

114TH CONGRESS  
2D SESSION

# S. 2794

To establish a process for the submission and consideration of petitions for temporary duty suspensions and reductions, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 13, 2016

Mr. HATCH (for himself, Mr. WYDEN, Mr. PORTMAN, Mrs. MCCASKILL, Mr. BURR, Mr. CASEY, Mr. TOOMEY, Mr. BROWN, Mr. CORNYN, Mr. ISAKSON, Mr. FLAKE, and Mr. COATS) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To establish a process for the submission and consideration of petitions for temporary duty suspensions and reductions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Manufac-  
5 turing Competitiveness Act of 2016”.

6 **SEC. 2. SENSE OF CONGRESS ON THE NEED FOR A MIS-**  
7 **CELLANEOUS TARIFF BILL.**

8 (a) FINDINGS.—Congress makes the following find-  
9 ings:

1           (1) As of the date of the enactment of this Act,  
2           the Harmonized Tariff Schedule of the United  
3           States imposes duties on imported goods for which  
4           there is no domestic availability or insufficient do-  
5           mestic availability.

6           (2) The imposition of duties on such goods cre-  
7           ates artificial distortions in the economy of the  
8           United States that negatively affect United States  
9           manufacturers and consumers.

10          (3) The manufacturing competitiveness of the  
11          United States around the world will be enhanced if  
12          Congress regularly and predictably updates the Har-  
13          monized Tariff Schedule to suspend or reduce duties  
14          on such goods.

15          (4) Creating and maintaining an open and  
16          transparent process for consideration of petitions for  
17          duty suspensions and reductions builds confidence  
18          that the process is fair, open to all, and free of  
19          abuse.

20          (5) Complying with the Rules of the House of  
21          Representatives and the Senate, in particular with  
22          clause 9 of rule XXI of the Rules of the House of  
23          Representatives and rule XLIV of the Standing  
24          Rules of the Senate, is essential to fostering and

1 maintaining confidence in the process for consid-  
2 ering a miscellaneous tariff bill.

3 (6) A miscellaneous tariff bill developed under  
4 this process will not contain any—

5 (A) congressional earmarks or limited tax  
6 benefits within the meaning of clause 9 of rule  
7 XXI of the Rules of the House of Representa-  
8 tives; or

9 (B) congressionally directed spending items  
10 or limited tax benefits within the meaning of  
11 rule XLIV of the Standing Rules of the Senate.

12 (7) Because any limited tariff benefits con-  
13 tained in any miscellaneous tariff bill following the  
14 process set forth by this Act will not have been the  
15 subject of legislation introduced by an individual  
16 Member of Congress and will be fully vetted through  
17 a transparent and fair process free of abuse, it is ap-  
18 propriate for Congress to consider limited tariff ben-  
19 efits as part of that miscellaneous tariff bill as long  
20 as—

21 (A) in the case of a miscellaneous tariff bill  
22 considered in the House of Representatives,  
23 consistent with the Rules of the House of Rep-  
24 resentatives, a list of such limited tariff benefits  
25 is published in the reports of the Committee on

1           Ways and Means of the House of Representa-  
2           tives accompanying the miscellaneous tariff bill,  
3           or in the Congressional Record; and

4           (B) in the case of a miscellaneous tariff  
5           bill considered in the Senate, consistent with  
6           the Standing Rules of the Senate—

7           (i) such limited tariff benefits have  
8           been identified through lists, charts, or  
9           other similar means; and

10          (ii) the information identified in  
11          clause (i) has been available on a publicly  
12          accessible congressional website in a  
13          searchable format at least 48 hours before  
14          the vote on the motion to proceed to the  
15          miscellaneous tariff bill or the vote on the  
16          adoption of a report of a committee of con-  
17          ference in connection with the miscella-  
18          neous tariff bill, as the case may be.

19          (8) When the process set forth under paragraph  
20          (7) is followed, it is consistent with the letter and in-  
21          tent of the Rules of the House of Representatives  
22          and the Senate and other related guidance.

23          (b) SENSE OF CONGRESS.—It is the sense of Con-  
24          gress that, to remove the competitive disadvantage to  
25          United States manufacturers and consumers and to pro-

1 mote the competitiveness of United States manufacturers,  
2 Congress should, not later than 90 days after the United  
3 States International Trade Commission issues a final re-  
4 port on petitions for duty suspensions and reductions  
5 under section 3(b)(3)(E), consider a miscellaneous tariff  
6 bill.

