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**Naomi Sipple,**

*Reports Clearance Officer, Social Security Administration.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Notice of Product Exclusions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of product exclusions.

**SUMMARY:** In September of 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately \$200 billion as part of the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. The U.S. Trade Representative initiated a product exclusion process in June 2019, and interested persons have submitted requests for the exclusion of specific products. This notice announces the U.S. Trade Representative's determination to grant certain exclusion requests, as specified in the Annex to this notice, and corrects technical errors in previously announced exclusions.

**DATES:** The product exclusions announced in this notice will apply as of September 24, 2018, the effective date of the \$200 billion action, to August 7, 2020. The amendments announced in this notice are retroactive to the date the original exclusions were published.

**FOR FURTHER INFORMATION CONTACT:** For general questions about this notice, contact Assistant General Counsels Philip Butler or Megan Grimball, or Director of Industrial Goods Justin Hoffmann at (202) 395-5725. For specific questions on customs classification or implementation of the product exclusions identified in the Annex to this notice, contact [traderemedycbpdhs.gov](mailto:traderemedycbpdhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

For background on the proceedings in this investigation, please see the prior notices issued in the investigation, including 82 FR 40213 (August 23, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7,

2018), 83 FR 47974 (September 21, 2018), 83 FR 49153 (September 28, 2018), 83 FR 65198 (December 19, 2018), 84 FR 7966 (March 5, 2019), 84 FR 20459 (May 9, 2019), 84 FR 29576 (June 24, 2019), 84 FRN 38717 (August 7, 2019), 84 FR 46212 (September 3, 2019), 84 FR 49591 (September 20, 2019), 84 FR 57803 (October 28, 2019), 84 FR 61674 (November 13, 2019), 84 FR 65882 (November 29, 2019), 84 FR 69012 (December 17, 2019), and 85 FR 549 (January 6, 2020).

Effective September 24, 2018, the U.S. Trade Representative imposed additional 10 percent duties on goods of China classified in 5,757 full and partial subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of \$200 billion. *See* 83 FR 47974, as modified by 83 FR 49153. In May 2019, the U.S. Trade Representative increased the additional duty to 25 percent. *See* 84 FR 20459. On June 24, 2019, the U.S. Trade Representative established a process by which U.S. stakeholders may request exclusion of particular products classified within an 8-digit HTSUS subheading covered by the \$200 billion action from the additional duties. *See* 84 FR 29576 (the June 24 notice).

Under the June 24 notice, requests for exclusion had to identify the product subject to the request in terms of the physical characteristics that distinguish the product from other products within the relevant 8-digit subheading covered by the \$200 billion action. Requestors also had to provide the 10-digit subheading of the HTSUS most applicable to the particular product requested for exclusion, and could submit information on the ability of U.S. Customs and Border Protection to administer the requested exclusion. Requestors were asked to provide the quantity and value of the Chinese-origin product that the requestor purchased in the last three years. With regard to the rationale for the requested exclusion, requestors had to address the following factors:

- Whether the particular product is available only from China and specifically whether the particular product and/or a comparable product is available from sources in the United States and/or third countries.
- Whether the imposition of additional duties on the particular product would cause severe economic harm to the requestor or other U.S. interests.
- Whether the particular product is strategically important or related to "Made in China 2025" or other Chinese industrial programs.

The June 24 notice stated that the U.S. Trade Representative would take into account whether an exclusion would undermine the objective of the Section 301 investigation.

The June 24 notice required submission of requests for exclusion from the \$200 billion action no later than September 30, 2019, and noted that the U.S. Trade Representative would periodically announce decisions. In August 2019, the U.S. Trade Representative granted an initial set of exclusion requests. *See* 84 FR 38717. The U.S. Trade Representative granted additional exclusions in September 2019, October 2019, November 2019, December 2019, and January 2020. *See* 84 FR 49591, 84 FR 57803, 84 FR 61674, 84 FR 65882, 84 FR 69012, 85 FR 549. The Office of the United States Trade Representative (USTR) regularly updates the status of each pending request on the USTR Exclusions Portal at <https://exclusions.ustr.gov/s/docket?docketNumber=USTR-2019-0005>.

##### B. Determination To Grant Certain Exclusions

Based on the evaluation of the factors set forth in the June 24 notice, which are summarized above, pursuant to sections 301(b), 301(c), and 307(a) of the Trade Act of 1974, as amended, and in accordance with the advice of the interagency Section 301 Committee, the U.S. Trade Representative has determined to grant the product exclusions set forth in the Annex to this notice. The U.S. Trade Representative's determination also takes into account advice from advisory committees and any public comments on the pertinent exclusion requests.

