

## Questions for the Record

### Senator Warren

**Senate Finance Committee Hearing to Consider the Nominations of James Bernard Coughlan, of Illinois, to be a Member of the United States International Trade Commission for a term expiring December 16, 2030, vice Rhonda K. Schmidlein, term expired, and Halie L. Craig, of Pennsylvania, to be a Member of the United States International Trade Commission for the remainder of the term expiring June 16, 2026, vice Randolph J. Stayin, resigned.**

### Questions for the Record for James Coughlan

#### Senator Warren

#### Question 1

*Can you please share your view of if and how forced labor and low-wage labor caused by union busting and other labor rights violations should be incorporated in antidumping and/or countervailing duty investigation with respect to a particular product?*

The importation of products into the United States manufactured through forced labor is prohibited under Section 307 of the Tariff Act of 1930. When concern was expressed in the past regarding the potential lack of adequate enforcement of Section 307, the ITC assisted by preparing a report identifying problems with enforcement, including that it was opaque, inconsistent, and lacked clear evidentiary standards. Logically, the cost to manufacture an imported product can in many instances be reduced by using production methods that violate workers' rights. Imports made in such a way might arguably avoid Section 307, and could be unfairly sold at reduced prices, which could in turn reduce sales made by U.S. manufacturers, resulting in the loss of U.S. jobs and harm to U.S. industries. If I am fortunate enough to be confirmed, I would look forward to working with your staff on this issue to develop studies to identify improvements in enforcing Section 307 and explore ways to ensure that unfair labor practices are considered to ensure a level playing field and protect American jobs.

#### Question 2

*Can you please share your view of if and how the externalization of environmental costs – including air and water emissions, toxic dumping and carbon-intensive production processes – should be incorporated in antidumping and/or countervailing duty investigation with respect to a particular product?*

The cost to manufacture an imported product can often be reduced by foreign manufacturers who ignore basic environmental safeguards and utilize production methods that do not incorporate environmental technologies such as, for example, carbon abatement technologies or other known CO2 reduction methodologies. In my current position at GC at the Export Import Bank of the United States, we see this happen very often by foreign companies and sovereigns who are tempted to take loans from Chinese banks to purchase cheaper Chinese production equipment

that is environmentally harmful. In this regard, we work to encourage foreign borrowers to reject Chinese loans and polluting technologies and purchase U.S. equipment that complies with an approved environmental plan to ensure that the facilities to be constructed will protect both the local environment as well as the “global commons.” We have also sought agreement among other nations to do the same with their export credit agencies in competition with China. In this regard, if I am fortunate to be confirmed, I would look forward to exploring ways to evaluate and quantify any unfair advantage a foreign import may enjoy because its manufacturing process does not comply with basic environmental standards, and develop ways to ensure that such products do not place U.S. made products at an unfair disadvantage to ensure a level playing field and protect U.S. jobs and industries.

### **Question 3**

*How should a Commissioner incorporate the concerns of users or consumers of a particular product in an antidumping and/or countervailing duty investigation?*

The final phase of the Commission’s investigation includes several stages, including the consideration of questionnaires. Purchaser questionnaires are typically sent to all significant consumers, or if virtually all consumers are small, a representative sample may be taken. Such questionnaires generally consist of at least four parts. The first relates to the organization and activities of the firm, the second requests data on the quantity and/or value of purchases of the product manufactured in the United States, in each of the subject countries, and in the nonsubject countries as a group. Part three asks a number of questions about the characteristics of the market for the product in question and the firm’s purchasing practices. The fourth part consists of a series of questions related to competition between the domestic product and both subject and nonsubject imports, and product comparisons in terms of price, quality, service, delivery, and other factors of sale.

### **Question 4**

As you know, U.S. law gives unions and management equal right to petition for relief from unfairly traded imports. These provisions of our law have become increasingly important as multinational companies face threats of retaliation from foreign adversaries and are thus hesitant to publicly support trade cases even when they are being injured by imports.

*Do you support the right of unions to file antidumping and countervailing duty petitions even if management does not publicly support them?*

*How would the fact that a case was filed by unions alone affect your injury analysis, if at all?*

If confirmed, I would support the right of unions to file anti-antidumping and countervailing duty petitions even if management does not publicly support them to the fullest extent allowed under the law. I would consider each matter on a case-by-case basis regardless of what entity brought the case and apply the law in a fair, unbiased and impartial manner based on the facts in the record. I would maintain the ITC's tradition as an independent, bipartisan agency that assists policy makers and does not make policy.

