

1st Batch of Exclusions issued on Dec 28

8412.21.0075 HTS SPECIFIC
8418.69.0120 HTS SPECIFIC
8480.71.8045 HTS SPECIFIC
8482.10.5044 HTS SPECIFIC
8482.10.5048 HTS SPECIFIC
8482.10.5052 HTS SPECIFIC
8526.60.1010 HTS SPECIFIC
8407.21.0080 PRODUCT DRIVEN
8412.21.0030 PRODUCT DRIVEN
8419.90.2000 PRODUCT DRIVEN
8420.10.9080 PRODUCT DRIVEN
8421.19.0000 PRODUCT DRIVEN
8421.21.0000 PRODUCT DRIVEN
8425.39.0100 PRODUCT DRIVEN
8428.32.0000 PRODUCT DRIVEN
8428.33.0000 PRODUCT DRIVEN
8439.99.1000 PRODUCT DRIVEN
8466.92.5010 PRODUCT DRIVEN
8481.90.9040 PRODUCT DRIVEN
9022.14.0000 PRODUCT DRIVEN
9032.10.0030 PRODUCT DRIVEN

2nd Batch of Exclusions issued on March 25th

8412.21.0045 HTS SPECIFIC
8430.31.0040 HTS SPECIFIC
8607.21.1000 HTS SPECIFIC
8413.70.2004 PRODUCT DRIVEN
8413.81.0040 PRODUCT DRIVEN
8413.91.9095 PRODUCT DRIVEN
8413.91.9080 PRODUCT DRIVEN
8414.90.4165 PRODUCT DRIVEN
8421.19.0000 PRODUCT DRIVEN
8421.21.0000 PRODUCT DRIVEN
8421.22.0000 PRODUCT DRIVEN
8421.99.0040 PRODUCT DRIVEN
8428.32.0000 PRODUCT DRIVEN
8431.49.9095 PRODUCT DRIVEN
8439.91.9000 PRODUCT DRIVEN
8471.70.6000 PRODUCT DRIVEN
8479.10.0060 PRODUCT DRIVEN
8481.30.9000 PRODUCT DRIVEN
8501.10.4020 PRODUCT DRIVEN
8501.31.5000 PRODUCT DRIVEN
8504.32.0000 PRODUCT DRIVEN
8515.11.0000 PRODUCT DRIVEN
8538.90.6000 PRODUCT DRIVEN
8539.90.0000 PRODUCT DRIVEN
9013.80.7000 PRODUCT DRIVEN
9014.80.2000 PRODUCT DRIVEN
9018.90.7580 PRODUCT DRIVEN
9027.90.5650 PRODUCT DRIVEN
9031.80.8085 PRODUCT DRIVEN

ANNEX

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on July 6, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of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 9903.88.05 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
"9903.88.05	Articles the product of China, as provided for in U.S. note 20(h) 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(h) to subchapter III of chapter 99 in numerical sequence:

"(h) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.01 and provided for in U.S. notes 20(a) and 20(b) could be excluded from the additional duties imposed by heading 9903.88.01. See 83 Fed. Reg. 28710 (June 20, 2018) and 83 Fed. Reg. 32181 (July 11, 2018). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that the additional duties provided for in heading 9903.88.01 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:

- (i) 8412.21.0075
- (ii) 8418.69.0120
- (iii) 8480.71.8045
- (iv) 8482.10.5044
- (v) 8482.10.5048
- (vi) 8482.10.5052
- (vii) 8525.60.1010
- (viii) Spark-ignition engines for marine propulsion, outboard, each rated at not less than 29.83 kW but not more than 44.74 kW (described in statistical reporting number 8407.21.0080)