As set forth in the Annex, the exclusions are reflected in 2 10-digit HTSUS subheadings, which cover 52 requests, and 117 specially prepared product descriptions, which cover 156 separate exclusion requests.

In accordance with the June 24 notice, the exclusions are available for any product that meets the description in the Annex, regardless of whether the importer filed an exclusion request. Further, the scope of each exclusion is governed by the scope of the product descriptions in the Annex, and not by the product descriptions found in any particular request for exclusion.

Subparagraphs A(3-7) of the Annex contain conforming amendments to the HTSUS reflecting the modifications made by the Annex. Paragraph B of the Annex contains amendments reflecting technical corrections to the specially prepared product descriptions in certain notes to the HTSUS, specifically U.S.

note 20(l)(26), published at 84 FR 57803 (October 29, 2019), and U.S. note 20(nn)(20), published at 84 FR 61674 (November 13, 2019).

As stated in the September 20, 2019 notice, the exclusions will apply from

September 24, 2018, to August 7, 2020. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

The U.S. Trade Representative will continue to issue determinations on pending requests on a periodic basis.

**Joseph Barloon,**

*General Counsel, Office of the U.S. Trade Representative.*

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ANNEX

- A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on September 24, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:
1. by inserting the following new heading 9903.88.38 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.88.38	Articles the product of China, as provided for in U.S. note 20(qq) to this subchapter, each covered by an exclusion granted by the U.S. Trade Representative . . . . .	The duty provided in the applicable subheading”		

2. by inserting the following new U.S. note 20(qq) to subchapter III of chapter 99 in numerical sequence:

“(qq) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.03 and provided for in U.S. notes 20(e) and (f) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.03, and by which particular products classified in heading 9903.88.04 and provided for in U.S. note 20(g) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.04. See 83 Fed. Reg. 47974 (September 21, 2018) and 84 Fed. Reg. 29576 (June 24, 2019). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that the additional duties provided for in heading 9903.88.03 or in heading 9903.88.04 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:

- 1) 8425.31.0100
- 2) 8708.93.7500
- 3) Alaskan sole (yellowfin, rock or flathead), frozen in blocks, in cases with net weight of more than 4.5 kg (described in statistical reporting number 0304.83.5015)

- 4) Sole fillets, individually frozen, each fillet weighing more than 50 g but less than 150 g (described in statistical reporting number 0304.83.5015)
- 5) Alaskan plaice, frozen in blocks, in cases each with net weight of more than 4.5 kg (described in statistical reporting number 0304.83.5020)
- 6) Individually frozen fillets of flounder, including Arrowtooth Flounder (*Atheresthes stomias*) and Kamchatka Flounder (*Atheresthes evermanni*), each weighing 80 g or more but not exceeding 200 g (described in statistical reporting number 0304.83.5020)
- 7) Slipper lobster meat (*Ibicus ciliatus*), frozen, raw, whether whole or in pieces, put up for sale in bags each with a net weight of not more than 2.27 kg (described in statistical reporting number 0306.19.0061)
- 8) King crab meat, frozen in blocks each weighing at least 1 kg but not more than 1.2 kg, in airtight containers (described in statistical reporting number 1605.10.2010)
- 9) Snow crab meat (*C. opilio*), frozen in blocks, in airtight containers each with net weight of not more than 1.2 kg (described in statistical reporting number 1605.10.2022)
- 10) Dungeness crab meat, frozen in blocks, in airtight containers with net weight of not more than 1.2 kg (described in statistical reporting number 1605.10.2030)
- 11) Crab meat (other than King crab, Snow crab, Dungeness or swimming crabs), frozen in blocks, in airtight containers with net weight of not more than 1.5 kg (described in statistical reporting number 1605.10.2090)
- 12) Synthetic silica gel, in granules measuring 0.25 to 0.6 mm in diameter, put up in retail packaging, of a kind used for drying and preserving flowers (described in statistical reporting number 2811.22.1000)
- 13) Nitrous oxide (dinitrogen monoxide) (CAS No. 10024-97-2), pressurized to 250 bars in cylindrical, zinc-coated, steel cartridges, each measuring not more than 18.1 mm in diameter and not more than 65.6 mm in length, containing not more than 8.3 g of nitrous oxide (described in statistical reporting number 2811.29.5000)
- 14) Fertilizer, derived from soybeans, powdered, put up in bags each with net weight of 23 kg, of which 14 percent by weight is nitrogen (N) and containing no phosphorus (P) or potassium (K) (described in statistical reporting number 3101.00.0000)
- 15) Laundry detergent powder, put up for retail sale, whether as powder or as water-soluble, pre-measured pods (described in statistical reporting number 3402.20.1100)
- 16) Herbicide consisting of 1,1'-dimethyl-4,4'-bipyridinium dichloride (CAS No. 1910-42-5) (Paraquat concentrate in liquid form) up to 45 percent concentration with application adjuvants (described in statistical reporting number 3808.93.1500)

