



Before You File

How to Prepare for Filing 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


Acronym	Term
Act or AMCA	American Manufacturing Competitiveness Act of 2016
AD	antidumping
CAS	Chemical Abstracts Services
CBI	confidential business information
CBP or U.S. Customs	U.S. Customs and Border Protection
CROSS	Customs Rulings Online Search System
CVD	countervailing duty
Commerce	U.S. Department of Commerce
FAQs	frequently asked questions
HTS	Harmonized Tariff Schedule of the United States
INN	international nonproprietary name (generic name)
IUPAC	International Union of Pure and Applied Chemistry
MSDS	material safety data sheet
MTB	miscellaneous tariff bill
MTBPS	Miscellaneous Tariff Bill Petition System
PDF	Portable Document Format
PMN	premanufacture notice
USDA	U.S. Department of Agriculture
USITC or Commission	U.S. International Trade Commission

INTRODUCTION

About This Guide

This guide will help you prepare a petition requesting a duty suspension or reduction through our agency, the United States International Trade Commission (USITC). After reading this guide, you should have a better understanding of:

- Your petition in the context of the miscellaneous tariff bill process
- Our role in the miscellaneous tariff bill process
- How we will collect petition information¹
- What you must know and have ready in order to properly file a petition

This guide contains a list of frequently asked questions (FAQs). Anywhere you see a , please refer to the FAQs for the answer. (Note: if you are viewing this online, the text of the question is hyperlinked to the FAQs so that you can navigate to them easily by clicking or tapping on the question.)

This guide ends with a checklist that, while not exhaustive, should help you in preparing your petition materials and information in advance. **Note that you must complete your petition in a single session.**

Your Petition and the Miscellaneous Tariff Bill Process

Your petition² is the first step in a process that may result in legislation that temporarily suspends or reduces the duty on an imported article. If we find that your petition (1) is properly filed and (2) meets certain statutory requirements, we will include your petition in the list of petitions that we send to Congress for possible incorporation into a “miscellaneous tariff bill” or “MTB.” If enacted by Congress, such a bill would temporarily suspend or reduce the duty on the imported article and include the article in the list of such articles in subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

The American Manufacturing Competitiveness Act of 2016

The petitioning process under the American Manufacturing Competitiveness Act of 2016 (the Act or AMCA) was new with the Act. Previously, members of Congress generally introduced individual bills that led to the enactment of temporary duty suspensions and

¹ This guide outlines what you need to know before you start the submission process. But it does not walk you through the process of filing a petition in the Miscellaneous Tariff Bill Petition System (MTBPS).

² For simplicity’s sake, we are addressing this guidance to the petitioner—for example, we refer to “your petition,” “your product,” etc. But we recognize and welcome other readers, such as consultants who may be helping a firm to prepare its petition.

reductions. These actions were often requested by (1) domestic manufacturers that used the imported products in their manufacturing process, (2) domestic retailers, or (3) other interested parties. Congress referred the bills to the House Committee on Ways and Means and the Senate Committee on Finance (“Committees”), which have jurisdiction over such matters. Next, the Committees referred the bills to our agency (the USITC), the U.S. Department of Commerce (Commerce), and U.S. Customs and Border Protection (U.S. Customs or CBP) for technical review and information. The information that the agencies supplied to the Committees included product descriptions, tariff classifications, the views of U.S. producers and other interested parties, estimated revenue loss if the duty suspension or reduction were enacted, and so forth. After the agencies responded, the Committees compiled a duty suspension/reduction bill for Congress to consider.

AMCA established a new process under which members of the public could file petitions for duty suspensions and reductions directly with us. It authorized the new process for two petitioning cycles, with the first beginning no later than October 15, 2016, and the second beginning no later than October 15, 2019.

AMCA sets out a timetable for the filing of petitions (limited to a 60-day period), the posting of petitions on our website for public review, the filing of public comments on petitions posted, our posting of those comments, and our submission of preliminary and final reports to the Committees. AMCA also sets requirements regarding the information that must be included in a petition. At the end of the process, we are required by AMCA to transmit preliminary and final reports to the Committees listing the petitions that we view as meeting the statutory requirements. The full text of the Act can be found at https://www.usitc.gov/documents/mtbps/bills_114hr4923enr.pdf.

The 2016 MTB Petition Cycle

On October 14, 2016, we opened our Miscellaneous Tariff Bill Petition System (MTBPS) to the public for the first time and began accepting petitions. We provided our final report on the submitted petitions to the Committees on August 8, 2017. A year later Congress enacted the Miscellaneous Tariff Bill Act of 2018, which the President signed on September 13, 2018. The Act provided duty suspensions and reductions on over 1,600 products that we had recommended in our final report. These temporary duty suspensions and reductions are set out in chapter 99, subchapter II, of the HTS; they expire on December 31, 2020.

ABOUT THE MTB PETITION SYSTEM (MTBPS)

Creating an MTBPS Account

To file a petition, you must first become a registered user of the MTBPS. If you created an account for the 2016 MTB petition 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 specifically for access to the MTBPS website, <https://mtbps.usitc.gov/>. This is true whether you are a company initiating the petition or an independent third party representing such a company. The online registration process requires that you provide your name, telephone number, and email address of record.³ We will send any system notifications (for example, notice that we have received your petition submission) 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 petition or comment using your user ID and password; however, you assume responsibility for any permitted use of your user ID and password.