- (ix) Welded hydraulic linear acting (cylinders) engines and motors, each with piston bore of 12.7 mm or more but not over 34.6 mm, with stroke not over 11.43 m, overall length not over 15.24 m and rod diameter not over 1.219 m (described in statistical reporting number 8412.21.0030)
- (x) Stretchers of stainless steel, designed to move rollers to adjust tension of paper fabric to be dried, each with a pivoting arm with an actuator, linear rail movement with an actuator, and front and back units with mounting holes for tube roll bearing housings (described in statistical reporting number 8419.90.2000)
- (xi) Roller machines with dies for embossing paper, manually powered (described in statistical reporting number 8420.10.9080)
- (xii) Salad spinners of plastics, with capacity of at least 2.4 liters but not more than 3.8 liters (described in statistical reporting number 8421.19.0000)
- (xiii) Nonelectric water filtration apparatus consisting of three cylinder-shaped filter cartridges, each measuring 6.35 cm by 26.67 cm, having water storage tank and plastic tubing measuring 0.63 cm or more but not over 0.95 cm, presented with installation kit (described in statistical reporting number 8421.21.0000)
- (xiv) Winches, each having a winch frame with a corrosion resistant coating and stainless steel mandrel with nylon bushings, operated manually by a worm gear mechanism (described in statistical reporting number 8425.39.0100)
- (xv) Elevators, comprising L-shaped steel buckets bolted to a steel chain, with guide rollers and a drive system (described in statistical reporting number 8428.32.0000)
- (xvi) Belt conveyors, each comprising a frame with leveling feet, electric motor and food grade plastic conveyor belt (described in statistical reporting number 8428.33.0000)
- (xvii) Belt conveyors, each comprising a welded frame with leveling feet and casters, electric motor and food grade plastic modular conveyor belt (described in statistical reporting number 8428.33.0000)
- (xviii) Guards of stainless steel, designed to shield operators of papermaking machines from moving or rotating equipment, each with dimensions ranging from 30 cm by 30 cm by 50 cm to 50 cm by 50 cm by 4 m, weighing 30 kg or more but not over 100 kg (described in statistical reporting number 8439.99.1000)
- (xix) Scrapers ("doctors") of stainless steel, designed to scrape impurities from the rotating roll surface of the forming and press sections of papermaking machines, each comprising a beam with a blade of non-symmetrical cross section, long aspect ratio, and mounting journals and turning devices on either end, with dimensions ranging from 50 cm by 50 cm by 8 m to 60 cm by 6 m by 11 m, weighing 1 metric ton or more but not over 3 metric tons (described in statistical reporting number 8439.99.1000)
- (xx) Frameworks of the forming and press section of papermaking machines, of stainless steel or clad mild steel with stainless or acid proof steel, each with dimensions ranging from 1 m by 1 m by 1 m to 2.3 m by 2.3 m by 12 m, weighing 500 kg or more but not over 40 metric tons (described in statistical reporting number 8439.99.1000)
- (xxi) Guides of stainless steel, designed for locating conveyor belts on papermaking machines, each with a moving arm with an actuator and front and back units with mounting holes for tube roll bearing houses, each with dimensions ranging from 40