- 17) Supported nickel-based catalysts, of a kind used for methanation, desulfurization, hydrogenation, pre-reforming or reforming of organic chemicals or for protection of hydrotreating catalysts from arsine poisoning (described in statistical reporting number 3815.11.0000)
- 18) Supported catalysts for high-temperature shift reactions for ammonia, hydrogen, and methanol, with carbon monoxide or carbon dioxide as the active ingredients (described in statistical reporting number 3815.19.0000)
- 19) Supported catalysts for polymerization (described in statistical reporting number 3815.19.0000)
- 20) Supported catalysts of cuprous oxide and zinc oxide as the active ingredients for arsine removal (described in statistical reporting number 3815.19.0000)
- 21) Supported catalysts with alumina as the active substance for chlorine removal (described in statistical reporting number 3815.19.0000)
- 22) Supported catalysts with copper carbonate or zinc carbonate as the active ingredients for low temperature desulfurization (described in statistical reporting number 3815.19.0000)
- 23) Supported catalysts with metal sulfide as the active substance for mercury removal (described in statistical reporting number 3815.19.0000)
- 24) Supported catalysts with molybdenum compounds as the active substance for hydrogenation (described in statistical reporting number 3815.19.0000)
- 25) Supported catalysts with zinc oxide absorbent as the active substance (described in statistical reporting number 3815.19.0000)
- 26) Floor coverings of polymers of vinyl chloride, with a rigid core of wood powder composite, with planks glued together, each measuring not less than 115 cm but not more than 130 cm in length (described in statistical reporting number 3918.10.1000)
- 27) Bags of plastic certified by the Biodegradable Products Institute as being compostable, each measuring 43 cm or more but not more than 107 cm in width and 45 cm or more but not more than 122 cm in length, of sheet or film measuring 0.02 mm or more but not more than 0.056 mm in thickness (described in statistical reporting number 3923.29.0000)
- 28) New pneumatic tires of rubber of a kind used on bicycles, each having a carbon steel wire-reinforced bead and weighing not more than 2.27 kg each (described in statistical reporting number 4011.50.0000)
- 29) Seamless disposable gloves of acrylonitrile butadiene rubber, other than for surgical or medical use (described in statistical reporting number 4015.19.1010)
- 30) Seamless disposable gloves of natural rubber latex, other than for surgical or medical use (described in statistical reporting number 4015.19.1010)
- 31) Bags of woven nylon with leather trim, each having a metal slide fastener and a locking mechanism on one end of the bag to prevent the slide fastener from opening, measuring 11 cm or more but not more than 20 cm in length, 5 cm or

- more but not more than 9 cm in width, and 7 cm or more but not more than 12 cm in height (described in statistical reporting number 4202.22.8100)
- 32) Zippered containers with outer surface of polyester fabric, each measuring not over 170 mm by 95 mm by 30 mm, with clear touch-sensitive polyvinyl chloride front window, such containers mounted on armband (described in statistical reporting number 4202.92.9100)
- 33) Poles, finials, tiebacks and similar drapery hardware of wood (described in statistical reporting number 4421.99.9780)
- 34) Paper and paperboard printed labels, personalized, not lithographic, on matte self-adhesive stock, with foil embellishments, each measuring 2 cm or more but not more than 6 cm in diameter, on sheets measuring not more than 21 cm in width and not more than 29 cm in length, packaged in a sealed direct mail package (described in statistical reporting number 4821.10.4000)
- 35) Drinking straws of paper, each measuring 12.5 cm or more but not more than 26.5 cm in length and 5 mm or more but not more than 10 mm in diameter (described in statistical reporting number 4823.90.8600)
- 36) Dyed sateen fabric containing artificial staple fibers, measuring 292.1 cm in width (described in statistical reporting number 5516.92.0060)
- 37) Rugs of 100 percent polyester or polypropylene, with brass grommets and stainless steel springs, each measuring at least 44 cm by 45 cm but not exceeding 56 cm by 59 cm (described in statistical reporting number 5705.00.2030)
- 38) Fabrics of 100 percent polyester, silicone coated, of a kind suitable for upholstery, weighing more than 90 g/m<sup>2</sup>, meeting ASTM International standard G21, American Association of Textile Chemists and Colorists (AATCC) standards 147-2004 and 30 and Chemical Fabric & Film Association (CFFA) standard 141 method II (described in statistical reporting number 5903.90.2000)
- 39) Cullet of clear soda-lime glass to be used for the production of continuous filament mats (described in statistical reporting number 7001.00.5000)
- 40) Glass shells fitted for incorporation into glass insulators for use in the transmission of electricity (described in statistical reporting number 7006.00.4050)
- 41) Rear-view mirrors of convex glass for motor vehicles, each measuring not less than 1.75 mm and not more than 2.4 mm in thickness, not less than 125 mm and not more than 210 mm in length, not less than 97 mm and not more than 180 mm in width, weighing not less than 74 g and not more than 188 g (described in statistical reporting number 7009.10.0000)
- 42) Rear-view mirrors of flat glass for motor vehicles, each measuring not less than 1.75 mm but not more than 2.4 mm in thickness, not less than 163 mm but not more than 210 mm in length, not less than 107 mm but not more than 167 mm in width and weighing not less than 80 g but not more than 188 g (described in statistical reporting number 7009.10.0000)