Submitting Your Petition

For the petition cycle set to begin in October 2019, we will publish a notice in the *Federal Register* asking members of the public who can demonstrate that they are likely beneficiaries of duty suspensions or reductions to submit petitions during the 60-day period October 11–December 10, 2019. **We will not accept petitions filed after the close of the 60-day filing period.** To file a petition, go to the MTBPS website (<https://mtbps.usitc.gov/>), which will guide you through a series of screens requesting information. A petition must contain all the required information if we are to accept it for review.

Note these important points:

- **You must complete the petition submission process in one session.** You cannot save a partially completed petition and return to it at a later date. Therefore, it

³ You must have and maintain a working email address to be a registered user.

is important that you use both this document and part 220 of our rules⁴ to prepare your information and materials before you start to submit a petition.

- You cannot make edits or corrections to a petition after you have submitted it. Instead, you must withdraw the original petition and file a new petition that includes the revised or corrected information you want to make part of your petition. In essence, you must start over. **If you file a new petition but fail to withdraw the earlier petition (or petitions), the Commission will generally consider your earliest-filed petition as your petition.**
- You must file all petitions by the deadline. This includes new petitions that include revised or corrected information and that replace earlier-filed petitions that have been withdrawn (see 19 C.F.R. § 220.9).

Avoiding Duplicative and Overlapping Petitions

One Petition per Product

As part of the petition submission process, you must certify that petitioner has not previously filed a petition during the current filing cycle that covers:

- An identical product;
- A product whose article description includes the product covered by the current petition (e.g., where the previous petition covered all widgets, regardless of color, and the current petition covers only a subset of those widgets, specifically green widgets); or
- A product that is included in the scope of the current petition (e.g., where the previous petition covered only a subset of widgets—green widgets—and the current petition covers all colors of widgets).

We will not consider petitions for products that are identical to or that overlap with those described in a petition previously filed by the same petitioner. Instead, we will generally consider the earliest relevant pending petition that a petitioner has filed and not withdrawn as the petition formally filed by that petitioner (see 19 C.F.R. § 220.7(b)). Please note the following section which explains that different rules apply when *a different petitioner* files the identical or overlapping petition.

During the 60-day filing window, our staff will seek to contact any petitioner who has filed overlapping petitions to permit the petitioner to correct the overlap. Filing early

⁴ 19 C.F.R. Part 220, *Rules Relating to the Submission and Consideration of Petitions for Duty Suspensions and Reductions*, can be found at <https://gov.ecfr.io/cgi-bin/text-idx?SID=2fb26f9e6c52f71f3c0081573eaabf0e&mc=true&node=pt19.3.220&rgn=div5>

will give you a better opportunity to withdraw and refile your petition, if the need arises.

Consolidation of Petitions

What if someone else files a petition that covers a product that is identical to the product in your petition or that overlaps with the one you filed? For example, suppose that (1) another filer's petition is broader in scope than your petition and includes a description of your product, or (2) another filer's petition is narrower in scope than the petition you filed—and your petition includes that and other products.

If more than one petition covers identical products, then we will likely consolidate the petitions filed by the separate petitioners. If the petitions cover identical or overlapping products (see 19 C.F.R. § 220.8), then we may either (1) consolidate the petitions, or (2) make technical modifications to the article descriptions in the petitions to avoid such an overlap.

For example, suppose you file a petition on item X, and Company 2 also files a petition on item X. We may consolidate these petitions for purposes of our analysis and recommendation. Given the possibility of consolidation, before filing a petition, you should carefully review the list of filed petitions posted on our website. Identify any petition that may be identical to or overlap with the petition that you plan to file.

Note, however, that if we consolidate your petition with another petition and then list that consolidated petition using the other petition's ID number, the product that you referenced in your petition should still be eligible for any duty suspension or reduction on that product that Congress enacts.

Posting and Publication of Petitions

When we receive a petition, we will assign it a unique ID number. We will use this ID number to reference the petition, and anyone who wants to submit comments on the petition must also use it.

We will publish the petitions that we receive on our website no later than 30 days after the close of the 60-day period for filing petitions. We may post many or most of the petitions on our website earlier than the 30-day deadline. You will also have the opportunity to submit one or more comments on any petition filed (see next section).

If You Want to Submit a Comment

The AMCA statute gives the public an opportunity to submit comments to us on the petitions that have been filed. It requires that all comments be filed within a specified 45-day time period. This 45-day period will begin on the day that the *Federal Register*

publishes our notice requesting members of the public to submit comments on the petitions (see § 3(b)(3)(A)-(B) of the Act and § 220.10 of the Commission's rules).