7 **SEC. 3. PROCESS FOR CONSIDERATION OF PETITIONS FOR**  
8 **DUTY SUSPENSIONS AND REDUCTIONS.**

9 (a) PURPOSE.—It is the purpose of this section to  
10 establish a process for the submission and consideration  
11 of petitions for duty suspensions and reductions.

12 (b) REQUIREMENTS OF COMMISSION.—

13 (1) INITIATION.—Not later than October 15,  
14 2016, and October 15, 2019, the Commission shall  
15 publish in the Federal Register and on a publicly  
16 available Internet website of the Commission a no-  
17 tice requesting members of the public who can dem-  
18 onstrate that they are likely beneficiaries of duty  
19 suspensions or reductions to submit to the Commis-  
20 sion during the 60-day period beginning on the date  
21 of such publication—

22 (A) petitions for duty suspensions and re-  
23 ductions; and

24 (B) Commission disclosure forms with re-  
25 spect to such duty suspensions and reductions.

1           (2) CONTENT OF PETITIONS.—Each petition  
2 for a duty suspension or reduction under paragraph  
3 (1)(A) shall include the following information:

4           (A) The name and address of the peti-  
5 tioner.

6           (B) A statement as to whether the petition  
7 provides for an extension of an existing duty  
8 suspension or reduction or provides for a new  
9 duty suspension or reduction.

10          (C) A certification that the petitioner is a  
11 likely beneficiary of the proposed duty suspen-  
12 sion or reduction.

13          (D) An article description for the proposed  
14 duty suspension or reduction to be included in  
15 the amendment to subchapter II of chapter 99  
16 of the Harmonized Tariff Schedule of the  
17 United States.

18          (E) To the extent available—

19           (i) a classification of the article for  
20 purposes of the amendment to subchapter  
21 II of chapter 99 of the Harmonized Tariff  
22 Schedule of the United States;

23           (ii) a classification ruling of U.S. Cus-  
24 toms and Border Protection with respect  
25 to the article; and

1 (iii) a copy of a U.S. Customs and  
2 Border Protection entry summary indi-  
3 cating where the article is classified in the  
4 Harmonized Tariff Schedule of the United  
5 States.

6 (F) A brief and general description of the  
7 article.

8 (G) A brief description of the industry in  
9 the United States that uses the article.

10 (H) An estimate of the total value, in  
11 United States dollars, of imports of the article  
12 for each of the 5 calendar years after the cal-  
13 endar year in which the petition is filed, includ-  
14 ing an estimate of the total value of such im-  
15 ports by the person who submits the petition  
16 and by any other importers, if available.

17 (I) The name of each person that imports  
18 the article, if available.

19 (J) A description of any domestic produc-  
20 tion of the article, if available.

21 (K) Such other information as the Com-  
22 mission may require.

23 (3) REVIEW.—

24 (A) COMMISSION PUBLICATION AND PUB-  
25 LIC AVAILABILITY.—As soon as practicable

1 after the expiration of the 60-day period speci-  
2 fied in paragraph (1), but in any case not later  
3 than 30 days after the expiration of such 60-  
4 day period, the Commission shall publish on a  
5 publicly available Internet website of the Com-  
6 mission—

7 (i) a list of the petitions for duty sus-  
8 pensions and reductions submitted under  
9 paragraph (1)(A) that contain the informa-  
10 tion required under paragraph (2); and

11 (ii) the Commission disclosure forms  
12 with respect to such duty suspensions and  
13 reductions submitted under paragraph  
14 (1)(B).

15 (B) PUBLIC COMMENT.—

16 (i) IN GENERAL.—The Commission  
17 shall publish in the Federal Register and  
18 on a publicly available Internet website of  
19 the Commission a notice requesting mem-  
20 bers of the public to submit to the Com-  
21 mission during the 45-day period begin-  
22 ning on the date of publication described  
23 in subparagraph (A) comments on—

24 (I) the list of the petitions for  
25 duty suspensions and reductions pub-



1                   lished by the Commission under sub-  
2                   paragraph (A)(i); and

3                   (II) the Commission disclosure  
4                   forms with respect to such duty sus-  
5                   pensions and reductions published by  
6                   the Commission under subparagraph  
7                   (A)(ii).

