



United States  
International Trade Commission

# American Manufacturing Competitiveness Act: 2020 Final Report

August 2020

Publication Number: 5097

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# United States International Trade Commission

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# Final Report

August 10, 2020

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## Abbreviations

Abbreviations	Term
AMCA or the Act	American Manufacturing Competitiveness Act of 2016
CAS	Chemical Abstracts Service
CBP or Customs	U.S. Customs and Border Protection
Commerce	U.S. Department of Commerce
HTS	Harmonized Tariff Schedule of the United States
MTB	Miscellaneous Tariff Bill
MTBPS	Miscellaneous Tariff Bill Petition System
USITC or Commission	U.S. International Trade Commission



## Introduction

The American Manufacturing Competitiveness Act of 2016 (the AMCA or the Act)<sup>1</sup> sets forth a process for “the submission and consideration of petitions for temporary duty suspensions and reductions.”<sup>2</sup> Under that process, those seeking duty suspensions and reductions file petitions with the U.S. International Trade Commission (the Commission). With input from other federal agencies, the Commission reviews each petition and submits its recommendations in preliminary and final reports to the House Committee on Ways and Means and the Senate Committee on Finance (the Committees), which develop a miscellaneous tariff bill (MTB).

This constitutes the Commission’s final report on each of the petitions specified in the Commission’s preliminary report, which the Commission delivered to the Committees on June 9, 2020. The preliminary report included certain information and determinations with respect to each petition and also categorized each petition based on whether it meets the requirements of the Act without modification, meets the requirements of the Act with certain types of modifications, or does not meet the requirements of the Act.

As explained further below, the final report includes the information required in the preliminary report and updated as appropriate after considering information submitted during the additional public comment period and by the Committees (such information related only to possibly reclassifying a petition listed in category VI in the preliminary report to another category). It also includes the Commission’s determination with respect to each petition on the following:

- Whether the duty suspension or reduction is available to any person that imports the article;
- Whether the duty suspension or reduction can likely be administered by U.S. Customs and Border Protection (CBP); and
- Whether the estimated loss in revenue to the United States from the duty suspension or reduction does not exceed \$500,000 in a calendar year during which it would be in effect.<sup>3</sup>

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<sup>1</sup> Codified at 19 U.S.C. § 1332 note.

<sup>2</sup> AMCA, § 3(a).

<sup>3</sup> AMCA, § 3(b)(3)(C) and (E).





The discussion below describes the steps that the Commission has taken to carry out these responsibilities.

## Submission of petitions and comments to the Commission

As required by the Act, on October 11, 2019, the Commission published a [notice](#) in the *Federal Register* announcing that the period for submitting petitions had begun. The notice stated that members of the public could begin submitting petitions to the Commission through its online Miscellaneous Tariff Bill Petition System (MTBPS) for a 60-day period, ending on December 10, 2019.<sup>4</sup>

The MTBPS guided petitioners in providing the information specified for submission by the Act and the Commission's Rules of Practice and Procedure.<sup>5</sup> The Commission received a total of 4,086 petitions during the petition submission period. As of August 7, 2020, petitioners had withdrawn 644 of the petitions received,<sup>6</sup> leaving a net total of 3,442 petitions on which the Commission is providing recommendations.<sup>7</sup> The following is a breakdown of those petitions, by product category:

Product group	Number of petitions	Percent of total
Chemicals	1,839	53.4
Machinery and equipment	715	20.8
Textiles, apparel, and footwear	581	16.9
Natural resources and agriculture	307	8.9
<b>Total</b>	<b>3,442</b>	<b>100.0</b>

As required by the Act,<sup>8</sup> within 30 days of the close of the petition submission period, the Commission published a notice in the *Federal Register* on January 10, 2020, announcing that it

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<sup>4</sup> USITC, *Request for Petitions for Duty Suspensions and Reductions*, 84 Fed. Reg. 54924 (October 11, 2019).

<sup>5</sup> 84 Fed. Reg. at 54925. Section 3(b)(2) of the AMCA and Commission Rules 220.5 and 220.6 specify the information that petitioners must include in their petitions. AMCA, § 3(b)(2); 19 C.F.R. §§ 220.5, 220.6 (81 Fed. Reg. 67149 (Sept. 30, 2016), as amended by 84 Fed. Reg. 44692 (Aug. 27, 2019)).

