget and the FY2023 proposals are based on the original figures, as identified in ITA's FY2022 and FY2023 congressional budget justifications.

<sup>7</sup> For more on ITA, see <https://www.trade.gov/>.

<sup>8</sup> U.S. Congress, House Committee on Appropriations, *Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2023*, report accompanying H.R. 8256, 117<sup>th</sup> Cong. 2<sup>nd</sup> sess., June 30, 2022, H.Rept. 117-395, pp. 10-11. (Hereafter, H.Rept. 117-395.)

**Table 2. ITA Appropriations, by Unit, FY2022-FY2023**

Millions of Current U.S. Dollars

ITA Unit	FY2022 Budget Authority <sup>a</sup>	FY2023			
		Request	House- Reported H.R. 8256	Senate- Introduced S. 4664	Enacted P.L. 117- 328
<b>ITA</b>	<b>559.0</b>	<b>630.8</b>	<b>617.9</b>	<b>613.0</b>	<b>613.0</b>
Global Markets	352.1	392.0	391.8	— <sup>b</sup>	— <sup>c</sup>
Enforcement and Compliance	111.6	124.6	— <sup>d</sup>	— <sup>b</sup>	— <sup>b</sup>
Industry and Analysis	70.0	86.6	— <sup>b</sup>	— <sup>b</sup>	— <sup>b</sup>
Executive Administration	25.3	27.5	— <sup>b</sup>	— <sup>b</sup>	— <sup>b</sup>

**Sources:** ITA budget office; ITA's FY2023 Congressional Budget Justification, p. 11; H.R. 8256; H.Rept. 117-395; the Senate Committee on Appropriations' released explanatory text to accompany S. 4664 (July 28, 2022, press release); and the Explanatory Text accompanying H.R. 2617 (Dec. 20, 2022).

**Notes:** See **Table A-1** for ITA's historical funding. Totals may not sum due to rounding.

- FY2022 budget authority provided by ITA budget office, in correspondence with CRS.
- The bill does not include specific funding amount.
- The explanatory text for the final agreement did not provide a specific total; however, it included language that the House Report (H.Rept. 117-395) should be complied with, regarding CJS appropriations.
- The bill provides "no less than the fiscal year 2022 enacted amount." According to ITA's budget office, the FY2022 budget authority was \$116.6 million for Enforcement and Compliance.

## Global Markets

ITA's Global Markets (GM) unit is a combination of the United States and Foreign Commercial Service (US&FCS) program, which provides export promotion services to U.S. businesses, and the SelectUSA program, which works to attract foreign investment into the United States.<sup>9</sup> Through US&FCS, GM aims to promote U.S. exports by helping U.S. exporters research foreign markets and identify opportunities abroad. GM's country and regional experts—in domestic and overseas offices—advise U.S. companies on market access, local standards, and regulations. The unit also seeks to help to make business-to-business connections through trade shows, fairs, and missions. GM is designed to advance U.S. commercial interests by engaging with foreign governments and U.S. businesses, identifying and resolving market barriers, and leading efforts that advocate for U.S. firms with foreign governments.

The Administration requested \$392.0 million in funding for GM in FY2023. Within this funding, ITA requested an increase of \$26.1 million to increase export promotion activities and boost "the United States' ability to counter unfair trade practices and economic coercion by the People's Republic of China." ITA proposed increasing staff in three overseas regions (the Indo-Pacific, the Western Hemisphere, and the Middle East and Africa). The funding proposal included hiring 28 new Foreign Commercial Service Officers and 28 Locally Employed Staff in overseas offices, and an increase of 11 international trade staff in GM's domestic offices.<sup>10</sup>

<sup>9</sup> For more on SelectUSA, see CRS In Focus IF10674, *SelectUSA: U.S. Inbound Investment Promotion*, by Shayerah I. Akhtar.

<sup>10</sup> International Trade Administration, *ITA FY2023 Congressional Budget Justification*, p. 73.