- cm by 50 cm by 30 cm to 1 m by 1 m by 50 cm, weighing 300 kg or more but not over 500 kg (described in statistical reporting number 8439.99.1000)
- (xxii) Rollers of steel and cast iron ("nip rollers") with bearing journals on either end, designed for use in paper manufacturing to mechanically compress paper web to remove water or impart desired mechanical properties in paper web, each with a polymer cover, the foregoing with length of 7 m or more but not over 12 m, with diameter of 1 m or more but not over 1.5 m, weighing 15 metric tons or more but not over 30 metric tons (described in statistical reporting number 8439.99.1000)
- (xxiii) Open containers ("savealls") of stainless steel, designed to catch water run off generated in the papermaking process, constructed of large square shaped plates and flat constructions with mounting holes on ends, each with dimensions ranging from 50 cm by 50 cm by 50 cm to 1.5 m by 1 m by 10 m, weighing 50 kg or more but not over 2 metric tons (described in statistical reporting number 8439.99.1000)
- (xxiv) Stretchers of stainless steel, designed to move rollers of papermaking machines to adjust tension of fabric, each with a pivoting arm with an actuator, linear rail movement with an actuator and front and back units with mounting holes for tube roll bearing housings (described in statistical reporting number 8439.99.1000)
- (xxv) Suction boxes of stainless steel, which remove water from paper web or papermaking fabrics during papermaking, each with dimensions ranging from 50 cm by 50 cm by 8 m to 1 m by 1 m by 10 m, weighing 1.5 metric tons or more but not over 2 metric tons (described in statistical reporting number 8439.99.1000)
- (xxvi) Rollers of stainless steel or cast iron, designed for use in paper manufacturing to support and convey papermaking cloth (i.e. fabric) or the paper web, each weighing 7 metric tons or more but not over 20 metric tons, measuring 7 m or more but not over 12 m in length, with diameter of 40 cm or more but not over 1.5 m, presented with bearing journals on either end and a polymer cover (described in statistical reporting number 8439.99.1000)
- (xxvii) Workstands designed to use with miter saws, each with metal tube frame, 4 metal legs and 2 metal extension arms (described in statistical reporting number 8466.92.5010)
- (xxviii) Workstands designed for use with miter saws, each with wheels to make workstand mobile and with sides that fold up to extend the work area (described in statistical reporting number 8466.92.5010)
- (xxix) Angle cock handle assemblies, of iron and steel, each measuring 11.43 cm by 21.59 cm by 5.08 cm and weighing 0.748 kg (described in statistical reporting number 8481.90.9040)
- (xxx) Radiation therapy systems, each encased by steel-based structural shell with gantry cover comprising three pairs of plastics-based panels (described in statistical reporting number 9022.14.0000)
- (xxxi) Thermostats designed for air conditioning or heating systems, not designed to connect to the internet, the foregoing designed for wall mounting (described in statistical reporting number 9032.10.0030)

3. by amending the last sentence of the first paragraph of U.S. note 20(a) to subchapter III to chapter 99 by inserting after the phrase “imposed by heading 9903.88.01” the following phrase:

“, except products of China granted an exclusion by the U.S. Trade Representative and provided for in heading 9903.88.05 and U.S. note 20(h) to subchapter III of chapter 99”;
4. by amending the first sentence of U.S. note 20(b) to subchapter III to chapter 99 by inserting after the phrase “the following 8-digit subheadings” the following phrase:

“, except products of China granted an exclusion by the U.S. Trade Representative and provided for in heading 9903.88.05 and U.S. note 20(h) to subchapter III of chapter 99”;

and
5. by amending the Article Description of heading 9903.88.01:
 - a. by deleting: “Articles the product of China,” and
 - b. inserting in lieu thereof: “Except as provided in heading 9903.88.05, articles the product of China,”.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR–2018–0037]

Request for Comments and Notice of a Public Hearing Regarding the 2019 Special 301 Review

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing.

SUMMARY: Each year, the Office of the United States Trade Representative (USTR) conducts a Special 301 review to identify countries that deny adequate and effective protection of intellectual property rights (IPR) or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. Based on this review, the United States Trade Representative (Trade Representative) determines which, if any, of these countries to identify as Priority Foreign Countries. USTR requests written comments that identify acts, policies, or practices that may form the basis of a country’s identification as a Priority Foreign Country or placement on the Priority Watch List or Watch List. USTR also requests notices of intent to appear at the public hearing.

DATES:

February 7, 2019 at 11:59 p.m. EST: Deadline for submission of written comments, hearing statements, and notices of intent to appear at the hearing from the public.

February 21, 2019 at 11:59 p.m. EST: Deadline for submission of written comments, hearing statements, and notices of intent to appear at the hearing from foreign governments.

February 27, 2019: The Special 301 Subcommittee will hold a public hearing at the Office of the United States Trade Representative, 1724 F Street NW, Rooms 1&2, Washington, DC. If necessary, the hearing may continue on the next business day. Please consult the USTR website at <https://ustr.gov/issue-areas/intellectual-property/Special-301>, for confirmation of the date and location and the schedule of witnesses. March 5, 2019 at 11:59 p.m. EST: Deadline for submission of post-hearing written comments from persons who testified at the public hearing.

On or about April 26, 2019: USTR will publish the 2019 Special 301 Report within 30 days of the publication of the National Trade Estimate (NTE) Report.

