

2024 Current Fiscal Year Report: Industry Trade Advisory Committee on Digital Economy

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1. Department or Agency

Department of Commerce

2. Fiscal Year

2024

3. Committee or Subcommittee

Industry Trade Advisory Committee on
Digital Economy

3b. GSA

Committee No.

21412

4. Is this New During Fiscal Year?

No

5. Current Charter Renewal Date

02/24/2022 02/24/2026

7. Expected Term Date

8a. Was Terminated During Fiscal Year?

No

8b. Specific Termination Authority

8c. Actual Term Date

9. Agency

Recommendation for Next Fiscal Year

Continue

10a. Legislation Req to Terminate?

Not Applicable

10b.

Legislation Pending?

Not Applicable

11. Establishment Authority

Statutory (Congress Created)

12. Specific Establishment Authority

P.L. 93-618

13. Effective Date

03/27/1975

14. Committee Type

Continuing

14c. Presidential?

No

15. Description of Committee

16a. Total Number of Reports

16b. Report Date

Report Title

Letter of Recommendation on the
working relationship between the
10/31/2023 Committee, the Department of
Commerce and the Office of the
United States Trade Representative

Number of Committee Reports Listed: 1

17a. 0 17b. Closed3 17c. Partially Closed0 Other Activities0 17d. Total3
Open

Meetings and Dates

| Purpose | Start | End |
|---|------------|------------|
| The Committee members met to be briefed and provide advice to USTR, DOJ and FTC on the following issue: - The Indo-Pacific Economic Framework for Prosperity (IPEF) Pillar I – Trade on Competition Chapter and Digital Trade Issues. The Committee Members C met to deliberate on and a pre-decisional draft letter of recommendation on ITAC 6 and DOC/USTR Working Relationship. The letter was not finalized at this meeting, so another closed meeting was required, held on October 31, 2023. | 10/11/2023 | 10/11/2023 |
| The Committee members met to deliberate on and finalize a pre-decisional draft letter of recommendation on Working Relationship between the Committee, Commerce, and USTR During Trade Negotiations. The letter was adopted out of Committee and sent forward to the Secretary of Commerce and the United States Trade Representative on October 31, 2023. | 10/31/2023 | 10/31/2023 |
| The Committee members met to be briefed and provide advice to USTR on the following issues, including: - World Trade Organization 13th Ministerial Conference (WTO-MC13) - Update on World Trade Organization Joint Statement Initiative on e-Commerce | 02/14/2024 | 02/14/2024 |

Number of Committee Meetings Listed: 3

| | Current FY | Next FY |
|---|---------------|------------|
| 18a(1). Personnel Pmts to Non-Federal Members | \$0.00 | \$0.00 |
| 18a(2). Personnel Pmts to Federal Members | \$0.00 | \$0.00 |
| 18a(3). Personnel Pmts to Federal Staff | \$0.00 | \$0.00 |
| 18a(4). Personnel Pmts to Non-Member Consultants | \$0.00 | \$0.00 |
| 18b(1). Travel and Per Diem to Non-Federal Members | \$0.00 | \$0.00 |
| 18b(2). Travel and Per Diem to Federal Members | \$0.00 | \$0.00 |

| | | |
|---|--------|--------|
| 18b(3). Travel and Per Diem to Federal Staff | \$0.00 | \$0.00 |
| 18b(4). Travel and Per Diem to Non-member Consultants | \$0.00 | \$0.00 |
| 18c. Other(rents,user charges, graphics, printing, mail, etc.) | \$0.00 | \$0.00 |
| 18d. Total | \$0.00 | \$0.00 |
| 19. Federal Staff Support Years (FTE) | 0.00 | 0.00 |

20a. How does the Committee accomplish its purpose?

The Committee performs such functions and duties and prepares such reports, as may be required by Section 135 of the Trade Act, with respect to the industry trade advisory committees. The Committee advises the Secretary of Commerce (Secretary) and the United States Trade Representative (USTR) on trade matters referred to in section 135(a)(1) of the Act, and is consulted regarding the matters referred to in section 135(a)(2) of the Act. The Committee provides detailed policy and technical advice, information, and recommendations to the Secretary and USTR regarding trade barriers, negotiation of trade agreements under section 2103 of the Bipartisan Trade Promotions Authority Act of 2002, and implementation of existing trade agreements affecting its sector.

20b. How does the Committee balance its membership?