Specifically, no later than 30 days after the close of the 60-day period for filing petitions, we will publish a notice in the *Federal Register* that will direct members of the public to our website to view the published petitions. That notice will also request public comments on the published petitions. We will accept comments for 45 days beginning on the day that the notice is published in the *Federal Register*. You may not submit a comment before the date on which this notice is published, and you may not submit a comment after the close of the comment period. **We will not accept late comments.**

If you want to express support for a petition, object to a petition, or otherwise comment on a petition, you must do so through the MTBPS during the 45-day formal comment period.

As with the petition submission process, the MTBPS will guide you through a series of screens to submit a comment. You must identify the petition on which you are filing a comment by listing the petition ID number we have assigned it. You must file a separate comment for each petition on which you wish to express your views. You may also file more than one comment on any petition. For example, if the length of your comment exceeds the allowed space for a comment in the MTBPS, you may continue the comment by filing one or more additional comments. **There is no limitation on the number of comments you may file.**

See our publication "Before You File a Comment" for more detailed information on submitting comments.

Posting of Comments

We may post comments to our website as we receive them. After the close of the comment period, we will publish a notice in the *Federal Register* directing members of the public to our website to view comments received. We expect to post this document to our MTB information page at https://www.usitc.gov/mtb_landing.htm in early January, 2020.

Handling of Confidential Business Information

During the petition process, you may claim "confidential business information" (CBI) status for information that qualifies for that status. If you wish to submit information that you believe is CBI, you must certify that it meets the definition of CBI under our rules (see 19 C.F.R. § 201.6(a)).⁵

⁵ Please note that you will not be able to claim CBI status for Chemical Abstracts Service (CAS) numbers.

If you submit information that you believe qualifies as CBI but you fail to claim it as such, we will assume that it is not CBI, and we will make the information available to the public when we post your petition to our website.

In addition, you may claim CBI status for an attachment uploaded in response to question 11(e) in the petition submission process. **If you upload an attachment in response to question 11(e) that contains CBI, you must place brackets, as illustrated below, around the information for which you are claiming confidential treatment.**

For example: This is my non-confidential information. [This is my confidential business information.]

Again, if you do not claim CBI status for it, we will make all information collected in response to question 11(e) public and publish it on our website.

Sharing of Information with Other Agencies

Note: We will not release information that we consider to be CBI unless the party submitting the CBI had notice, at the time the party submitted the information, that such information would be released by us, or such party subsequently consents to the release. **We may share CBI included in your petition** with officials at Commerce, U.S. Customs, and/or USDA so that Commerce can prepare its separate report as required under the Act.

WHAT YOU NEED TO INCLUDE IN A PETITION

This section describes, item by item, the information necessary to complete an MTB petition.

Petitioner Information

You must provide the petitioning company's name, address, and phone number.

You must also provide a contact name, title, and email address. The contact person should be someone who is employed at the petitioning company and can speak about the substance of the petition if any member of our staff needs to contact the petitioner. We will not post or publish the contact's email address.

 Who may file a petition?

Independent Representative Information

We recognize that petitioners may retain outside assistance to file a petition (e.g., an attorney, law firm, trade association, or consultant). If you are an independent third party filing a petition on a company's behalf, you must state that you are an

“independent representative” and list your name, firm/organization affiliation, phone number, and email address. We will not post or publish your email address.

🔗 May an association file a petition on behalf of multiple members?

Renewal of an Existing Temporary Duty Provision

If you want to renew an existing temporary duty provision, you will need to know the 8-digit number for the provision from subchapter II of Chapter 99 of the HTS. This number will begin with 9902 and will be followed by four other numbers (i.e., 9902.xx.xx). The MTBPS will prompt you to enter this 9902 number. You have two options: (1) renewing the provision as it currently exists without any changes, or (2) making changes to the legislative text. If you choose to renew without change, the MTBPS will prevent you from editing the legislative text, including the permanent tariff classification number. If you choose to make changes to the legislative text, your edits must all conform to the format of the legislative text as described in the following sections. If you choose to make changes to the legislative text and they are enacted, then the submitted provision will likely receive a new 9902 number.

You may request renewal of a provision that resulted from a petition filed by someone else in the 2016 cycle. If no petitioners submit a request for renewal, all 9902 provisions will expire on December 31, 2020, as Congress originally provided and will not be available for use in U.S. Customs entries for those articles.

Information for the Legislative Text

We will use certain information that you input into the MTBPS to generate “legislative text.” This text is a draft legal description of **the product that is the subject of your petition** (called “your product” in this guide). The draft text describes your product as it would appear in HTS chapter 99, which lists the products subject to temporary tariff modifications. This or similar legislative text will be included in the miscellaneous tariff bill prepared by the Committees for consideration by Congress.

Format

Once you have entered the necessary information, the MTBPS will show you what your proposed formatted legislative text will look like (see the example below). This section shows certain information that will appear in the legislative text (e.g., a *proposed* 9902 number or proposed expiration date); you are not responsible for providing this information.

“	9902.06.02	2-Imidazolidinone, 1-(2-aminoethyl)-, reaction product with oxirane, ((2-propenyloxy)methyl)- (provided for in subheading 2933.29.90) CAS No. 90412-00-3	Article Description Language				
			CAS No., applicable for chemicals				
			Free	No change	No change	On or before 12/31/2007	”.
			Requested Rate of Duty				

The HTS Number(s) (in Chapters 1–97) That Apply to Your Product

The HTS 8-digit subheading describes your product **in its condition when imported** into the customs territory of the United States. (As discussed below, the 8-digit subheading normally lists its physical characteristics at the time of importation.)