ADDRESSES: USTR strongly encourages electronic submissions made through the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the submission instructions in section IV below. The docket number is USTR–2018–0037. For alternatives to on-line submissions, please contact USTR at Special301@ustr.eop.gov before

transmitting a comment and in advance of the relevant deadline.

FOR FURTHER INFORMATION CONTACT: Sung Chang, Director for Innovation and Intellectual Property, at special301@ustr.eop.gov. You can find information about the Special 301 Review at www.ustr.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182 of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2242), commonly known as the “Special 301” provisions, requires the Trade Representative to identify countries that deny adequate and effective IPR protections or fair and equitable market access to U.S. persons who rely on intellectual property protection. The Trade Act requires the Trade Representative to determine which, if any, of these countries to identify as Priority Foreign Countries. Acts, policies or practices that are the basis of a country’s identification as a Priority Foreign Country can be subject to the procedures set out in sections 301–305 of the Trade Act (19 U.S.C. 2411–2415).

In addition, USTR has created a “Priority Watch List” and “Watch List” to assist the Administration in pursuing the goals of the Special 301 provisions. Placement of a trading partner on the Priority Watch List or Watch List indicates that particular problems exist in that country with respect to IPR protection, enforcement, or market access for persons that rely on

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 July 6, 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 9903.88.06 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.88.06	Articles the product of China, as provided for in U.S. note 20(i) 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(i) to subchapter III of chapter 99 in numerical sequence:

“(i) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.01 and provided for in U.S. notes 20(a) and 20(b) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.01. See 83 Fed. Reg. 28710 (June 20, 2018) and 83 Fed. Reg. 32181 (July 11, 2018). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that the additional duties provided for in heading 9903.88.01 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:

- (1) 8412.21.0045
- (2) 8430.31.0040
- (3) 8607.21.1000
- (4) Submersible centrifugal pumps, each powered by 36 V motor (described in statistical reporting number 8413.70.2004)
- (5) Breast pumps, whether or not with accessories or batteries (described in statistical reporting number 8413.81.0040)

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- (6) Impeller housings of cast iron (described in statistical reporting number 8413.91.9095, effective January 1, 2019; described in statistical reporting number 8413.91.9080, effective prior to January 1, 2019)
 - (7) Impellers of plastic designed for centrifugal pumps, each of the foregoing with outside diameter of 73 mm or more but not more than 74 mm (described in statistical reporting number 8413.91.9095, effective January 1, 2019; described in statistical reporting number 8413.91.9080, effective prior to January 1, 2019)
 - (8) Compressor housings designed for turbochargers (described in statistical reporting number 8414.90.4165)
 - (9) Salad spinners, of plastics, not electrically powered (described in statistical reporting number 8421.19.0000)
 - (10) Machinery for filtering water, submersible, powered by batteries, manually operated, such machinery designed for use in pools, basins, aquariums, spas or similar contained bodies of water (described in statistical reporting number 8421.21.0000)
 - (11) Machinery designed for removing waste from water in saltwater aquariums by injecting air bubbles then filtering such bubbles (described in statistical reporting number 8421.21.0000)
 - (12) Electronic water oxidizers designed for purifying water for household washing machines (described in statistical reporting number 8421.21.0000)
 - (13) Hand-held ultraviolet water purifiers, powered by batteries (described in statistical reporting number 8421.21.0000)
 - (14) Filters designed to remove sulfites from wine (described in statistical reporting number 8421.22.0000)
 - (15) Filter housings, covers, or couplings, the foregoing of steel and comprising parts of machinery or apparatus for filtering liquids (described in statistical reporting number 8421.99.0040)
 - (16) Steel L-shaped bucket elevators, each comprising steel buckets bolted to a steel chain with guide wires and drive system (described in statistical reporting number 8428.32.0000)
 - (17) Vulcanized rubber tracks, each incorporating cords and cleats of steel, designed for use on construction equipment (described in statistical reporting number 8431.49.9095)
 - (18) Rotors designed to agitate paper and water into pulp, of stainless steel, the foregoing comprising parts of machinery for making pulp of fibrous cellulosic materials (described in statistical reporting number 8439.91.9000)

