UNITED STATES INTERNATIONAL TRADE COMMISSION
OUII Selective Participation Survey

The U.S. International Trade Commission (USITC or Commission) is implementing a survey process to aid in a qualitative evaluation of three alternative staffing participation levels used by the Office of Unfair Import Investigations ("OUII") in staffing investigations conducted under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337. The three participation levels are: (1) Full Participation; (2) Selective Participation; and (3) No Participation. This submission concerns the Selective Participation Survey. The USITC's request for generic clearance for this qualitative survey was approved by OMB, OMB Control No. 3117-0222, ICR reference No. 201107-3117-001. The Commission's notice of submission to OMB requesting generic clearance under expedited approval provisions was published in the Federal Register on July 7, 2011. The notice is posted on the USITC Internet site at http://www.usitc.gov/secretary/fed_reg_notices/miscellaneous/2011-16905.pdf.

A. The Survey Population

For each investigation in which OUII participated as an independent party in the investigation with respect to only some issues, the Commission will request the private parties and USITC staff to respond on a voluntary basis to the Selective Participation Survey after the investigation has been terminated. Private parties include representatives of the complainant and named respondents. USITC staff are personnel who were involved in the completed investigation and include staff in OUII, the Office of Administrative Law Judges, the General Counsel's Office, and the Commissioners' offices. A copy of the Selective Participation Survey is attached.

B. Field Testing

In February 2012, the Commission field-tested the survey with regard to the reporting burden, clarity of questions, navigation through the survey, and survey format. The individuals set out in the table below were identified as participants for the field test of the survey. All of the individuals have significant experience in Section 337 investigations.

NAME	CATEGORY	EMAIL ADDRESS
Amy Ames	OALJ	Amy.Ames@usitc.gov
Megan Valentine	OGC	Megan.Valentine@usitc.gov
Bill Kane	Vice Chairman	William.Kane@usitc.gov
Tony Pezzano	Outside Firm – Cadwalader Wickersham	tony.pezzano@cwt.com
Alex Chinoy	Outside Firm – Covington Burling	achinoy@cov.com
Stefani Shanberg	Outside Firm – Wilson Sonsini	sshanberg@wsgr.com
Karin Norton	Samsung	knorton@sea.samsung.com

Attached are: (1) a copy of the Selective Participation Survey; and (2) a table providing comments from field test participants and actions taken in response to those comments.

C. Reporting Burden and Projected Cost

The cost/burden matrix was provided in the generic clearance package under the heading "Op 2 IP-Based Inv. User Survey." For the Selective Participation Survey, the reporting burden is estimated to be:

Total number of survey respondents:	(No.)	289
Frequency of response:	(No.)	1
Average completion time per survey:	(hours)	0.75
Total burden:	(hours)	216.75
Total cost:	(dollars)	$14,955.75

SurveySelectivePart – *Post Review*

Response #	1.INVESTIGATION NAME AND NUMBER	2. AFFILIATION	3. EMAIL ADDRESS	24. RECOMMENDATIONS TO IMPROVE SURVEY	
				Recommendation	**Comment/Solution**
1	337-TA-000	4		Participants should not be asked to identify their affiliation. The more anonymous the survey is, the more forthright and reliable the answers will be.	Perspective is important – need to know source **– Decision: do not allow anonymous**
				Q11-13 include claim construction as a category.	**Decision: add (e.g. infringement, validity, claim, construction)**
				Recommendation	**Comment/Solution**
2	Certain Devices, Products Containing Same, and Components Thereof, 337-TA-999	1	No.	Questions 7&8 need a "N/A" choice	**Decision: add "other"**
				Q. 11&13 need a "none" choice	**Decision:** **1. On Selective survey, add "none" to Qs 11, 12 & 13** **2. On Full survey, add "none" to Qs 10 & 11** **3. On No survey, add "none" to Q 10**
				Qs. 12, 15, 17-20 need a "did not participate choice"	Not appropriate since this is a "selective participation" survey. There was confusion when sent out for demo. **Decision: No Change**
				the survey will let you skip an answer, which could yield skewed results.	Understood and accepted. Reporting will address missing data points. **Decision: No Change**

SurveySelectivePart – *Post Review*

				Recommendation	Comment/Solution
	In Re Matter, Inv. No. 1	1	home.com	Understandable, helpful, easy to navigate, not too long.	N/A
				Qs 7a and 8a (clarify that need not be limited to merits),	Not needed based on previous changes listed above for Qs 7 & 8. **Decision: no change**
				Qs 11 to 13 (include cl constr, validity, enf and infr) -- need more space **I assume this is Chinoy - no email addresses provided - but he says he ran out of room**	Not needed based on previous changes listed above for Qs 11. 12 & 13. **Decision: no change**
				Juliana,Just took this test survey, and offered some comments after Q. 24. The text box there was not large enough to offer all my comments. The ones I could not enter were:1. The last several pages of the survey were a single question per "next" click. I'd consider batching those onto a single page to speed completion time.	*Action item: Cindi to discuss pagination with Doug.*
				2. The survey seems geared towards obtaining feedback about investigations in which OUII participates to at least some extent. While there are certainly questions about non-participation, I think that's an area that might benefit from a few dedicated questions. For example, some variants on the following could yield interesting results: "What impact did the absence of an OUII attorney have on discovery disputes between the parties?""Were discovery disputes more frequent / more frequently brought to the attention of the ALJ than in investigations where OUII participated?""Was the scope of discovery requested broader / narrower than in investigations where OUII participated?""Were there more or less active disputes between the parties on motions in limine, exhibits, etc. on the first day of the hearing than in investigations where OUII participated?"Were you more or less successful at arriving at stipulations on matters such as importation, domestic industry, etc. based on OUII participation?" I know there are radio buttons on one of the questions about where having / not having staff helped / hurt, and a field for narrative, but I think some of the issues above are themes that have been raised as concerns about not having staff that can be drawn out individually.But that's just my two cents. Overall it was a nice, short, easy to follow survey. Thanks for including me in the test group.	**Decision: Issue will be addressed at delivery of survey to ensure receiver is clear about which survey type they are taking.**

Additional items discussed during review:

1. Action item: look into options for customizing the header (and footer)
2. For #11:
    a. Change the first option in the list of #11 from "Discovery" to "Discovery and Discovery Disputes".
    b. Remove "if any".
3. For #12:
    a. Change sentence from "Among the issue in which OUII participated, please identify those issues, if any, in which you believe OUII's participation was particularly beneficial to expeditious and informed decision making (select as many as applicable)" to "Among the issue in which OUII participated, please identify those issue in which you believe OUII's participation was particularly productive (e.g. in terms of expedition, development of the record, decision making) (select as many as applicable)."
    b. Change the first option in the list from "Discovery" to "Discovery and Discovery Disputes"
4. For #13:
    a. Change the first option in the list of #11 from "Discovery" to "Discovery and Discovery Disputes".
    b. Remove "if any".