In some cases, more than one HTS 8-digit subheading may apply to your product. For example, U.S. Customs may indicate that your product is composed of a combination of products that are provided for (classified) under multiple 8-digit numbers in HTS chapters 1–97. List all HTS numbers known to apply.

When you file in the MTBPS, **do not attempt to alter the classification of your product in HTS chapters 1–97** by listing an HTS subheading number(s) considered inapplicable by U.S. Customs. List the HTS number(s) after your article description language and, in the format, state: “provided for in subheading [or subheadings]” and list the subheading number or numbers from HTS chapters 1–97. Please see the Article Description Language in the formatted legislative text illustrated above as an example.

- Where can I find out which HTS number(s), including those in chapter 99, apply to my product?

The Rate of Duty You Are Requesting

The rate of duty that you are requesting is known as the “temporary general duty rate” for your product. The rate of duty you request depends on whether you are asking for a complete suspension or a reduction of the current duty rate applied to your product.

- If you are requesting a temporary duty **suspension**, the petition system will automatically consider your requested rate to be zero percent (or “free” as stated in the legislative text).

- If you are requesting a temporary duty **reduction**, you must list the reduced ad valorem rate⁶ that you are requesting for your product as a percentage figure, to the nearest tenth of a percent.
- If the general rate of duty applicable to your product is set forth in the HTS as a compound rate, you must provide the estimated “ad valorem equivalent” duty rate.

We may use the general duty rate that you request, along with import data, to calculate the estimated annual revenue loss that we must include in our preliminary report. In our final report, we must also determine that the estimated annual revenue loss in a calendar year from the requested duty suspension or reduction does not exceed \$500,000. Please note that you must indicate the duty rate that you are requesting, regardless of whether your petition is a renewal or a new one.

- ❓ Where can I find out which rate(s) of duty currently applies to my product?
- ❓ What if the HTS lists the **general** duty rate that applies to my product as “free”?
- ❓ What if the HTS lists the **special** duty rate that applies to my product as “free”?
- ❓ What if my product is already included in the HTS’s Pharmaceutical Appendix or its Dye Intermediates Appendix?
- ❓ What if I know that the general duty rate I am proposing would yield an estimated annual revenue loss to the United States of more than \$500,000?

The Article Description

Please write and format your article description as shown on page nine of this guide. Include a description of your product as it would appear in HTS chapter 99; all applicable HTS subheading number(s); and any standard identification numbers or names (e.g., CAS number(s) for chemicals).

Your article description language must be **clear and administrable by CBP**—a verbal “snapshot” that briefly lists the discernable physical characteristics of your product at the time of importation. Note that any units of measurement must be expressed in metric terms.

A few tips for writing clear and administrable language:

⁶ An ad valorem rate is the rate of duty expressed as a percentage of the appraised U.S. Customs value of an imported good; the actual tariff may be levied in other terms, such as dollars per ton.

- If your product covers an entire 8- or 10-digit tariff category, use that provision's description as a starting point.

🔍 How can I find my product's 8- or 10-digit tariff category description?

- If CBP has used particular wording to describe your product in a ruling, consider using that language as a starting point.

🔍 Where can I locate a U.S. Customs ruling that may apply to my product?

- Use terms that appear and are defined elsewhere in the HTS, whenever possible, rather than introducing new terms that may be ambiguous or require a new interpretation or separate definitions.
- Write your article description carefully. List specific characteristics that distinguish your product from similar goods. An accurate description can help narrow the scope of your requested HTS heading, limiting the amount of possible revenue loss to the U.S. government and reducing the likelihood that your petition will overlap with other petitions. Similarly, if you have reason to believe that another firm or other entity may object to your request, consider whether you can describe your article in a way that will minimize the likelihood of such an objection. **However, remember that your requested duty suspension or reduction must be available to any person importing the covered product.** If your description is too narrow, it may not meet that requirement (see 19 C.F.R. § 220.6(a)).

🔍 What should I **not** include in a proposed article description?

As noted above, **when the product is a chemical**, the article description column in the HTS may contain several other unique identifiers besides the physical description. These include the article's Chemical Abstracts Service (CAS) number, its International Union of Pure and Applied Chemistry (IUPAC)/systematic name, its international nonproprietary (generic) name (INN), and/or its Colour Index Constitution Number. (You cannot tag any of these elements as CBI.) This guide describes the elements in more detail below.

CAS Number(s)

Applicable to chemicals only. The CAS number is a unique numeric identifier that designates only one chemical substance (organic or inorganic). It has no chemical significance. A CAS number can contain up to 10 digits, divided by hyphens into three parts. If your petition's article description encompasses several chemicals (for example, your product is a kit), please list a CAS number for each one. Note that for new chemical substances you cannot use "premanufacture notice" (PMN) numbers instead of a CAS number. The MTBPS

requires you to enter your CAS Number(s) in response to a specific question. In addition, you must include your CAS number(s) as part of your article description. When you include CAS number(s) in the article description, please format them as shown on page eight of this guide: (CAS No. ## [2–7 digits]-##-#). Note that you cannot tag any CAS number as CBI.