<sup>6</sup> The Commission did not permit petitioners to modify petitions after submission; in order to make changes, petitioners had to withdraw their petition and file a new one by the December 10, 2019 deadline.

<sup>7</sup> Of this total, the Commission consolidated 219 petitions with other petition(s) that were duplicate or overlapping (see discussion below). The Commission provides a single recommendation for consolidated petitions.

<sup>8</sup> AMCA, § 3(b)(3)(A) & (B).



had posted all the submitted petitions to its public website. The notice further stated that the public could file comments on the petitions through the MTBPS.<sup>9</sup> The comment period was open for 45 days, and it closed on February 24, 2020.<sup>10</sup> The Commission received 1,611 comments on 900 petitions; commenters later withdrew 31 of those comments. The following is a breakdown of the 1,580 remaining comments, based on commenter type and comment reason.

Commenter Type	Number of comments objecting to petitions	Number of comments in support of petitions	Number of comments taking no position/ providing other comment
Trade association or group	6	291	0
U.S. importer	46	157	4
U.S producer	671	4	6
Government entity	0	11	0
Other	21	339	24
<b>Total</b>	<b>744</b>	<b>802</b>	<b>34</b>

The Act also requires that the U.S. Department of Commerce (Commerce), in consultation with CBP and other relevant Federal agencies, submit a report to the Commission and to the Committees on each petition filed.<sup>11</sup> Commerce submitted its report (available [here](#)) on April 9, 2020. The Commerce report provides the following information for each petition:

- A determination whether domestic production of the article that is the subject of the petition exists,<sup>12</sup> and, if such production exists, a determination whether a domestic producer of the article objects to the petition.
- Any technical changes to the article description that are necessary for purposes of administration when articles are presented to CBP for importation.

<sup>9</sup> USITC, *Notice of Publication of Petitions for Duty Suspensions and Reductions and Related Disclosure Forms, and Notice of Request for Comments on Those Petitions and Disclosure Forms*, 85 Fed. Reg. 1327 (Jan. 10, 2020). The Commission published the petitions on a rolling basis as it received them and ensured that no confidential data would be made public before posting them.

<sup>10</sup> 85 Fed. Reg. at 1328.

<sup>11</sup> AMCA, § 3(c).

<sup>12</sup> “Domestic production” is defined in the Act to include production of an article that is identical to, or like or directly competitive with, the article that is the subject of the petition. AMCA, §§ 3(b)(3)(C)(i)(II), 7(5).



As discussed below, when evaluating the petitions in this report, the Commission took into account the information in the Commerce report.

## Commission preliminary report analysis and review process

The Commission's staff first reviewed the petitions submitted to the Commission to ensure that they provided all the information required by the Act and the Commission's Rules of Practice and Procedure. The Commission's staff then reviewed the information in the petitions; comments received from the public through the MTBPS; and the information in the Commerce report, including information and analysis from CBP, to make the determinations and recommendations required by the Act.

**Category Recommendations.** The Act directs the Commission to place each petition into one of six categories depending upon whether the petition meets the requirements of the Act without modification (Category I), meets the requirements of the Act with certain modifications (Categories II, III, and IV), or does not meet the requirements of the Act (Categories V and VI).<sup>13</sup> More specifically, the Act defines the categories as follows:

*Category I.* Petitions that the Commission finds meet the requirements of the Act without modification.<sup>14</sup>

*Category II.* Petitions for which the Commission recommends technical corrections in order to meet the requirements of the Act.<sup>15</sup> As further described below, for these petitions, the Commission has noted the correction made and suggested changes only to improve clarity and administrability based on the information contained in the petition, the permanent U.S. Harmonized Tariff Schedule (HTS) provisions, and input from CBP.

*Category III.* Petitions for which the Commission recommends a modification to the amount of the requested duty suspension or reduction in order to comply with the requirements of the Act.<sup>16</sup> For these petitions, the Commission has indicated the recommended modification. The Commission may also recommend technical corrections to petitions in this category.