8                   (ii) PUBLICATION OF COMMENTS.—  
9                   The Commission shall publish in the Fed-  
10                  eral Register and on a publicly available  
11                  Internet website of the Commission the  
12                  comments of the members of the public re-  
13                  ceived under clause (i).

14                  (C) PRELIMINARY REPORT.—

15                  (i) IN GENERAL.—As soon as prac-  
16                  ticable after the expiration of the 120-day  
17                  period beginning on the date of publication  
18                  described in subparagraph (A), but in any  
19                  case not later than 30 days after the expi-  
20                  ration of such 120-day period, the Com-  
21                  mission shall submit to the appropriate  
22                  congressional committees a preliminary re-  
23                  port on the petitions for duty suspensions  
24                  and reductions submitted under paragraph  
25                  (1)(A). The preliminary report shall con-

1           tain the following information with respect  
2           to each petition for a duty suspension or  
3           reduction:

4                   (I) The heading or subheading of  
5                   the Harmonized Tariff Schedule of  
6                   the United States in which each arti-  
7                   cle that is the subject of the petition  
8                   for the duty suspension or reduction  
9                   is classified, as identified by docu-  
10                  mentation supplied to the Commis-  
11                  sion, and any supporting information  
12                  obtained by the Commission.

13                  (II) A determination of whether  
14                  or not domestic production of the arti-  
15                  cle that is the subject of the petition  
16                  for the duty suspension or reduction  
17                  exists, taking into account the report  
18                  of the Secretary of Commerce under  
19                  subsection (c)(1), and, if such produc-  
20                  tion exists, whether or not a domestic  
21                  producer of the article objects to the  
22                  duty suspension or reduction.

23                  (III) Any technical changes to  
24                  the article description of the article  
25                  that is the subject of the petition for

1 the duty suspension or reduction that  
2 are necessary for purposes of adminis-  
3 tration when the article is presented  
4 for importation, taking into account  
5 the report of the Secretary of Com-  
6 merce under subsection (c)(2).

7 (IV) An estimate of the amount  
8 of loss in revenue to the United States  
9 that would no longer be collected if  
10 the duty suspension or reduction  
11 takes effect.

12 (V) A determination of whether  
13 or not the duty suspension or reduc-  
14 tion is available to any person that  
15 imports the article that is the subject  
16 of the duty suspension or reduction.

17 (VI) The likely beneficiaries of  
18 each duty suspension or reduction, in-  
19 cluding whether the petitioner is a  
20 likely beneficiary.

21 (ii) CATEGORIES OF INFORMATION.—

22 The preliminary report submitted under  
23 clause (i) shall also contain the following  
24 information:

1 (I) A list of petitions for duty  
2 suspensions and reductions that meet  
3 the requirements of this Act without  
4 modifications.

5 (II) A list of petitions for duty  
6 suspensions and reductions for which  
7 the Commission recommends technical  
8 corrections in order to meet the re-  
9 quirements of this Act, with the cor-  
10 rection specified.

11 (III) A list of petitions for duty  
12 suspensions and reductions for which  
13 the Commission recommends modi-  
14 fications to the amount of the duty  
15 suspension or reduction that is the  
16 subject of the petition to comply with  
17 the requirements of this Act, with the  
18 modification specified.

19 (IV) A list of petitions for duty  
20 suspensions and reductions for which  
21 the Commission recommends modi-  
22 fications to the scope of the articles  
23 that are the subject of such petitions  
24 to address objections by domestic pro-

1 ducers to such petitions, with the  
2 modifications specified.

3 (V) A list of the following:

4 (aa) Petitions for duty sus-  
5 pensions and reductions that the  
6 Commission has determined do  
7 not contain the information re-  
8 quired under paragraph (2).

9 (bb) Petitions for duty sus-  
10 pensions and reductions with re-  
11 spect to which the Commission  
12 has determined the petitioner is  
13 not a likely beneficiary.

14 (VI) A list of petitions for duty  
15 suspensions and reductions that the  
16 Commission does not recommend for  
17 inclusion in a miscellaneous tariff bill,  
18 other than petitions specified in sub-  
19 clause (V).

