Congressional Research Service
Informing the legislative debate since 1914

Trade-Related Agencies: FY2022 Appropriations, Commerce, Science, Justice and Related Agencies (CJS)

January 13, 2022

Congressional Research Service
https://crsreports.congress.gov
R47009

CRS REPORT
Prepared for Members and
Committees of Congress

Congressional Research Service
Informing the legislative debate since 1914

SUMMARY

R47009

January 13, 2022

Keigh E. Hammond, Coordinator
Senior Research Librarian

M. Angeles Villarreal
Specialist in International Trade and Finance

Trade-Related Agencies: FY2022 Appropriations, Commerce, Science, Justice and Related Agencies (CJS)

This report provides an overview of the Fiscal Year (FY) 2022 budget request and appropriations for the International Trade Administration (ITA), the U.S. International Trade Commission (USITC), and the Office of the vUnited 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. This report will be updated throughout the budget cycle.

The Administration's FY2022 Budget Request

The President submitted his budget request to Congress on May 28, 2021. For FY2022, the Administration requests a total of $735.3 million in appropriations for the three CJS trade-related agencies. This request is $32.3 million (4.6%) more than the FY2021 enacted level. The request included the following for the three agencies.

- **ITA:** $559.3 million in direct appropriations, 5.5% more than the FY2021 enacted amount;
- **USITC:** $103.0 million, an amount equal to the FY2021 enacted amount;
- **USTR:** a total of $73.0 million, 4.3% more than the FY2021 enacted amount.

Congressional Actions

The House Committee on Appropriations reported its FY2022 CJS appropriations proposal, H.R. 4505, on July 19, 2021. The House committee-reported bill proposes a total of $757.7 million for the three CJS trade-related agencies, which is $54.7 million (7.8%) more than the FY2021 enacted amount and $22.4 million (3.0%) more than the President's budget request. The House committee-reported bill proposes the following for the three agencies:

- **ITA**: $566.4 million in direct appropriations, 6.9% more than FY2021 enacted level, and 1.3% more than the Administration's request;
- **USITC**: $118.5 million, 15.0% more than both the FY2021 enacted level and the President's request;
- **USTR**: a total of $72.8 million, 4.0% more than FY2021 enacted level, and 0.3% less than the President's request.

In the Senate, a CJS appropriations proposal, S. 3042, was introduced on October 21, 2021 and referred to the Committee on Appropriations. The bill proposes a total of $764.6 million for the three CJS trade-related agencies, which is $61.6 million (8.8%) more than the FY2021 enacted amount, and $29.3 million (4.0%) more than the President's request. The draft bill proposes the following for the three agencies.

- **ITA:** $572.8 million in direct appropriations, 8.1% more than FY2021 enacted level, and 2.4% more than the President's request;
- **USITC:** $118.8 million, 15.3% more than both the FY2021 enacted level and the President's request;
- **USTR:** a total of $73.0 million, 4.3% more than the FY2021 enacted level, and equal to the President's request.

Congress has passed continuing resolutions that continue funding for these agencies through February 18, 2022 (P.L. 117-70).

Contents

Background 1
FY2022 Appropriations 1
International Trade Administration (ITA) 2
Global Markets 4
Enforcement and Compliance 4
Industry and Analysis 5
U.S. International Trade Commission (USITC) 6
Office of the U.S. Trade Representative (USTR) 6
Selected Trade-Related Programs and Activities 8
China Trade Enforcement and Compliance Activities, ITA 8
SelectUSA Program, ITA 9
Survey of International Air Travelers (SIAT), ITA 9
Trade Enforcement Trust Fund (TETF), USTR 10

Tables

Table 1. Appropriations for CJS Trade-Related Agencies, FY2021-FY2022 2
Table 2. ITA Appropriations, By Unit, FY2021-FY2022 3
Table 3. USTR: FY2021-FY2022 Regular Appropriations 8

Table A-1. Budget Authority for ITA by Unit: FY2012-FY2021 11
Table A-2. Budget Authority for USITC and USTR: FY2012-FY2021 12
Table A-3. Budget Authority for Selected Trade-Related Programs: FY2012-FY2021 13

Appendixes

Appendix. Budget Authority Tables 11

Contacts

Author Information 14

Background

The International Trade Administration (ITA), the U.S. International Trade Commission (USITC), 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.[1] This report provides an overview of these agencies' programs and a comparison of the FY2022 CJS proposals with the previous fiscal year's enacted legislation.[2] 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 discussed in the report.