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<sup>13</sup> AMCA, § 3(b)(3)(C)(ii)(I-VI).

<sup>14</sup> AMCA, § 3(b)(3)(C)(ii)(I).

<sup>15</sup> AMCA, § 3(b)(3)(C)(ii)(II).

<sup>16</sup> AMCA, § 3(b)(3)(C)(ii)(III).



*Category IV.* Petitions for which the Commission recommends a modification to the scope of the articles covered by the petitions to address objections from domestic producers.<sup>17</sup> For these petitions, the Commission has specified the proposed modifications. The Commission notes that information supplied in the public comments filed with the Commission generally was not specific enough to enable the Commission to suggest such modifications.

*Category V(aa).* Petitions that the Commission finds do not contain the information required under the Act.<sup>18</sup> The Commission also placed in this category any petitions subject to the provisions of Commission Rule 220.7(b), which provides that, when a petitioner files a petition that is identical to or overlapping in article coverage with one or more earlier filed petition(s), and the petitioner does not withdraw the earlier-filed petition(s), the Commission will regard the earliest-filed petition as the petition of record.<sup>19</sup> In such situations, the Commission placed the later-filed, overlapping petitions in Category V(aa). The Commission did not make technical corrections, adjust the requested rate of duty, or estimate revenue loss for petitions placed in Category V(aa).

*Category V(bb).* Petitions for which the Commission has determined that the petitioner is not a likely beneficiary.<sup>20</sup> Generally, petitions for which the Commission made this determination are those for which the covered articles may already enter free of duty under its permanent tariff provision.<sup>21</sup> The technical comments for petitions in Category V(bb) specify the relevant basis for placement in this category and reflect the estimated revenue loss, which is equal to zero in each year reported. The Commission did not make technical corrections, other than to correct the permanent tariff subheading when necessary, or adjust the requested rate of duty for Category V(bb) petitions.

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<sup>17</sup> AMCA, § 3(b)(3)(C)(ii)(IV).

<sup>18</sup> AMCA, § 3(b)(3)(C)(ii)(V)(aa).

<sup>19</sup> 19 C.F.R. § 220.7(b).

<sup>20</sup> AMCA, § 3(b)(3)(C)(ii)(V)(bb).

<sup>21</sup> In some instances, the permanent HTS subheading that covers the requested merchandise contains a general duty rate of “free.” In other instances, that subheading contains a special duty rate for which the requested merchandise is already eligible upon proper importer claim on Customs entry documents, under the Agreement on Trade in Pharmaceutical Products or the Uruguay Round concessions on intermediate chemicals for dyes. Petitioners may have filed petitions on products covered by a permanent subheading with a general duty rate of “free” because they were seeking to suspend or reduce *additional* duties on those products. Under current law, MTBs will not relieve importers of additional duties imposed under Chapter 99 of the HTS, including products of China subject to duties under Section 301 of the Trade Act of 1974 (Trade Act) and steel and aluminum products subject to duties under Section 232 of the Trade Act.



*Category VI.* Petitions that the Commission does not otherwise recommend for inclusion in a miscellaneous tariff bill (MTB).<sup>22</sup> The Commission placed the following types of petitions in Category VI:

1. Petitions for which the Commission determined that the article description could not be administered, taking into account the findings of the Commerce report. The Commission did not make technical corrections, adjust the requested rate of duty, or estimate revenue loss for these petitions.
2. Petitions to which a domestic producer objected, based on information contained in the Commerce report or in public comments submitted to the Commission. The Commission did not make technical corrections to these petitions. For these petitions, the Commission estimated an annual revenue loss, but did not adjust the requested rate of duty. Therefore, estimated revenue loss may be over \$500,000 in the reported years for at least some of these petitions.
3. Petitions for which the estimated Customs revenue loss exceeded \$500,000, even with a potential duty reduction of only 0.1 percentage point.<sup>23</sup>

***Duplicate Petitions.*** In some instances, two or more petitioners submitted petitions for duty suspensions or reductions for the same article. In these instances, the Commission consolidated the petitions under a single “master” petition, and the Commission analyzed and provides a single recommendation on that master consolidated petition. This report lists master petitions and notes any petitions that the Commission consolidated under that master.

