

**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE**

[Docket Number USTR–2020–0029]

**Request for Comments Concerning the
Extension of Particular Exclusions
Granted Under the \$300 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: On August 20, 2019, at the direction of the President, the U.S. Trade Representative determined to modify the action being taken in the Section 301 investigation of China’s acts, policies, and practices related to technology transfer, intellectual property, and innovation by imposing additional duties of 10 percent *ad valorem* on goods of China with an annual trade value of approximately \$300 billion. The additional duties on products in List 1, which is set out in Annex A of that action, became effective on September 1, 2019. The U.S. Trade Representative initiated a product exclusion process in October 2019, and as of the date of this notice, has issued six product exclusion notices under this action and anticipates issuing a seventh notice in the coming days. The product exclusions granted under these notices are scheduled to expire on September 1, 2020. The U.S. Trade Representative previously decided to consider a possible extension for up to twelve months of particular exclusions granted under the initial five product exclusion notices. The U.S. Trade Representative has decided to consider a possible extension for up to twelve months of particular exclusions granted under the sixth notice and a forthcoming seventh notice of product exclusions.

DATES: July 15, 2020: The public docket on the web portal at <https://comments.USTR.gov> will open for parties to submit comments on the possible extension of particular exclusions.

August 14, 2020 at 11:59 p.m. ET: To be assured of consideration, submit written comments on the public docket by this deadline.

ADDRESSES: You must submit all comments through the online portal: <https://comments.USTR.gov>.

FOR FURTHER INFORMATION CONTACT: Associate General Counsel Philip Butler or Assistant General Counsel Benjamin Allen at (202) 395–5725.

SUPPLEMENTARY INFORMATION:

A. Background

For background on the proceedings in this investigation, please see prior notices including 82 FR 40213 (August 24, 2017), 83 FR 14906 (April 6, 2018), 84 FR 22564 (May 17, 2019), 84 FR 43304 (August 20, 2019), 84 FR 45821 (August 30, 2019), 84 FR 57144 (October 24, 2019), 84 FR 69447 (December 18, 2019), 85 FR 3741 (January 22, 2020), 85 FR 13970 (March 10, 2020), 85 FR 15244 (March 17, 2020), 85 FR 17936 (March 31, 2020), 85 FR 28693 (May 13, 2020), 85 FR 32099 (May 28, 2020), 85 FR 35975 (June 12, 2020), 85 FR 38482 (June 26, 2020), and 85 FR 41658 (July 10, 2020).

In a notice published on August 20, 2019, the U.S. Trade Representative, at the direction of the President, announced a determination to modify the action being taken in the Section 301 investigation by imposing an additional 10 percent *ad valorem* duty on products of China with an annual aggregate trade value of approximately \$300 billion. 84 FR 43304 (August 20, 2019) (August 20 notice). The August 20 notice contains two separate lists of tariff subheadings, with two different effective dates. List 1, which is set out in Annex A of the August 20 notice, was effective on September 1, 2019. List 2, which is set out in Annex C of the August 20 notice, was scheduled to take effect on December 15, 2019. Subsequently, the U.S. Trade Representative announced determinations suspending until further notice the additional duties on products set out in Annex C (List 2) and reducing the additional duties for the products covered in Annex A of the August 20 notice (List 1) to 7.5 percent. *See* 84 FR 57144, 85 FR 3741.

On October 24, 2019, the U.S. Trade Representative established a process by which U.S. stakeholders could request exclusion of particular products classified within an eight-digit Harmonized Tariff Schedule of the United States (HTSUS) subheading covered by List 1 of the \$300 billion action from the additional duties. *See* 84 FR 57144 (October 24 notice). The October 24 notice required submission of requests for exclusion from the \$300 billion action no later than January 31, 2020, and noted that the U.S. Trade Representative periodically would announce decisions. As of the date of this notice, the U.S. Trade Representative has issued six notices of product exclusions under this action and anticipates issuing a seventh notice in the coming days. These exclusions

are scheduled to expire on September 1, 2020.

B. Possible Extensions of Particular Product Exclusions

As noted, the U.S. Trade Representative previously decided to consider a possible extension for up to 12 months of particular exclusions granted under the initial 5 product exclusion notices under the \$300 billion action. *See* 85 FR 38482 (June 26, 2020). This notice announces the U.S. Trade Representative’s decision to consider a possible extension for up to twelve months of particular exclusions granted under the sixth notice and a forthcoming seventh notice of product exclusions. Accordingly, USTR invites public comments on whether to extend the particular exclusions issued under 85 FR 41658 (July 10, 2020) and those product exclusions issued under the subsequent notice of product exclusions to be published in the **Federal Register** in the coming days. Public comments regarding the extension of particular exclusions under the first five notices of product exclusions issued under the \$300 billion action must be filed under a separate docket (USTR–2020–0027). *See* 85 FR 38482 (June 26, 2020).

