



Before You File Additional Information

**How to Prepare for Filing Additional
Information on Category VI Petitions**



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

INTRODUCTION

The Commission announced in a [notice](#) published in the *Federal Register* on April 24, 2020, that it will accept additional comments from the public on any petitions that are listed as Category VI petitions in the Commission's preliminary report. The comment portal will be open for a ten-day period beginning on June 12, 2020, at 8:45 a.m., and the deadline for submission of any such comments is June 22, 2020, at 5:15 p.m. Comments must be submitted to the Commission electronically through the Commission website <https://mtbps.usitc.gov>. The Commission will not accept comments filed in paper form or in any other form or format.

This brief document will help you to prepare for this additional comment period. After reading this document, you should have a better understanding of:

- Which petitions are available for comment and how to locate them
- What types of additional information the Commission is seeking
- The next steps in this process
- What resources to consult and who to contact with questions

UNDERSTANDING WHICH PETITIONS ARE AVAILABLE FOR COMMENT AND WHERE TO FIND THEM

What is a Category VI Petition?

The Commission delivered its preliminary report to the House Committee on Ways and Means and the Senate Committee on Finance (the Committees) on June 9, 2020. In that report, the Commission categorizes petitions depending on whether the petition meets the requirements of the [American Manufacturing Competitiveness Act of 2016](#) (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). Specifically, as provided in the report, the Commission placed the following types of petitions in Category VI:

- Petitions for which the Commission determined that the article description could not be administered, taking into account the findings of the [U.S. Department of Commerce](#) (Commerce) report;
- Petitions to which a domestic producer objected, based on information contained in the Commerce report or in public comments submitted to the Commission; and
- Petitions for which the estimated Customs revenue loss exceeded \$500,000, even with a potential duty reduction of only 0.1 percentage point.

Where can I find the Category VI petitions?

The Commission's preliminary report is available to the public on our [MTB webpage](#). Appendix A to the preliminary report lists all received petitions in numerical order and provides their category. More detailed information on each petition is then available in Appendixes B – H, depending on the category in which the Commission placed the petition. Appendix H shows the petitions that the Commission

placed in Category VI.

Alternatively, you may review the Preliminary Report Data File, also located on the Commission's [MTB webpage](#), which provides the preliminary report information in a spreadsheet. The petitions are listed in numerical order. You may filter the category column on "VI" to see only those petitions placed in Category VI.

As a final alternative, you may find petitions in the "All Petitions" list in the [Miscellaneous Tariff Bill Petition System \(MTBPS\)](#). The "All Petitions" list contains a column titled "Category," which provides the category for each petition listed.

How do I know the reason(s) that a petition is in Category VI?

Each petition in category VI contains "Technical Comments" that are explanatory notes describing the Commission's reasons for not recommending a petition for inclusion in a miscellaneous tariff bill (MTB).

If the technical comments indicate an administrability concern, please review Appendix B of the [Commerce report](#), which provides the U.S. Customs and Border Protection's (CBP) views as to whether any technical changes to the article description are necessary for purposes of administration when articles are presented for importation.

If the technical comments indicate that a domestic producer objected, you may review comments received on the petition through the [MTBPS](#) during the initial comment period, as well as Appendix A of the [Commerce report](#), which includes Commerce's determination of whether domestic production of the article that is the subject of the petition for the duty suspension or reduction exists and, if such production exists, whether a domestic producer of the article objects to the petition for the duty suspension or reduction.

If, *after review of these materials*, you continue to have questions, you may contact the Commission at mtbinfo@usitc.gov.

TYPES OF ADDITIONAL INFORMATION TO PROVIDE

To Address Administrability Concerns

As outlined above, you should first review the concern presented in the Commission's preliminary report, which takes into account the information from CBP contained in the Commerce report. After reviewing those reports, you may wish to provide information that would clarify the scope of a proposed article description, by including the constituent materials in the intended merchandise; clarifying technical criteria to obviate or mitigate an expressed concern regarding laboratory analysis; and/or providing information that could help confirm the classification of the goods in chapters 1–97 of the Harmonized Tariff Schedule of the United States (HTS), noting that the MTB process cannot be used to alter the classification of goods in chapters 1-97.

Note: As stated in the April 24, 2020, [Federal Register notice](#), the Commission will not consider comments that seek to broaden or materially amend the nature of the goods covered by the original

article description.

To Address Domestic Production and Objection

As outlined above, you should first review the public comments that may have been submitted to the MTBPS during the initial public comment period, as well as Appendix A to the Commerce report. After reviewing those reports, you may wish to provide information that pertains to how the imported product is unique or different from domestically produced products, or any information on your knowledge of the domestic industry (e.g., when production may have ceased, difficulties you may have experienced sourcing domestically).

If you are the petitioner or a domestic producer who objects to the petition, and you wish to revise the article description try to address the objection(s) received,¹ you should file a comment providing a revised article description and any additional information that may be relevant to the Commission's analysis. With respect to Category IV petitions, please note that Commission staff will require written agreements (email agreements are acceptable) from both the petitioner and the objector(s) that the article description addresses the objection(s) received. Therefore, you may wish to file as an attachment to any comment such a written agreement.

COMMISSION PROCESS AND NEXT STEPS

Posting of Comments

The Commission will assign each received comment a unique ID number and post them to the MTBPS shortly after they are received.

You may locate any comments that you filed in your "My Comments Briefcase" in the MTBPS. There you also have the option to withdraw your comment.

Comments filed by other users will be located in the "All Comments" list. They are listed in reverse numerical order, by comment ID number. You may notice that this list also contains comments filed in the initial public comment period.

Sharing of Information with Other Agencies

Commission staff continues to be in regular contact with Commerce and CBP regarding MTB petitions. If your comment addresses a concern raised in the Commerce report, Commission staff may contact Commerce or CBP to discuss the issue(s) raised in your comment.

To this end, Commission staff may share CBI included in your comment with officials at Commerce, CBP, or the U.S. Department of Agriculture.

Next Steps and the Commission's Final Report

To be considered, you must file any comments no earlier than June 12, 2020, at 8:45 a.m. and no later than 5:15 p.m. EDT on June 22, 2020. The Commission will not accept comments filed before or after

¹ This is contemplated by the Act's description of Category IV.

these dates and times.

Commission staff will review all comments received and contact the individuals listed as contacts in the comment should they have any questions or need for clarification.

The Commission will deliver its final report on MTB petitions to the Committees by August 9, 2020.

RESOURCES AND CONTACTS

Those interested in filing comments with the Commission are encouraged to review the following prior to submission (Note: This list is not intended to be exhaustive):

- [USITC Preliminary Report](#)
- [Report of the Department of Commerce](#)
- [American Manufacturing Competitiveness Act of 2016](#)
- [Part 220 of the Commission's Rules of Practice and Procedure](#)
- [Handbook on MTB Filing Procedures](#)
- [Harmonized Tariff Schedule of the United States \(HTS\)](#)

Address any questions for the Commission regarding the MTB process to mtbinfo@usitc.gov.

Address any questions for the Commission regarding use of the MTBPS (e.g., technical issues, filing how-tos) to mtbps@usitc.gov.

If you would like to contact the Department of Commerce regarding its report, contact CommerceMTBs@trade.gov.

In all cases, if you have a question or comment about a specific petition or comment, please include the petition or comment ID number in your email.