The Consolidated Appropriations Act, 2021 (P.L. 116-260), provided a total of $703.0 million for the three trade agencies, including $530.0 million in direct appropriations for ITA;[3] $103.0 million for USITC; and a total of $70.0 million for USTR.[4] The FY2021 appropriations for the three CJS trade-related agencies represented a 3.6% increase ($24.4 million) from the previous fiscal year's enacted amount.

In addition to 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). USMCA 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 carry out the enforcement of USMCA environmental obligations, including for state-to-state dispute settlement actions. In this report, the FY2021 funding levels are taken from the Consolidated Appropriations Act, 2021, and do not include supplemental appropriations provided in USMCA.

See the **Appendix** for enacted budget authority for the trade-related agencies for FY2012-FY2021.

FY2022 Appropriations

For FY2022, the Administration requests a total of $735.3 million in appropriations for the three CJS trade-related agencies (**Table 1**). This request is $32.3 million (4.6%) more than the FY2021 enacted amount. The President's budget includes $559.3 million in direct appropriations for ITA; $103.0 million for USITC; and a total of $73.0 million for USTR.[4]

The House Committee-reported bill (H.R. 4505) proposes a total of $757.7 million in appropriations for the three CJS trade-related agencies, which is $54.7 million (7.8%) more than the FY2021 enacted amount and $22.4 million (3.0%) more than the President's budget request.

[1] For more on the overall CJS appropriations, see CRS Report R46868, *Overview of FY2022 Appropriations for Commerce, Justice, Science, and Related Agencies (CJS)*, by Nathan James.

[2] The FY2021 funding levels stated in this report reflect the amounts appropriated in the Consolidated Appropriations Act, 2021. They do not include supplemental appropriations provided in USMCA (P.L. 116-113).

[3] ITA is funded through a combination of direct appropriations and user fees the agency collects for certain services. See **Table 1** for additional detail.

[4] Total USTR funding amounts in this report include both direct appropriations for "salaries and expenses," as well as funding to be derived from the Trade Enforcement Trust Fund for certain trade enforcement activities. See section on "Trade Enforcement Trust Fund (TETF), USTR" in this report.

The House bill would provide $566.4 million in direct appropriations for ITA; $118.5 million for USITC; and a total of $72.8 million for USTR.

On October 21, 2021, a CJS proposal was introduced in the Senate (S. 3042). The bill was referred to the Committee on Appropriations and has yet to be marked up by the whole committee. The Senate CJS bill proposes a total of $764.6 million for the three CJS trade-related agencies, which is $61.6 million (8.8%) more than the FY2021-enacted amount, and $29.3 million (4.0%) more than the President's request. The bill proposes $572.8 million in direct appropriations for ITA; $118.8 million for USITC; and a total of $73.0 million for USTR.

Congress has passed continuing resolutions (P.L. 117-43; P.L. 117-70) that continue funding these agencies at FY2021 levels, through February 18, 2022.

Table 1. Appropriations for CJS Trade-Related Agencies, FY2021-FY2022

Millions of Current U.S. Dollars

CJS Trade-Related Agency	FY2021 Enacted	FY2022 Request	FY2022 House-Committee Reported (H.R. 4505)	FY2022 Senate Introduced (S. 3042)	FY2022 Enacted
International Trade Administration (ITA) (direct appropriations)[a]	530.0	559.3	566.4	572.8	
U.S. International Trade Commission (USITC)[b]	103.0	103.0	118.5	118.8	
Office of the U.S. Trade Representative (USTR)[c]	70.0	73.0	72.8	73.0	
Total	**703.0**	**735.3**	**757.7**	**764.6**	

Sources: The FY2021-enacted amounts are in P.L. 116-260. For the FY2022 request, see the appendix tables to the President's Budget.

Notes: Totals may not sum due to rounding.

a. In addition to the direct appropriations listed above, ITA's budget authority includes a portion to be derived from user fees, which increases ITA's available funds. For FY2021, ITA's available funds were $541.0 million, including $11.0 million in user fees. FY2022 proposals would also include an additional $11.0 million to be derived from user fees, raising ITA's available funds.

b. In the table, USITC's request represents the President's budget request. The Commission is also directed to submit an independent request directly to Congress (19 U.S.C. §2232). The Commission's independent request for FY2022 is $118.8 million.

c. 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 is excluded from USTR totals above.