The Office of the United States Trade Representative 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 September 2019, 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 September 2019 with respect to the particular product or any other relevant industry developments.
- The efforts, if any, the importers or U.S. purchasers have undertaken since September 2019 to source the product from the United States or third countries.

In addition, USTR will continue to consider whether the imposition of additional duties on the products covered by the exclusion will result in severe economic harm to the commenter or other U.S. interests.

C. Procedures To Comment on the Extension of Particular Exclusions

To submit a comment regarding the extension of a particular exclusion granted under the above referenced product exclusion notices under the \$300 billion action, commenters first

must register on the portal at <https://comments.USTR.gov>. As noted above, the public docket will be open from July 15, 2020, to August 14, 2020. After registration, the commenter may submit an exclusion extension comment form to the public docket.

Fields on the comment form marked with an asterisk (*) are required fields. Fields with a gray (BCI) notation are for business confidential information and will not be publicly available. Fields with a green (Public) notation will be publicly available. Additionally, commenters will be able to upload documents and indicate whether the documents are BCI or public. Commenters will be able to review the public version of their comments before they are posted.

In order to facilitate the preparation of comments prior to the July 15 opening of the public docket, a facsimile of the exclusion extension comment form to be used on the portal is annexed to this notice. Please note that the color-coding of public fields and BCI fields is not visible on the attached facsimile, but will be apparent on the actual comment form used on the portal.

Set out below is a summary of the information to be entered on the exclusion extension comment form.

- Contact information, including the full legal name of the organization making the comment, whether the commenter is a third party (e.g., law firm, trade association, or customs broker) submitting on behalf of an organization or industry, and the name of the third party organization, if applicable.
- The number for the exclusion on which you are commenting as provided

in the Annex of the **Federal Register** notice granting the exclusion and the description. For descriptions, amended or corrected by a later issued notice of product exclusions, parties should use the amended or corrected description.

- Whether the product or products covered by the exclusion are subject to an antidumping or countervailing duty order issued by the U.S. Department of Commerce.

- Whether you support or oppose extending the exclusion and an explanation of your rationale.

Commenters must provide a public version of their rationale, even if the commenter also intends to submit a more detailed business confidential rationale.

- Whether the products covered by the exclusion or comparable products are available from sources in the U.S. or third countries. Please include information concerning any changes in the global supply chain since September 2019 with respect to the particular product.

- The efforts you have undertaken since September 2019 to source the product from the United States or third countries.

- The value and quantity of the Chinese-origin product covered by the specific exclusion request purchased in 2018 and 2019. Whether these purchases are from a related company, and if so, the name of and relationship to the related company.

- Whether Chinese suppliers have lowered their prices for products covered by the exclusion following the imposition of duties.

- The value and quantity of the product covered by the exclusion

purchased from domestic and third country sources in 2018 and 2019.

- If applicable, the commenter's gross revenue for 2018 and 2019.

- Whether the Chinese-origin product of concern is sold as a final product or as an input.

- Whether the imposition of duties on the products covered by the exclusion will result in severe economic harm to the commenter or other U.S. interests.

- Any additional information or data in support of or in opposition to extending the exclusion that you consider relevant.

D. Submission Instructions

To be assured of consideration, you must submit your comment between the opening of the public docket on July 15, 2020 and the August 14, 2020 submission deadline. If you seek to comment on two or more exclusions, you must submit a separate comment for each exclusion.

By submitting a comment, the commenter certifies that the information provided is complete and correct to the best of their knowledge.

E. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 and its implementing regulations, the Office of Management and Budget assigned control number 0350-0015, which expires January 31, 2023.

Joseph Barloon,

General Counsel, Office of the United States Trade Representative.

BILLING CODE 3290-FO-P

ANNEX

OMB Control Number: 0350-0015

Expiration Date: January 31, 2023

Exclusion Extension Comment Form

1. Submitter Information

Full Organization Legal Name (Public)

Commenter First Name (BCI)

Commenter Last Name (BCI)

Commenter Phone Number (BCI)

Commenter Mailing Address (BCI)

Contact Email Address (BCI)

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Are you a third party, such as a law firm, trade association, or customs broker, submitting on behalf of an organization or industry? (Public)

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Note: If you are submitting on behalf of an organization/industry, the information below is required.

