

SUPPORTING STATEMENT
UNITED STATES INTERNATIONAL TRADE COMMISSION QUESTIONNAIRE

Miscellaneous Tariff Bill Petition System

Part A—Justification

1. Request for regular action

The U.S. International Trade Commission (“USITC” or “Commission”) is seeking Office of Management and Budget (“OMB”) approval for the collection of information related to requests for temporary tariff relief on imported goods (“petitions”) submitted to the Commission as a result of the American Manufacturing Competitiveness Act of 2016 (“the Act”) (19 U.S.C. § 1332 note).

The Act requires the Commission to establish a process to receive petitions that will take the place of individual miscellaneous tariff bills, and specifies the contents of such petitions. The Act also provides that these petitions must be made available on the Commission’s website so that public comment on each one may be filed. The Act specifies the contents of preliminary and final reports the Commission must issue, and requires the Commission to make several determinations concerning the petitions. Lastly, the Act requires the Commission to make particular recommendations concerning the petitions and provide the necessary information to Congress that will permit Congress to decide which petitions should be included in a miscellaneous tariff bill. The Act specifies the schedule for collection of petitions and for the Commission to submit a report to the House Committee on Ways and Means and the Senate Committee on Finance (“Committees”) containing information and its determinations. The Act mandates that the Commission conduct two petition-submission cycles and begin accepting petitions, thereby collecting the information for which this approval is sought, not later than October 15, 2016 and October 15, 2019, respectively. The first cycle commenced on October 14, 2016, and the Commission delivered its final report to the Committees on the submitted petitions on August 8, 2017. This request concerns the second petition-submission cycle, which must start not later than October 15, 2019.

On April 4, 2019, the Commission posted its draft intake and comment forms on its website (<https://www.usitc.gov/mtbpscomments>), and published a request for public comments in the *Federal Register* on the draft forms. The Commission accepted public comments through June 3, 2019.

2. Purpose

The Commission will review and analyze the information provided and use it as a basis for the determination(s) it makes in the preliminary and final reports to the Committees, which the Act requires. Commission staff will perform initial review and analysis, with preliminary and final reports approved by the Commission.

3. Use of technology

The Commission will collect information electronically via the same portal that the Commission used for the first cycle, the Miscellaneous Tariff Bill Petition System (“MTBPS”). The MTBPS is located at <https://mtbps.usitc.gov>, and the Commission will deploy it to accept petitions for the second cycle not later than October 15, 2019. The Commission plans to review and update guidance originally issued in 2016 that will help submitters prepare in advance for their electronic submissions. This updated guidance, coupled with a user-friendly, click-through electronic submission portal, reduces the burden in composing a petition and comments on submitted petitions.

4. Non-duplication of available data

The information collected through the MTBPS electronic portal is limited to the information required by the Act and information not already publicly available but needed for Commission analysis of petitions. To the extent possible, the Commission's analysis will rely on existing publicly available data. Commission staff has reached out to government, academic, and industry leaders, and have confirmed that there are no existing data that address the data needs that should result from the petition. Further, after a thorough background search of data sources for this process, it has been determined that no other industry, government, or academic organizations collect or publish data that are duplicative of the data requested in the petition.

5. Impact on small businesses

In developing the MTBPS electronic portal, which petitioners will utilize to submit petitions and interested parties will use to submit comments on petitions, the Commission drew upon user experiences that should be familiar to the seasoned practitioner and small-business owner alike, i.e., click-through screens, help bubbles and text, and confirmation pages. The Commission expects that this format, in addition to maintaining a robust library of help documentation and ensuring Commission staff are available to answer questions in a timely fashion, will minimize the burden on small entities. In addition, the Commission is committed to making the portal and any concomitant help documentation compliant with Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. § 794d.