International Trade Administration (ITA)[5]

ITA is a bureau within the Department of Commerce whose mission is 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,

[5] In this report, the budget authority figures for ITA's subunits have been rounded; however, calculations comparing ITA's FY2021 budget and the FY2022 proposals are based on the original figures, as identified in ITA's FY2021 and FY2022 congressional budget justifications.

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.[6]

In October 2013, ITA reorganized, consolidating four organizational units into three more functionally aligned 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 FY2022 budget proposals 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 FY2022, the Administration requests $559.3 million in direct appropriations for ITA, with an additional $11.0 million to be collected in fees, for a total of $570.3 million in authorized spending. The budget request is $29.3 million (5.5%) more than the FY2021 enacted direct appropriation.

The House Appropriations Committee-reported bill (H.R. 4505) would provide $566.4 million in direct appropriations for ITA, with an additional $11.0 million to be collected in fees, for a total of $577.4 million in authorized spending. The House proposal would be $36.4 million (6.9%) more than the FY2021 enacted funding, and $7.1 million (1.3%) more than the Administration's request.

The Senate introduced bill (S. 3042) proposes $572.8 million in direct appropriations for ITA, with an additional $11.0 million to be collected in fees, for a total of $583.8 million in authorized spending. The Senate proposal would be $42.8 million (8.1%) more than the FY2021 enacted funding, and $13.5 million (2.4%) more than the President's budget request.

Table 2. ITA Appropriations, By Unit, FY2021-FY2022

Millions of Current U.S. Dollars

ITA Unit	FY2021 Enacted/ Budget Authority	FY2022 Request	FY2022 House-Committee Reported Bill (H.R. 4505)	FY2022 Senate Introduced Bill (S. 3042)	FY2022 Enacted
ITA	**530.0**	**559.3**	**566.4**	**572.8**	
Global Markets	340.8	351.3	351.3	—[a]	
Enforcement and Compliance	99.2	110.6	117.7	—[a]	
Industry and Analysis	66.0	72.1	—[a]	—[a]	
Executive Administration	24.0	25.3	—[a]	—[a]	

Sources: P.L. 116-260; ITA's FY2022 Congressional Budget Justification, p. 11; House Appropriations Committee report, H.Rept. 117-97, accompanying H.R. 4505; the Senate bill (S. 3042) and explanatory text released October 18, 2021 on the committee's website, at https://www.appropriations.senate.gov/imo/media/doc/CJSRept_Final.PDF.

Notes: See **Table A-1** for ITA's historical funding

a. Specific funding amount was not specified.

[6] For more on ITA, see https://www.trade.gov/.

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. 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 connections through business-to-business 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. Through its SelectUSA program, the GM unit promotes the United States as a destination for foreign investment. (For more on SelectUSA, see the section "SelectUSA Program, ITA" below.)

The Administration requests $351.3 million in funding for GM, which is $10.6 million more (3.1%) than the FY2021 enacted amount.

The House Committee on Appropriations also recommends $351.3 million for GM.[7]

The Senate bill does not include a specific funding level for Global Markets; however the explanatory statement, released on the Senate Appropriations Committee's website, highlights specific activities within GM to be funded at FY2021 enacted levels or higher. For example, the released language would support ITA's Rural Export Assistance programs to be funded at levels equal to or greater than FY2021. Likewise, the released draft language recommends, within GM's funding, $7.0 million to increase international commercial engagement efforts in certain countries of strategic and economic importance.[8]

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 Enforcement and Compliance 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.[9]

For FY2022, the Administration requests $110.6 million in funding for the Enforcement and Compliance unit.[10] This request is $11.4 million (11.5%) more than the previous year's enacted amount. The ITA congressional budget justification includes $8.0 million to support its work evaluating Section 232 tariff exclusions for steel and aluminum products and $0.8 million for continued work on the Aluminum Import Monitoring (AIM) system, which was launched in

[7] H.Rept. 117-97, pp. 13-15.

[8] The Senate majority released explanatory text to accompany the proposal (October 18, 2021), at https://www.appropriations.senate.gov/imo/media/doc/CJSRept_Final.PDF.

