



# Handbook on MTB Filing Procedures



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**United States International  
Trade Commission**  
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## Introduction

This Handbook provides instructions for filing petitions and comments on petitions in the Miscellaneous Tariff Bill Petition System (MTBPS) of the United States International Trade Commission (Commission) under the American Manufacturing Competitiveness Act of 2016, 19 U.S.C. § 1332 note (the Act).

In the event of any conflict between the Handbook and the Act or the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 220 (Commission's rules), the Act and the Commission's rules will govern in that order. This Handbook does not alter or waive any provisions in the Act or the Commission's rules governing the filing of documents with, or submission of information to, entities and/or persons other than the Commission, including but not limited to the U.S. Department of Commerce (Commerce) and U.S. Customs and Border Protection (U.S. Customs).

If you plan to file a petition or comment with the Commission, you must file through the Commission's web-based electronic portal – the MTBPS – as required by § 220.3 of the Commission's rules. This means that you cannot file by submitting a paper copy, by filing a fax, or by filing electronically through a means other than through the Commission's web-based MTBPS electronic portal.

## Filing Procedures

### A. Definitions and Instructions

- (1) "Secretary" refers to the Secretary to the Commission (500 E Street, SW, Room 112A, Washington, DC 20436, telephone 202-205-2000). The Secretary administers the Miscellaneous Tariff Bill (MTB) filing procedures, and filers should submit any questions about these procedures to the Secretary.
- (2) "Business days" refers to the days that the Commission is open. "Business hours" refers to the hours that the Commission is open on a given business day (i.e., from 8:45 a.m. to 5:15 p.m., Washington, D.C. local time, Monday through Friday, excepting Saturdays, Sundays, Federal legal holidays, and other days and times when the Commission is closed for other reasons).
- (3) "MTBPS" refers to the Commission's Miscellaneous Tariff Bill Petition System, a web-based portal, which receives electronic transmissions of filing information and filed documents.
- (4) The "MTBPS website" refers to the Commission's website, which provides access to MTBPS at <http://mtbps.usitc.gov/>.
- (5) "Petition" refers to the filing information and associated files that all users must provide pursuant to §220.5 of the Commission's rules.
- (6) "Comment" refers to the filing information and associated files that those wanting to provide comments on a petition must provide pursuant to § 220.11(b) of the Commission's rules.
- (7) "Electronic receipt" means that an electronic transmission of a petition or a comment to the MTBPS via the MTBPS website has been completed in its entirety. As noted below, the electronic transmission and receipt of a petition or comment does not constitute

acknowledgment by the Commission that the user has properly filed the petition or comment pursuant to the Commission's rules or this Handbook.

- (8) "Notice of electronic receipt" refers to notice from the Commission that the user has filed a petition or comment in MTBPS. The Commission will provide notice of electronic receipt in two forms: (i) an on-screen notice of receipt once the electronic transmission of the petition or comment is complete; and (ii) an e-mail sent to the registered user's e-mail address of record. The notice of electronic receipt conveys only that the Commission has received the petition or comment electronically and does not constitute acknowledgment by the Commission that the petition or comment has been properly filed pursuant to the Commission's rules or this Handbook.
- (9) "Registered user" means a person who creates an account via the MTBPS website, and is eligible to file documents with the Commission through MTBPS.
- (10) "E-mail address of record" refers to the e-mail address that a registered user has provided at the time of registration.
- (11) "PDF" means portable document format and is a type of electronic file.
- (12) "Confidential business information," as defined in § 201.6(a) of the Commission's rules, refers to information that "concerns or relates to the trade secrets, processes, operations, style of works, or apparatus, or to the production, sales, shipments, purchases, transfers, identification of customers, inventories, or amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or other organization, or other information of commercial value, the disclosure of which is likely to have the effect of either impairing the Commission's ability to obtain such information as is necessary to perform its statutory functions, or causing substantial harm to the competitive position of the person, firm, partnership, corporation, or other organization from which the information was obtained, unless the Commission is required by law to disclose such information."

## **B. User Registration and Assignment of Passwords**

- (1) To file a petition or comment on a petition, you must first become a "registered user" of MTBPS. To register, you must create an account via the MTBPS website. Registered users will not be allowed to file or search for petitions or comment on petitions anonymously. The online registration process will require identification of the registered user's name, telephone number, and e-mail address of record. You must have and maintain a working e-mail address to be a registered user. You must create a user ID and password. Immediately upon completion of the registration process, registered users may access MTBPS for electronic filing.
- (2) Registered users are responsible for keeping their account information current.
  - (a) Registered users should request changes to their user information by contacting the Commission's MTBPS Helpdesk via e-mail at [MTBPSHelp@usitc.gov](mailto:MTBPSHelp@usitc.gov) or via phone at 202-205-3238.

