attachments to the submission in the same file as the submission itself, and not as separate files.

When you complete the submission procedure at Regulations.gov, you will receive a tracking number confirming successful transmission into Regulations.gov. For further information on using the www.regulations.gov website, please consult the resources provided on the website by clicking on ‘How to Use Regulations.gov’ on the bottom of the home page. USTR is not able to provide technical assistance for Regulations.gov.

IV. Business Confidential (BCI) Submissions

A commenter requesting that USTR treat information contained in a submission as BCI must certify that the information is business confidential and they would not customarily release it to the public. You must clearly designate BCI by marking the submission “BUSINESS CONFIDENTIAL” at the top and bottom of the cover page and on each succeeding page, and indicating, via brackets, the specific information that is BCI. Additionally, you must include ‘business confidential’ in the ‘type comment’ field and add the designation BCI to the end of the file name for any attachments. For any submission containing BCI, you must separately submit a non-confidential version, i.e., not as part of the same submission with the BCI version, indicating where confidential information has been redacted. USTR will post the non-confidential version in the docket for public inspection.

V. Public Viewing of Review Submissions

USTR will post comments in the docket for public inspection, except business confidential information. You can view comments at Regulations.gov by entering docket number USTR–2020–0032 in the search field on the home page. General information concerning USTR is available at www.ustr.gov.

Edward Gresser,
Chair of the Trade Policy Staff Committee,
Office of the United States Trade Representative.

OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE

Notice of Product Exclusion
Amendment: China’s Acts, Policies,
and Practices Related to Technology
Transfer, Intellectual Property, and
Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: Effective August 23, 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately $16 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’s determination included a decision to establish a product exclusion process. The U.S. Trade Representative initiated the exclusion process in September 2018, and stakeholders have submitted requests for the exclusion of specific products. In July, September, and October 2019, and February and July 2020, the U.S. Trade Representative granted exclusion requests. This notice announces the U.S. Trade Representative’s determination to make an amendment to a previously granted exclusion.

DATES: The amendment is retroactive to the date the original exclusion was published and does not extend the period for the original exclusion. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

FURTHER INFORMATION CONTACT: For general questions about this notice, contact Associate General Counsel Philip Butler 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 traderemedy@cbp.dhs.gov.

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), 83 FR 28710 (June 20, 2018), 83 FR 33606 (July 17, 2018), 83 FR 38760 (August 7, 2018), 83 FR 40823 (August 16, 2018), 83 FR 47236 (September 18, 2018), 83 FR 47974 (September 21, 2018), 83 FR 52553 (October 2, 2018), 84 FR 29576 (June 24, 2019), 84 FR 37381 (July 31, 2019), 84 FR 49660 (September 20, 2019), 84 FR 52553 (October 2, 2019), 84 FR 69011 (December 17, 2019), 85 FR 10808 (February 25, 2020), 85 FR 28691 (May 13, 2020), and 85 FR 43291 (July 16, 2020).

Effective August 23, 2018, the U.S. Trade Representative imposed additional 25 percent duties on goods of China classified in 279 eight-digit subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of $16 billion. See 83 FR 40823. The U.S. Trade Representative’s determination included a decision to establish a process by which U.S. stakeholders could request exclusion of particular products classified within an eight-digit HTSUS subheading covered by the $16 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 47236 (September 18 notice).

Under the September 18 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 eight-digit subheading covered by the $16 billion action. Requestors also had to provide the ten-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, requests 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 September 18 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 September 18 notice required submission of requests for exclusion from the $16 billion action no later than December 18, 2018, and noted that the U.S. Trade Representative periodically would announce decisions. In July 2019, the U.S. Trade Representative granted an initial set of exclusion requests. See 84 FR 37381. The U.S. Trade Representative granted additional exclusions in September and October 2019, and February and July 2020. See 84 FR 49600; 84 FR 52553; 85 FR 10808; 85 FR 43291.

B. Technical Amendment to Exclusion

Subparagraph A of the Annex makes one technical amendment to U.S. note 20(o)(63) to subchapter III of chapter 99 of the HTSUS, as set out in the Annexes of the notices published at 84 FR 37381 (July 31, 2019).

The U.S. Trade Representative will continue to issue determinations on a periodic basis as needed.

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 August 23, 2018:

Joseph Barloon,
General Counsel, Office of the United States Trade Representative.

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BILLING CODE 3290-F0-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE


AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

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’s determination included a decision to establish a product exclusion process by which U.S. stakeholders could request exclusion of particular products classified within an eight-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 (July 11 notice).

Under the July 11 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 eight-digit subheading covered by the $34 billion action. Requestors also had to provide the ten-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 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 July 11 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 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 would announce decisions. In December 2018, the U.S. Trade Representative granted an initial set of exclusion requests. See 83 FR 67463. The U.S. Trade Representative announced additional exclusion determinations in March, April, May, June, July, September, October, and December 2019, and February, May, June, and July 2020. See 84 FR 11152; 84 FR 16310; 84 FR 21389; 84 FR 25895; 84 FR 32821; 84 FR 49564; 84 FR 52567; 84 FR 69016; 84 FR 73360; 84 FR 75502; 84 FR 95659; 84 FR 11388; 84 FR 14893; 84 FR 33618; 84 FR 35054; 84 FR 39787; 84 FR 49564; 84 FR 52567; 84 FR 69016;