- Where can I find a CAS number(s) that may apply to my product?

IUPAC/Systematic Name

Applicable to chemicals only. IUPAC recommends the systematic name for chemical compounds (organic or inorganic). A systematic name is intended to give an unambiguous and absolute definition to a chemical compound, and it is therefore helpful when known. A chemical has both a CAS number and an IUPAC/systematic name. You need to describe your product using both the CAS number (the MTBPS will specifically ask you for this) and any applicable IUPAC name.

- Where can I find an IUPAC/systematic name(s) that may apply to my product?

International Nonproprietary Name (Generic Name)

Applicable to pharmaceuticals and pharmaceutical intermediaries only. From the World Health Organization: “International Nonproprietary Names (INN) identify pharmaceutical substances or active pharmaceutical ingredients. Each INN is a unique name that is globally recognized and is public property. A nonproprietary name is also known as a generic name.” A pharmaceutical will have a CAS number, a systematic name, and an INN.

- Where can I find an international nonproprietary (generic) name (INN) that may apply to my product?

Colour Index Constitution Number

Applicable to dyes and pigments only. This refers to the Colour Index generic name, which describes a product by its recognized usage class. A dye or pigment will have a CAS number, a systematic name, and a Colour Index Constitution Number.

- Where can I find a Colour Index Constitution Number that may apply to my product?

Information about Your Product

Short Product Name

You must provide a short product name that describes your product in 50 characters or less. **Note:** Previous omnibus tariff laws have used these as section titles. Short product names must not contain trademarked or proprietary terms. For chemicals, you may use a nonproprietary common name, when possible, or the first part of the IUPAC name up to the 50-character limit. If you request a renewal without any change, the MTBPS will show you the short product name used for the provision in the previous MTB Act and you may not make edits to that name.

Product and Industry Description

Provide a **brief** description of your product. Specify whether it is used by another firm in the production of a different article or by a final consumer, such as a household consumer. If another firm uses it in the production of another article, list the industry or industries that use the product, and list the article or articles that it makes. Separately, the MTBPS will also ask you to check a box if your product is an intermediate good (i.e., used to make another product).

Website Resources

The MTPBS will ask you to provide the web addresses of any known, publicly accessible website(s) that contain information about the subject product.

Information about Importing Your Product

Import Source(s)

List the leading source country or countries from which your product is imported. The maximum number of countries you may enter is 20.

Import Data

The MTBPS will provide you with a table to fill out for each HTS subheading applicable to your product. You must provide full-year estimates, covering seven calendar years, of the value of the imports, both total and dutiable, for the product that is the subject of your petition. You must provide those estimates for the calendar year that precedes the current calendar year, for the current calendar year, and for each of the next five **full** calendar years (seven full years in all). You are encouraged to provide import estimates for the entire U.S. market; however, if you are unable to provide estimates of total U.S. imports, provide estimates for your own imports (or estimates for a subset of importers). The MTBPS will ask whether the import data you provide is for your firm only. It will also ask you to provide an estimate of your firm's share of the total import

market for that product. You may claim CBI status both for the import data you've provided and for your responses to the questions about petitioner-only data and market share, if you believe such data qualify as CBI within the meaning of § 201.6(a) of our rules. (Please see the FAQs below for more information.)

🔗 What is the difference between total value and dutiable import value?

🔗 What if I believe my import data are CBI?

Other U.S. Importers

If you are aware of one or more other U.S. firms importing your product, list their company names (required), phone numbers, email addresses, and a contact name. We will make only the company name and phone number publicly available when we post the petition on our website. **Do not** provide the personal phone number of a company official. List only a company phone number.

U.S. Industry and Production Information

Certain questions in this section will allow you to claim CBI treatment for your data if you believe that they fall within the definition of CBI in § 201.6(a) of our rules. **In order to protect the CBI data that you supply, you must check the box for each relevant question to indicate that the data are CBI.** If you do not claim the data to be CBI, we will consider that the data are not CBI, and we will make the data available to the public when we post the petition on our website.

Production Information

The MTBPS will ask whether, in the United States, an identical, like, or directly competitive product is currently produced; whether it has been produced in the last 12 months; or whether production is planned within three years.

You will need to be able to describe briefly any identical, like, or directly competitive domestic product. Be sure that your description includes an explanation of how it is identical, like, or directly competitive with your product.

🔗 What is an identical, like, or directly competitive product?

You must indicate whether the domestically produced product is “generally available for sale” or available for purchase from a U.S. producer or firm by any person wishing to purchase the product.

If all domestic production of the product is captive (i.e., it is consumed by its domestic producer in the process of producing another product) or is not sold or available in the marketplace for some other reason, please say so.

U.S. Producers

If you state that there is U.S. production of this product or that U.S. production is planned, you must list each U.S. producer's company name and location (city and state).