***Overlapping Petitions.*** The Commission also received a number of petitions with article descriptions that, although not identical, were overlapping.<sup>24</sup> To facilitate the administrability and accuracy of import estimations, petitions must cover distinct articles of commerce. If multiple petitioners filed petitions that overlap in coverage, the Commission either consolidated those petitions or, in the case of overlapping petitions that were not amenable to consolidation, made technical corrections to the petitions that eliminated the area of product overlap between them.<sup>25</sup> To make these corrections, the Commission first analyzed the article

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<sup>22</sup> AMCA, § 3(b)(3)(C)(ii)(VI).

<sup>23</sup> Proposed rates are rounded to the nearest one-tenth of a percent. The Commission did not suggest modifications to the duty rate that would result in a reduction of less than one-tenth of a percentage point.

<sup>24</sup> For example, an article description that covers all sizes of an article as compared to an article description that covers only certain sizes of the same article.

<sup>25</sup> 19 C.F.R. § 220.8.



descriptions of the petitions concerned for which no objections were received, and then suggested only such language as was necessary to ensure that each product would properly fall in only one provision of HTS Chapter 99, should all such overlapping provisions be recommended for inclusion in an MTB.

In certain instances, the same petitioner filed multiple petitions for articles that were identical or overlapping in article coverage. In these situations (and assuming that the petitioner had not withdrawn earlier-filed petitions), the Commission generally considered the earliest-filed petition to be the petition of record, as provided in Commission Rule 220.7.<sup>26</sup>

**Chapter 99 Number.** The Commission supplied a Chapter 99 number for petitions requesting renewal of an existing provision that, with or without modification, do not propose a substantive change to the existing article description.<sup>27</sup> The Commission may have recommended a proposed rate of duty for these petitions that is different from what is currently in Chapter 99 of the HTS.<sup>28</sup>

**Technical Corrections.** As needed, and to the extent permitted by the Act, the Commission made technical corrections to any petitions that would not otherwise have complied with the statutory requirements. The corrections include making minor modifications to the language of the article description; correcting the classification listed for an article in the HTS; and, in the case of petitions involving chemicals, adding to the name of the article its Chemical Abstracts Service (CAS) number or nonproprietary chemical name. However, the Commission did not attempt to correct deficiencies in petitions unless the specific and necessary information appeared elsewhere in the petition, or in attachments to the petition provided at the time of the petition's submission to the Commission through the MTBPS. Where the Commission made such changes, it has described them in the technical comments for each such petition. For some petitions, comments from Customs sought technical corrections to facilitate administration of proposed provisions, such as the deletion of criteria requiring compliance with specific industry standards. Such deletions would effectively broaden the scope of the descriptions, and the Commission could not recommend doing so without jeopardizing the integrity of the public comment period and domestic production analysis conducted by Commerce.

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<sup>26</sup> 19 C.F.R. § 220.7.

<sup>27</sup> Miscellaneous Tariff Bill Act of 2018, Pub. L. No. 115-239.

<sup>28</sup> The Commission may have supplied an existing Chapter 99 number and made minor typographical corrections to the existing provision (e.g., adding or removing a space, correcting capitalization).



**Estimated Revenue Loss.** Under the Act, the Commission is to estimate the amount of revenue that the United States would no longer collect if the duty suspension or tariff reduction were to take effect.<sup>29</sup> The Commission has calculated the annual revenue loss for each petition by multiplying the proposed reduction in tariff rate, in percent ad valorem,<sup>30</sup> by the estimated total U.S. dutiable import value attributable to the product. The estimated value of dutiable imports includes imports by all firms, not only the petitioner. Petitioners were to provide data for the total value of imports by all firms; if such data were not available, petitioners were to provide data for only their own firm's imports. The Commission's staff conducted research to estimate the total value of dutiable imports by all companies likely to import the product covered under the proposed article description, and they used this value to estimate the revenue loss. In some instances, the Commission's staff was not able to identify importers other than the petitioner. In those instances, the Commission generally based its revenue loss estimates solely on data provided by the petitioner about its own firm.