[9] For background on some of these activities, see CRS In Focus IF10018, *Trade Remedies: Antidumping and Countervailing Duties*, by Vivian C. Jones and Christopher A. Casey, and CRS In Focus IF11348, *U.S. Foreign-Trade Zone (FTZ) Program*, by Liana Wong.

[10] International Trade Administration, *ITA FY2022 Congressional Budget Justification*, p. 11.

2021.[11] The ITA congressional budget justification also highlights an expected increase in the number of AD/CVD cases.

The House Committee on Appropriations recommends $117.7 million for the Enforcement and Compliance unit. The House proposal is $18.5 million (18.6%) more than the FY2021 enacted funding and $7.1 million (6.4%) more than the Administration's request.[12] The Committee recommends $1.3 million to support AIM ($0.5 million above the request), and an additional $6.1 million above the request "to support the creation of a ninth AD/CVD enforcement office," in order to alleviate workload burdens and staffing declines in the existing AD/CVD offices.

The Senate introduced bill (S. 3042) does not include a specific funding level for the Enforcement and Compliance unit. The explanatory statement accompanying the bill does highlight specific activities and funding within Enforcement and Compliance unit's portfolio. For example, the released language would provide $6.5 million above the FY2021 enacted level to establish a ninth enforcement office and hire additional staff to enforce U.S. AD/CVD laws. In addition, the released explanatory language would also provide $1.3 million to support AIM.[13]

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. It analyzes economic and international policies to improve market access for U.S. businesses, and designs and implements trade and investment promotion programs. The unit aims to serve as the primary liaison between U.S. industries and the federal government on trade and investment promotion activities. It administers programs that support small and medium-sized enterprises, such as the Market Development Cooperator Program.

For FY2022, the Administration requests $72.1 million for Industry and Analysis. This request is $6.1 million (9.2%) more than the FY2021 enacted amount.[14] ITA's congressional budget justification includes $2.9 million to support 12 positions to conduct national security reviews for the Committee on Foreign Investment in the United States (CFIUS), and an additional $3.1 million to support the Survey of International Air Travelers (SIAT) (for more on SIAT, see the section "Survey of International Air Travelers (SIAT), ITA" below).[15] ITA also highlights increased administrative costs for the unit, due to an expected increase in dispute cases filed under USMCA.[16]

Neither the House Committee on Appropriations nor the Senate bill provides a specific funding level for the Industry and Analysis unit.

[11] International Trade Administration, *ITA FY2022 Congressional Budget Justification*, pp. 44-46.

[12] H.Rept. 117-97, pp. 13-15.

[13] The Senate majority released explanatory text to accompany the proposal (October 18, 2021), at https://www.appropriations.senate.gov/imo/media/doc/CJSRept_Final.PDF, pp. 7-9.

[14] International Trade Administration, *ITA FY2022 Congressional Budget Justification*, p. 11.

[15] For an overview of CFIUS, see CRS In Focus IF10177, *The Committee on Foreign Investment in the United States*, by James K. Jackson.

[16] International Trade Administration, *ITA FY2022 Congressional Budget Justification*, pp. 25-31.

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 FY2022 budget requests $103.0 million in funding for USITC, an amount equal to the FY2021 enacted funding. While the President's budget would not increase the agency's funding, the Commission's independent budget submission to Congress requests $118.8 million for FY2022, which is $15.8 million (15.3%) above the FY2021 enacted funding level.[17] The Commission proposes that, with increased funding, it would hire additional staff to respond to increased workloads due to AD/CVD and safeguards cases and would upgrade its information technology.[18]

The House committee-reported bill proposes $118.5 million for USITC in FY2022, which is $15.5 million (15.0%) more than both the FY2021 enacted level and the President's budget request, and $0.3 million less than USITC's independently submitted budget.

The Senate bill proposes $118.8 million for USITC, which is $15.8 million (15.3%) above both the FY2021 enacted funding level and the President's budget request. The Senate proposal is equal to the Commission's independently submitted budget request.

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.[19] 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 participates in global trade policy organizations such as the

[17] U.S. International Trade Commission, *USITC Congressional Budget Submission Fiscal Year 2022*, at https://usitc.gov/documents/fy_2022_congressional_budget_justification.pdf.

[18] U.S. International Trade Commission, *USITC Congressional Budget Submission Fiscal Year 2022*, pp. 9-12.

[19] USTR coordinates U.S. trade policy through the interagency process, as outlined by statute. 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.