The Secretary and the USTR make every effort to maintain balanced industry representation on the Committee. In order to achieve balanced representation, consideration is given to balance among sectors, product lines, small, medium, and large firms, and geographic areas. In addition, the Secretary and the USTR are committed to

achieving diversity in the membership of the Committee to the maximum extent practicable consistent with the need for balanced industry representation and expertise. The Secretary and the USTR may seek additional nominations as necessary to ensure balanced representation, to meet a need for special representation, or to achieve diversity and demographic balance. Members shall be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance, the principal criterion for selection being the ability to carry out the objectives of this Committee as set forth in Section 3 of the ITAC's Charter. Secondary selection criteria are ensuring that the Committee is balanced in terms of points of view, demographics, geography, and company size.

20c. How frequent and relevant are the Committee Meetings?

This Committee meets approximately 4-5 times a year, depending on the work of the Committee.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

This Committee is essential to carry out the Secretary's and USTR's responsibilities under section 135(c)(2) of the 1974 Trade Act, as delegated by E.O. 11846 of March 27, 1975. There is no other Committee that can perform the duties of this Committee.

20e. Why is it necessary to close and/or partially closed committee meetings?

The Industry Trade Advisory Committees were established by the Trade Act of 1974 and in accordance with the Federal Advisory Committee Act (FACA). Subsection 135(f) of the Trade Act provides that the ITACs shall be exempt from the

provisions of the FACA relating to open meetings, public notice, public participation, and public availability of documents when it is determined that the proceedings would, if disclosed, seriously compromise the Government's negotiating objectives or bargaining positions regarding trade policy matters. ITAC meetings routinely involve these kinds of discussions. The Department of Commerce and the Office of the USTR evaluates each meeting agenda and issues a Notice of Determination when it is necessary to close meetings.

21. Remarks

Subcommittees, or their equivalents, are authorized to be formed under the terms of the Committees' charters, which were issued pursuant to Subsection 135 (f) of the Trade Act of 1974 (Public Law 93-618) as amended, and the FACA (Public Law 92-463). Because subcommittees, or their equivalents, do not report out independently but through the parent Committee, the costs are included under the parent Committee. ITAC members are appointed at the start of a new charter term and on a rolling basis throughout the four-year charter term. Resignations occur when a members change representation, leaves employment, due to ill-health, or no longer wants to serve as an advisor and departs prior to membership expiration date. All members who resign in the FY are kept on the ACR with effective resignation date.

Designated Federal Officer

Andres Lahiguera Designated Federal Officer

| Committee Members | Start | End | Occupation | Member Designation |
|-----------------------|------------|------------|--------------------------------|-----------------------|
| Bengfort-Keller, Devi | 04/19/2022 | 02/24/2026 | Texas Instruments Incorporated | Representative Member |
| Bhumitra, Arun | 04/19/2022 | 02/24/2026 | Arjay Telecommunications | Representative Member |

| | | | | |
|------------------------|------------|------------|---|-----------------------|
| Bliss, J. Christine | 04/19/2022 | 02/24/2026 | Coalition of Services Industries | Representative Member |
| Bramble, Nicholas | 04/19/2022 | 02/24/2026 | Google LLC | Representative Member |
| Burke, Amy | 07/06/2023 | 02/24/2026 | HP Inc. | Representative Member |
| Clapsis, Harry | 07/06/2023 | 02/24/2026 | Ampere Computing LLC | Representative Member |
| Everhart, Jonathan | 04/19/2022 | 02/24/2026 | Global ReEnergy Holdings | Representative Member |
| Fetchko, Nicolas | 04/19/2022 | 02/24/2026 | Verizon Communications, Inc. | Representative Member |
| Holland, Stefanie | 04/19/2022 | 02/24/2026 | Qualcomm Incorporated | Representative Member |
| Jennings, Jake | 04/19/2022 | 02/24/2026 | AT&T Services, Inc | Representative Member |
| Lozada, E. Patrick | 01/26/2023 | 02/24/2026 | Telecommunications Industry Association | Representative Member |
| Manner, Jennifer | 04/19/2022 | 02/24/2026 | EchoStar Corporation | Representative Member |
| Motwani, Jai | 04/18/2023 | 02/24/2026 | Apple, Inc. | Representative Member |
| Newton, Elaine | 04/19/2022 | 02/16/2024 | Oracle Corporation | Representative Member |
| Sanford, Jennifer | 04/19/2022 | 02/24/2026 | Cisco Systems, Inc. | Representative Member |
| Scarpelli, Esq., Brian | 04/19/2022 | 02/24/2026 | ACT-The App Association Legal Advisor, Representing The | Representative Member |
| Schwartz, Ari | 04/19/2022 | 02/24/2026 | Center for Cybersecurity Policy and Law | Representative Member |
| Thomsen II, Roszel | 04/19/2022 | 02/24/2026 | Alliance for Network Security | Representative Member |
| Thornton, Mary | 04/19/2022 | 10/13/2023 | Amazon.com, Inc. | Representative Member |
| Whitlock, Joseph | 04/19/2022 | 02/24/2026 | BSA: The Software Alliance. | Representative Member |