- 43) Non-woven fiberglass and polyester composite panels, each panel measuring not less than 120 cm by 242 cm, and not less than 2 mm but not more than 10 mm in thickness (described in statistical reporting number 7019.39.1090)
- 44) Bent bolts, tube nuts, of cold-heading quality carbon steel, measuring 18.75 mm in length and 19.50 mm in outside diameter (described in statistical reporting number 7318.15.2046)
- 45) Furnace manifold and orifice holder assemblies of steel, with an internal thread and welded flat plate with screw holes, measuring not less than 15 cm in length, not less than 8 cm in width, and not less than 10 cm in height (described in statistical reporting number 7321.90.6060)
- 46) Cable hooks of steel, each weighing not less than 0.2 kg, measuring not less than 9 cm in length, not less than 5 cm in width and not less than 1 cm in height with spring loaded closure gate (described in statistical reporting number 7326.90.8688)
- 47) Registers, grills and diffusers of steel, of the type used for duct openings of heating and ventilating systems (described in statistical reporting number 7326.90.8688)
- 48) Awning stabilizer kits, each comprising two zinc-plated steel constructed spiral stakes with two rolls of cord or two pull-tension straps, weighing not more than 2 kg (described in statistical reporting number 7326.90.8688)
- 49) Toilet paper holders of brass with chrome or nickel finish (described in statistical reporting number 7418.20.1000)
- 50) Hole saw cups, tungsten carbide tipped or bi-metal, measuring not less than 18.5 mm but not more than 166 mm in diameter (described in statistical reporting number 8202.99.0000)
- 51) Sockets of zinc-plated alloy steel to fit 19 mm hex, each with quick-connect shaft, weighing not more than 250 g (described in statistical reporting number 8204.20.0000)
- 52) Stamping dies of A2 or D2 tool steel, each measuring not less than 60 cm by 60 cm by 32 cm and not more than 370 cm by 155 cm by 125 cm, weighing not less than 1,360 kg or more but not more than 5,450 kg, of a kind suitable for stamping steel or aluminum (described in statistical reporting number 8207.30.6032)
- 53) Ladder hooks and supports of polyethylene coated steel suitable for carrying waste tanks of recreational vehicles, each weighing not more than 2 kg (described in statistical reporting number 8302.30.3060)
- 54) Push bars of aluminum for screen doors of recreational vehicles, each adjustable in length from not less than 500 mm to not more than 825 mm, weighing not more than 600 g (described in statistical reporting number 8302.30.3060)
- 55) Awning roller bar hanging mountings of polyvinyl chloride for recreational vehicles, each with S-hook hangers having a capacity of not more than 7 kg,