Other Information

Related Petitions

If the petition you are *presently* filing is intended to replace one or more petitions that were previously filed during the 2019 cycle but that have been withdrawn, the MTBPS will ask you to list the petition identification numbers for the withdrawn petition(s).

Likely Beneficiaries of an MTB

List known likely beneficiaries (other than your firm or the firm you represent) of the temporary duty suspension or reduction. You must list each company's name. You may also provide a contact name, as well as the contact's work phone number and work email address if you would like, but they are not required. We will make only the company name and phone number publicly available as part of the petition. **Do not** give any individual's personal phone number.

 Who is a likely beneficiary of a temporary duty suspension or reduction?

Supporting Documentation You May Need

U.S. Customs Ruling

If there is a U.S. Customs ruling on your product, you must attach it and indicate whether it is a published ruling or a private letter ruling. Published rulings are public documents. Private letter rulings, by definition, are not public documents, and we will treat them as containing CBI. **You should ensure that you categorize your ruling appropriately.**

 Where can I locate a U.S. Customs ruling that may apply to my product?

 What if I'm concerned my U.S. Customs ruling may be out of date?

Liquidated Entry Summary

If you have previously imported a product, you should have a copy of the liquidated U.S. Customs entry summary that established the HTS classification of your product in chapters 1–97 of the HTS. You may submit a copy of that summary as part of your petition. Alternatively, you may submit a U.S. Customs Form 29 ("Notice of Action") or a similar U.S. Customs document that shows the HTS classification of your product. If you do not have any of the above documents, you can still file your petition. Documents that do not establish that U.S. Customs accepted a tariff classification offered by the

importer generally do not help us in considering your petition. You need not include commercial invoices pertaining to multiple products or describing your product in language that does not align with your requested article description. We will treat documents of this type as containing CBI.

Additional Product Information

Question 11(e) in the petition submission process prompts you to upload additional product information as an attachment, if you think it would assist our review. Such information may include, but is not limited to, company or product catalogs, newspaper articles, press releases, marketing materials, and specification sheets. You may claim that the information in the attachment contains CBI. **If you upload an attachment in response to question 11(e) that contains CBI, you must place brackets, as indicated below, around the information for which you are claiming confidential treatment.**

For example: This is my non-confidential information. [This is my confidential business information.]

Other Supporting Documentation

If you have other information that is not requested in the petition form but that you believe would be beneficial as supporting documentation for our review, you may upload that information as an attachment. This opportunity to upload is separate from that of question 11(e) described above. **You will not be able to claim CBI status for attachments uploaded in this section.** For this reason, do **not** include CBI in this supporting documentation attachment or label any information in this attachment as CBI, including in headers, footnotes, etc. When we post the petition on our website, these attachments will be available to the public in their entirety.

What you need to know about petition attachments:

- The MTBPS will prompt you for an attachment in four separate sections/questions bearing on the following:
 - U.S. Customs ruling,
 - liquidated entry summary,
 - additional product information, and
 - other supporting documentation.
- In each instance you may only submit one attachment of 10 pages or less. (Note: Additional product information uploaded in response to question 11(e) is limited to 5 pages or less.)
- Each attachment must be a PDF file no larger than 25 megabytes in size.

- Attachments must not contain active, embedded web links. See our *Handbook on MTB Filing Procedures*, located at https://www.usitc.gov/mtb_landing.htm

Certifications You Must Submit

Petitioner Is a Likely Beneficiary

You must certify that the petitioner (your firm or the firm that you represent) is a likely beneficiary of the temporary duty suspension or reduction. Failure to make this certification will prevent you from being able to submit your petition. The Act defines a likely beneficiary as “an individual or entity likely to utilize, or benefit directly from the utilization of, an article that is the subject of a petition for a duty suspension or reduction.”

Requested Relief Is Available to Any Importer

Normally, you will certify that the temporary duty suspension or reduction is available to any person importing the article. If you indicate that it is not available, you must provide an explanation of any provision (e.g., a U.S. patent) that makes it unavailable.

Regarding Duplicative and Overlapping Petitions

You must certify that neither you nor your client has previously filed a petition during the current MTB filing cycle for any of these:

- An identical product;
- A product whose article description includes, in whole or in part, the product covered by the current petition; or
- A product that is included in the scope of the current petition.

FREQUENTLY ASKED QUESTIONS

Who may file a petition?

Under § 220.3(a) of the Commission's rules (19 C.F.R. § 220.3), members of the public **who can demonstrate** that they are likely beneficiaries of the requested duty suspension or reduction may file a petition (emphasis added). A member of the public for these purposes would generally be a firm, an importer of record, a manufacturer that uses the imported article, or a government entity at the U.S. federal, state, or local level. [Return](#)

May an association file a petition on behalf of multiple members?

An association may file a petition as an independent representative when acting on behalf of a company that is a likely beneficiary of the requested relief. At this time, the MTBPS will only accept one entry in the petitioner information section. Therefore, if you are an association, you may choose to list one member as the petitioner and the others as likely beneficiaries of the requested relief. The import data that you provide should reflect estimates for total U.S. imports or, if not available, at least for the petitioning firm and the other association members listed as likely beneficiaries. [Return](#)

Where can I find out which rate(s) of duty currently apply to my product?