### **Question 5**

Domestic industries and workers have been forced to play a game of whack-a-mole to bring cases after case against the same product as companies move production from country to country after orders are imposed. China has been a particular problem, as Chinese companies invest in production in third countries to continue accessing the U.S. market to avoid duties, sometimes with Chinese state support. The bipartisan Leveling the Playing Field Act 2.0 would address these problems, including by streamlining successive injury investigations on the same product from different countries at the ITC.

*Do you support Leveling the Playing Field Act 2.0?*

*As a Commissioner, what would you do to reduce the burden on companies and workers that are injured by repeated surges of dumped and subsidized imports?*

If I am fortunate to be confirmed, I would maintain the Commission's role as an unbiased and independent agency that provides information and data to policy makers and not seek to make policy. I would support measures that would address efforts by Chinese companies to evade U.S. trade laws and reduce the burden on companies and workers that are injured by repeated surges of dumped and subsidized imports. However, it would be inappropriate for me to take a position on any particular legislation. Rather, I would welcome the opportunity to work with the Committee and its members to provide the information they need to effectuate the proper policy as best decided by them.

### **Question 6**

*Do you believe that it is unfair for other countries, such as China, to grant subsidies to their industries that lower their cost of production versus those of American companies producing the same products here? Do you agree that your job as a Commissioner, if confirmed, is to do all you can to protect the domestic industries against the harm caused by foreign subsidization?*

Yes, it is unfair for other countries, such as China, to grant subsidies to their industries that lower their cost of production versus those of American companies producing the same products here,

and I believe that my job as a Commissioner, if confirmed, is to do all you can to protect the domestic industries against the harm caused by foreign subsidization.

### **Question 7**

In some cases, importers flood the U.S. market with imports after antidumping and countervailing duty cases are filed but before preliminary Commerce determinations are issued, in order to avoid duty liability. In such cases, the Commerce Department routinely determines that such post-petition surges create critical circumstances, warranting the imposition of retroactive duties to ensure effective relief. The Commission, however, very rarely upholds these determinations, effectively letting importers off the hook for these harmful surges.

*As an ITC Commissioner, how would you evaluate critical circumstances determinations?*

*Do you see any reason why the ITC should nullify retroactive duties that Commerce has approved?*

If I am fortunate to be confirmed as an ITC Commissioner, I will evaluate critical circumstances determinations by considering (1) the timing and the volume of the imports, (2) a rapid increase in inventories of the imports, and (3) any other circumstances indicating that the remedial effect of the antidumping or countervailing duty order will be seriously undermined. As a nominee for ITC Commissioner, I believe it would not be appropriate for me to comment on whether the ITC should nullify retroactive duties that the Commerce department has approved.

### **Question 8**

In some injury investigations and sunset reviews, foreign producers do not fully cooperate with the ITC's injury investigations, resulting in an incomplete record that understates foreign production and capacity, and thus the threat that foreign producers pose. The ITC has the authority to impose adverse inferences in such cases of non-cooperation, thus supporting an affirmative determination despite the lack of a complete record. Yet the ITC rarely or ever exercises this power.

*As an ITC Commissioner, will you support the application of adverse inferences if foreign producers do not cooperate with your investigations or reviews?*

Yes, if confirmed, I would fully support the application of adverse inferences if foreign producers do not cooperate with the Commission's investigations or reviews to the fullest extent allowed under the law.

### **Question 9**

In addition to its injury investigations, the ITC plays an important role in conducting economic analyses of trade and tariff actions. In the past, the ITC has used economic models that have minimized the harmful impact of free trade agreements on production and jobs. The Commission has also been responsible for analyzing the impact of tariff actions under Section 232 and Section 301.

*As an ITC Commissioner, what would you do to make sure that these economic impact studies appropriately take into account the positive role that tariffs can have as part of an industrial policy that supports American industries, workers, and communities?*

Tariffs have been an important part of U.S. trade policy for over 100 years. As an ITC Commissioner, I would work with and rely on career staff, which include many PhDs, industry experts and economists to consider the record in an independent, unbiased and impartial way to ensure that any economic impact studies appropriately take into account the positive role that tariffs can have as part of an industrial policy that supports American industries, workers, and communities.