- weighing not more than 200 g (described in statistical reporting number 8302.41.9080)
- 56) Hand pumps for liquids (other than those of subheading 8413.11 or 8413.19) of acrylonitrile butadiene styrene (ABS) plastics (described in statistical reporting number 8413.20.0000)
- 57) Hand-operated pumps, weighing 350 g each, designed to inflate or deflate sports balls (described in statistical reporting number 8414.20.0000)
- 58) Sewing machines, not of the household type, not specially designed to join footwear soles to uppers; each such machine weighing 45 kg or more but not over 140 kg, suitable for sewing leather (described in statistical reporting number 8452.29.9000)
- 59) Bath and shower faucets of copper, each consisting of a valve in which the temperature of the water exiting the faucet is controlled by an adjustable thermostat set to the user's desire, having a pressure rating under 850 kPa (described in statistical reporting number 8481.80.1020)
- 60) Bath and shower faucets of copper, each consisting of a valve to control flow of water, with one inlet port and one outlet port, having a pressure rating under 850 kPa (described in statistical reporting number 8481.80.1020)
- 61) Bath and shower faucets of copper, each consisting of a valve to direct flow of water, with one inlet port and two outlet port, having a pressure rating under 850 kPa (described in statistical reporting number 8481.80.1020)
- 62) Hand-operated shower faucets of copper, having a pressure rating under 850 kPa (described in statistical reporting number 8481.80.1020)
- 63) Water pressure balance valves of brass, each with 1.91 cm inlet and 1.27 cm outlets (described in statistical reporting number 8481.80.1020)
- 64) Water pressure balance valves of copper, each with 1.27 cm inlets and 1.27 cm outlets (described in statistical reporting number 8481.80.1020)
- 65) Water pressure balance valves of copper, each with 1.91 cm inlets and 1.91 cm outlets (described in statistical reporting number 8481.80.1020)
- 66) Faucets of copper having a pressure rating under 850 kPa, for sink and lavatories, each to be deck-mounted through one hole (described in statistical reporting number 8481.80.1030)
- 67) Faucets of copper having a pressure rating under 850 kPa, for sinks and lavatories, each to be deck-mounted through three holes of which the distance between the centers of the outermost holes is 20.3 cm (described in statistical reporting number 8481.80.1030)
- 68) Faucets of brass having a pressure rating under 850 kPa, for sinks and lavatories, each to be wall-mounted through two holes of which the distance between the centers of the holes is 20.3 cm (described in statistical reporting number 8481.80.1030)
- 69) Supply stops of brass, each with 1.91 cm inlet and 1.91 cm outlet (described in statistical reporting number 8481.80.1040)



- 70) Hand-operated valves of plastics, each comprising a bottle lid, drinking spout and flavor dispensing valve (described in statistical reporting number 8481.80.5090)
- 71) Hand-operated valves of acrylonitrile butadiene styrene (ABS) plastic, each a hand operated, quarter-turn ball valve, threaded at one end to receive male end of U.S. garden hose (described in statistical reporting number 8481.80.5090)
- 72) Pressure regulating valves of brass, adjustable, each threaded to fit U.S. garden hose, having a maximum input pressure setting of 1.1 MPa, weighing no more than 750 g (described in statistical reporting number 8481.80.9015)
- 73) AC fan motors, single phase, of an output not exceeding 500 W, with motor and shaft measuring not more than 40 cm in length, specially designed for the heat pump of a recreational vehicle (described in statistical reporting number 8501.40.4040)
- 74) Solar-powered battery chargers, each consisting of an ABS plastic housing, a solar panel charger and a 6 V or 12 V sealed lead acid battery (described in statistical reporting number 8504.40.9550)
- 75) Printed circuit board assemblies of a kind used in motor vehicle lighting systems (described in statistical reporting number 8512.90.6000)
- 76) Game calling devices, imported with or without remote control devices, used in hunting to simulate the sound of animals to attract game (described in statistical reporting number 8519.81.3020)
- 77) Printed circuit boards, each with a base wholly of plastics impregnated glass, not flexible, with 4 layers of copper (described in statistical reporting number 8534.00.0020)
- 78) Printed circuit boards, each with a base wholly of plastics impregnated glass, not flexible, with 2 layers of copper (described in statistical reporting number 8534.00.0040)
- 79) Floor-mounted receptacles conforming to types 1-15R, 5-15R or 5-20R of the National Electrical Manufacturers Association (NEMA) (described in statistical reporting number 8536.69.8000)
- 80) Locking adapter plugs, each with National Electrical Manufacturers Association (NEMA) type 5-15P plug and NEMA type SS2-50R receptacle, NEMA type 5-15P plug and NEMA type L5-30R receptacle, NEMA type TT-30P plug and NEMA type SS2-50R receptacle or NEMA type TT-30P plug and NEMA type L5-30R receptacle, for connecting to standard 15 A and 30 A residential outlets and power pedestals (described in statistical reporting number 8536.69.8000)
- 81) Male electrical plugs of polycarbonate plastics with brass terminals, each conforming to types TT-30P or 14-50P of the National Electrical Manufacturers Association (NEMA), with a handle in the shape of a loop (described in statistical reporting number 8536.69.8000)
- 82) Extension cords of copper wire with polyvinyl chloride (PVC) sheaths, for a voltage not exceeding 1,000 V, each measuring at least 9 m but not longer