World Trade Organization. It also meets with business groups, policymakers, and public interest groups on trade policy issues.[20]

In addition to 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. See the section below, "Trade Enforcement Trust Fund (TETF), USTR" for more detail.

For FY2022, the Administration requests a total of $73.0 million for USTR, including $58.0 million in direct appropriations for salaries and expenses and $15.0 million to be derived from the TETF for certain trade enforcement activities (**Table 3**). The total request is $3.0 million (4.3%) more than the FY2021 enacted funding level.

The House committee-reported bill would provide a total of $72.8 million for USTR, including $57.8 million in direct appropriations for salaries and expenses and $15.0 million to be derived from the TETF for certain trade enforcement activities. The House proposal is $2.8 million (4.0%) more than the FY2021 enacted funding level, and $0.2 million less (-0.3%) than the Administration's budget request.

The Senate bill proposes a total of $73.0 million for USTR, including $58.0 million in direct appropriations for salaries and expenses and $15.0 million to be derived from the TETF for certain trade enforcement activities. The bill is $3.0 million (4.3%) more than the FY2021-enacted funding, and equal to the Administration's request.

In addition to regular appropriations, Congress also passed supplemental funding for USTR in the USMCA implementing act.[21] Under this act, Congress provided $50.0 million for USTR to remain available until September 30, 2023, for salaries and expenses to monitor compliance with labor and environmental obligations of the agreement. USMCA implementing legislation also includes $40.0 million for the TETF "to carry out the enforcement of environmental obligations under the USMCA, including for state-to-state dispute settlement actions, during fiscal years 2020 through 2023."[22]

[20] USTR, "Mission of the USTR," at https://ustr.gov/about-us/about-ustr.

[21] For more on the USMCA, see CRS Report R44981, *The United States-Mexico-Canada Agreement (USMCA)*, by M. Angeles Villarreal and Ian F. Fergusson.

[22] P.L. 116-113, Title IX.

Table 3. USTR: FY2021-FY2022 Regular Appropriations

Millions of Current U.S. Dollars

	FY2021 Enacted	FY2022 Request	FY2022 House-Committee Reported (H.R. 4505)	FY2022 Senate Introduced (S. 3042)	FY2022 Enacted
USTR	70.0	73.0	72.8	73.0	
Direct appropriation for salaries and expenses	55.0	58.0	57.8	58.0	
Funding to be derived from TETF for certain trade enforcement activities	15.0	15.0	15.0	15.0	

Sources: For FY2021 appropriations, see P.L. 116-260. For the FY2022 request, see the appendix tables to the President's Budget.

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 following programs are highlighted in this report, due to recent and ongoing congressional interest: (1) ITA's China trade enforcement and compliance activities; (2) ITA's investment promotion activities in its SelectUSA Program; (3) the Survey of International Air Travelers (SIAT) within ITA; and (4) 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.[23] ITA's Office of China Compliance was established by the Consolidated Appropriations Act of 2004 (P.L. 108-199). Its primary role has been to enforce U.S. AD/CVD laws and to develop and implement other 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.[24]

ITA's FY2022 budget justification requests $16.4 million, within ITA's budget, for China antidumping and countervailing duty enforcement and compliance activities in FY2022. This is equal to the previous year's enacted amount.

[23] 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."

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

Both the House committee-reported bill and the Senate bill would also provide $16.4 million, within ITA's budget, for China antidumping and countervailing duty enforcement and compliance activities in FY2022, an amount equal to the FY2021 enacted funding.

SelectUSA Program, ITA

SelectUSA was established by executive order in 2011 as a Commerce Department program to promote the United States as an investment market and to address investor climate concerns that could impede investment in the United States. SelectUSA aims to coordinate investment-related resources across more than 20 federal agencies; serve as an information resource for international investors; and advocate for U.S. cities, states, and regions as investment destinations.[25] SelectUSA is a part of ITA's Global Markets unit.

Between FY2012 and FY2020, CJS appropriations provided specific funding levels for SelectUSA. In FY2021, specific funding for SelectUSA was not outlined in the final, enacted appropriations. For FY2022, neither the Administration's budget justification nor the House committee-reported bill or the Senate bill outline a specific funding level for SelectUSA within ITA.

Survey of International Air Travelers (SIAT), ITA

ITA's Survey of International Air Travelers (SIAT) 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.