Third Party Firm/Association Name (Public)

Third Party First Name (BCI)

Third Party Last Name (BCI)

Third Party Phone Number (BCI)

Third Party Mailing Address (BCI)

Third Party Email Address (BCI)

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2. a) From the Annex of the Federal Register Notice granting the exclusion, please provide the number and product description for the exclusion you are commenting on. For descriptions subsequently amended or corrected by a later notice, parties should use the amended or corrected description. Click the magnifying glass in the box below to search for and select the number and product description applicable to your comment. You may search by the HTS code or key words in the exclusion. (Public)

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b) Is this product subject to an antidumping or countervailing duty order issued by the U.S. Department of Commerce? (Public)

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3. Do you support extending the exclusion (yes or no)? Please explain your rationale. (You must provide a public version of your rationale.) (Public)

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4. Please explain whether the products covered by the exclusion, or comparable products, are available from sources in the United States? (Please include information concerning any changes in the global supply chain since September 2019 with respect to the particular product or any other relevant industry developments.) (Public)

5. Please explain whether the products covered by the exclusion, or a comparable products, are available from sources in third countries? (Please include information concerning any changes in the global supply chain since September 2019 with respect to the particular product.) (Public)

6. a) Please provide the value in USD and quantity (with units) of the Chinese-origin product covered by the specific exclusion that you purchased in 2018 and 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable. (BCI)

| | | | |
|-------------|----------------------|----------------|----------------------|
| 2018 Value: | <input type="text"/> | 2018 Quantity: | <input type="text"/> |
| 2019 Value: | <input type="text"/> | 2019 Quantity: | <input type="text"/> |

Are the provided figures estimates? (BCI)

Are any of these purchases from a related company? (BCI)

Please list the name and relationship of the related company. (BCI)

Name: Relationship:

b.) Please discuss whether Chinese suppliers have lowered their prices for products covered by the exclusion following imposition of the duties. (BCI)

7. Please provide the value in USD and quantity (with units) of the product covered by the specific exclusion that you purchased from any third-country source in 2018 and 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable. (BCI)

| | | | |
|-------------|----------------------|-----------------|----------------------|
| 2018 Value: | <input type="text"/> | 2018 Quantity: | <input type="text"/> |
| 2019 Value: | <input type="text"/> | 2019: Quantity: | <input type="text"/> |

Are the provided figures estimates? (BCI)

8. Please provide the value in USD and quantity (with units) of the product covered by the specific exclusion that you purchased from domestic sources in 2018 and 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable. (BCI)

2018 Value:

2018 Quantity:

2019 Value:

2019 Quantity:

Are the provided figures estimates? (BCI)

9. Please discuss any efforts you have undertaken since September 2019 to source this product from United States or third countries. (BCI)

10. Please provide information regarding your company's gross revenue in USD for 2018 and 2019. (BCI)

2018 Gross Revenue:

2019 Gross Revenue:

Are the provided gross revenue figures estimates? (BCI)

11. Is the Chinese-origin product of concern sold as a final product or as an input used in the production of a final product or products? (BCI)

12. Please comment on whether the imposition of additional duties on the product(s) covered by the exclusion you are seeking an extension for, will result in severe economic harm to your company or other U.S. interests. (BCI)

13. Please provide any additional information in support of your comment, taking account of the instructions provided in Section B of the Federal Register notice. (BCI)

14. You may upload additional attachments in support of your comment. Please specify whether the attachment is Public or contains Business Confidential Information. (Submitter Determines Public or BCI)

[FR Doc. 2020-15533 Filed 7-16-20; 8:45 am]

BILLING CODE 3290-F0-C

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2020-0095]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LEI (Sailing Catamaran); Invitation for Public Comments

AGENCY: Maritime Administration, DOT. ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before August 17, 2020.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2020-0095 by any one of the following methods:

• Federal eRulemaking Portal: Go to http://www.regulations.gov. Search MARAD-2020-0095 and follow the instructions for submitting comments.

• Mail or Hand Delivery: Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2020-0095, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of

Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email Bianca.carr@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel LEI is:

- Intended Commercial Use of Vessel: "Near coastal passenger Charter "
-Geographic Region Including Base of Operations: "California" (Base of Operations: Marina Del Rey, CA)
-Vessel Length and Type: 42' catamaran

The complete application is available for review identified in the DOT docket as MARAD-2020-0095 at http://www.regulations.gov. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled ADDRESSES. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at http://www.regulations.gov, keyword search MARAD-2020-0095 or visit the Docket Management Facility (see ADDRESSES for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal

identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR-225, W24-220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

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Dated: July 14, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr., Secretary, Maritime Administration.

[FR Doc. 2020-15501 Filed 7-16-20; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2020-0096]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel VISION (Sailing Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT. ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is