



# Before You File a Comment

**How to Prepare for Filing a Comment on  
a Miscellaneous Tariff Bill Petition**



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**This information pertains to the process established  
by the American Manufacturing Competitiveness  
Act of 2016.**

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## ABBREVIATIONS AND ACRONYMS

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<b>Acronym</b>	<b>Term</b>
Act or AMCA	American Manufacturing Competitiveness Act of 2016
CAS	Chemical Abstracts Services
CBI	confidential business information
Commerce	U.S. Department of Commerce
EDIS	Electronic Document Information System
HTS	Harmonized Tariff Schedule of the United States
INN	international nonproprietary name (generic name)
IUPAC	International Union of Pure and Applied Chemistry
MTB	miscellaneous tariff bill
MTBPS	Miscellaneous Tariff Bill Petition System
PDF	Portable Document Format
USITC or Commission	U.S. International Trade Commission

## INTRODUCTION

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### About This Guide

This *Before You File a Comment* guide will help you prepare and submit a comment through the U.S. International Trade Commission's Miscellaneous Tariff Bill Petition System (MTBPS). You must submit comments through the Commission's MTBPS portal during the 45-day period that begins on January 10, 2020, and ends on February 24, 2020, at 5:15 pm EST. Under the American Manufacturing Competitiveness Act of 2016 (Act), the Commission cannot accept late-filed comments. Comments should pertain to petitions for duty suspensions and reductions submitted by members of the public through the Commission's MTBPS portal during the period from October 11, 2019, to December 10, 2019. After reading this guide, you should have a better understanding of what you must know and have ready in order to properly file a comment.

## ABOUT THE MTB PETITION SYSTEM

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### Creating an Account

To file a comment, you must first become a registered user of the MTBPS. If you created an account for the 2016 MTB petition cycle or for the petition submission period of the current cycle, that account is still available for use; however, you must know and have access to the email address you provided at registration. If you do not remember or no longer have access to that email address, you will need to register again. Please note that any credentials you may have that permit you to access other systems we maintain (*e.g.*, EDIS or DataWeb) will not allow you to access the MTBPS.

To register, you must create an account specific to the MTBPS website, <https://mtbps.usitc.gov/>. This is true whether you are the person making the comment or you are an independent third party who represents the company. The online registration process requires that you provide your name, telephone number, and email address of record.<sup>1</sup> We will send any system notifications (*e.g.*, a notice that we have received your comment) to the email address that you provide at registration.

You must choose a user identification (ID) and password when you register that will serve as your unique form of authentication to access the MTBPS securely. You may permit another person to file a comment using your user ID and password; however, you assume responsibility for any permitted use of your user ID and password.

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<sup>1</sup> You must have and maintain a working email address to be a registered user.

## Submitting Your Comment

### When to Submit a Comment

On January 10, 2020, the Commission will publish a notice in the *Federal Register* inviting members of the public to submit comments to the Commission on the petitions for duty suspensions/reductions that the Commission will have published on its website as of that date.

All comments must be submitted through the Commission's MTBPS during the 45-day period that begins on January 10, 2020, and ends at 5:15 pm ET on Monday, February 24, 2020. The Commission will not accept comments filed after the close of the 45-day filing period. This includes comments intended to edit or correct a comment that you filed earlier in the comment period but later withdrew.

Commission staff, or staff from other federal agencies, may contact you as they analyze the petitions filed with the Commission. If you believe information and views that you share with other agencies may also be important to the Commission's consideration, you should submit them to the Commission, in the form of a comment, through the Commission's MTBPS.

### Who May Submit a Comment

Any member of the public may file comments. This includes individuals, companies, and other entities with an interest in the matter, as well as the party filing the petition. Parties filing comments may object to a petition, support it, or take no position on it. They may also use the comment to supply additional information. Petitioners may use the comment to clarify information provided in their petition. However, petitioners may not seek to amend a petition through the comment process; the Commission will not consider any comments seeking to amend a petition.

### How to Submit a Comment

To file a comment, go to the MTBPS website (<https://www.usitc.gov/mtbps>) and choose "View Petitions" to see the list of petitions. Locate the petition on which you wish to file a comment and select the option "Comment on Petition." **You must file a separate comment for each petition** on which you wish to express your views. A comment must contain all the required information in order to be accepted for review.

**You must complete the process of submitting a comment in one session.** You cannot save a partially completed comment and return to it at a later time. In addition, you will not be able to edit or correct a comment once you have submitted it. Instead, you must withdraw your original comment and then file a new comment that includes your changes or corrections.

### Confidential Business Information

Generally, the Commission will make public on its website all information that it collects

through the MTBPS. However, your answers to a few questions may contain confidential business information (CBI) within the definition of CBI under the Commission's rules (*see* 19 C.F.R. § 201.6(a)). In each case, these questions will give you the option of claiming that the information is CBI. If you do so, we will not make that specific information public.

However, if you fail to claim confidential treatment for information that you believe qualifies as CBI, that information will be made available to the public when the Commission posts your comment to its website.

**Note: The Commission may share CBI included in your comment** with officials at the U.S. Department of Commerce (Commerce), U.S. Customs and Border Protection (CBP), and the U.S. Department of Agriculture (USDA) for use in preparing the report that Commerce must submit to the Committees and the Commission under the Act. Commerce will not include CBI obtained from the Commission in the report that it sends to the House Committee on Ways and Means and the Senate Committee on Finance (the Committees) or releases to the public.

### Posting and Publication of Comments

The Commission may post comments to its website as they are received. After the close of the comment period, the Commission will publish a notice in the *Federal Register* directing members of the public to a page on the Commission's website where they may view comments received.