You can find the rate(s) of duty in the current version of the HTS, <http://hts.usitc.gov/current>. The HTS search tool, <https://hts.usitc.gov/>, can also help you find the relevant HTS number(s) and corresponding rate(s) of duty. [Return](#)

What if the *general* duty rate that applies to my product, as listed in the HTS, is “free”?

You do not need to file a petition—your product will continue to be eligible for that rate. [Return](#)

What if the *special* duty rate that applies to my product, as listed in the HTS, is “free”?

You may still wish to file a petition, because many shipments may not qualify for that special duty treatment. [Return](#)

What if my product is already included in the HTS's Pharmaceutical Appendix or the HTS's Intermediate Chemicals for Dyes Appendix?

You do not need to file a petition. Your product will continue to be eligible for duty-free entry by virtue of the provisions of the applicable agreement. [Return](#)

What if I know that the general duty rate I am proposing would yield an estimated annual revenue loss to the United States of more than \$500,000 in a given calendar year?

In our final report to the Committees we must determine that 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. If your request as presented would result in an estimated annual revenue loss that exceeds \$500,000 for all imports of the product covered by your article description, we may recommend a duty reduction instead of a duty suspension or a different reduced rate that would result in a revenue loss under \$500,000. (We will not recommend any reduction of less than 0.1 percent.) Therefore, if possible, you should consider requesting a duty reduction that would result in a smaller estimated revenue loss (e.g., a rate of duty of “2 percent ad valorem” if that rate of duty brings the estimated revenue loss below \$500,000), or consider narrowing the proposed product coverage (perhaps by filing multiple, non-overlapping petitions). We **will not** recommend changes to the scope of the article description covered by your petition in order to reduce or otherwise modify the estimated revenue loss. [Return](#)

Where can I find out which HTS number(s), including those in chapter 99, apply to my product?

Use the current version of the HTS, <http://hts.usitc.gov/current>, and the HTS search tool, <https://hts.usitc.gov/>, to find the relevant HTS number(s).

Before you begin, the HTS e-Learning Module, <https://www.usitc.gov/elearning/hts/menu/>, can teach you more about HTS nomenclature and classification.

If an HTS subheading does not clearly name the product that you are covering, U.S. Customs rulings are the most authoritative source of this information. The U.S. Customs Rulings Online Search System, CROSS, at <http://rulings.cbp.gov/>, can help you find any applicable U.S. Customs ruling. [Return](#)

What should I *not* include in a proposed article description?

Your article description should not include any of these:

- “Actual use” or “chief use” criteria—that is, criteria that either specify a particular application or other eventual use of the covered product, **or** prohibit any application or other eventual use of the covered product;⁷
- Trademarked or similarly protected terms or names, brand names, proprietary names, part numbers, or other company-specific indicators that would restrict,

⁷ A description referring to an article’s use is not administrable because, at the time of entry, CBP officials typically cannot determine how articles will ultimately be used after they leave the port.

either outright or in effect, the use of a proposed chapter 99 provision to particular users;

- Language describing goods that are illegal to import;
- Language describing goods that are included under an HTS provision addressing over-quota imports of a product covered by a tariff-rate quota;
- Language seeking to alter the tariff treatment provided in subchapter III or IV of chapter 99;
- An HTS subheading number(s) that would alter or attempt to alter the classification of the products in chapters 1 through 97 of the HTS;
- Criteria relying solely on extrinsic technical standards (outside the current HTS) that are set by non-U.S. entities or organizations, with no equivalent standard set by a U.S. entity or organization listed first; or
- Embedded, active web links (see 19 C.F.R. § 220.6(b)). [Return](#)

Where can I find a CAS number(s) that may apply to my product?

The CAS Registry page, <https://www.cas.org/content/chemical-substances>, should help you find the CAS number(s) if you are filing a petition for a chemical. Also, the material safety data sheet (MSDS) for the product typically includes the CAS number(s). [Return](#)

Where can I find an IUPAC/systematic name(s) that may apply to my product?

The IUPAC website, <http://iupac.org/what-we-do/nomenclature/>, should help you find the systematic name, if you are filing a petition for a chemical. [Return](#)

Where can I find an international nonproprietary (generic) name (INN) that may apply to my product?

The World Health Organization's website, <http://www.who.int/medicines/services/inn/en/>, should help you find an INN, if you are filing a petition for a pharmaceutical or pharmaceutical intermediary. [Return](#)

Where can I find a Colour Index Constitution Number that may apply to my product?

The Society of Dyes and Colourists' website, <https://colour-index.com/introduction-to-the-colour-index>, should help you find the Colour Index Constitution Number, if you are filing a petition for a dye or pigment. [Return](#)

What is the difference between total and dutiable import value?