Where the petitioner requested a duty reduction or suspension that would have resulted in an annual estimated revenue loss of more than \$500,000, the Commission's staff adjusted the requested duty reduction in increments of 0.1 percentage point so that the estimated revenue loss would not exceed \$500,000, as provided for by the statute.<sup>31</sup> The Commission reported estimated revenue loss for the four-year period 2021 to 2024; however, any adjustment to the duty rate is based on the three-year period 2021 to 2023, as that is the period of time that each duty suspension or reduction is likely to be in effect.

In some instances, petitioners filed a number of petitions for similar articles, with each petition distinguished by narrowly crafted sets of attributes. These minor differences may have had the effect of limiting the revenue loss for each petition, where the broader set of such petitions combined would exceed the revenue loss limit.

**Determination of Domestic Production.** For each article that is the subject of a petition for a duty suspension or reduction, the Act requires the Commission to determine whether domestic production of the article exists. The Act defines domestic production to mean the production of an article that is "identical to, or directly competitive product with" an article to which the petition would apply.<sup>32</sup> The Commission made this determination based on information in the

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<sup>29</sup> AMCA, § 3(b)(3)(C)(i)(IV).

<sup>30</sup> That is, a rate of duty expressed as a percentage of the appraised Customs value of an imported good.

<sup>31</sup> AMCA, § 3(b)(3)(C)(ii)(III). The Commission placed these petitions in Category III, provided that they otherwise met the statutory requirements. Please see the discussion of *Category Recommendations*.

<sup>32</sup> AMCA, §§ 3(b)(3)(C)(i)(II), 7(5).



petition, information available from public sources, comments submitted to the Commission, and information contained in the Commerce report.<sup>33</sup>

If petitions contained the names of domestic producers, or the Commission's staff identified domestic producers through research, the Commission's staff contacted each firm directly and asked for confirmation in writing that the firm produced such a product domestically. If the Commission was unable to affirmatively confirm that domestic production of an identical or like or directly competitive product existed, taking into account the Commerce report, the Commission reported "no" for domestic production. Firms that indicated planned production were required to indicate the year in which they expected production to begin, as well as provide additional information supporting their claim. For firms that produce goods made to order, the Commission considered whether the firm made the item in the past and/or demonstrated they were capable of making a like or directly competitive item. In some instances, petitioners were also domestic producers of the product that was the subject of the petition. For these petitions, the Commission did not provide an affirmative determination of domestic production unless the Commission's staff identified other domestic producers.

***Domestic Producer Objection.*** If the Commission determines that domestic production exists, the Act requires it to determine whether a domestic producer of the article objects to the proposed duty suspension or reduction.<sup>34</sup> In making that determination, the Commission took into account the Commerce report and comments filed by firms that claimed to be domestic producers, as well as research conducted by Commission staff. In some instances, the Commission determined that objections were from domestic producers of articles that are upstream or downstream from the articles in the petition, and therefore did not place such petitions in Category VI based on the objection(s).

***Availability of Duty Reduction or Suspension.*** Under the Act, the Commission must determine whether the duty suspension or reduction would be available to any person who imports the article that is the subject of the duty suspension or reduction.<sup>35</sup> When making this

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<sup>33</sup> The Commission is also called upon under other statutory authorities to make determinations as to whether there is domestic production of an article that is like or directly competitive with an imported article. The determinations in this report regarding whether there is domestic production of an article that is identical to, or like or directly competitive with, an article to which a petition for a duty suspension or reduction would apply are based on the facts available to the Commission in this proceeding and should not be viewed as indicative of how the Commission might find or determine in a proceeding under another statutory authority.

<sup>34</sup> AMCA, § 3(b)(3)(C)(i)(II).

<sup>35</sup> AMCA, §§ 3(b)(3)(C)(i)(V), 3(b)(3)(E)(ii)(III).





determination, the Commission relied on the language of the article description provided in the petition and, where applicable, as modified by the Commission.

