

USTR Seeks Public Comments on Possible Extension of Section 301 List 1 Tariff Exclusions

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The Office of the United States Trade Representative (“USTR”) has announced that it will accept public comments on the proposed renewal of certain product exclusions granted for the \$34 billion in Chinese imports covered under the initial [Federal Register notice](#) (“List 1”) on June 20, 2018.

After imposing 25 percent tariffs on these products on July 6, 2018, USTR established a product exclusion process to allow importers to submit detailed requests to exclude certain products from the tariffs. USTR ultimately issued eight tranches of exclusions containing a combined total of 726 product exclusions, each effective for one year from the date of issuance. The first tranche, [containing 31 exclusions](#), was announced on December 28, 2018, is retroactive to July 6, 2018, and is due to expire on December 28, 2019.

In anticipation of this expiration, USTR is [soliciting public comments](#) between November 1 and November 30, 2019, regarding whether the December 28 exclusions should be renewed. USTR is requesting the following information:

- Information regarding the availability of the particular product or a comparable product from sources in the United States or in third countries
- Any changes in the global supply chain since July 2018 with respect to the particular product, or any other relevant industry developments
- The efforts, if any, that importers or U.S. purchasers have taken since July 2018 to source the

product from the United States or from third countries

- Whether the reinstatement of Section 301 duties on the products currently covered by product exclusions will result in severe economic harm to the commenter or to other U.S. interests

It is likely that an exclusion will sunset if no comments are submitted to USTR for that particular product. If the exclusions expire, the renewed 25 percent tariffs will be in addition to any existing customs duties and antidumping and countervailing duties.

Companies currently benefitting from product exclusions on List 1 products should consider filing comments in support of renewing the existing exclusions, regardless of whether they filed the original request or were a beneficiary of another company's request.

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