

Pursuant to section 331 of the Tariff Act, 19 U.S.C. 1331, the Chairman of the Commission has the authority to “appoint and fix the compensation of such employees of the Commission as he deems necessary,” including ALJs. 19 U.S.C. 1331(a)(1)(A)(1). Any such decision by the Chairman, however, is “subject to disapproval by a majority vote of all the commissioners in office.” *Id.* § 1331(a)(1)(C). The hiring of the Commission’s ALJs has been in conformity with Titles 5 and 19 of the U.S. Code, as well as with such regulations as were then in force by the Office of Personnel Management, 5 CFR 930.201–.211.

The Appointments Clause of the Constitution, art. II, § 2, cl. 2, provides, in relevant part, that Congress may vest the appointment of inferior officers “in the Heads of Departments.” In the past two years, there have been legal developments concerning the Appointments Clause. These developments have included the 2016 decision of the U.S. Court of Appeals for the Tenth Circuit finding ALJs of the Securities and Exchange Commission (“SEC”) to be “inferior officers” for the purpose of the Appointments Clause, *Bandimere v. SEC*, 844 F.3d 1168, 1188 (10th Cir. 2016), *reh’g en banc denied* (May 3, 2017). In 2018, the Supreme Court decided that the ALJs of the SEC are inferior officers whose appointments were to be made by SEC and not by the SEC’s staff. *Lucia v. SEC*, 138 S. Ct. 2044, 2053–54 (2018); *see Free Enterprise Fund v. Public Company Accounting Oversight Bd.*, 561 U.S. 477, 512 (2010).

The hiring of the Commission’s ALJs is, and has been, consistent with the Appointments Clause and with the Commission’s organic statute. Throughout at least the period of time between the hiring of the most-senior ALJ at the Commission (Chief Judge Bullock) until the present, the appointment of ALJs has been made by the Chairman, and no Commissioner has initiated a vote to disapprove the appointment of an ALJ, as is the Commissioner’s right under 19 U.S.C. 1331(a)(1)(C). Out of an abundance of caution, on March 14 and 15, 2018, the Commission (then-Chairman Schmidlein, joined by then-Vice Chairman Johanson, and Commissioners Williamson and Broadbent) voted, by notational voting, to ratify the earlier appointments of Judges Bullock, Lord, McNamara, Pender and Shaw. Also out of an abundance of caution, on February 8, 2018, the Commission voted, by notational voting, in connection with Judge Cheney’s original appointment.

Accordingly, the Commission’s ALJs have all been appointed and/or ratified in conformance with the Constitution, and all applicable statutes and regulations. In addition, by this Notice, the Commission reiterates its approval of the appointments of Judges Bullock, Cheney, Lord, McNamara, Pender, and Shaw as its own under the Constitution.

By order of the Commission.

Issued: September 5, 2018.

Lisa R. Barton,

Secretary to the Commission.

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INTERNATIONAL TRADE COMMISSION

[USITC SE–18–041]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: September 12, 2018 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote on Inv. No. 731–TA–1189 (Review)(Large Power Transformers from Korea). The Commission is currently scheduled to complete and file its determination and views of the Commission by September 26, 2018.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: September 5, 2018.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–19703 Filed 9–6–18; 4:15 pm]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1053]

Certain Two-Way Radio Equipment and Systems, Related Software and Components Thereof; Commission Determination To Review in Part an Initial Determination Finding a Violation of Section 337 and Order Nos. 38 and 47; To Request Written Submissions on Remedy, Bonding, and the Public Interest; and To Extend the Target Date

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part a final initial determination (“ID”) of the presiding administrative law judge (“ALJ”) finding a violation of section 337 and the ALJ’s Order Nos. 38 and 47. The Commission is requesting written submissions on remedy, bonding, and the public interest including submissions in response to certain questions directed to the public interest. The Commission has also extended the target date for completion of the investigation to November 16, 2018.

FOR FURTHER INFORMATION CONTACT:

Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 3, 2017, based on a complaint filed on behalf of Motorola Solutions, Inc. (“Motorola”) of Chicago, Illinois. 82 FR 20635–36. The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C.