

USTR Section 301 Tariff Exemption Process

1 st final tariff list	Due October 9, 2018	Docket ID #: USTR-2018-0025
2 nd final tariff list	Due December 18, 2018	Docket ID #: USTR-2018-0032

How to Request a Product Exclusion

1. Although, not required, USTR encourages the use of its exclusion request form ([USTR Section 301 Exclusion Request Form](#)).
 - Each product must be submitted separately. (A company cannot submit a form for multiple products.)
 - If a company chooses not to use the form, the following information is required:

- Identification of the particular product in terms of the physical characteristics that distinguish it from other products within the covered 8-digit subheading.
- The 10-digit subheading of the HTSUS applicable to the particular product requested for exclusion.
- Whether the particular product is available only from China. In addressing this factor, requesters should address specifically whether the particular product and/or a comparable product is available from sources in the United States and/or in other countries.
- Whether the imposition of additional duties on the particular product would cause severe economic harm to the requester or other U.S. interests.
- Whether the particular product is strategically important or related to [“Made in China 2025”](#) or other Chinese industrial programs.
- Requesters must provide annual quantity and value of the Chinese-origin product that the requester purchased in each of the last 3 years. For imports sold as final products, requesters must provide the percentage of the total cost of producing the final product(s) the Chinese-origin input accounts for and the percentage of their total gross sales in 2017 that sales of the final product(s) accounted for.
- Requesters also may submit information on the ability of U.S. Customs and Border Protection to administer the exclusion.

2. All requests must be made by the deadline via www.regulations.gov under the document ID number (see above). Once on the notice page, click “comment now!” and upload the request as an attachment.
 - In the “comment” field, write “see attached.”
 - ***The file name for requests must include the 10-digit subheading of the HTSUS applicable to the particular product, the name of the person or entity submitting the request, and whether it is a business confidential or public version.***

For example: 1234567890 Jones BC or 1234567890 Jones P. As mentioned above, there is only one product allowed per request.

3. Once a request for exclusion is submitted and posted to the docket:
 - The public will have 14 days to respond to the requests—to indicate support or opposition.
 - To respond to a request for exclusion, find the request in the “primary documents” section of the docket and click on the “comment now!” link next to the specific exclusion.
 - The public will then have an additional 7 days after the close of the initial 14 day response period, to reply to the response. The process to reply is the same as responding to a request for exclusion.
 - File names for the responses should include the document ID number of the request, the name of the person or entity submitting the response and whether it is a business confidential or public version. *For example, USTR-2019-0032-0005 Jones BC.*

Retroactivity

Any exclusion will be effective starting from the effective date of the additional duties and extending for one year after the publication of the exclusion determination in the federal register. If an exclusion is granted, it will apply retroactively to the effective starting date. For instance, for the second list, any exclusion will be effective starting from August 23, 2018 and will apply retroactively to that August 23 date. USTR will announce decisions periodically on pending requests.

Additional Resources

[USTR Section 301 Exclusion Request Form](#)

[USTR's Section 301 Exclusion Request Process Guidelines](#)

[USTR First Final Product List](#)

[USTR Second Final Product List](#)

[USTR 2018 HTS Code Database](#)

[USTR Third Final Product List](#) (*Exemption Process Forms and Timeline has not been publicized, but HIDA anticipates it to be the same as list #1 and #2*)

To contact the USTR on this matter, e-mail traderemedymail@cbp.dhs.gov.