20 (D) ADDITIONAL INFORMATION.—The  
21 Commission shall consider any information sub-  
22 mitted by the appropriate congressional com-  
23 mittees to the Commission relating to moving a  
24 petition that is contained in the list referred to  
25 in subclause (VI) of subparagraph (C)(ii) of the

1 preliminary report submitted under subpara-  
2 graph (C) to a list referred to in subclause (I),  
3 (II), (III), or (IV) of subparagraph (C)(ii).

4 (E) FINAL REPORT.—Not later than 60  
5 days after the date on which the preliminary re-  
6 port is submitted under subparagraph (C), the  
7 Commission shall submit to the appropriate  
8 congressional committees a final report on each  
9 petition for a duty suspension or reduction  
10 specified in the preliminary report. The final re-  
11 port shall contain with respect to each such pe-  
12 tition—

13 (i) the information required under  
14 clauses (i) and (ii) of subparagraph (C)  
15 and updated as appropriate under sub-  
16 paragraph (D); and

17 (ii) a determination of the Commis-  
18 sion that—

19 (I) the duty suspension or reduc-  
20 tion can be administered by U.S. Cus-  
21 toms and Border Protection;

22 (II) the estimated loss in revenue  
23 to the United States from the duty  
24 suspension or reduction does not ex-  
25 ceed \$500,000 in a calendar year dur-

1           ing which the duty suspension or re-  
2           duction would be in effect, as deter-  
3           mined by the Congressional Budget  
4           Office; and

5                   (III) the duty suspension or re-  
6           duction is available to any person im-  
7           porting the article that is the subject  
8           of the duty suspension or reduction.

9           (F) EXCLUSIONS.—The appropriate con-  
10          gressional committees may exclude from a mis-  
11          cellaneous tariff bill any petition for a duty sus-  
12          pension or reduction that—

13                   (i) is contained in any list referred to  
14                   in subclause (I), (II), (III), or (IV) of sub-  
15                   paragraph (C)(ii), as updated as appro-  
16                   priate under subparagraph (E)(i);

17                   (ii) is the subject of an objection from  
18                   a Member of Congress; or

19                   (iii) is for an article for which there is  
20                   domestic production.

21          (G) PROHIBITIONS.—Any petitions for  
22          duty suspensions or reductions that are con-  
23          tained in any list referred to in subclause (V)  
24          or (VI) of subparagraph (C)(ii), as updated as  
25          appropriate under subparagraph (E)(i), or have

1 not otherwise undergone the processes required  
2 by this Act shall not be included in a miscella-  
3 neous tariff bill.

4 (4) CONFIDENTIAL BUSINESS INFORMATION.—

5 The procedures concerning the release of confiden-  
6 tial business information set forth in section 332(g)  
7 of the Tariff Act of 1930 (19 U.S.C. 1332(g)) shall  
8 apply with respect to information received by the  
9 Commission in preparing reports under this sub-  
10 section.

11 (5) PROCEDURES.—The Commission shall pre-  
12 scribe and publish in the Federal Register and on a  
13 publicly available Internet website of the Commis-  
14 sion procedures to be complied with by members of  
15 the public submitting petitions for duty suspensions  
16 and reductions under subsection (b)(1)(A).

17 (c) DEPARTMENT OF COMMERCE REPORT.—Not  
18 later than the end of the 90-day period beginning on the  
19 date of publication of the petitions for duty suspensions  
20 and reductions under subsection (b)(3)(A), the Secretary  
21 of Commerce, in consultation with U.S. Customs and Bor-  
22 der Protection and other relevant Federal agencies, shall  
23 submit to the Commission and the appropriate congres-  
24 sional committees a report on each petition for a duty sus-



1 pension or reduction submitted under subsection (b)(1)(A)  
2 that includes the following information:

3 (1) A determination of whether or not domestic  
4 production of the article that is the subject of the  
5 petition for the duty suspension or reduction exists  
6 and, if such production exists, whether or not a do-  
7 mestic producer of the article objects to the petition  
8 for the duty suspension or reduction.

9 (2) Any technical changes to the article descrip-  
10 tion that are necessary for purposes of administra-  
11 tion when articles are presented for importation.