Language in the House committee report accompanying H.R. 8256 proposed \$391.8 million for GM and stated that this funding level would support ITA's efforts to increase U.S. export competitiveness and improve the United States' ability to counter China's unfair trade practices.<sup>11</sup> The bill included a new provision providing ITA with the authority to establish a minority fellowship program to recruit students from diverse backgrounds for a career with the U.S. Foreign Commercial Service. The committee directed ITA to include an implementation plan for the fellowship program with its FY2023 spend plan.<sup>12</sup> The committee also continued its previous directives for ITA to fully staff the domestic U.S. Export Assistance Centers and report to the committee on staffing levels.<sup>13</sup>

The explanatory text accompanying the Senate-introduced bill did not include a specific overall funding level for GM. It did include language to support the requested level for ITA to increase international commercial engagement efforts, including hiring additional staff and establishing new international offices in regions of strategic importance.<sup>14</sup>

The Consolidated Appropriations Act, 2023 (P.L. 117-328), did not provide a specific overall funding level for GM, however language in the joint explanatory text suggests that the House report language holds the same weight as the final agreement.<sup>15</sup> The agreement also provided \$1.5 million (an increase of \$1.0 million) to support GM's rural export centers.<sup>16</sup> Likewise, the final agreement also included a new provision to provide up to \$3.0 million for a pilot fellowship program for US&FCS to recruit minority students.<sup>17</sup>

## Enforcement and Compliance

The mission of ITA's Enforcement and Compliance unit is to enforce U.S. trade laws and ensure compliance with negotiated international trade agreements. The unit is responsible for enforcing U.S. antidumping and countervailing duty (AD/CVD) laws, overseeing a variety of programs and policies regarding the enforcement and administration of U.S. trade remedy laws, assisting U.S. industry and businesses with unfair trade matters, and administering the Foreign-Trade Zone program and other U.S. import programs.<sup>18</sup>

For FY2023, the Administration requested \$124.6 million in funding for the Enforcement and Compliance unit. The request included a \$6.8 million increase for AD/CVD enforcement and for the staffing of a ninth Enforcement Office. ITA cited an increase in the agency's AD/CVD investigations and orders. The request also included an additional \$5.0 million to hire more contractors to review tariff exclusion requests from the steel and aluminum tariffs imposed under

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<sup>11</sup> H.Rept. 117-395, pp. 10-11.

<sup>12</sup> H.R. 8256 and H.Rept. 117-395, pp. 10-11.

<sup>13</sup> Ibid.

<sup>14</sup> Explanatory text accompanying the Senate-introduced CJS bill (released on the Senate Committee on Appropriations website, July 28, 2022), p. 7-9, <https://www.appropriations.senate.gov/download/cjsfy23rpt>.

<sup>15</sup> "Explanatory Statement Regarding H.R. 2617, Consolidated Appropriations Act 2023," Congressional Record, daily edition, vol. 168, (Dec. 20, 2022), page S7898.

<sup>16</sup> "Explanatory Statement Regarding H.R. 2617, Consolidated Appropriations Act 2023," Congressional Record, daily edition, vol. 168, (Dec. 20, 2022), page S7898.

<sup>17</sup> Division B, Title 1 of P.L. 117-328.

<sup>18</sup> For background on some of these activities, see CRS In Focus IF10018, *Trade Remedies: Antidumping and Countervailing Duties*, by Christopher A. Casey, and CRS In Focus IF11348, *U.S. Foreign-Trade Zone (FTZ) Program*, by Liana Wong.

Section 232 of the Trade Expansion Act.<sup>19</sup> This additional amount would have raised funding for ITA’s Section 232 program to \$8.0 million in FY2023.<sup>20</sup>

Language in the House committee report accompanying H.R. 8256 proposed an amount “no less than the fiscal year 2022 enacted level” (\$111.6 million).<sup>21</sup> The committee’s recommendation would also support program increases to continue hiring staff for the ninth AD/CVD enforcement office.<sup>22</sup>

The Senate-introduced bill did not include a specific funding level for Enforcement and Compliance; however, language in the explanatory text accompanying the bill would have supported specific activities. The proposal included an \$8.0 million increase in funding for ITA to review requests for exclusion from the Section 232 steel and aluminum tariffs, and \$1.3 million to support implementation of the Aluminum Import Monitoring system. The Senate-introduced bill would have also continued support for the ninth AD/CVD enforcement office.<sup>23</sup>

The Consolidated Appropriations Act, 2023 (P.L. 117-328), did not provide a specific overall funding level for the Enforcement and Compliance unit. Language in the Joint Explanatory Statement directed ITA “to submit a report to the Committees, within 180 days of enactment of this act, outlining ITA’s efforts to counteract the use of third countries for transshipment by state-backed industries and producers to evade U.S. AD/CVD laws” and provide congressional options.<sup>24</sup>