For "total imports," you should report the value of all U.S. imports for consumption of the product (or future estimates of imports), whether or not any duty was ever paid or charged. For "dutiable imports," you should not include any imports that actually

entered without payment of duty under the Generalized System of Preferences (GSP), the Caribbean Basin Economic Recovery Act, the African Growth and Opportunity Act, or any U.S. free trade agreement/trade promotion agreement, nor should you include future estimates of such imports. For example, if the value of total U.S. imports for consumption of the product is \$1,000,000, and if 60 percent entered free of duty under GSP while 40 percent entered duty paid, then the value of total imports would be \$1,000,000, and the value of dutiable imports would be \$400,000. If none of the imports of your product are eligible for duty-free treatment under a free trade agreement or trade preference program, the value of dutiable imports would equal the value of total imports. [Return](#)

What if I believe that the data that I furnish on the estimated value of imports are CBI?

If you believe that some or all of the import estimates that you submit are confidential business information within the meaning of section 201.6(a) of our rules, you may claim them as such. However, you should be aware that we may use the estimates that you provide, including estimates that include CBI, in calculating the estimated loss in revenue to the United States from the duty suspension or reduction. We must include such calculations in the preliminary and final reports that we send to the House Committee on Ways and Means and the Senate Committee on Finance, and those reports will be made available to the public. This may have the effect of disclosing certain company information that you regard as CBI.

Accordingly, you should consider the sensitivity of any estimates that you provide, and whether it would be in your interest to base your estimates on imports for an HTS heading or subheading that includes your product and other products. Bear in mind, however, that if you use a wider base for your estimates in this way, the resulting estimated revenue loss to the United States will likely be higher. [Return](#)

What is an identical, like, or directly competitive product?

Under section 220.2(h) of our rules (19 C.F.R. §220.2(h)), an “identical” article means a domestic article that has the same inherent or intrinsic characteristics and is classified in the same HTS rate line 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 its 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 which, although not substantially identical in its inherent or intrinsic characteristics, is substantially

equivalent for commercial purposes. That is, the article can be adapted to the same uses and is essentially interchangeable with the article that is the subject of a petition for duty suspension or reduction. [Return](#)

Who is a likely beneficiary of a temporary duty suspension or reduction?

As defined in the Act, a “likely beneficiary” is “an individual or entity likely to utilize, or benefit directly from the utilization of, an article that is the subject of a petition for a duty suspension or reduction.” [Return](#)

Where can I find a U.S. Customs ruling that may apply to my product?

If you are not sure whether there is a U.S. Customs ruling on your product, go to <http://rulings.cbp.gov> and search by the product’s name or HTS number. [Return](#)

What if I’m concerned my U.S. Customs ruling may be out of date?

Go to <http://rulings.cbp.gov> and search by product or HTS number. Check to ensure that your ruling has not been revoked.

Note: Sometimes the HTS subheading for a product changes because of actions under other trade programs, so that new rate lines have superseded the HTS subheading listed in your ruling or that subheading is renumbered. Be sure to use the current HTS subheading applicable to your product in making your search. [Return](#)

PETITION CHECKLIST

The following lists information that you will need to provide to file a petition. We encourage you to collect the required information before you sit down to submit your petition, because **you must complete your petition in a single session**. (You cannot save your document and return to it later; you would have to start the process again from the beginning.) Please also refer to section 220.5 of our rules (19 C.F.R. § 220.5) to understand what information you must include in a petition.

- ☐ Petitioner contact information
- ☐ Independent representative contact information, if applicable
- ☐ Existing number from HTS chapter 99, subchapter II, if the product is already subject to temporary duty suspension or reduction
- ☐ The product's permanent tariff classification in HTS chapters 1 through 97
- ☐ Requested rate of duty—either “free” if you are requesting a duty suspension (free rate of duty), or the specific reduced duty rate you are requesting, not including any duty imposed by provisions of subchapters III or IV of chapter 99 of the HTS
- ☐ Article description language, properly formatted for inclusion in HTS chapter 99; when you enter this description, include all applicable HTS number(s) and any standard identification numbers or names
- ☐ CAS number(s) for chemicals
- ☐ IUPAC/systematic name(s) for chemicals, if available
- ☐ International nonproprietary (generic) name for pharmaceuticals, if available
- ☐ Colour Index Constitution Number for dyes, if available
- ☐ U.S. Customs ruling showing that the product is classified under the HTS subheadings provided, if applicable (*this may be treated as CBI*)
- ☐ Liquidated entry summary or other U.S. Customs documentation showing that the product is classified under the HTS subheadings you have listed, if applicable (*this will be treated as CBI*)
- ☐ Short product name
- ☐ Brief description of your product, its uses, and the industry that uses or processes your product
- ☐ List of countries that are sources of U.S. imports of your product
- ☐ Estimated value of total and dutiable imports of your product for seven years—including the previous calendar year, the current calendar year, and each of the next five full calendar years (*this may be treated as CBI*)
- ☐ Estimate of petitioner's share of the U.S. import market (*this may be treated as CBI*)
- ☐ List of other known U.S. importers and their contact information
- ☐ List of other known likely beneficiaries of the requested tariff suspension or reduction and their contact information

- ☐ Information about U.S. production of the product, planned production of the product, and commercial availability of identical, like, or directly competitive products (*this may be treated as CBI*)
- ☐ List of U.S. producers of identical, like, or directly competitive products, and their locations (*this may be treated as CBI*)