6. Consequences of non-collection

If the Commission does not conduct this collection, it will not be able to produce its statutorily required reports. The Act prescribes the contents of each petition and also indicates that petitions are to be made available to the public on a website of the Commission. Electronic collection of the information that the Commission has proposed in its intake and comment forms is therefore the best way to address what the Act prescribes.

7. Frequency of data collection

The Act requires that this petition cycle begin by October 15, 2019, and proceed on the same schedule as the first cycle.

8a. Consistency with 5 C.F.R. § 1320.6 guidelines

No special circumstances exist that require the collection to be conducted in a manner inconsistent with the guidelines of 5 C.F.R. § 1320.6. If any respondents do not maintain information in the format requested by the petition, they are requested to submit carefully prepared estimates based upon available information.

8b. Consultations with affected public

The Commission's 60-day notice requesting public comment was published in the *Federal Register* on April 4, 2019. The notice and other information related to this process were published on the Commission's website at <https://www.usitc.gov/mtbpscomments>. The Commission received one public comment in response to that notice.

In addition, the Commission issued a survey to the public in Fall 2017 seeking feedback on the first cycle, including utilization of the MTBPS in collecting petition and comment information. (OMB No. 3117-0222). The Commission received twelve (12) responses to this survey. Responses relating to the MTBPS largely centered on ease of use of the portal.

The table below summarizes the comments and feedback received, as well as the Commission's responses.

Comment/Feedback Received Source	How Addressed
<p>Add a “Save” feature to allow petitioners to start a petition, exit the portal, and return at a later time without losing the data already entered.</p> <p style="text-align: right;">Public Survey Response</p>	<p>The Commission understands the utility of this functionality, however, resource constraints do not permit the inclusion of this feature at this time. The Commission will provide on its website a blank petition summary form that will assist petitioners in gathering the required information in advance of using the petition submission system.</p>
<p>Allow users to repopulate fields on new petition or comments based on information provided in a previous petition or comment.</p> <p style="text-align: right;">Public Survey Response</p>	<p>The Commission has incorporated this comment. The petition system will permit users to populate certain information in the petition and to comment based on the information provided by the filer during registration with the MTBPS. In addition, the user will be able to select petitioner and commenter names from a pre-defined list based on previously filed petitions and comments. The user will maintain the ability to enter a new petitioner or commenter name.</p>
<p>Allow users to search the petition list page by petitioner name.</p> <p style="text-align: right;">Public Survey Response</p>	<p>The Commission has incorporated this comment. The petitions list page in the MTBPS contains a search box in the upper right-hand corner of the screen. A user may type any portion of the petitioner’s name and the list will filter according to the text criteria entered.</p>
<p>Provide user with ability to view the entire contents of a text box when inputting information.</p> <p style="text-align: right;">Public Survey Response</p>	<p>The Commission will incorporate this comment in updated guidance. The ability to expand an input text box depends on the web browser the user is using to submit a petition or comment. The Commission will provide guidance to users in this regard in its updated guidance documents.</p>
<p>Provide user with ability to filter the petition list page by various columns, e.g., HTS number, petition ID number, petitioner name.</p> <p style="text-align: right;">Public Survey Response</p>	<p>The petitions list page in the MTBPS contains a search box in the upper right-hand corner of the screen. A user may type any text displayed on the screen and the list will filter according to the text criteria entered. Beyond this search and filter capability, resource constraints do not permit us to expand them further at this time.</p>