In some instances, petitioners reported that the product was subject to a patent or other restriction (*e.g.*, EPA data exclusivity). The Commission determined in each such instance that the existence of a patent did not disqualify a product from being considered available to any importer because a patent would not preclude other companies from procuring the product, either domestically or for importation, as a patent holder could choose to sell or license those patent rights to other firms or individuals.

Where multiple petitioners filed petitions for the same type of article, the Commission examined descriptions as a group, as discussed in the section on “Overlapping Petitions,” to accommodate the widest range of goods possible under the Act. The article descriptions in petitions that the Commission recommends for inclusion in an MTB do not, by their terms, restrict use of the duty suspensions or reductions to particular firms.

**Likely Beneficiaries.** Under the Act and the Commission’s Rules, petitioners had to certify that they are a likely beneficiary of the proposed duty suspension or reduction and to report the names of any known likely beneficiaries of the suspension or reduction.<sup>36</sup> The Commission has reported all likely beneficiaries listed in the petition, unless the likely beneficiary indicated in writing to the Commission that it did not wish to be included. The Commission added other likely beneficiaries to its preliminary report, as warranted by public comments or staff research.<sup>37</sup> Members of trade associations are reported as likely beneficiaries if they are listed in the petition, or if the association specifically indicated in writing to the Commission that at least one of its members would benefit from the petition.

## Commission final report analysis and review process

**Submission and Analysis of Comments on Category VI petitions.** Section 3(b)(3)(E) of the Act requires the Commission to submit its final report to the Committees on each petition for a duty suspension or reduction specified in the preliminary report no later than 60 days after

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<sup>36</sup> AMCA, §§ 3(b)(2)(C), 7(3)(C); 19 C.F.R. §220.5(l).

<sup>37</sup> Where the Commission consolidated duplicate or overlapping petitions, the petitioner(s) and likely beneficiaries listed in the consolidated petitions were listed as likely beneficiaries in the master petition, unless those entities indicated in writing that they did not wish to be listed.



submission of its preliminary report to the Committees. The final report must include certain additional determinations as well as the information required in the preliminary report, updated as appropriate to consider any information submitted by the Committees to the Commission under section 3(b)(3)(D) of the Act relating to moving a petition listed in Category VI in the preliminary report to a list of petitions meeting the requirements for categories I, II, III, or IV.<sup>38</sup>

The Commission invited limited additional comments from the public through a notice published in the *Federal Register* on [April 24, 2020](#). That notice announced that the Commission would reopen the MTBPS for the purpose of allowing members of the public to submit comments on petitions that the Commission had assigned to Category VI in its preliminary report. This additional comment period was open for 10 days, beginning on June 12, 2020, and closing on June 22, 2020.<sup>39</sup> The Commission received 419 comments on 355 petitions, and commenters later withdrew 14 of those comments.

The Commission reviewed the additional information provided in the comments as it related to the Commission's decision to place petitions in Category VI in its preliminary report. In its request for additional public comments, the Commission invited comments on the administrability of the article descriptions in the petitions, the existence of domestic producer objections to the petitions, and other issues affecting their placement in Category VI. In particular, the Commission requested input that would clarify or narrow the scope of proposed article descriptions in Category VI petitions, including the constituent materials in the proposed merchandise or similar information that would help verify the classification of the goods in chapters 1-97 of the HTS. Similarly, the Commission sought information that could clarify technical criteria, distinguish the intended article in a petition from other goods in the same rate line, or narrow the scope of an article description to mitigate domestic producer objections. As warranted, the Commission reached out to petitioners, commenters, CBP, Commerce, and others for clarification on questions raised by the comments.

To the extent that the comments and all the information available to the Commission did not provide specific, additional information to permit the Commission to move a petition from

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<sup>38</sup> AMCA, § 3(b)(3)(E),

<sup>39</sup> USITC, *Petitions for Duty Suspensions and Reductions: Notice that the Commission Will Accept Additional Comments Through Its Website Relating to Certain Petitions Included in its Preliminary Report to the Congress*, 85 Fed. Reg. 23059 (April 24, 2020).



Category VI to Categories I–IV, the Commission did not revise the information provided in the preliminary report.