## Industry and Analysis

ITA’s Industry and Analysis unit brings together ITA’s industry, trade, and economic experts to advance the competitiveness of U.S. industries through the development and execution of international trade and investment policies, export promotion strategies, and investment promotion. The unit analyzes economic and international policies to improve market access for U.S. businesses and designs and implements trade and investment promotion programs. It aims to serve as the primary liaison between U.S. industries and the federal government on trade and investment promotion activities. It also administers programs that support small and medium-sized enterprises, such as the Market Development Cooperator Program.

For FY2023, the Administration requested \$86.6 million for Industry and Analysis. This request included a \$10.9 million increase to fulfill new requirements on supply chain resilience across manufacturing and services industries and a \$3.1 million increase to support the Survey of International Air Travelers Program.<sup>25</sup> (For more details, see the “Survey of International Air Travelers (SIAT), ITA” section below.)

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<sup>19</sup> For background on Section 232 and the steel and aluminum tariffs, see CRS In Focus IF10667, *Section 232 of the Trade Expansion Act of 1962*, by Rachel F. Fefer. For follow up, contact Keigh E. Hammond or M. Angeles Villarreal.

<sup>20</sup> International Trade Administration, *ITA FY2023 Congressional Budget Justification*, p. 49.

<sup>21</sup> H.Rept. 117-395, pp. 10-11. Enforcement and Compliance’s 2022 budget authority was confirmed in CRS email communication with ITA, June 22, 2022.

<sup>22</sup> H.Rept. 117-395, pp. 10-11.

<sup>23</sup> Explanatory text accompanying the Senate-introduced CJS bill (released on the Senate Committee on Appropriations website, July 28, 2022), p. 7-9, <https://www.appropriations.senate.gov/download/cjsfy23rpt>.

<sup>24</sup> “Explanatory Statement Regarding H.R. 2617, Consolidated Appropriations Act 2023,” *Congressional Record*, daily edition, vol. 168, (Dec. 20, 2022), page S7898.

<sup>25</sup> International Trade Administration, *ITA FY2023 Congressional Budget Justification*, pp. 3, 5, 19-27.

The House-reported bill did not include a specific funding amount for Industry and Analysis; however, language in the report accompanying the bill would have “support[ed] the requested increase for ITA to fulfill new requirements on supply chain resilience across manufacturing and services industries” and on expanding the Survey of International Air Travelers.<sup>26</sup>

The Senate-introduced bill did not include a specific funding level for Industry and Analysis.

The Consolidated Appropriations Act, 2023 (P.L. 117-328 ), did not provide a specific overall funding level for Industry and Analysis.

## U.S. International Trade Commission (USITC)

USITC is an independent, quasi-judicial agency responsible for conducting trade-related investigations and providing independent technical advice on U.S. international trade policy to Congress, the President, and USTR. The Commission (1) investigates and determines whether imports injure a domestic industry or violate U.S. intellectual property rights; (2) provides independent tariff, trade, and competitiveness-related analysis to the President, Congress, and USTR; and (3) maintains the U.S. tariff schedule. USITC also serves as a federal resource for trade data and other trade policy information. It makes most of its information and analyses available to the public to promote understanding of competitiveness, international trade issues, and the role that international trade plays in the U.S. economy.

USITC’s annual budget request to Congress is subject to two types of submission: (1) the President’s budget request for the Commission, which is included in the President’s annual budget; and (2) the Commission’s independent budget request. USITC has the authority to submit its independent budget directly to Congress without revision by the President, pursuant to Section 175 of the Trade Act of 1974.

The President’s FY2023 budget requested \$106.8 million in funding for USITC, which was \$3.2 million less (-2.9%) than the FY2022-enacted funding. The Commission’s independent budget submission to Congress requested \$122.4 million for FY2023, which was \$12.4 million (11.3%) above the FY2022-enacted funding level and \$15.6 million above the President’s FY2023 request. USITC’s independent congressional budget justification outlined an increased volume of AD/CVD cases; increased updates to the Harmonized Tariff Schedule in recent years, due to Administration initiatives (such as Section 232 and Section 301 tariffs, as well as other trade issues); and plans for information technology infrastructure maintenance.<sup>27</sup>

The House committee-reported bill and the Senate-introduced bill both recommended \$122.4 million for USITC, an amount equal to the Commission’s independent budget submission.