- than 16 m in length, with National Electrical Manufacturers Association (NEMA) type 5-15P plug on one end and NEMA type 5-15R receptacle on the other (described in statistical reporting number 8544.42.9010)
- 83) Extension cords of copper wire with polyvinyl chloride (PVC) sheaths, for a voltage not exceeding 1,000 V, each measuring at least 4 m but not longer than 16 m in length, with National Electrical Manufacturers Association (NEMA) type TT-30P plug on one end and NEMA type TT-30R receptacle on the other or NEMA type 14-50P plug on one end and NEMA type 14-50R receptacle on the other, with handles on each end in the shape of loops (described in statistical reporting number 8544.42.9090)
- 84) Cup holder assemblies, designed to be incorporated in the vehicles of headings 8701 to 8705 (described in statistical reporting number 8708.29.5060)
- 85) Devices for mounting phones on motor vehicle interiors without a Universal Serial Bus (USB) charging port (described in statistical reporting number 8708.29.5060)
- 86) Hitches receivers of steel, not suitable for towing applications, each receiver to be clamped onto the rear bumper of a recreational vehicle, such bumpers being square in section and measuring not more than 102 mm on a side (described in statistical reporting number 8708.99.8180)
- 87) Tank holders of steel, designed to be mounted to the external rear bumper of a recreational vehicle, to safely secure portable holding tanks while the vehicle is in motion (described in statistical reporting number 8708.99.8180)
- 88) Bicycles, not motorized, each having both wheels exceeding 63.5 cm in diameter, fixed gearing and a coaster brake (described in statistical reporting number 8712.00.3500)
- 89) Bicycles, not motorized, having both wheels exceeding 63.5 cm in diameter, each having no more than three speeds and a coaster brake (described in statistical reporting number 8712.00.3500)
- 90) Wheeled trailers suitable for towing behind an adult bicycle, each comprising a frame of aluminum with a hitch mechanism, weighing not more than 17.5 kg, with a capacity of not more than 46 kg, with those trailers designated for carrying children meeting ASTM International standard F1975 (described in statistical reporting number 8716.40.0000)
- 91) Kayaks of high-density polyethylene, not inflatable (described in statistical reporting number 8903.99.0500)
- 92) Electrical levels, each with four indicator lights that change from red to green when the surface on which the device rests is horizontal (described in statistical reporting number 9015.30.4000)
- 93) Digital electronic balances of 5 cg or better sensitivity, battery powered, with outer housings of plastic, furnished with bowls or stainless steel platforms (described in statistical reporting number 9016.00.2000)

- 94) Hand-held card counters, each consisting of a plastic case containing a circuit board, rechargeable battery and controls, weighing less than 1 kg (described in statistical reporting number 9029.10.8000)
- 95) Upholstered seats with wooden frames other than chairs, not of cane, osier, bamboo or similar materials, each measuring at least 144 cm but no more than 214 cm in width, at least 81 cm but no more than 89 cm in height and at least 81 cm but not more than 163 cm in depth (described in statistical reporting number 9401.61.6011)
- 96) Covers or shell liners of textile material, cut and sewn to shape, for the seats of heading 9401 (described in statistical reporting number 9401.90.5021)
- 97) Parts of seats (other than of seats of a kind used for motor vehicles or of bent-wood seats), consisting of fabric material cut to shape, including liner parts, partially sewn, with zippered cushions, weld cords or piping (described in statistical reporting number 9401.90.5021)
- 98) Parts of seats (other than of seats of a kind used for motor vehicles or of bent-wood seats), consisting of leather cut to shape, including liner parts, partially sewn, with zippered cushions, weld cords or piping (described in statistical reporting number 9401.90.5081)
- 99) Household furniture of metal and high-pressure laminated bamboo (other than ironing boards, furniture for infants or children or bed frames) (described in statistical reporting number 9403.20.0050)
- 100) Lockers, of steel (described in statistical reporting number 9403.20.0050)
- 101) Display racks of powder coated steel, whether or not on casters, whether or not with LED lighting, each measuring at least 60 cm but not more than 125 cm in length, at least 60 cm but not more than 125 cm in width and at least 130 cm but not more than 225 cm in height, with slanted shelves with a lip at the front edge of each that measures 3 cm or more in height (described in statistical reporting number 9403.20.0080 prior to July 1, 2019; described in statistical reporting number 9403.20.0081 effective July 1, 2019)
- 102) Display tables of steel, each measuring not less than 92 cm but not more than 254 cm in width, not less than 46 cm but not more than 221 cm in depth, and not less than 66 cm but not more than 120 cm in height, with a steel lip around the entire top perimeter edge measuring not more than 3 cm in height, with plastic risers (described in statistical reporting number 9403.20.0080 prior to July 1, 2019; described in statistical reporting number 9403.20.0081 effective July 1, 2019)
- 103) Household furniture of high-pressure laminated bamboo, other than babies' or children's furniture (described in statistical reporting number 9403.82.0015)
- 104) Bassinets, composed of polyester fabric with frames of steel tubing and partial solid wood rails, each measuring 86 cm by 51 cm by 86 cm, weighing 12 kg, with adjustable height legs on wheels (described in statistical reporting number 9403.89.6003)