### **Question 10**

*Please share an example of an antidumping or countervailing duty order that, in your view, has effectively addressed unfair trade and helped to maintain the operations of American businesses.*

One example of an antidumping or countervailing duty order that has effectively addressed unfair trade and helped to maintain the operations of American businesses is the Steel Threaded Rod from China investigation, 731-TA-1145. In that matter, the ITC conducted a “sunset review” but determined that revoking the existing antidumping duty order on imports of steel threaded rod from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. This investigation showed how the process can work and the ITC was able to effectively maintain an existing antidumping duty order on imports of the product from China and protect American jobs.

### **Question 11**

*Can you describe your experience with trade-affected communities in the United States? What industry did the community rely on? What kinds of government policy intervention would have helped the community?*

I attended college at Bradley University in Peoria, Illinois. Peoria at one time had a significant number of good paying jobs that were based in large part on the Caterpillar company that makes tractors and other earth moving and farming equipment. However, foreign competition and trade

issues resulted in many of those jobs being lost as Caterpillar lost market share. The loss of those jobs had a cascading negative effect on the entire economy of Peoria and the surrounding area.

### **Question 12**

*What is your view of how U.S. trade data gathering and reporting can be improved? When the USITC conducts analysis of trade pact impacts or projections about new pacts, what data set do you believe should be employed – domestic exports or general exports? What is your view about how counting re-exports as if they were domestic exports distorts U.S. trade balance data?*

One way that data gathering and reporting can be improved is by improved methods of conducting surveys and obtaining more accurate information from the public, which often is critical to the outcome of an investigation. If confirmed, I look forward to working with career employees and experts within the ITC to determine whether domestic exports or general exports data should be employed and understand how and to what extent counting re-exports as if they were domestic exports distorts U.S. trade balance data.

### **Question 13**

If trade agreements contain rules that allow tech companies to plead “illegal trade discrimination” to avoid accountability for monopolistic and discriminatory behavior, not only will personal privacy and consumers’ trust in the Internet be threatened, but the United States’ economic and national security as well.

*Do you support the new U.S. digital trade position, which has involved eliminating data flow, source code and digital products rules that constrain domestic tech regulatory policy space? More broadly, do you believe that U.S. trade agreements must not include terms that could conflict with U.S. domestic law? How would you evaluate the impact of such provisions, if the ITC was tasked with doing so, and what methodologies would you use?*

If confirmed, I will follow the law regarding the U.S. digital trade position. I would also look forward to providing information to policy makers to determine if U.S. Trade Agreements should include terms that could conflict with U.S. domestic law. I would evaluate the impact of such provisions using methodologies recommended by the career staff and other ITC experts.

**United States Senate Committee on Finance**  
**Hearing to “Consider the Nominations of James Bernard Coughlan, of Illinois, to be a Member of the United States International Trade Commission for a term expiring December 16, 2030, vice Rhonda K. Schmidlein, term expired, and Halie L. Craig, of Pennsylvania, to be a Member of the United States International Trade Commission for the remainder of the term expiring June 16, 2026, vice Randolph J. Stayin, resigned”**  
**December 18, 2024**

**Questions for the Record for both nominees**

**Senator Whitehouse**

**Question 1**

As you know, antidumping and countervailing duty (AD/CVD) proceedings are a central responsibility of ITC Commissioners. Can you please share your view on how the externalization of environmental costs – including air and water emissions, toxic dumping and carbon-intensive production processes – should be incorporated in AD/CVD investigations with respect to a particular product?

The cost to manufacture an imported product can often be reduced by foreign manufacturers who ignore basic environmental safeguards and utilize production methods that do not incorporate environmental technologies such as, for example, carbon abatement technologies or other known CO2 reduction methodologies. In my current position at GC at the Export Import Bank of the United States, we see this happen very often by foreign companies and sovereigns who are tempted to take loans from Chinese banks to purchase cheaper Chinese production equipment that is environmentally harmful. In this regard, we work to encourage foreign borrowers to reject Chinese loans and polluting technologies and purchase U.S. equipment that complies with an approved environmental plan to ensure that the facilities to be constructed will protect both the local environment as well as the “global commons.” We have also sought agreement among other nations to do the same with their export credit agencies in competition with China. In this regard, if I am fortunate to be confirmed, I would look forward to exploring ways to evaluate and quantify any unfair advantage a foreign import may enjoy because its manufacturing process does not comply with basic environmental standards, and develop ways to ensure that such products do not place U.S. made products at an unfair disadvantage to ensure a level playing field and protect U.S. jobs and industries.