The Consolidated Appropriations Act, 2023 (P.L. 117-328), provided \$122.4 million for USITC for FY2023. The funding was \$12.4 million (11.3%) more than the FY2022-enacted amount and \$15.6 million (14.6%) more than the President’s request, and was equal to the Commission’s independent budget submission.

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<sup>26</sup> H.Rept. 117-395, pp. 10-11.

<sup>27</sup> U.S. International Trade Commission, *USITC Congressional Budget Submission Fiscal Year 2023*, at [https://www.usitc.gov/documents/fy\\_2023\\_congressional\\_budget\\_justification.pdf](https://www.usitc.gov/documents/fy_2023_congressional_budget_justification.pdf). For information on the tariff actions, see CRS In Focus IF10667, *Section 232 of the Trade Expansion Act of 1962*, by Rachel F. Fefer, (for followup, contact Keigh E. Hammond or M. Angeles Villarreal.) and CRS In Focus IF11346, *Section 301 of the Trade Act of 1974*, by Andres B. Schwarzenberg.

## Office of the U.S. Trade Representative (USTR)

USTR has primary responsibility for developing and coordinating U.S. international trade and direct investment policies, as the head of the interagency trade policy coordinating process.<sup>28</sup> As part of the Executive Office of the President, USTR is the President's principal advisor on trade policy and the President's chief negotiator for international trade agreements, including commodity and direct investment negotiations. USTR negotiates directly with foreign governments to create trade agreements (which may require legislative approval to enter into effect) and resolve disputes, and it participates in global trade policy organizations such as the World Trade Organization. It also meets with business groups, policymakers, and public interest groups on trade policy issues.<sup>29</sup>

In addition to providing direct appropriations for USTR, Congress can provide USTR supplementary funding from the congressionally established Trade Enforcement Trust Fund. USTR may use funding from this trust fund for certain trade enforcement activities, authorized by the Trade Facilitation and Trade Enforcement Act of 2015 (P.L. 114-125). See the section below, "Trade Enforcement Trust Fund (TETF), USTR" for more detail.

For FY2023, the Administration requested a total of \$76.5 million for USTR, including \$61.5 million in direct appropriations for salaries and expenses and \$15.0 million to be derived from the TETF for certain trade enforcement activities (see **Table 3**). The total request was \$5.5 million (7.8%) more than the FY2022-enacted funding level.

The House committee-reported bill recommended a total of \$75.0 million for USTR, including \$60.0 million in direct appropriations for salaries and expenses and \$15.0 million to be derived from the TETF for certain trade enforcement activities. The recommendation was \$4.0 million (5.6%) more than the previous year's enacted amount and \$1.5 million less (-2.0%) than the President's request.

The Senate-introduced bill proposed a total of \$76.5 million for USTR, including \$61.5 million for salaries and expenses and \$15.0 million to be derived from the TETF for certain trade enforcement activities. The bill included a condition that \$5.0 million of USTR funding would not be available until USTR has certified to the Committees on Appropriations that it had established a process for U.S. firms to request product exclusions from the tariffs on certain imports from China, imposed under Section 301 of Trade Act of 1974.<sup>30</sup> The proposed funding for USTR was \$5.5 million (7.8%) more than the FY2022-enacted amount and equal to the President's request.

The Consolidated Appropriations Act, 2023 (P.L. 117-328), provided a total of \$76.0 million for USTR, including \$61.0 million for salaries and expenses and \$15.0 million to be derived from the

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<sup>28</sup> USTR coordinates U.S. trade policy through the interagency process, as outlined by statute (see 19 U.S.C. 1872). The interagency draws its membership from key executive trade agencies and the White House. For more on the interagency process, see CRS In Focus IF11016, *U.S. Trade Policy Functions: Who Does What?*, by Shayerah Ilias Akhtar.

<sup>29</sup> USTR, "Mission of the USTR," at <https://ustr.gov/about-us/about-ustr>. USTR coordinates the advisory committee system, as outlined by statute, to ensure private sector input into the trade policy and negotiating objectives (see 19 U.S.C. 2155).