12 **SEC. 4. REPORT ON EFFECTS OF DUTY SUSPENSIONS AND**  
13 **REDUCTIONS ON UNITED STATES ECONOMY.**

14 (a) **IN GENERAL.**—Not later than May 1, 2018, and  
15 May 1, 2020, the Commission shall submit to the appro-  
16 priate congressional committees a report on the effects on  
17 the United States economy of duty suspensions and reduc-  
18 tions enacted pursuant to this Act, including a broad as-  
19 sessment of the economic effects of such duty suspensions  
20 and reductions on producers, purchasers, and consumers  
21 in the United States, using case studies describing such  
22 effects on selected industries or by type of article as avail-  
23 able data permit.

24 (b) **RECOMMENDATIONS.**—The Commission shall also  
25 solicit and append to the report required under subsection

1 (a) recommendations with respect to those domestic indus-  
2 try sectors or specific domestic industries that might ben-  
3 efit from permanent duty suspensions and reductions, ei-  
4 ther through a unilateral action of the United States or  
5 through negotiations for reciprocal tariff agreements, with  
6 a particular focus on inequities created by tariff inver-  
7 sions.

8 (c) FORM OF REPORT.—Each report required by this  
9 section shall be submitted in unclassified form, but may  
10 include a classified annex.

11 **SEC. 5. PUBLICATION OF LIMITED TARIFF BENEFITS IN**  
12 **THE HOUSE OF REPRESENTATIVES AND THE**  
13 **SENATE.**

14 (a) HOUSE OF REPRESENTATIVES.—

15 (1) IN GENERAL.—The chair of the Committee  
16 on Ways and Means of the House of Representatives  
17 shall include a list of limited tariff benefits con-  
18 tained in a miscellaneous tariff bill in the report to  
19 accompany such a bill or, in a case where a miscella-  
20 neous tariff bill is not reported by the committee,  
21 shall cause such a list to be printed in the appro-  
22 priate section of the Congressional Record.

23 (2) LIMITED TARIFF BENEFIT DEFINED.—For  
24 purposes of this subsection and consistent with  
25 clause 9 of rule XXI of the Rules of the House of

1 Representatives, as in effect during the One Hun-  
2 dred Fourteenth Congress, the term “limited tariff  
3 benefit” means a provision modifying the Har-  
4 monized Tariff Schedule of the United States in a  
5 manner that benefits 10 or fewer entities.

6 (b) SENATE.—

7 (1) IN GENERAL.—The chairman of the Com-  
8 mittee on Finance of the Senate, the Majority Lead-  
9 er of the Senate, or the designee of the Majority  
10 Leader of the Senate, shall provide for the publica-  
11 tion in the Congressional Record of a certification  
12 that—

13 (A) each limited tariff benefit contained in  
14 a miscellaneous tariff bill considered in the Sen-  
15 ate has been identified through lists, charts, or  
16 other similar means; and

17 (B) the information identified in subpara-  
18 graph (A) has been available on a publicly ac-  
19 cessible congressional website in a searchable  
20 format at least 48 hours before the vote on the  
21 motion to proceed to the miscellaneous tariff  
22 bill or the vote on the adoption of a report of  
23 a committee of conference in connection with  
24 the miscellaneous tariff bill, as the case may be.

1           (2) SATISFACTION OF SENATE RULES.—Publi-  
2           cation of a certification in the Congressional Record  
3           under paragraph (1) satisfies the certification re-  
4           quirements of paragraphs 1(a), 2(a), and 3(a) of  
5           rule XLIV of the Standing Rules of the Senate.

6           (3) LIMITED TARIFF BENEFIT DEFINED.—For  
7           purposes of this subsection and consistent with rule  
8           XLIV of the Standing Rules of the Senate, as in ef-  
9           fect during the One Hundred Fourteenth Congress,  
10          the term “limited tariff benefit” means a provision  
11          modifying the Harmonized Tariff Schedule of the  
12          United States in a manner that benefits 10 or fewer  
13          entities.