**Question 2**

The ITC is often asked to conduct studies on specific trade issues and agreements. Can you please share your perspective on how to account for constraints that a trade deal may impose on

a country's ability to protect the environment, protect consumers from unsafe products, and enact other measures meant to protect the public interest?

In the role of ITC Commissioner, should I be confirmed, my top priority will be to protect U.S. jobs and industries. If asked to evaluate specific trade issues and agreements, I will ensure that Commission staff consider to the fullest extent possible any constraints that a trade deal may impose on a country's ability to protect the environment, protect consumers from unsafe products and enact other measures to protect the public interest within my legal authority.

**Senator Bill Cassidy, M.D.**

**United States Senate Committee on Finance**

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**December 18, 2024**

**Questions for the Record James Bernard Coughlan**

**Senator Cassidy**

**Question 1**

**BACKGROUND**

19 U.S.C.A. § 1337

§ 1337. Unfair practices in import trade

**(d) Exclusion of articles from entry**

**(1)** If the Commission determines, as a result of an investigation under this section, that there is a violation of this section, it shall direct that the articles concerned, imported by any person violating the provision of this section, be excluded from entry into the United States, unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. The Commission shall notify the Secretary of the Treasury of its action under this subsection directing such exclusion from entry, and upon receipt of such notice, the Secretary shall, through the proper officers, refuse such entry.

Will you commit, in advance of supporting the issuance of an exclusion order, to consider the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers as required by 19 U.S.C.A. § 1337(d)(1)?

Yes, I would certainly and fully commit in advance of supporting the issuance of an exclusion order, to consider the effect of such exclusion upon the public health and welfare, competitive

conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers as required by 19 U.S.C.A. § 1337(d)(1).

**United States Senate Committee on Finance**  
**Hearing to “Consider the Nominations of James Bernard Coughlan, of Illinois, to be a Member of the United States International Trade Commission for a term expiring December 16, 2030, vice Rhonda K. Schmidlein, term expired, and Halie L. Craig, of Pennsylvania, to be a Member of the United States International Trade Commission for the remainder of the term expiring June 16, 2026, vice Randolph J. Stayin, resigned.”**  
**December 18, 2024**

**Questions for the Record for James Bernard Coughlan and Halie L. Craig**

**Senator John Cornyn**

**Question 1**

In 337 investigations, the complainant is statutorily required to demonstrate that it maintains a “domestic industry,” which would typically be accomplished by significant investments in labor or capital in the United States, research and development, and in some cases even licensing. However, we are seeing examples of foreign based non-practicing entities (NPEs) gaining standing before the ITC to file complaints against US job creators that contribute to the economy and drive innovation.

*In your view, why do you think this is happening? If confirmed, how should the commission take steps to self-correct this issue? What role do you see Congress playing in addressing this issue?*

In the 1980s, Section 337 was amended to allow entities that own IP rights but do not manufacture products access to the ITC by relying on the domestic activities of others who are licensed to manufacture protected products. This change would also give research universities access to the ITC. Over time, so-called NPEs have used this amendment to bring cases at the ITC. If confirmed, I look forward to investigating this issue to determine whether there is any self-correcting actions are appropriate. However, the ITC is required by the statute to institute an investigation if the complainant meets all the requirements for standing. Thus, Congressional action may be required to effectuate any change. Such action should consider the impact any chance might have on the ability of sole inventors and small entities to file complaints at the ITC.

**Question 2**

In 337 investigations, exclusion orders have been issued based on goods that are “in the process” products, to satisfy the domestic industry requirements that are not in existence at the time the investigation is instituted. However, sometimes, those products are never introduced into US commerce after the exclusion order is issued, or the product is never sold.

*Do you see that as an issue? What would you expect a respondent to do in this situation, and what could the Commission do to address this issue?*

In my experience as an ITC practitioner, I have not seen examples of the above situation occurring. However, to the extent a remedy issues but no product is ever sold, it would appear that a respondent could file papers asking the ITC to rescind its remedial orders.