- (b) Registered users can change or reset passwords only when logged in to MTBPS or through the “Forgot Password” option.
- (3) Registered users may permit another person to file a petition or comment with the Commission using their user ID and password; however, registered users who do so assume responsibility for any permitted use of their user ID and password. Registered users and anyone else who participates in the preparation and filing of a petition or comment remain responsible for complying with all of their duties and obligations relating to filing petitions or comments under the Commission’s rules. Registered users must comply with applicable limitations on disclosure of confidential business information pursuant to § 220.14 of the Commission’s rules.
- (4) Registered users who have provided their password to an employee of the registered user's firm, such as a paralegal, legal assistant, or secretary, must change the password upon the employee's departure from the firm.
- (5) Upon learning of the potential compromise of their passwords, registered users must immediately change the password via the MTBPS website. No later than the next business day, the registered user must also notify the Secretary of the perceived compromise and the period of compromise.
- (6) You may not file a petition or comment with the Commission unless you have registered with the Commission pursuant to the procedures set forth above.

### **C. Where to File Petitions and Comments**

- (1) You must file all petitions and comments electronically through the MTBPS website at <http://mtbps.usitc.gov/> and follow the website instructions for submitting a petition or comment.
- (2) If the MTBPS website is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 p.m. Washington, D.C. local time, on the last day for filing a petition or comment, the Secretary may deem the MTBPS website to be subject to a technical failure on that day and extend the time for filing by one business day.

### **D. Submission of Confidential Business Information**

- (1) Most information you will be required to submit as a petitioner or commenter is information that is publicly available or does not otherwise qualify as “confidential business information.” However, MTBPS identifies several types of required information that may qualify as confidential business information. For such information, MTBPS will allow you to claim such information as “confidential business information,” provided the information falls within the definition of that term in § 201.6(a) of the Commission’s rules. See 19 C.F.R. § 220.13 for additional information.
- (2) Similarly, you may claim confidential treatment for information submitted as part of certain attachments during the petitioning process. Please refer to section H for more information

regarding confidential business information in attachments.

### **E. Notice of Electronic Receipt**

- (1) Upon completion of the electronic transmission of a petition or comment to the Commission on MTBPS, the registered user will receive an e-mail notice of electronic receipt of submission at the official e-mail address of record. The notice of electronic receipt contains information from MTBPS that will facilitate tracking of the petition or comment by the Commission and users. As noted above, a notice of electronic receipt does not constitute acknowledgment by the Commission that the petition or comment has been properly filed pursuant to the Commission's rules or this Handbook.
- (2) If the registered user does not receive a notice of electronic receipt following transmission of a petition or comment, please contact the Commission's MTBPS Helpdesk via e-mail at [MTBPSHelp@usitc.gov](mailto:MTBPSHelp@usitc.gov). If the transmission fails, you should attempt to re-transmit the petition or comment electronically until the registered user receives such a notice.

### **F. Deadline for Filing Petitions and Comments**

- (1) When the Commission has imposed a deadline for the filing of a petition or comment, the Secretary will consider the petition or comment to be timely filed only if you have clicked the "Yes" button on the final confirmation page for electronic submission by 5:15 p.m., Washington, D.C. local time, on the last day on which a petition or comment may be filed. The registered user will receive an e-mail notification of receipt.
- (2) Except for the last day on which you may file a petition or comment (when the filing deadline is 5:15 p.m., the close of business), you may submit a petition or comment to MTBPS at any time of the day (i.e., 24 hours/day) and on any day of the week (including weekends and holidays). Registered users should save their notices of electronic receipt for petitions and comments filed, which show the time and day that MTBPS received the petition or comment, for record-keeping purposes.

### **G. Attachments: Size and Page Length**

- (1) MTBPS will prompt you to upload an attachment at discrete points during the petition and comment submission process. Whenever MTBPS so prompts, you may upload only one file.
- (2) Any single attachment uploaded to MTBPS must not exceed 25 megabytes (MB) in size.
- (3) Any single attachment to a petition must not exceed ten (10) pages in length, except for an attachment uploaded in response to Question 11(e), which must not exceed five (5) pages in length.
- (4) Any single attachment to a comment must not exceed five (5) pages in length.
- (5) If you exceed the limitations described in (2)-(4) above, MTBPS will reject your attachment. You may divide your attachment(s) and file more than one comment on the same petition.