Number of Committee Members Listed: 20

Narrative Description

The Committee performs such functions and duties and prepares such reports as may be required by section 135 of the Trade Act with respect to the industry trade advisory committees. The Committee advises the Secretary and the USTR concerning the trade matters referred to in section 135(a)(1) of the Trade Act and is consulted regarding the matters referred to in section 135(a)(2)

of the Trade Act. The Committee functions solely as an advisory committee in accordance with the provisions of the FACA, as amended, 5 U.S.C. 1001 et. seq., with the exceptions set forth in the Trade Act. In particular, the Committee provides detailed policy and technical advice, information, and recommendations to the Secretary and the USTR regarding trade barriers, negotiation of trade agreements, and implementation of existing trade agreements affecting its sectors; and performs such other advisory functions relevant to U.S. trade policy as may be requested by the Secretary and the USTR or their designees.

What are the most significant program outcomes associated with this committee?

Checked if
Applies

- | | |
|---|-------------------------------------|
| Improvements to health or safety | <input type="checkbox"/> |
| Trust in government | <input checked="" type="checkbox"/> |
| Major policy changes | <input checked="" type="checkbox"/> |
| Advance in scientific research | <input type="checkbox"/> |
| Effective grant making | <input type="checkbox"/> |
| Improved service delivery | <input type="checkbox"/> |
| Increased customer satisfaction | <input type="checkbox"/> |
| Implementation of laws or regulatory requirements | <input type="checkbox"/> |
| Other | <input checked="" type="checkbox"/> |

Outcome Comments

NA

What are the cost savings associated with this committee?

Checked if Applies

- | | |
|----------------------------|-------------------------------------|
| None | <input checked="" type="checkbox"/> |
| Unable to Determine | <input type="checkbox"/> |
| Under \$100,000 | <input type="checkbox"/> |
| \$100,000 - \$500,000 | <input type="checkbox"/> |
| \$500,001 - \$1,000,000 | <input type="checkbox"/> |
| \$1,000,001 - \$5,000,000 | <input type="checkbox"/> |
| \$5,000,001 - \$10,000,000 | <input type="checkbox"/> |

Over \$10,000,000
Cost Savings Other

☐
☐

Cost Savings Comments

NA

What is the approximate Number of recommendations produced by this committee for the life of the committee?

21

Number of Recommendations Comments

On average 2-3 recommendations are made annually. The total number of recommendations is cumulative for the life of committee to date.

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

0%

% of Recommendations Fully Implemented Comments

No measurable calculation. Committee members give advice to U.S. trade negotiators and typically do not receive feedback from negotiators regarding how their advice has been applied or utilized within the various bi-lateral and multi-lateral trade negotiations.

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

0%

% of Recommendations Partially Implemented Comments

No measurable calculation. Committee members give advice to U.S. trade negotiators and typically do not receive feedback from negotiators regarding how their advice has been applied or utilized within the various bi-lateral and multi-lateral trade negotiations.

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

Most feedback is rendered orally during meetings; when written advice is sent to the Secretary of Commerce and the USTR, or their designees, it is reviewed by Secretary's

policy staff and tasked to appropriate ITA unit to prepare a draft response. Commerce internal procedures require that all responses for Secretarial signature (and/or joint signature with USTR) go through a formal concurrence process which ensures that the appropriate level of Commerce officials are seeing the advice and have a chance for comment. The Under Secretary of Commerce for International Trade reviews and clears prior to the Secretary's review and signature, which ensures that ITAC advice is weighed and considered.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

| | |
|-----------------------------------|-------------------------------------|
| Reorganized Priorities | <input type="checkbox"/> |
| Reallocated resources | <input type="checkbox"/> |
| Issued new regulation | <input type="checkbox"/> |
| Proposed legislation | <input type="checkbox"/> |
| Approved grants or other payments | <input type="checkbox"/> |
| Other | <input checked="" type="checkbox"/> |

Action Comments

N/A

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

NA

How is access provided to the information for the Committee's documentation?

Checked if Applies

| | |
|---------------------------|-------------------------------------|
| Contact DFO | <input checked="" type="checkbox"/> |
| Online Agency Web Site | <input checked="" type="checkbox"/> |
| Online Committee Web Site | <input checked="" type="checkbox"/> |
| Online GSA FACA Web Site | <input checked="" type="checkbox"/> |
| Publications | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Access Comments

None.