- 105) Parts of lockers, of steel (described in statistical reporting number 9403.90.8041)
- 106) Ceiling luminaires of aluminum, with light-emitting diodes (LEDs), measuring at least 26 cm but not exceeding 39 cm in diameter, operating at 120 V or more but not exceeding 277 V, other than for household use (described in statistical reporting number 9405.10.6020)
- 107) Troffers of aluminum incorporating light-emitting diodes (LEDs), measuring no more than 61 cm by 122 cm, other than for household use (described in statistical reporting number 9405.10.6020)
- 108) Troffers of aluminum incorporating light-emitting diodes (LEDs), measuring no more than 61 cm by 61 cm, with selectable correlated color temperature, other than for household use (described in statistical reporting number 9405.10.6020)
- 109) Electric household floor-standing lamps, of base metal other than brass, each measuring not more than 2 m in height (described in statistical reporting number 9405.20.6010)
- 110) Electric household table or desk lamps, of base metal other than brass, each measuring not more than 92 cm in height (described in statistical reporting number 9405.20.6010)
- 111) Electric household floor-standing lamps, of crystal, each measuring more than 36 cm but not more than 200 cm in height (described in statistical reporting number 9405.20.8010)
- 112) Electric household table or desk lamps, of ceramics, each measuring not more than 92 cm in height (described in statistical reporting number 9405.20.8010)
- 113) Electric household table or desk lamps, of concrete, each measuring not more than 92 cm in height (described in statistical reporting number 9405.20.8010)
- 114) Electric household table or desk lamps, of crystal, each measuring not more than 92 cm in height (described in statistical reporting number 9405.20.8010)
- 115) Electric household table or desk lamps, of glass, each measuring not more than 92 cm in height (described in statistical reporting number 9405.20.8010)
- 116) Electric household table or desk lamps, of marble, each measuring not more than 92 cm in height (described in statistical reporting number 9405.20.8010)
- 117) Electric household table or desk lamps, of polyester resin or plastics, each measuring not more than 92 cm in height (described in statistical reporting number 9405.20.8010)
- 118) Outdoor lighting sets, each containing 6 or 10 polycarbonate bulb sockets (described in statistical reporting number 9405.40.8410)
- 119) Flexible strips, each having embedded light-emitting diodes electrically connected to a molded electrical end connector, each strip wound onto a reel measuring not more than 25 cm in diameter and not more than 1.5 cm in width (described in statistical reporting number 9405.40.8440)”

3. by amending the last sentence of the first paragraph of U.S. note 20(e) to subchapter III of chapter 99:
  - a. by deleting the word “or” where it appears after the phrase “U.S. note 20(oo) to subchapter III of chapter 99;” and
  - b. by inserting the phrase “; or (8) heading 9903.88.38 and U.S. note 20(qq) to subchapter III of chapter 99” after the phrase “U.S. note 20(pp) to subchapter III of chapter 99”.
  
4. by amending U.S. note 20(f) to subchapter III of chapter 99;
  - a. by deleting the word “or” where it appears after the phrase “U.S. note 20(oo) to subchapter III of chapter 99;” and
  - b. by inserting the phrase “; or (8) heading 9903.88.38 and U.S. note 20(qq) to subchapter III of chapter 99” after the phrase “U.S. note 20(pp) to subchapter III of chapter 99”.
  
5. by amending the first sentence of U.S. note 20(g) to subchapter III of chapter 99:
  - a. by deleting “or” where it appears after “U.S. note 20(oo) to subchapter III of chapter 99;” and
  - b. by inserting “; or (5) heading 9903.88.38 and U.S. note 20(qq) to subchapter III of chapter 99” after “U.S. note 20(pp) to subchapter III of chapter 99”.
  
6. by amending the Article Description of heading 9903.88.03:
  - a. by deleting “9903.88.36 or” and inserting “9903.88.36,” in lieu thereof; and
  - b. by inserting “or 9903.88.38,” after “9903.88.37,”.
  