<p>Provide user with ability to print a petition summary in the same format regardless of type/make of browser and/or computer used.</p> <p style="text-align: center;">Public Survey Response</p>	<p>The Commission has incorporated this comment. The capability to print the petition summary will be enhanced to provide consistent formatting across different browsers and operating systems.</p>
<p>Provide an alert function so the petitioners would be notified if a comment was received on their petition.</p> <p style="text-align: center;">Public Survey Response</p>	<p>While the Commission understands the utility of this functionality, resource constraints limit our ability to include this feature at this time.</p>
<p>Permit petitioners to correct filed petitions after the close of the petition submission window.</p> <p style="text-align: center;">Public Survey Response</p>	<p>The Act requires the Commission to publish petitions received not later than 30 days after the close of the petition portal so that members of the public may comment on those petitions. Allowing petitioners to correct or otherwise modify their petitions after the close of the portal would risk the Commission’s ability to provide an open and transparent opportunity for public comment, as well as its ability to meet its statutory deadlines.</p>
<p>Allow a user to claim that the Import Information provided in response to question 10 is confidential.</p> <p style="text-align: center;">Rivian Automotive LLC</p>	<p>The Commission has incorporated this comment. Information provided in response to question 10 that contains confidential business information , as defined in 19 C.F.R. § 201.6 of the Commission’s Rules of Practice and Procedures, will be treated as such, and the Commission will treat confidential business information in accordance with 19 U.S.C. §1332(g).</p>
<p>Provide an indicator field in the petition to specify whether a non-disclosure agreement exists that prevents the petitioner from providing more evidence that could substantiate the request.</p> <p style="text-align: center;">Rivian Automotive LLC</p>	<p>The Commission will address this comment in forthcoming guidance documents. These guidance documents will advise petitioners how they may indicate whether there are circumstances beyond their control that prevent them from providing additional information.</p>
<p>Of lesser priority, provide an indicator field in the petition as to whether the petitioner is currently operating an active foreign trade zone (FTZ), or currently considering one.</p> <p style="text-align: center;">Rivian Automotive LLC</p>	<p>The Commission will address this comment in updated guidance documents. These documents will advise petitioners how they may indicate whether they are operating in an active FTZ, or are currently considering doing so.</p>

The Commission’s 30-day notice of submission to OMB requesting clearance was published in the *Federal Register* on July 8, 2019. The notice is also posted on the Commission’s website at <https://www.usitc.gov/mtbpscomments>.

9. Payments or gifts

Participants will not be provided with any payments or gifts for their responses.

10. Assurances of confidentiality

After a user logs in to the portal, he/she must acknowledge and accept the confidentiality provisions. These provisions provide assurance, in accordance with the confidentiality provision in § 332(g) of the Tariff Act of 1930 (19 U.S.C. § 1332(g)), that the Commission will not release information that the Commission considers to be confidential business information 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. The user will be provided notice, at the time of submission, that the Commission will share the petition information, including confidential business information, with staff at the Department of Commerce (DOC) and the U.S Customs and Border Protection (CBP) who are responsible for producing the DOC report mandated by the Act. In addition, the user will be provided notice that the Commission may use import data estimates to calculate the annual revenue loss estimate, a figure which will be provided to the Committees and made publicly available in the Commission's preliminary and final reports, as the Act requires.

11. Sensitive information

The Commission is not seeking information on issues of a sensitive nature involving persons or firms.

12. Respondents' projected cost burden

The Commission has reduced the reporting burden on petitioners and commenters by limiting the length and complexity of the information required. Furthermore, the system requires only responses that the Commission believes to be readily available from firms' existing records.

The average reporting burden is estimated to be:

Number of petition entities:	(No.)	7,000
Frequency of response:	(No.)	1
Annual burden per respondent:	(hours)	8
Total burden for petitioners:	(hours)	56,000

These estimates are based on experience and data collected during the first cycle, as well as industry knowledge. It is estimated that submitting a petition, including time to gather necessary information, would take approximately 8 hours depending on the size and complexity of the firm. The burden on individual respondents may vary.

Number of commenting entities:	(No.)	5,000
Frequency of response:	(No.)	1
Annual burden per respondent:	(hours)	2
Total burden for commenters:	(hours)	10,000

These estimates are based on the estimated number of petition submissions, experience, and data collected during the first cycle, as well as industry knowledge. It is estimated that submitting a comment, including time to gather necessary information, would take approximately 2 hours depending on the size and complexity of the firm. The burden on individual respondents may vary.