If, after reviewing the additional information received on a petition, the Commission changed its determination on domestic production and/or objection, or it was able to address a domestic producer objection, the Commission updated the category recommendation to reflect this modification, assuming the petition otherwise met the requirements of the Act. For each such petition in the final report, the Commission also updated the technical comments and final report comments to describe the changes made.

Similarly, if, after reviewing the additional information received, the Commission was able to make technical corrections to the article description for the purposes of administration, the Commission did so and updated the category recommendation to reflect this modification, assuming no domestic producer continued to object to the petition. For each such petition in the final report, the Commission also updated the technical comments and final report comments to describe the changes made.

***Final Report Determinations.*** The Act also directs the Commission to make certain determinations for each petition in its final report.<sup>40</sup>

*Whether the duty suspension or reduction can likely be administered by CBP.* The Commission made an affirmative determination for petitions in Categories I–IV. The Commission did not make any such determinations for petitions in Category V and those in Category VI due to domestic producer objections; the Commission determined that this requirement was not applicable to those petitions that the Commission was otherwise not recommending for inclusion in an MTB.

*Whether the estimated revenue loss does not exceed \$500,000 in a calendar year.* The Commission made an affirmative determination for petitions in Categories I–IV. For petitions in Category VI, because the estimated revenue loss exceeded \$500,000 in a calendar year, the Commission made a negative determination. For petitions in Category V and those in Category VI for a reason other than revenue loss, the Commission determined that this was not applicable because the Commission was otherwise not recommending these petitions for inclusion in an MTB.

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<sup>40</sup> AMCA, §3(b)(3)(E)(ii)(I).



*Whether the duty suspension or reduction is available to any person importing the article.* When making this determination, the Commission relied on the language of the article description as specified in the petition and, where applicable, as modified by the Commission. In some instances, petitioners reported that the product was subject to a patent or other restriction (e.g., EPA data exclusivity). The Commission determined in each such instance that the existence of a patent did not disqualify a product from being considered available to any importer because a patent would not preclude other companies from procuring the product, either domestically or for importation, as a patent holder could choose to sell or license those patent rights to other firms or individuals.



**Table 1. Number of Petitions, by category**

	Number of Petitions
Category I	878
Category II	1,278
Category III	534
Category IV	5
Category V(aa)	17
Category V(bb)	25
Category VI	705
Withdrawn petitions	644
<b>Total</b>	<b>4,086</b>

**Table 2. Explanation of fields**

Field Name	Explanation
<b>Overview</b>	
<b>Final Category</b>	The category in which the Commission has placed the petition. The Act defines Categories I-VI.
<b>Preliminary Report Updated</b>	An indication of whether the final report contains any updates to the preliminary report information.
<b>Petitioner</b>	Name of the petitioner, as provided in the original petition.
<b>Petitioner Location</b>	City, state, and zip-code of the petitioner.
<b>Product Name</b>	The short version of the technical language used to describe the product in the article description, as provided in the original petition, with certain corrections. For example, the Commission removed trademarked or proprietary terms from the product name field.
<b>HTS Number</b>	The HTS 8-digit subheading that covers the product(s) that are the subject of the petition. In most instances, this is the HTS number provided by the petitioner. In some instances, the Commission recommends a different classification, taking into account information provided by Customs. In such instances, the change is reflected in a technical comment on the petition.
<b>Chapter 99 Number</b>	The HTS Chapter 99 heading for petitions requesting renewal of an existing provision. The Commission included a Chapter 99 number in this field where the article