14          (c) ENACTMENT AS EXERCISE OF RULEMAKING  
15          POWER OF HOUSE OF REPRESENTATIVES AND SEN-  
16          ATE.—This section is enacted by Congress—

17                 (1) as an exercise of the rulemaking power of  
18                 the House of Representatives and the Senate, re-  
19                 spectively, and as such are deemed a part of the  
20                 rules of each House, respectively, and such proce-  
21                 dures supersede other rules only to the extent that  
22                 they are inconsistent with such other rules; and

23                 (2) with full recognition of the constitutional  
24                 right of either House to change the rules (so far as  
25                 relating to the procedure of that House) at any time,

1 in the same manner, and to the same extent as in  
2 the case of any other rule of that House.

3 **SEC. 6. JUDICIAL REVIEW PRECLUDED.**

4 The exercise of functions under this Act shall not be  
5 subject to judicial review.

6 **SEC. 7. DEFINITIONS.**

7 In this Act:

8 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
9 **TEES.**—The term “appropriate congressional com-  
10 mittees” means the Committee on Ways and Means  
11 of the House of Representatives and the Committee  
12 on Finance of the Senate.

13 (2) **COMMISSION.**—The term “Commission”  
14 means the United States International Trade Com-  
15 mission.

16 (3) **COMMISSION DISCLOSURE FORM.**—The  
17 term “Commission disclosure form” means, with re-  
18 spect to a petition for a duty suspension or reduc-  
19 tion, a document submitted by a petitioner to the  
20 Commission that contains the following:

21 (A) The contact information for any known  
22 importers of the article to which the proposed  
23 duty suspension or reduction would apply.

24 (B) A certification by the petitioner that  
25 the proposed duty suspension or reduction is

1 available to any person importing the article to  
2 which the proposed duty suspension or reduc-  
3 tion would apply.

4 (C) A certification that the petitioner is a  
5 likely beneficiary of the proposed duty suspen-  
6 sion or reduction.

7 (4) DOMESTIC PRODUCER.—The term “domes-  
8 tic producer” means a person that demonstrates  
9 production, or imminent production, in the United  
10 States of an article that is identical to, or like or di-  
11 rectly competitive with, an article to which a petition  
12 for a duty suspension or reduction would apply.

13 (5) DOMESTIC PRODUCTION.—The term “do-  
14 mestic production” means the production of an arti-  
15 cle that is identical to, or like or directly competitive  
16 with, an article to which a petition for a duty sus-  
17 pension or reduction would apply, for which a do-  
18 mestic producer has demonstrated production, or im-  
19 minent production, in the United States.

20 (6) DUTY SUSPENSION OR REDUCTION.—The  
21 term “duty suspension or reduction” refers to an  
22 amendment to subchapter II of chapter 99 of the  
23 Harmonized Tariff Schedule of the United States  
24 for a period not to exceed 3 years that—

1 (A) extends an existing temporary duty  
2 suspension or reduction on an article under  
3 that subchapter; or

4 (B) provides for a new temporary duty  
5 suspension or reduction on an article under  
6 that subchapter.

7 (7) LIKELY BENEFICIARY.—The term “likely  
8 beneficiary” means an individual or entity likely to  
9 utilize, or benefit directly from the utilization of, an  
10 article that is the subject of a petition for a duty  
11 suspension or reduction.

12 (8) MEMBER OF CONGRESS.—The term “Mem-  
13 ber of Congress” means a Senator or Representative  
14 in, or Delegate or Resident Commissioner to, Con-  
15 gress.

16 (9) MISCELLANEOUS TARIFF BILL.—The term  
17 “miscellaneous tariff bill” means a bill of either  
18 House of Congress that contains only duty suspen-  
19 sions and reductions and related technical correc-  
20 tions that—

21 (A) are included in the final report of the  
22 Commission submitted to the appropriate con-  
23 gressional committees under section 3(b)(3)(E),  
24 except for—

1 (i) petitions for duty suspensions or  
2 reductions that the Commission has deter-  
3 mined do not contain the information re-  
4 quired under section 3(b)(2);

5 (ii) petitions for duty suspensions and  
6 reductions with respect to which the Com-  
7 mission has determined the petitioner is  
8 not a likely beneficiary; and

9 (iii) petitions for duty suspensions and  
10 reductions that the Commission does not  
11 recommend for inclusion in the miscella-  
12 neous tariff bill;

13 (B) are not excluded under section  
14 3(b)(3)(F); and

15 (C) otherwise meet the applicable require-  
16 ments of this Act.

○