



International Trade & Regulatory ADVISORY ■

OCTOBER 15, 2019

Opportunity for Import Duty Suspensions or Reductions Under the Miscellaneous Tariff Bill Petition Process

The 60-day filing period is open for Miscellaneous Tariff Bill (MTB) petitions before the U.S. International Trade Commission (ITC) pursuant to the American Manufacturing Competitiveness Act of 2016 (AMCA). Under this process, interested parties (e.g., U.S. importers and trade associations) may petition for temporary suspensions or reductions of the duties imposed by the Harmonized Tariff Schedule on imported products and may save up to \$500,000 in annual import duties. In assessing a petition, the ITC considers multiple factors, including:

- Whether the estimated loss in revenue to the United States from the duty suspension or reduction exceeds \$500,000 in a calendar year.
- Whether there is domestic production of an identical, like, or directly competitive product.
- Whether there is any objection to the petition.
- Whether the duty suspension or reduction can be administered by U.S. Customs and Border Protection (CBP).
- Whether the benefit is available to any person that imports the article.

The key is to identify a narrowly defined product that lacks domestic sources. These products are typically raw material inputs for manufacturing and proprietary parts not available in the U.S. But the final MTB list from the previous 2016 petition cycle (valid through December 2020) covers a wide range of products, including chemicals, textiles, apparel and footwear, travel and sporting goods, and electronics and machinery. Of the 3,162 petitions received by the ITC during the previous round, 2,524 were included in the ITC's recommendations to Congress. Thus, the current MTB process provides importers of eligible products an opportunity for substantial duty savings.

This advisory is published by Alston & Bird LLP to provide a summary of significant developments to our clients and friends. It is intended to be informational and does not constitute legal advice regarding any specific situation. This material may also be considered attorney advertising under court rules of certain jurisdictions.

The new petition requirements differ from the previous MTB process in some respects. Specifically, as noted in the [ITC's August 27, 2019 notice](#), a petition must include the following additional information:

- An estimate of the total value and dutiable value in U.S. dollars for the next five calendar years.
- An estimate of the share of total imports represented by the petitioner's imports of the subject article.
- The names of any domestic producers of the subject article, if available.
- A certification that the information supplied in the petition is complete and correct to the best of the petitioner's knowledge and belief and that the petitioner understands that the information submitted is subject to audit and verification by the ITC.

Within 30 days after the expiration of the petition period, the ITC will open a 45-day period of public comments. Review of the MTB petitions and comments is a joint effort by multiple federal agencies, including the Department of Commerce, which will be involved in determining domestic production of the subject products and is expected to deliver a report by April 2020. After reviewing the petitions and public comments, the ITC will present its analysis and recommendations to Congress in a preliminary report by June 2020 and then a final report by August 2020. Congress will ultimately determine the miscellaneous tariff bill that suspends or reduces import duties once enacted, for a period not exceeding three years.

The current MTB petition deadline is December 10, 2019. Nonetheless, the ITC encourages early petitions to allow for ITC review, and, if necessary, adjustment and resubmission of the petition by the petitioner. This is a great opportunity for U.S. companies to obtain temporary duty savings for imported products that lack domestic sources.

You can subscribe to future *International Trade & Regulatory* advisories and other Alston & Bird publications by completing our [publications subscription form](#).

If you have any questions or would like additional information, please contact your Alston & Bird attorney or any of the following:

Jason M. Waite
202.239.3455
jason.waite@alston.com

M. Jason Rhoades
202.239.3090
jason.rhoades@alston.com

Kenneth G. Weigel
202.239.3431
ken.weigel@alston.com

Chunlian Yang
202.239.3490
lian.yang@alston.com

Brian Frey
202.239.3067
brian.frey@alston.com

Helen Galloway
202.239.3794
helen.galloway@alston.com

Helen Su
650.838.2032
helen.su@alston.com

John O'Hara
202.239.3131
john.ohara@alston.com

Lucas Queiroz Pires
202.239.3235
lucas.queirozpires@alston.com

Yuzhe PengLing
202.239.3132
yuzhe.pengling@alston.com

ALSTON & BIRD

WWW.ALSTON.COM

© ALSTON & BIRD LLP 2019

ATLANTA: One Atlantic Center ■ 1201 West Peachtree Street ■ Atlanta, Georgia, USA, 30309-3424 ■ 404.881.7000 ■ Fax: 404.881.7777
 BEIJING: Hanwei Plaza West Wing ■ Suite 21B2 ■ No. 7 Guanghai Road ■ Chaoyang District ■ Beijing, 100004 CN ■ +86.10.85927500
 BRUSSELS: Level 20 Bastion Tower ■ Place du Champ de Mars ■ B-1050 Brussels, BE ■ +32 2 550 3700 ■ Fax: +32 2 550 3719
 CHARLOTTE: Bank of America Plaza ■ 101 South Tryon Street ■ Suite 4000 ■ Charlotte, North Carolina, USA, 28280-4000 ■ 704.444.1000 ■ Fax: 704.444.1111
 DALLAS: Chase Tower ■ 2200 Ross Avenue ■ Suite 2300 ■ Dallas, Texas, USA, 75201 ■ 214.922.3400 ■ Fax: 214.922.3899
 LONDON: 5th Floor ■ Octagon Point, St. Paul's ■ 5 Cheapside ■ London, EC2V 6AA, UK ■ +44.0.20.3823.2225
 LOS ANGELES: 333 South Hope Street ■ 16th Floor ■ Los Angeles, California, USA, 90071-3004 ■ 213.576.1000 ■ Fax: 213.576.1100
 NEW YORK: 90 Park Avenue ■ 15th Floor ■ New York, New York, USA, 10016-1387 ■ 212.210.9400 ■ Fax: 212.210.9444
 RALEIGH: 555 Fayetteville Street ■ Suite 600 ■ Raleigh, North Carolina, USA, 27601-3034 ■ 919.862.2200 ■ Fax: 919.862.2260
 SAN FRANCISCO: 560 Mission Street ■ Suite 2100 ■ San Francisco, California, USA, 94105-0912 ■ 415.243.1000 ■ Fax: 415.243.1001
 SILICON VALLEY: 950 Page Mill Road ■ Palo Alto, California, USA 94304-1012 ■ 650.838.2000 ■ Fax: 650.838.2001
 WASHINGTON, DC: The Atlantic Building ■ 950 F Street, NW ■ Washington, DC, USA, 20004-1404 ■ 202.239.3300 ■ Fax: 202.239.3333