**Question 3**

*Do you think there should be reforms related to 337 litigation? What kinds of reforms would you propose to better hold China accountable for the abuse of intellectual property?*

If confirmed, I would look forward to working with career staff and members of the Committee to investigate ways to better hold China accountable for abuse of U.S. intellectual property rights. For example, one option may be to strengthen the ITC's discovery rules to address situations where Chinese respondents seek to conceal relevant technical information by claiming they do not have access to it because it resides with other Chinese suppliers and manufacturers who are beyond the ITC's subpoena power.

**Questions for the Record for Halie Craig****Senator John Cornyn****Question 1**

*Will you ensure that in your role as an ITC Commissioner you will consider the statutory public interest factors laid out by Congress and use them to prevent the issuance of exclusion orders that would be against the public interest? The factors in 19 U.S. Code §1337(d)(1) include the public health and welfare, the competitive conditions in the U.S. economy, productions of competitive articles in the U.S., and protection of U.S. consumers.*

**United States Senate Committee on Finance**  
**Hearing to Consider the Nominations of James Bernard Coughlan and Halie L. Craig to be**  
**Members of the United States International Trade Commission**  
**December 19, 2024**

**Questions for the Record for James Bernard Coughlan**

**Question 1**

One of the United States International Trade Commission's (ITC) important duties is completing investigations into potential unfair practices in import trade, including antidumping and countervailing duties investigations. Both Sec.701 and Sec.731 of P.L. 103-465 cite a finding of "material injury" of an American industry as a catalyst for potential duty impositions.

*How would you define "material injury" as written in existing statute?*

In antidumping cases, material injury is defined as harm that is not inconsequential or immaterial. It refers to harm caused by dumped and/or subsidized imports that is significant and affects the domestic industry. If confirmed, I will rely on a strict reading of the statute and the applicable case law as set forth by the ITC's reviewing court, the US Court of Appeals for the Federal Circuit, to define "material injury" as intended by the drafters of the statute and in accordance with applicable law.

**Question 2**

Section 201 investigations undertaken by the ITC require a finding of "serious injury, or threat thereof, substantially caused by imports to the domestic industry producing a like or directly competitive article" before the President can initiate enforcement measures against certain foreign products.

*How would you define "serious injury" as written in existing statute?*

In Section 201 antidumping cases, serious injury is defined as "a significant overall impairment in the position of a domestic industry". The increased imports must be a "substantial cause" of the serious injury or threat of serious injury. If confirmed, I will rely on a strict reading of the statute and the applicable case law as set forth by the ITC's reviewing court, the US Court of Appeals for the Federal Circuit, to define "serious injury" as intended by the drafters of the statute and in accordance with applicable law.

### **Question 3**

*Do you believe that the practice of certain countries, like China, subsidizing their domestic industries and artificially lowering the cost of production compared to their American counterparts that produce the same goods represents an unfair trade practice?*

Yes, I believe that the act of certain countries to subsidize their domestic industries and artificially lower the cost of production compared to their American counterparts that produce the same goods represents an unfair trade practice. If confirmed, I commit to applying the law in an independent and unbiased way to the facts in the record to reach a fair conclusion to protect American jobs and industries.

### **Question 4**

*Do you agree that your job as a Commissioner, if confirmed, is to protect domestic industries against the harm caused by foreign subsidization?*

Yes, I agree that if confirmed, my job as Commissioner is, among other things, to protect domestic industries against the harm caused by foreign subsidization. If confirmed, I commit to applying the law in an independent and unbiased way to the facts in the record to reach a fair conclusion to protect American jobs and industries.

### **Question 5**

In order to exclude certain goods from entry into the United States, 19 U.S. Code § 1337(d)(1) requires the ITC to consider the effects that an exclusion may have public have on the health and welfare, the competitive conditions in the U.S. economy, productions of competitive articles in the U.S., and U.S. consumers when making a determination.

*If confirmed, how will you ensure that prescribed public interest factors required by Congress are measured to ensure any potential exclusion orders do not harm public interest?*

If confirmed, I will ensure that the Commission comply with its mandate as required by the statute to consider the public interest factors. This may include delegation of the public interest to the ALJ for initial findings of fact and conclusions of law, but could also include scheduling a hearing for the Commissioners to review the public interest facts for themselves.