The Commission has included a notice of the above response burden averages, along with a request that respondents send comments to the Commission and to OMB.

The combined annualized cost to all respondents for the estimated hour burdens identified above is as follows:

Petition:	Cost = 56,000 hours x \$68.75* per hour = \$3,850,000
Comment:	Cost = 10,000 hours x \$68.75* per hour = \$687,500
Total Cost:	\$4,537,500

*This is the same hourly cost estimate used in item 14 below. The Commission projects that this is an accurate hourly cost estimate for personnel who will likely complete the petition.

13. Annual public response burden

a. Total capital and start-up cost component: The Commission does not expect any capital and start-up costs because all information likely already exists in firms' records storage facilities.

b. Total operation and maintenance and purchase of service component: The Commission does not expect petitioners will need to purchase any services to complete the petition.

14. Federal change in burden

The estimated total cost to the Federal Government is \$5,293,750 as detailed below.

Personnel cost*	= \$5,293,750
Operational costs**	= \$ 0
Total cost	= \$5,293,750

*The hourly figure was approximated by dividing the Commission's average salary level (\$143,000) by the number of work hours per year (2,080), which is equivalent to an average cost of \$68.75 per hour. Personnel costs include: staff time devoted to enhancement and maintenance of the web portal; updates to the process and documentation; intake of petitions and comments, analysis and review of the submissions, and related research; calls to petitioners and commenters from Commission staff to ensure that the organizations' petitions and comments are accurate and to clarify any issues; and preparation of the preliminary and final reports. As noted above, the Commission estimates that it will receive 7,000 petitions and 5,000 comments during the 2019 cycle. Based on this, the Commission estimates approximately 150 staff will spend a total of 77,000 personnel hours (1,925 personnel weeks) on the activities described above, which is approximately 100 percent of the total personnel hours the Commission budgeted for the program.

**The Commission does not estimate that it will incur any operational costs because existing office space, furniture, and equipment will be used to process the petitions and comments.

15. Program change justification

The Commission currently imposes a burden on firms because the Act requires a process through which the Commission receives and reports on petitions for temporary duty suspensions and reductions. In 2016, the Commission estimated 5,000 petitions and 14,000 comments, and it actually received 3,166 petitions and 2,486 comments. The Commission considered actual 2016 intake in arriving at its 2019 estimates. The Commission also considered that the majority of the 1,655 provisions enacted as a result of the 2016 process will be sought for renewal in 2019, and that the perceived success of the 2016 process will drive increased interest and visibility of the program. After weighing these considerations, the Commission has increased its petition estimate over what was estimated in 2016 (to 7,000 petitions), but decreased its

estimated number of comments (to 5,000 comments). As a result, the 2019 estimated cost burden to respondents (\$4,537,500) is slightly less than the 2016 estimate (\$4,675,000).

16. Project plan and schedule

For the 2019 cycle, the Commission must begin accepting petitions not later than October 15, 2019. The public then has sixty (60) days to submit their petitions. Thirty (30) days after the expiration of the submission period, the Commission must publish the petitions it has received that meet the Act's requirements. The public has forty-five (45) days from publication of the petitions to comment on those published petitions. Forty-five (45) days after the close of the comment period, the DOC must submit to Congress and the Commission its statutorily required report on the petitions. Sixty (60) days after the DOC report is due, the Commission's preliminary report is due to Congress and will be published on the Commission's website. Not later than sixty (60) days after submission of the preliminary report, the Commission's final report is due to the Committees and will be published on the Commission's website. The entire process at the Commission is, therefore, approximately 300 days from start to finish. Congress has expressed a sense that it will consider a miscellaneous tariff bill within ninety (90) days of the Commission submitting its final report.

17. Non-display of expiration date

Not applicable.

18. Exceptions to certification statement to form OMB 83-I

Not applicable.