<sup>30</sup> For more on the Section 301 tariffs, see CRS In Focus IF11346, *Section 301 of the Trade Act of 1974*, by Andres B. Schwarzenberg, and CRS In Focus IF11582, *Section 301 Tariff Exclusions on U.S. Imports from China*, by Andres B. Schwarzenberg.

TETF for certain trade enforcement activities. The total is \$5.0 million (7.0%) more than the FY2022-enacted amount, and \$500 thousand less (-0.3%) than the President’s request.

The Consolidated Appropriations Act, 2023 (P.L. 117-328) also extended availability of the remaining, USMCA-related supplemental funding to USTR, for an additional year.<sup>31</sup>

**Table 3. USTR: FY2022-FY2023 Regular Appropriations**

Millions of Current U.S. Dollars

	FY2022		FY2023		
	Enacted	Request	House- Reported H.R. 8256	Senate- Introduced S. 4664	Enacted P.L. 117- 328
<b>USTR</b>	<b>71.0</b>	<b>76.5</b>	<b>75.0</b>	<b>76.5</b>	<b>76.0</b>
Direct appropriation for salaries and expenses	56.0	61.5	60.0	61.5	61.0
Funding to be derived from TETF for certain trade enforcement activities	15.0	15.0	15.0	15.0	15.0

**Sources:** For FY2022-enacted amounts, see P.L. 117-103. For the FY2023 request, see the **Appendix** tables to the President’s budget. For congressional proposals, see H.R. 8256, S. 4664, and H.R. 2617 (P.L. 117-328)

**Notes:** The totals exclude supplemental funding from USMCA. TETF = Trade Enforcement Trust Fund, authorized by the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. §4405).

## Selected Trade-Related Programs and Activities

Over the past decade, Congress has provided funding for specific trade-related programs or activities within broader agency budgets. The programs described below have been the focus of recent and ongoing congressional interest: (1) ITA’s China trade enforcement and compliance activities; (2) the Survey of International Air Travelers (SIAT) within ITA; and (3) the Trade Enforcement Trust Fund, which funds certain activities of USTR. (See **Table A-3** for historical budget authority for these selected programs.)

### China Trade Enforcement and Compliance Activities, ITA

Since 2004, Congress has dedicated some of ITA’s funding to AD/CVD enforcement and compliance activities with respect to China and other nonmarket economies.<sup>32</sup> ITA’s Office of China Compliance was established by the Consolidated Appropriations Act, 2004 (P.L. 108-199). Its primary role has been to enforce U.S. AD/CVD laws and to develop and implement other

<sup>31</sup> Sec. 540, P.L. 117-328 extended USMCA supplemental funds for USTR. In December 2019, Congress passed Title IX of USMCA (P.L. 116-113), which provided a total of \$90.0 million for USTR, to remain available until September 30, 2023. The supplemental funds were provided for USTR to monitor compliance with labor and environmental obligations of the agreement and to enforce USMCA environmental obligations, including for state-to-state dispute settlement actions. In this report, funding levels are taken from the regular annual Consolidated Appropriations Acts and do not include supplemental appropriations provided in USMCA.

<sup>32</sup> For the purposes of trade remedies, the Commerce Department determines “nonmarket economy” countries, according to 19 U.S.C. §1677(18); “the term ‘nonmarket economy country’ means any foreign country that the administering authority determines does not operate on market principles of cost or pricing structures, so that sales of merchandise in such country do not reflect the fair value of the merchandise.”

policies and programs aimed at countering unfair foreign trade practices in China. ITA's China Countervailing Duty Group was established by the Consolidated Appropriations Act, 2010 (P.L. 111-117), to accommodate the workload that resulted from the application of countervailing duty law to imports from nonmarket economy countries.<sup>33</sup>

ITA's FY2023 budget justification requested \$16.4 million, within ITA's budget, for China AD/CVD enforcement and compliance activities in FY2023, which was equal to the FY2022-enacted level. The House committee-reported bill and the Senate-introduced bill also recommended \$16.4 million.

The Consolidated Appropriations Act, 2023, provided \$16.4 million, within ITA's budget, for China AD/CVD enforcement and compliance activities in FY2023.