### **Question 6**

Current statute requires the ITC to weigh public interest when issuing determinations and remedies for intellectual property (IP) infringement. This is important to ensure that any ITC determination on IP cases does not undermine general welfare or competition within the US economy and protects domestic consumers. The ITC often does not use these public interest components in such cases in line with Congressional intent.

*If confirmed, will you ensure the ITC weighs these elements before issuing a decision on an exclusion order?*

Yes, if I am confirmed, I will commit to making certain the Commission complies with its statutory mandate to weigh these elements before issuing a decision on an exclusion order

### **Question 7**

*In your view, what steps need to be taken to strengthen this clause to ensure that exclusion orders uphold public interest?*

In my view, one way to strengthen this clause is to make sure the Commission applies the public interest factors when issuing any remedy so that the remedy is properly crafted to address the unfair acts of importation without causing hard to innocent third parties.

## Senator Grassley QFRs for Halie L. Craig and William Kimmitt

As we see with the relationship between the phosphate fertilizer and the row crop industries, often times one industry can have a large impact on the other. In fact, fertilizer is often the highest input cost for farmers. Therefore, when countervailing duties are levied on one industry, particularly with limited domestic suppliers like phosphate fertilizer, the impact may be felt widely across other domestic industries such as row crop agriculture.

1. In determining the application of countervailing duties, how would you weigh the impacts of tariffs on other affected domestic industries?

Countervailing duties help create a balanced marketplace where prices reflect the true cost of production, without being artificially lowered by foreign subsidies. However, the impact of countervailing duties on other industries often include such outcomes as: importers face higher costs for affected goods, reducing their competitive edge and profitability, exporters from affected countries encounter retaliatory duties, limiting market access and reducing demand for their products and consumers experiencing higher prices and fewer choices, especially for essential goods with no close substitutes. If I were to be confirmed, I would weigh to the fullest extent possible the impacts of tariffs on other effective domestic industries to avoid any unintended adverse consequences.

**“Nominations Hearing for James Bernard Coughlan and Halie L. Craig to be Members of  
the United States International Trade Commission”**

**December 18, 2024**

**Senator Todd Young**

**Questions for the Record for James Bernard Coughlan**

**Question 1**

*The Commission’s mandate requires fact-intensive, statutory determinations that vary by industry and circumstance. How will you ensure that your personal trade policy beliefs remain separate from your objective review of each unique case, and will you pledge to offer impartial, data-driven guidance if Congress seeks the ITC’s perspective on broader trade policies?*

The ITC is a bipartisan agency that does not make policy. If confirmed, I commit to deciding each matter on a case by case basis in an impartial and unbiased manner applying the law to the specific facts in the record.

**Question 2**

*Your ITC background is primarily in Section 337 investigations relating to intellectual property. As digital technologies, biotech, and AI shape future trade disputes, how would you stay informed about evolving technical and legal challenges so that Commission decisions in Section 337 matters remain relevant and forward-looking?*

If confirmed, I will commit to continuing to do what I did when I worked in private practice, which was to take advantage of the experts available to me to learn about new technologies, attend legal and technical conferences and seminars, and educate myself on new technologies and legal challenges. In addition, I would be willing to accept invitations from companies and industries to visit plants and facilities when there are not conflicts of interest in doing so to learn directly from the innovators so that I will be better prepared as new technologies arise in complaints before the Commission.

**Question 3**

*There has been ongoing interest in ensuring transparency regarding third-party litigation financing in Section 337 investigations. How would you approach the issue of disclosing third-party funders in patent litigation before the ITC, and do you believe such disclosure requirements could help maintain fairness, deter frivolous claims, or otherwise strengthen the integrity of the Section 337 process?*

In section 337 investigations, the Commission requires disclosure at the outset of an investigation of certain information, including details concerning the parties to the action. I understand that the Commission is actively considering promulgating a rule to supplement its disclosure requirements that would apply at the outset of an investigation and provide for

disclosure of information relevant to real parties in interest. This information can be important in determining, for example, the existence of potential conflicts of interest that may exist. Such information can presently be obtained through the normal discovery process, and currently one of the ITC's ALJs requires such a disclosure at the start of the investigation. If confirmed, I will commit to looking into the issue and try to find ways to address it without overburdening litigants or causing unintended consequences.