



INTERNATIONAL TRADE COMMISSION

[Investigation Nos. TA-131-046 and TPA-105-007]

***U.S.-Kenya Trade Agreement: Advice on the Probable Economic Effect of Providing Duty-free Treatment for Currently Dutiable Imports*** Institution of Investigation and Scheduling of Hearing

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice of investigation and scheduling of a public hearing.

**SUMMARY:** Following receipt on March 17, 2020, of a request from the United States Trade Representative (USTR), the Commission instituted Investigation Nos. TA-131-046 and TPA-105-007, *U.S.-Kenya Trade Agreement: Advice on the Probable Economic Effect of Providing Duty-free Treatment for Currently Dutiable Imports*

**DATES:**

June 10, 2020: Deadline for filing requests to appear at the public hearing.

June 12, 2020: Deadline for filing prehearing briefs and statements.

July 7, 2020: Public hearing.

July 14, 2020: Deadline for filing post-hearing briefs and submissions.

July 14, 2020: Deadline for filing all other written statements.

September 16, 2020: Transmittal of Commission report to the USTR.

Because COVID-19 mitigation measures are in effect, the Commission will hold the public hearing using Go To Meeting. For further information on the hearing, see the section below on “public hearing” and also the Commission's ongoing investigations website ([https://usitc.gov/research\\_and\\_analysis/what\\_we\\_are\\_working\\_on.htm](https://usitc.gov/research_and_analysis/what_we_are_working_on.htm)), before July 7, 2020 for details about the hearing format.

**ADDRESSES:** All Commission offices are located in the United States International Trade Commission Building, 500 E Street SW, Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Caroline Peters, Project Leader, (202-708-1433 or [caroline.peters@usitc.gov](mailto:caroline.peters@usitc.gov)), or Erika Bethmann, Deputy Project Leader (202-205-3001 or [erika.bethmann@usitc.gov](mailto:erika.bethmann@usitc.gov)), for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202-205-3091 or [william.gearhart@usitc.gov](mailto:william.gearhart@usitc.gov)). The media should contact Margaret O'Laughlin, Office of External Relations (202-205-1819 or [margaret.olaughlin@usitc.gov](mailto:margaret.olaughlin@usitc.gov)). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202-205-1810. General information concerning the Commission may also be obtained by accessing its website (<http://www.usitc.gov>). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

**BACKGROUND:** In his letter of March 17, 2020, the USTR requested that the Commission provide certain advice under section 131 of the Trade Act of 1974 (19 U.S.C. 2151) and an assessment under section 105(a)(2)(B)(i)(III) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4204(a)(2)(B)(i)(III)) with respect to the effects of providing duty-free treatment for imports of products from Kenya.

More specifically, the USTR, under authority delegated by the President and pursuant to section 131 of the Trade Act of 1974, requested that the Commission provide a report containing its advice as to the probable economic effect of providing duty-free treatment for imports of currently dutiable products

from Kenya on (i) industries in the United States producing like or directly competitive products, and (ii) consumers. The USTR asked that the Commission's analysis consider each article in chapters 1 through 97 of the *Harmonized Tariff Schedule of the United States* (HTS) for which U.S. tariffs will remain, taking into account implementation of U.S. commitments in the World Trade Organization. The USTR asked that the advice be based on the HTS in effect during 2020 and trade data for 2019.

In addition, the USTR requested that the Commission prepare an assessment, as described in section 105(a)(2)(B)(i)(III) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, of the probable economic effects of eliminating tariffs on imports from Kenya of those agricultural products described in the list attached to the USTR's request letter on (i) industries in the United States producing the products concerned, and (ii) the U.S. economy as a whole. The USTR's request letter and list of agricultural products are posted on the Commission's website at <http://www.usitc.gov>.

The Commission will provide its report to the USTR by September 16, 2020, or as soon as possible. The USTR indicated that those sections of the Commission's report that relate to the advice and assessment of probable economic effects will be classified. The USTR also indicated that he considers the Commission's report to be an interagency memorandum that will contain pre-decisional advice and be subject to the deliberative process privilege.

**PUBLIC HEARING:** A public hearing in connection with this investigation will be held beginning at 9:30 a.m. on July 7, 2020, using Go To Meeting. Information about the hearing, will be posted on the Commission's website at ([https://usitc.gov/research\\_and\\_analysis/what\\_we\\_are\\_working\\_on.htm](https://usitc.gov/research_and_analysis/what_we_are_working_on.htm)).

Once on that webpage, scroll down to the entry for Investigation No. 131-046, *U.S.-Kenya Trade Agreement: Advice on the Probable Economic Effect of Providing Duty-free Treatment for Currently Dutiable Imports*, and click on the link to "hearing instructions." Requests to appear at the public hearing should be filed with the Secretary no later than 5:15 p.m., June 10, 2020, in accordance with the requirements in the "Written Submissions" section below. All prehearing briefs and statements should

be filed not later than 5:15 p.m., June 12, 2020, and all post-hearing briefs and statements should be filed not later than 5:15 p.m., July 14, 2020. All requests to appear, and pre- and post-hearing briefs and statements should be filed in accordance with the requirements of the “written submissions” section below.

**WRITTEN SUBMISSIONS:** In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., July 14, 2020. All written submissions must conform to the provisions of section 201.8 of the Commission’s Rules of Practice and Procedure (19 CFR 201.8), as temporarily amended by 85 FR 15798 (March 19, 2020). Under that rule waiver, the Office of the Secretary will accept only electronic filings at this time. Filings must be made through the Commission’s Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202-205-1802) or consult the Commission’s Handbook on Filing Procedures.

**CONFIDENTIAL BUSINESS INFORMATION.** Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the Commission’s Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the “confidential” or “nonconfidential” version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission may include some or all of the confidential business information submitted in the course of this investigation in the report it sends to the USTR. Additionally, all information, including

confidential business information, submitted in this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel (a) for cybersecurity purposes or (b) in monitoring user activity on U.S. government classified networks. The Commission will not otherwise disclose any confidential business information in a way that would reveal the operations of the firm supplying the information.

**SUMMARIES OF WRITTEN SUBMISSIONS:** Persons wishing to have a summary of their position included in the report should include a summary with their written submission and should mark the summary as having been provided for that purpose. The summary should be clearly marked as “summary for inclusion in the report” at the top of the page. The summary may not exceed 500 words, should be in MS Word format or a format that can be easily converted to MS Word, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will list the name of the organization furnishing the summary and will include a link to the Commission’s Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: May 26, 2020.

Lisa Barton,  
Secretary to the Commission.