7. By amending the Article Description of heading 9903.88.04:
  - a. by deleting “9903.88.36 or” and inserting “9903.88.36,” in lieu thereof; and
  - b. by inserting “or 9903.88.38,” after “9903.88.37,”.

B. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on September 24, 2018:

- a. U.S. note 20(II)(26) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by deleting “\$100 or more but not exceeding \$120” and inserting “\$70 or more but not exceeding \$300” in lieu thereof.
- b. U.S. note 20(nn)(20) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by deleting “550” and inserting “681” in lieu thereof.

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**OFFICE OF THE UNITED STATES  
TRADE REPRESENTATIVE**

[Docket Number USTR-2020-0002]

**Request for Comments Concerning the  
Extension of Particular Exclusions  
Granted Under the April 2019 Product  
Exclusion Notice From the \$34 Billion  
Action Pursuant to Section 301:  
China’s Acts, Policies, and Practices  
Related to Technology Transfer,  
Intellectual Property, and Innovation**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice and request for comments.

**SUMMARY:** Effective July 6, 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately \$34 billion as part of the action in the Section 301 investigation of China’s acts, policies, and practices related to technology transfer, intellectual property, and innovation. The U.S. Trade Representative initiated the exclusion process in July 2018 and has granted multiple sets of exclusions. The third set of exclusions was granted in April 2019, and is scheduled to expire on April 18, 2020. The U.S. Trade Representative has decided to consider a possible extension for up to 12 months of particular exclusions granted in April 2019. The Office of the U.S. Trade Representative (USTR) invites public comment on whether to extend particular exclusions.

**DATES:**

*February 16, 2020 at 12:01 a.m. ET:* The docket—USTR-2020-0002—will open for submitting comments on the possible extension of particular exclusions.

*March 16, 2020 at 11:59 p.m. ET:* To be assured of consideration, submit written comments by March 16, 2020.

**ADDRESSES:** Submit public comments through the Federal eRulemaking Portal: <https://www.regulations.gov>. The docket number is USTR-2020-0002. USTR strongly encourages all commenters to use Form A in submitting comments. If applicable, Form B (which requests Business Confidential Information (BCI)), along with a copy of the corresponding Form A, must be submitted via email at [301bcisubmissions@ustr.eop.gov](mailto:301bcisubmissions@ustr.eop.gov). See the submission instructions below.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, contact USTR Assistant General Counsels Philip Butler or Benjamin Allen at (202) 395-5725.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

For background on the proceedings in this investigation, please see the prior notices issued in the investigation, including 82 FR 40213 (August 23, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 40823 (August 16, 2018), 83 FR 47974 (September 21, 2018), 83 FR 65198 (December 19, 2018), 84 FR 7966 (March 5, 2019), 84 FR 20459 (May 9, 2019), 84 FR 43304 (August 20, 2019), 84 FR 45821 (August 30, 2019), 84 FR 69447 (December 18, 2019), and 85 FR 3741 (January 22, 2020).

Effective July 6, 2018, the U.S. Trade Representative imposed additional 25 percent duties on goods of China classified in 818 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of \$34 billion. See 83 FR 28710. The U.S. Trade Representative’s determination included a decision to establish a process by which U.S. stakeholders can request exclusion of particular products

classified within an 8-digit HTSUS subheading covered by the \$34 billion action from the additional duties. The U.S. Trade Representative issued a notice setting out the process for the product exclusions, and opened a public docket. See 83 FR 32181 (the July 11 notice).

The July 11 notice required submission of requests for exclusion from the \$34 billion action no later than October 9, 2018, and noted that the U.S. Trade Representative periodically would announce decisions. The U.S. Trade Representative has granted multiple sets of exclusions. The third set of exclusions was granted in April 2019, and is scheduled to expire on April 18, 2020. See 84 FR 16310 (April 2019 notice).

**B. Possible Extensions of Particular Product Exclusions**

The U.S. Trade Representative has decided to consider a possible extension for up to 12 months of particular exclusions granted in the April 2019 notice. Accordingly, USTR invites public comments on whether to extend particular exclusions granted in the April 2019 notice. At this time, USTR is not considering comments concerning possible extensions of exclusions granted under any other product exclusion notice.

USTR will evaluate the possible extension of each exclusion on a case-by-case basis. The focus of the evaluation will be whether, despite the first imposition of these additional duties in July 2018, the particular product remains available only from China. In addressing this factor, commenters should address specifically:

- Whether the particular product and/or a comparable product is available from sources in the United States and/or in third countries.
- Any changes in the global supply chain since July 2018 with respect to the