



Handbook on MTB Filing Procedures



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**United States International
Trade Commission**
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Introduction

- A. This Handbook provides instructions for persons filing petitions or comments in the Miscellaneous Tariff Bill Petition System of the United States International Trade Commission (Commission) under the American Manufacturing Competitiveness Act of 2016 (19 U.S.C. 1332 note) (the Act).
- B. In any conflict between the Act or the Commission's Rules of Practice and Procedure (rules) and this Handbook, the Act and rules shall govern in that order. This Handbook does not alter or waive any provisions in the Act or the 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 and U.S. Customs and Border Protection.
- C. If a user plans to file a document with the Commission, the user must comply with the relevant provisions of the rules governing such filing. Section 220.3 of the rules does not permit filing by means other than electronic filing. Thus, filing by paper, by facsimile and by electronic mail (i.e., sending a document to a Commission electronic mail address) is not permitted.

Filing Procedures

A. Definitions and Instructions

- (1) "Secretary" means the Secretary to the Commission (500 E Street, SW, Room 112A, Washington, DC 20436, telephone 202-205-3238). The MTB filing procedures are administered by the Secretary and any question about these procedures should be directed 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, DC 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 will receive electronic transmissions of filing information and filed documents.
- (4) The "MTBPS Website" refers to the Commission's website which provides access to the MTBPS via the World Wide Web at <https://www.usitc.gov/mtbps>.
- (5) "Petition" refers to the filing information and associated files that all users must provide pursuant to §220.5 of the 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 rules.
- (7) "Electronic receipt" means that an electronic transmission of a petition or comment to MTBPS via the MTBPS website has been successfully completed in its entirety. As stated below, the electronic transmission and receipt of a document does not constitute acknowledgment by the Commission that the petition or comment has been properly filed pursuant to the rules or this Handbook.
- (8) "Notice of electronic receipt" means notice from the Commission that a petition or comment has been filed by the user in the MTBPS. Notice of electronic receipt will be provided in two forms: (a) An on-screen notice of receipt once the electronic transmission of the petition or

comment is complete; and (b) an e-mail sent to the registered user's e-mail address of record. The notice of electronic receipt only conveys that the document has been received electronically and does not constitute acknowledgment by the Commission that the petition or comment has been properly filed pursuant to the rules or this Handbook.

- (9) "Registered user" means a person that creates an account via the MTBPS website, enabling their ability to file documents with the Commission through the MTBPS.
- (10) "E-mail address of record" means the electronic mail address of a registered user which he or she has provided at the time of registration.
- (11) "PDF" means portable document format.

B. User Registration and Assignment of Passwords

- (1) To file, one must first become a "registered user" of MTBPS. To register, a user 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 user's name, telephone number, and e-mail address of record. Users must have and maintain a working e-mail address to be a registered user. All users must designate a user ID and password. Registered users may access MTBPS for electronic filing without any additional approval from the Secretary.
- (2) Every registered user shall be responsible for keeping his/her account information current.
 - (a) Changes to user information should be requested by contacting the Commission's MTBPS Helpdesk via e-mail at MTBPSHelp@usitc.gov.
 - (b) Passwords can only be changed or reset by the registered user when logged in to MTBPS or through the Forgot Password option.
- (3) A registered user may permit another person to file a petition or comment with the Commission using the user ID and password of the registered user; however, the registered user assumes responsibility for any permitted use of his/her user ID and password. The registered user and all persons who participate in the preparation and filing of a petition or comment will remain responsible for complying with all of their duties and obligations relating to filing petitions or comments under the rules. A registered user must comply with applicable limitations on disclosure of confidential business information ("CBI") pursuant to 19 CFR 220.13.
- (4) A registered user who has provided his/her 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 the confidentiality of his/her password, a registered user shall 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) A user may not file a petition or comment with the Commission unless they have registered with the Commission pursuant to the procedures set forth above.

C. Where Petitions and Comments Are to Be Filed

- (1) Users must file all petitions and comments electronically through the MTBPS website at <https://www.usitc.gov/mtbps> 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 noon Washington, DC local time, on the deadline for filing a petition or comment, the Secretary shall 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

Most of the information that you are required to submit as a petitioner or commenter is information that either is publicly available or is not entitled to treatment as “confidential business information.” However, the Commission’s portal identifies several types of information you are required to provide as potentially containing confidential business information. For those types of information, the portal will allow you to claim that such information is “confidential business information” if you believe it falls within the definition of that term in §201.6(a) of the Commission’s rules (19 CFR 201.6(a)). Unless you claim that such information is confidential business information, the Commission will assume that such information is not confidential business information or that you have chosen to waive any right to claim it as such.