- (19) Automated data processing storage units (other than magnetic disk drive units), not assembled in cabinets for placing on a table or similar place, not presented with any other unit of a system (described in statistical reporting number 8471.70.6000)
- (20) Bituminous pavers, self-propelled, each with a weight exceeding 14.9 metric tons but not exceeding 18.2 metric tons, with working width of 2.4 m or more but not over 8.6 m (described in statistical reporting number 8479.10.0060)
- (21) Check valves, of acrylonitrile butadiene styrene (ABS), each weighing 120 g or less (described in statistical reporting number 8481.30.9000)
- (22) Check valves, of plastics (described in statistical reporting number 8481.30.9000)
- (23) Electric motors, AC, permanent split capacitor type, each in a housing with outside diameter of 84 mm or less, with output of 6 W or more but not exceeding 16 W (described in statistical reporting number 8501.10.4020)
- (24) DC motors rated at 739.6 W, each with a housing with external diameter of 85 mm or more but not exceeding 90 mm and weight of 257 g or less (described in statistical reporting number 8501.31.5000)
- (25) Electrical transformers, each with a power handling capacity rating of 1.8 kVA, with external dimensions measuring approximately 13.3 cm by 12.7 cm by 11.4 cm (described in statistical reporting number 8504.32.0000)
- (26) Battery powered soldering irons or soldering guns, not over 18 cm in length (described in statistical reporting number 8515.11.0000)
- (27) Knobs of injection molded plastics (described in statistical reporting number 8538.90.6000)
- (28) Molybdenum foil filament assemblies, designed for use in ultraviolet lamps (described in statistical reporting number 8539.90.0000)
- (29) Thin-film-transistor, light-emitting diode (LED) backlit flat panel liquid crystal display modules, each with an aluminum bezel and a video display diagonal measuring 113 mm or more but not over 339 mm (described in statistical reporting number 9013.80.7000)
- (30) Depth-sounding apparatus with digital display, each designed for installation in a 63.5 mm hole in dashboard, designed for recreational boating use (described in statistical reporting number 9014.80.2000)
- (31) Restraint packs designed for use with chest compressors, each containing one torso restraint, consisting of a cotton strap which fastens with hook and loop fasteners to the compressor, and one cover for a head stabilizer (described in statistical reporting number 9018.90.7580)

- (32) Inoculator sets of plastics, each consisting of a plate with multiple wells, a display tray, and a lid; when assembled, the set measuring 105 mm or more but not exceeding 108 mm in width, 138 mm or more but not exceeding 140 mm in depth, and 6.5 mm or less in thickness (described in statistical reporting number 9027.90.5650)
 - (33) Tuners designed to clip onto musical instruments and indicate whether the instrument is in tune (described in statistical reporting number 9031.80.8085)
3. by amending the last sentence of the first paragraph of U.S. note 20(a) to subchapter III to chapter 99 by inserting after the phrase “provided for in heading 9903.88.05 and U.S. note 20(h)” the following phrase:
- “, or provided for in heading 9903.88.06 and U.S. note 20(i)”;
4. by amending the first sentence of U.S. note 20(b) to subchapter III to chapter 99 by inserting after the phrase “provided for in heading 9903.88.05 and U.S. note 20(h)” the following phrase:
- “, or provided for in heading 9903.88.06 and U.S. note 20(i)”;
5. by amending the Article Description of heading 9903.88.01:
- a. by deleting: “Except as provided in heading 9903.88.05,” and
 - b. inserting in lieu thereof: “Except as provided in headings 9903.88.05 or 9903.88.06,”.
- 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 July 6, 2018, U.S. note 20(h)(ix) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified by deleting “not over 34.6 mm” and inserting “not over 254 mm” in lieu thereof.
- C. In U.S. note 20(h) to subchapter III of chapter 99, subdivisions (h)(i) through (h)(xxxi) are re-designated as subdivisions (h)(1) through (h)(31), respectively.