The Commission will consider the comments you submit in preparing its preliminary and final reports, unless (1) you fail to provide required information in your comment, or (2) you are a petitioner, and you tried to use the comment to amend your petition. Please see the next section of this guide for more information.

## REQUIRED INFORMATION

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### Commenter Information

If you file a comment on a petition, you must provide the name, address, and telephone number of the individual or entity submitting the comment. The Commission will not post or publish the home address and telephone of an individual who submits a comment if the person filing the comment checks a box indicating that the address and phone number are for a personal residence. The Commission will not post or publish your email address.

### Independent Representative Information

The Commission recognizes that commenters may retain outside assistance in filing a comment (*e.g.*, a lawyer or consultant). If you are an independent third party filing a comment on behalf of the commenting company, you must indicate that you are an "independent

representative” and provide your name, firm/organization affiliation, telephone number, and email address. The Commission will not post or publish your email address.

## Commenter Type

Any member of the public may file comments. You must indicate which **one** of the following best describes you or the filing entity:

- U.S. producer of a product that is identical to, like, or directly competitive with the subject of the petition;
- U.S. importer of a product that is identical to, like, or directly competitive with the subject of the petition;
- Trade association or group;
- Government entity; or
- Other.

Your choice determines the information that you must provide. For example, if you are a U.S. producer, but you do not identify yourself as a U.S. producer, you will not be asked to provide the information required of a U.S. producer. As a result, you may not have an opportunity to object to a petition as a U.S. producer. **Please review your choice for accuracy.**

Please remember that while petitioners may use the comment to clarify information provided in their petition, they may not seek to amend a petition through the comment process; the Commission will not consider such comments seeking to amend a petition.

## U.S. Producer Information

If you identify yourself as a U.S. producer of a product that is identical to, like, or directly competitive with the product that is the subject of the petition, you must provide the information listed below.

You will be able to claim CBI status for certain information in this section. However, **you must check a box each time you wish to indicate that the information you have just entered is CBI in order to protect it.** Failure to indicate that the information is CBI constitutes a waiver of CBI status, and the Commission will make the information publicly available when it posts the petition to its website.

- State whether the product you produce is **identical to, like, or directly competitive with** the product covered by the petition. According to section 220.2(h) of the Commission’s rules:
  - An **“identical”** article means a domestic article that has the same inherent or intrinsic characteristics and is classified in the same rate line in the

Harmonized Tariff Schedule of the United States (HTS) as the article that is the subject of a petition for duty suspension or reduction.

- A “**like**” article means a domestic article that is substantially identical in inherent or intrinsic characteristics (*i.e.*, materials from which made, appearance, quality, texture, *etc.*) to the article that is the subject of a petition for duty suspension or reduction.
  - A “**directly competitive**” article means a domestic article that is substantially equivalent for commercial purposes, although it is not substantially identical in its inherent or intrinsic characteristics. That is, the article is adapted to the same uses and essentially interchangeable with the article that is the subject of a petition for duty suspension or reduction.
- You will need to describe any like or directly competitive product. Be sure that your description explains how it is like or directly competitive.
  - State whether your product is generally available for sale. **Generally available for sale**, in this context, would mean that the product is "sold in the marketplace" or otherwise available for purchase from a U.S. producer or firm by any person wanting to buy the product. If all production of the product is “captive” (*i.e.*, consumed by the domestic producer in the process of producing another product) or the product is not available in the marketplace, please state this.
  - State whether you produced the product in the last 12 months. If you indicate that you have not produced the product in the last 12 months, please state the year in which you last produced it or the year in which you expect production to begin. If production is planned, your comment text and/or comment attachment should give additional information supporting your claim that you are planning production.
  - Provide the physical address for the production facility producing the product in the United States customs territory.
  - If the product is a chemical, list the CAS number(s), IUPAC/systematic name, and/or Colour Index number. Please see the Commission’s [Before You File a Petition](#) guide for an explanation of these terms.
  - Upload a document onto the MTBPS portal that demonstrates the existence of domestic production. Examples of documents that you might upload include catalogs, press releases, marketing materials, specification sheets, and recent evidence of sales of the product or copies of orders for the product. Please note the following:
    - You must upload one attachment in this section.

- It must be no more than five pages in length.
- It must be a PDF file that is no more than 25 MB in size.
- It must not contain active, embedded web links (URLs).
- You may claim this attachment contains CBI. If you claim that your attachment contains CBI, you must place brackets, as shown below, around the information within the attachment for which you are claiming confidential treatment. For example: “This is my non-confidential information. [This is my confidential business information.]”

### U.S. Importer Information

If you identify your firm as a U.S. importer, you will be asked to list the leading source country(ies) from which your product is imported. You may enter no more than 20 country names.

### Reason for Comment

You must indicate the reason for your comment by selecting from one the following three choices.

- **You object to the request for a duty suspension or reduction.** (For example, you are a *domestic producer* of a product that is identical to, like, or directly competitive with the product covered by the petition.)
- **You support the request** for a duty suspension or reduction. (For example, you are an importer of an identical product, and as such would be a beneficiary.)
- **You take no position** and simply provide a comment.

### Comment Text

You must provide a brief narrative (2,500 characters or less) in the text box provided. You may claim this text as CBI.

### Additional Information

You will have an opportunity to upload additional information at the end of the comment submission process. Please note the following about uploading an attachment in the “additional information” section:

- You may upload one attachment in this section.
- It must be no more than five pages in length.
- It must be a PDF file that is no more than 25 MB in size.
- It must not contain active, embedded web links.

- It must not contain CBI or be labeled in any way as CBI (including in headers, footnotes, *etc.*).