The Commission’s rules (§220.13) state that the Commission will not release information which the Commission considers to be confidential business information with the meaning of §201.6(a) of the Commission’s rules unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the Commission, or such party subsequently consents to the release of the information. Consistent with this commitment, §220.13 of the Commission’s rules notifies submitters of information that the Commission, in calculating estimated revenue loss required under the Act, may base its estimates in whole or in part on the estimated values of imports submitted by petitioners in their petitions. It also notifies submitters that the Commission may disclose some or all of the confidential business information provided to the Commission in petitions and public comments to the U.S. Department of Commerce and to the U.S. Department of Agriculture and U.S. Customs and Border Protection for use in preparing the U.S. Department of Commerce’s report to the Commission and Committees.

E. Notice of Electronic Receipt

- (1) Upon completion of the electronic transmission of a petition or comment to the Commission on the 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. A notice of electronic receipt does not constitute acknowledgment by the Commission that the petition or comment has been properly filed pursuant to the rules or this Handbook.

- (2) If the 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. If the transmission failed, attempt to re-transmit the petition or comment electronically until such a notice is received.

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 the user has “clicked” the “Yes” button on the final confirmation page for electronic submission by 5:15p.m., Washington, DC local time, on the day that the petition or comment is due to be filed. The registered user will receive an e-mail notification of receipt.
- (2) Except for the dates on which a deadline falls, users may transmit 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). Save the notice of electronic receipt of the petition or comment, which states the time and day that MTBPS received the petition or comment, for record keeping purposes.

G. Attachments: Size and Page Length

- (1) The MTBPS will prompt a user to upload an attachment at discrete points throughout the petition and comment submission process. Whenever a user is so prompted, he/she may only upload one file.
- (2) Any single attachment uploaded to MTBPS must not exceed 25 megabytes in size.
- (3) Any single attachment to a petition must not exceed ten (10) pages in length.
- (4) Any single attachment to a comment must not exceed five (5) pages in length.

H. Attachments: Confidential Business Information

- (1) Private customs letter rulings and certain other customs documentation will be treated as containing confidential business information.
- (2) Published customs rulings are public documents and will be treated as such.
- (3) Except as provided for in paragraph (1) of this section, the Commission will make available to the public all attachments to a petition. Accordingly, such other attachments 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) Documents must be submitted 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. Users 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 typically have far fewer megabytes than PDF documents that have been created from images.

CAUTION: Text-based PDF files may permit others to retrieve “masked” or “whited out” CBI. Please remove all “masked” or “whited out” CBI 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, the user must comply with the following requirements. PDF documents that do not comply with these requirements will be rejected by MTBPS during the submission process.
 - (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) Special characters must be checked on conversion to ensure that they were not changed during the distilling process. Please verify that special characters that are submitted in petitions, particularly for petitions with chemical nomenclature that may use symbols and other special characters, are submitted correctly.
 - (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 (note tool, pencil tool, highlights tool, digital signature tool, embedded files, or embedded sounds or other multimedia); forms actions; JavaScript actions; external cross references, web links and image alternates.
 - (e) Document security setting must have a PDF file security setting of “none.”

J. Signatures

A petition or comment filed with the Commission shall be deemed to be signed by the registered user and shall bind the signatory as if the document were physically signed and filed, and shall function as the registered user's signature whether for the purpose of complying with the Commission's rules, to certify to the truthfulness of an affidavit or declaration, or for any other purpose.

K. Copyright and Other Proprietary Rights

- (1) The MTBPS website shall bear a prominent notice as follows: “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 electronically, a user shall be deemed to consent to all uses of such materials submitted by the user solely in connection with and for the purposes of the petition process.
- (3) Any dispute that arises among persons regarding the use of materials subject to copyright and other proprietary rights must be resolved among the persons themselves, without the Commission's involvement.

Duration

- A. This Handbook is effective as of October 14, 2016. These filing procedures shall remain in effect until superseded or rescinded.
- B. The Secretary shall amend this Handbook as necessary.

Authority: 19 CFR 220.3(b) and 220.11(b).