## Survey of International Air Travelers (SIAT), ITA

The Survey of International Air Travelers (SIAT), a program within ITA's Industry and Analysis unit, gathers statistics about air passenger travelers in the United States. Federal agencies use these statistics for a variety of purposes, such as to estimate the contribution of international travel to the economy, develop public policy on the travel industry, and forecast staffing needs at consulates and ports of entry.<sup>34</sup>

For the SIAT program in FY2023, ITA proposed \$7.9 million. The proposal included the addition of one new position. With the proposed increase, ITA aimed to expand coverage of data collection to "non-traditional, non-urban markets not usually covered by the SIAT, allowing ITA to assist smaller states and destinations with market intelligence," and to collect data to inform Coronavirus Disease 2019 pandemic recovery programs for the travel and tourism industries.<sup>35</sup>

The House Committee on Appropriations did not provide a specific funding level for SIAT; however, language in the committee report accompanying H.R. 8256 stated that its recommendation included "funding for the continued expansion of the Survey of International Air Travelers."<sup>36</sup>

The bill introduced in the Senate did not include a specific funding level for SIAT.

The Consolidated Appropriations Act, 2023, did not include a specific funding level for SIAT.

## Trade Enforcement Trust Fund (TETF), USTR

To provide additional funding for trade enforcement activities, Congress established the Trade Enforcement Trust Fund (TETF) in 2016. In Section 611 of the Trade Facilitation and Trade Enforcement Act of 2015 (P.L. 114-125), Congress directed the Secretary of the Treasury to transfer \$15.0 million annually into TETF from the general fund of Treasury and outlined authorized uses of the funds.<sup>37</sup> Under Section 611(d) of this act, funds are available to USTR, "only as provided by appropriations Acts," for any of the following: (1) to monitor and enforce

<sup>33</sup> U.S. Congress, Conference Committee, *Commerce, Justice, Science, and Related Agencies Appropriations Bill 2010*, conference report accompanying H.R. 2847, 111<sup>th</sup> Cong. 1<sup>st</sup> sess., H.Rept. 111-149, June 12, 2009, pp. 10-11.

<sup>34</sup> For more on SIAT, see <https://www.trade.gov/survey-international-air-travelers-siat>.

<sup>35</sup> *ITA FY2023 Congressional Budget Justification*, p. 27.

<sup>36</sup> H.Rept. 117-395, pp. 10-11.

<sup>37</sup> The total amount in the TETF may not exceed \$30.0 million, and thus Treasury may transfer less than \$15.0 million annually, as required by this limitation (19 U.S.C. §4405).

U.S. free trade agreements and World Trade Organization (WTO) commitments; (2) to support trade capacity-building assistance to help partner countries meet their free trade agreement obligations and commitments; and (3) to investigate petitions concerning unfair trade practices under Section 301 of the Trade Act of 1974.<sup>38</sup> The Trade Facilitation and Trade Enforcement Act of 2015 also authorizes USTR to transfer funds to select federal agencies for trade enforcement activities authorized in Section 611(d).

For FY2023, the Administration requested \$15.0 million to be derived from the TETF for USTR, for trade enforcement activities authorized by the Trade Facilitation and Trade Enforcement Act of 2015. The request was equal to the FY2022-enacted level.

The House committee-reported bill and the Senate-introduced bill also recommended \$15.0 million.

The Consolidated Appropriations Act, 2023, provided \$15.0 million to be derived from the TETF for USTR, for trade enforcement activities.

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<sup>38</sup> 19 U.S.C. §4405; Section 611 of the Trade Facilitation and Trade Enforcement Act of 2015 (P.L. 114-125). For more information on Section 301, see CRS In Focus IF11346, *Section 301 of the Trade Act of 1974*, by Andres B. Schwarzenberg.