Field Name	Explanation
	description requested did not propose a substantive change to the existing article description.
<b>CAS Number</b>	If the product in a petition is a chemical, petitioners had to provide the CAS Registry Number for identification purposes. The CAS number provides a unique identifier for chemical substances. CAS numbers can be used to find information on chemical substances, such as chemical names and molecular structures. In its final report the Commission listed only the primary CAS number, which is often the first CAS number listed in the article description.
<b>Article Description</b>	The article description is the language that describes the product in the petition as it would appear in HTS Chapter 99, all applicable HTS subheading number(s) from chapters 1-97, and any standard identification numbers or names (e.g., CAS number(s) for chemicals). This is the language that Customs would use to administer the reduced or suspended duty rate for provisions enacted by Congress.
<b>Technical Comments</b>	Explanatory notes that describe either: (1) the technical changes that the Commission made to petitions to clarify the article description; or (2) the Commission’s reasons for not recommending a petition for inclusion in an MTB.
<b>Final Report Comments</b>	For petitions where the Commission made updates to the preliminary report information, the Commission added final report comments explaining those changes.
<b><i>USITC Petition Findings and Determinations Summary</i></b>	
<b><i>Petition Findings</i></b>	
<b>Proposed Duty Rate</b>	The duty rate proposed by the Commission for the product described in each petition being recommended by the Commission for inclusion in an MTB.
<b>Estimated Revenue Loss</b>	The Commission’s estimate of the revenue loss to the United States from the suspension or reduction in the duty rate recommended by the Commission on the product(s) described in the petition.
<b>Likely Beneficiaries</b>	A list of entities, aside from the original petitioner, that are likely to benefit from the duty suspension or reduction. This list may include entities listed by the original petitioner or entities identified through public comments to the Commission or through Commission research; the list is not necessarily comprehensive.



Field Name	Explanation
<b>Petition Determinations</b>	
<b>Domestic Production</b>	The Commission’s determination whether there is domestic production of the article described in the petition.
<b>Domestic Producer Objection</b>	The Commission’s determination whether any domestic producer objects to the petition.
<b>Relief Sought Is Available to Any Importer</b>	The Commission’s determination whether the proposed duty suspension or reduction is available to any person importing the article. Under the Act, petitioners must certify that the duty relief sought is available to any importer.
<b>Petitioner Is A Likely Beneficiary</b>	The Commission’s determination whether the petitioner is a likely beneficiary of the proposed duty suspension or reduction. Under the Act, petitioners must certify that they are a likely beneficiary of the requested tariff reduction.
<b>Relief can likely be administered by CBP</b>	The Commission’s determination as to whether the proposed duty suspension or reduction can likely be administered by CBP.
<b>Revenue loss does not exceed \$500,000 in a calendar year</b>	The Commission’s determination as to whether the estimated loss in revenue to the United States from the duty suspension or reduction does not exceed \$500,000 in a calendar year during which the duty suspension or reduction would be in effect.
<b>Comments Received</b>	
<b>Object</b>	The number of comments received during the public comment period for which the commenter indicated an objection to the proposed duty suspension or reduction. This number may include comments received from U.S. producers, U.S. importers, trade associations, government officials or entities, or commenters who identified as “Other.”
<b>Support</b>	The number of comments received during the public comment period for which the commenter indicated support for the proposed duty suspension or reduction. This number may include comments received from U.S. producers, U.S. importers, trade associations, government officials or entities, or commenters who identified as “Other.”
<b>Other/No Position</b>	The number of comments received during the public comment period for which the commenter took no position with respect to the proposed duty suspension or reduction,



Field Name	Explanation
	or provided additional information that is neither an objection nor support. This number may include comments received from U.S. producers, U.S. importers, trade associations, government officials or entities, or commenters who identified as "Other."
<b>Additional Comments Received</b>	The number of comments received during the additional comment period held June 12, 2020 – June 22, 2020.
<b><i>Commerce Report Summary</i></b>	
<b>Commerce Domestic Production Determination</b>	Commerce's determination whether domestic production exists for the article described in the petition.
<b>Commerce Producer Objection Determination</b>	Commerce's determination whether any domestic producer objects to the petition.
<b>CBP Technical Changes Required</b>	CBP's determination whether any technical changes to the article description are necessary for purposes of administration.





**Table 3. List of Appendices**

<b>Appendix A. All Petitions</b>
<b>Appendix B. Category I Petitions</b>
<b>Appendix C. Category II Petitions</b>
<b>Appendix D. Category III Petitions</b>
<b>Appendix E. Category IV Petitions</b>
<b>Appendix F. Category V(aa) Petitions</b>
<b>Appendix G. Category V(bb) Petitions</b>
<b>Appendix H. Category VI Petitions</b>
<b>Addendum. Additional Information</b>