SIAT is within the Industry and Analysis unit at ITA. ITA's FY2022 budget request proposes $7.9 million for the SIAT program in FY2022, which is $3.1 million more than the "existing program amount of $4.8 million." The proposal would also add two positions.[26] With the proposed increase, ITA aims 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 pandemic recovery programs for the travel and tourism industries (as directed in H.Rept. 116-455).[27]

The House Committee on Appropriations' "recommendation [for ITA] includes the requested increase for [SIAT.]"[28]

Language in the explanatory statement, released on the Senate Committee on Appropriations website, to accompany the Senate bill, would also provide the full amount requested to fund SIAT.[29]

[25] Executive Order 13577, June 15, 2011. For more on SelectUSA, see CRS In Focus IF10674, *SelectUSA Program: U.S. Inbound Investment Promotion*, by Shayerah Ilias Akhtar.

[26] *ITA FY2022 Congressional Budget Justification*, p. 31.

[27] *ITA FY2022 Congressional Budget Justification*, p. 4.

[28] H.Rept. 117-97, p. 13.

[29] The Senate Committee on Appropriations released an explanatory statement on its website on October 18, 2021, to accompany the CJS bill, at https://www.appropriations.senate.gov/imo/media/doc/CJSFY2022_Final.PDF, p. 7.

Trade Enforcement Trust Fund (TETF), USTR

In order 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.[30] 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 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.[31] 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 FY2022, the Administration requests $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 is equal to the FY2021 enacted level.

Both the House committee-reported bill and the Senate bill propose $15.0 million to be derived from the TETF for certain trade enforcement activities of USTR. (See **Table 3**.)

[30] 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).

[31] 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: FY2012-FY2021

Millions of Current U.S. Dollars

	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
Manufacturing and Services	46.5	42.3	—	—	—	—	—	—	—	—
Market Access and Compliance	42.6	39.9	—	—	—	—	—	—	—	—
Import Administration	69.8	70.9	—	—	—	—	—	—	—	—
Trade Promotion and the U.S. & Foreign Commercial Service	269.8	261.7	—	—	—	—	—	—	—	—
Industry and Analysis	—	—	54.9	55.5	56.3	55.4	52.3	52.6	62.5	66.0
Enforcement and Compliance	—	—	70.6	71.6	79.0	85.5	87.5	88.5	91.8	99.2
Global Markets	—	—	312.0	311.8	324.4	319.2	319.2	320.0	333.0	340.8
Executive and Administration	26.9	23.7	23.1	23.1	23.3	23.0	22.9	22.9	23.0	24.0
Total ITA	**455.6**	**438.5**	**460.6**	**462.0**	**483.0**	**483.0**	**482.0**	**484.0**	**510.3**	**530.0**

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

Notes: In 2014, 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: FY2012-FY2021

Millions of Current U.S. Dollars

	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
USITC	80.0	78.9	83.0	84.5	88.5	91.5	93.7	95.0	99.4	103.0
USTR (total)[a]	51.3	47.6	52.6	54.3	54.5	62.0	72.6	68.0	69.0	70.0
Direct appropriation for salaries and expenses	51.3	47.6	52.6	54.3	54.5	47.0	57.6	53.0	54.0	55.0
Funds to be derived from TETF, for certain trade enforcement activities[b]	—	—	—	—	—	15.0	15.0	15.0	15.0	15.0

Sources: (FY2012) H.Rept. 112-284, Conference report to accompany P.L. 112-55. (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.

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: FY2012-FY2021

Millions of Current U.S. Dollars

	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
Office of China Compliance (ITA)	7.0	—	—	—	—	—	—	—	—	—
China Countervailing Duty Group (ITA)	4.4	—	—	—	—	—	—	—	—	—
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
SelectUSA (ITA)	0.9	0.9	7.0	10.0	10.0	10.0	10.0	10.0	10.0	n/a
USTR funds to be derived from the Trade Enforcement Trust Fund	—	—	—	—	—	15.0	15.0	15.0	15.0	15.0

Sources: ITA Budget office. (FY2012) P.L. 112-55, H.Rept. 112-284, the Conference report. (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 H. Comm. Prt. 38-678. (FY2021) P.L. 116-260.

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

Author Information

Keigh E. Hammond, Coordinator
Senior Research Librarian

M. Angeles Villarreal
Specialist in International Trade and Finance

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.