## Appendix. Budget Authority Tables

**Table A-1. Budget Authority for ITA, by Unit: FY2013-FY2022**

Millions of Current U.S. Dollars

	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022
<b>ITA (total)</b>	438.5	460.6	462.0	483.0	483.0	482.0	484.0	510.3	530.0	559.0
Global Markets	—	312.0	311.8	324.4	319.2	319.2	320.0	333.0	340.8	352.1
Enforcement and Compliance	—	70.6	71.6	79.0	85.5	87.5	88.5	91.8	99.2	111.6
Industry and Analysis	—	54.9	55.5	56.3	55.4	52.3	52.6	62.5	66.0	70.0
Executive and Administration	23.7	23.1	23.1	23.3	22.9	22.9	22.9	23.0	24.0	25.3
Manufacturing and Services	42.3	—	—	—	—	—	—	—	—	—
Market Access and Compliance	39.9	—	—	—	—	—	—	—	—	—
Import Administration	70.9	—	—	—	—	—	—	—	—	—
Trade Promotion and the U.S. & Foreign Commercial Service	261.7	—	—	—	—	—	—	—	—	—

**Sources:** Budget office, International Trade Administration (ITA), U.S. Department of Commerce.

**Notes:** Totals may not sum due to rounding. In October 2013, ITA went through a reorganization in which four units (Manufacturing and Services, Market Access and Compliance, Import Administration, and the U.S. & Foreign Commercial Service) were restructured into three units: Industry and Analysis, Enforcement and Compliance, and Global Markets.



**Table A-2. Budget Authority for USITC and USTR: FY2013-FY2022**

Millions of Current U.S. Dollars

	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022
<b>USITC</b>	78.9	83.0	84.5	88.5	91.5	93.7	95.0	99.4	103.0	110.0
<b>USTR (total)<sup>a</sup></b>	47.6	52.6	54.3	54.5	62.0	72.6	68.0	69.0	70.0	71.0
Direct appropriation for salaries and expenses	47.6	52.6	54.3	54.5	47.0	57.6	53.0	54.0	55.0	56.0
Funds to be derived from TETF for certain trade enforcement activities <sup>b</sup>	—	—	—	—	15.0	15.0	15.0	15.0	15.0	15.0

**Sources:** **FY2013:** FY2013 post-sequestration amounts were provided by USITC and USTR. **FY2014:** Joint explanatory statement to accompany P.L. 113-76. **FY2015:** Joint Explanatory Statement to accompany P.L. 113-235. **FY2016:** P.L. 114-113. **FY2017:** P.L. 115-31. **FY2018:** P.L. 115-141. **FY2019:** P.L. 116-6. **FY2020:** P.L. 116-93. **FY2021:** P.L. 116-260. **FY2022:** P.L. 117-103.

**Notes:** FY2013 appropriations include sequestration.

- a. USTR totals exclude supplemental appropriations from USMCA.
- b. TETF = the Trade Enforcement Trust Fund, established by the Trade Facilitation and Trade Enforcement Act of 2015 (P.L. 114-125). Congress first provided funds for USTR to be derived from the Trade Enforcement Trust Fund in FY2017.

**Table A-3. Budget Authority for Selected Trade-Related Programs: FY2013-FY2022**

Millions of Current U.S. Dollars

	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022
China antidumping and countervailing duty enforcement and compliance activities (ITA)	16.4	16.4	16.4	16.4	16.4	16.4	16.4	16.4	16.4	16.4
SIAT (ITA) <sup>a</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	4.1	4.8	5.8
USTR funds to be derived from the Trade Enforcement Trust Fund	—	—	—	—	15.0	15.0	15.0	15.0	15.0	15.0

**Sources:** ITA Budget office and additional sources listed by fiscal year: **FY2013:** P.L. 113-6. **FY2014:** P.L. 113-76 and the Joint Explanatory Statement. **FY2015:** P.L. 113-235 and the Joint Explanatory Statement. **FY2016:** P.L. 114-113. **FY2017:** P.L. 115-31. **FY2018:** P.L. 115-141, the Legislative Text and Explanatory Statement (Book 1), and S.Rept. 115-139. **FY2019:** P.L. 116-6 and H.Rept. 116-9, the conference report. **FY2020:** P.L. 116-93 and conference report, House Committee Print 38-678. **FY2021:** P.L. 116-260. **FY2022:** P.L. 117-103.

**Notes:** n/a = exact funding amounts not provided in appropriation acts or agency budget documents.

- a. ITA did not receive budget authority specifically for SIAT until the FY2020 Consolidated Appropriations Act. Note: for FY2021, additionally, ITA used \$700k of unallocated resources from the appropriations act to increase the SIAT funding level (per ITA's communication with CRS).

## **Author Information**

Keigh E. Hammond  
Senior Research Librarian

M. Angeles Villarreal  
Specialist in International Trade and Finance

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