### **H. Attachments: Confidential Business Information**

- (1) Certain types of attachments, such as private U.S. Customs letter rulings, certain other U.S.

Customs documentation, and any attachment uploaded in response to petition question 11(e) or comment question 3(g) for which confidential treatment is claimed, will be treated as containing confidential business information.

- (2) You must identify confidential business information within the attachments uploaded in response to petition question 11(e) and comment question 3(g) by enclosing it in brackets, as in [ ]. The Commission will consider **any information in those attachments not enclosed in brackets** to be information that **may be disclosed to the public**. If the information is not properly marked, the Commission will assume that it is not confidential business information.
- (3) Certain other types of attachments, such as published U.S. Customs rulings and attachments uploaded in response to petition question 14, are public documents, and the Commission will treat them as such. The Commission will make these attachments available to the public. Accordingly, they should not include confidential business information and should not be marked as containing confidential business information (e.g., by brackets or in headers or footers).

#### **I. Attachments: Format**

- (1) You must submit all documents in PDF. Please be aware that some special characters used in certain word-processing applications may not convert easily to PDF. The conversion process to PDF may also affect pagination. You are responsible for the accuracy of the documents submitted.

The Commission prefers the submission, when practical, of documents converted to PDF from word-processed text over that of documents converted to PDF from images. Documents converted to PDF from word-processed text are typically far smaller in size (i.e., MBs) than PDF documents generated from images.

CAUTION: Text-based PDF files may permit others to retrieve “masked” or “whited out” confidential business information. Please remove all “masked” or “whited out” confidential business information before filing any electronic document with the Commission.

- (2) Each page of an attachment must be in letter-sized format (i.e., 8.5 inches by 11 inches when printed out by the Secretary).
- (3) When preparing PDF documents for filing, you must comply with the following requirements, as MTBPS will reject PDF documents that do not comply with these requirements.
  - (a) The PDF version must be version 1.3 or greater. (Note: Use of Adobe Acrobat is not required, but if it is used, it must be Acrobat 4 or greater. This is because only Adobe Acrobat 4 or later produces PDF version 1.3.)
  - (b) Following conversion, you must ensure that special characters were not changed during the distilling process. Please verify the accuracy of all special characters that are submitted in petitions, particularly for petitions with chemical nomenclature that may use symbols and other special characters.

- (c) Should your document contain alphabets or character systems other than Roman or Cyrillic, you must convert that document to PDF from an image (i.e., by scanning it to PDF).
- (d) Do not attach any embedded files to a PDF document for electronic filing. This includes all comments (e.g., note tool, pencil tool, highlights tool, digital signature tool, embedded files, or embedded sounds or other multimedia); forms actions; JavaScript actions; and external cross references, web links, and image alternates.
- (e) Document security setting must have a PDF file security setting of “none.”

## **J. Signatures and Certifications**

- (1) The Commission will deem a petition or comment filed in MTBPS to have been signed by the registered user just as if the registered user had physically signed and filed it, for purposes of complying with the Commission's rules, certifying the truthfulness of an affidavit or declaration, or for any other purpose.
- (2) Registered users will be required to certify that the information supplied in their petition or comment is complete and correct to the best of their knowledge and belief and acknowledge that the information submitted is subject to audit and verification by the Commission.

## **K. Copyright and Other Proprietary Rights**

- (1) The MTBPS website will prominently provide the following warning with regard to any information you provide, including in attachments, that is subject to copyright protection or other proprietary rights protection: “The contents of each filing in MTBPS may be subject to copyright and other proprietary rights. It is the user's obligation to determine and satisfy copyright or other use restrictions when publishing or otherwise distributing material found in MTBPS. Transmission or reproduction of protected items beyond that allowed by fair use requires the written permission of the copyright owners. Users must make their own assessments of rights in light of their intended use.”
- (2) By filing any material with the Commission in MTBPS, users consent to all uses of such materials submitted by the user solely in connection with and for the purposes of the petition process.
- (3) In the event that any dispute arises among persons regarding the use of materials subject to copyright and other proprietary rights, those persons must resolve such dispute among themselves, without the Commission's involvement.

## **Duration**

This Handbook is effective October 11, 2019. These filing procedures will remain in effect until superseded or rescinded.

The Secretary will amend this Handbook as necessary.

Authority: 19 C.F.R. §§ 220.3(b) and 220.11(b).