



[Billing Code 3290-F9]

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Requests for Emergency Clearance of a Collection of Information by the Office of Management and for Comments

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of requests for OMB emergency information collection processing and comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is submitting a request to the Office of Management and Budget (OMB) for emergency review and clearance on or about June 20, 2019, that will be effective for six months from that date, of a new information collection request (ICR) titled *301 Exclusion Requests* under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations.

DATES: Submit comments no later than June 7, 2019.

ADDRESSES: Submit comments about the ICR, including the title *301 Exclusion Requests*, to the Office of Information and Regulatory Affairs at OMB, at oir-submissions@omb.eop.gov, or 725 Seventeenth Street NW, Washington DC 20503, Attention: USTR Desk Officer.

FOR FURTHER INFORMATION CONTACT: USTR Assistant General Counsels Philip Butler or Megan Grimball, or Director of Industrial Goods Justin Hoffmann at (202) 395-5725.

SUPPLEMENTARY INFORMATION:

A. Comments

Submit written comments and suggestions to OMB addressing one or more of the following four points:

- (1) Whether the proposed ICR is necessary for the proper performance of USTR's functions, including whether the information will have practical utility.
- (2) The accuracy of USTR's estimate of the burden of the proposed ICR, including the validity of the methodology and assumptions used.
- (3) Ways to enhance the quality, utility, and clarity of the ICR.
- (4) Ways to minimize the burden of the ICR on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

B. Overview of This Information Collection

Title: 301 Exclusion Requests.

OMB Control Number: N/A.

Form Number(s): 301 Exclusion Request/Response/Reply Form.

Description: Following a comprehensive investigation, the U.S. Trade Representative determined that the government of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation were actionable under section 301(b) of the Trade Act of 1974 (19 U.S.C. 2411(b)). The Trade Representative determined that appropriate action to obtain the elimination of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation included the imposition of additional *ad valorem* duties on products from China classified in certain enumerated subheadings of the Harmonized Tariff Schedule of the United States (HTSUS). For background on the proceedings in this investigation, please see the prior

notices issued in the investigation, including 82 FR 40213 (August 23, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), 83 FR 40823 (August 16, 2018), 83 FR 47974 (September 21, 2018), and 83 FR 49152 (September 28, 2018), 83 FR 65198 (December 19, 2018), 84 FR 7966 (March 5, 2019), 84 FR 20459 (May 9, 2019), and 84 FR 21389 (May 9, 2019).

USTR is establishing a process by which U.S. stakeholders can request the exclusion of particular products classified within a covered tariff subheading from the additional duties that went into effect on September 21, 2018, and May 10, 2019. USTR anticipates that the window for submitting exclusion requests will open on or around June 30, 2019. Requests for exclusion will have to identify a particular product and provide supporting data and the rationale for the requested exclusion. Within 14 days after USTR posts a request for exclusion, interested persons can provide a response with the reasons they support or oppose the request. Interested persons can reply to the response within 7 days after it is posted. To assist in timely and comprehensive review of requests for exclusion, USTR will require respondents to use the Exclusion Request/Response/Reply Form attached to this notice.

Affected Public: U.S. stakeholders who want to request, or comment on a request, to exclude particular products from the additional duties on products from China classified in certain enumerated subheadings of the HTSUS.

Frequency of Submission: One submission per request, response, or reply.

Respondent Universe: U.S. stakeholders.

Reporting Burden:

Total Estimated Responses: 60,000 requests to exclude a particular product; 7,000 responses to a product exclusion request; and 3,000 replies to a response.

Total Estimated Annual Burden: USTR estimates that preparing and submitting a request to exclude a particular product will take approximately 60 minutes, and the total time burden for requests is 60,000 hours. USTR estimates that preparing and submitting a response to a product exclusion request will take approximately 30 minutes, and the total time burden for responses is approximately 3,500 hours. USTR estimates that preparing and submitting a reply will take approximately 30 minutes, and the total time burden for replies is approximately 1,500 hours.

Status: *Emergency review.* Pursuant to 5 CFR 1320.13, USTR is requesting emergency processing for this ICR because it cannot reasonably comply with normal clearance procedures. To avoid delay that could harm interested U.S. stakeholders and negatively effect trade and investment, the 301 exclusion process must be in place and available to the public on or around June 30, 2019. Upon OMB approval of this emergency clearance request, USTR will follow the normal clearance procedures for the ICR.

Janice Kaye,
Chief Counsel for Administrative Law.

Section 301 Investigation: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation – Form to Request Exclusion of Product

When submitting an exclusion request, enter the specified information in the following fields and explain the basis and rationale for your statements. Fields marked with an asterisk (*) are required.

By submitting this request for exclusion, you certify that the information provided is complete and correct to the best of your knowledge.

301 Exclusion Request Form

1. Contact Information

Full Organization Legal Name:

Requestor First Name:

Requestor Last Name:

Requestor Mailing Address

Street Address Line 1:

Street Address Line 2:

City:

State:

Zip Code:

Headquarters Country:

Requestor E-mail Address:

Requestor Phone Number:

Are you a third party, such as a law firm, trade association, or customs broker, submitting on behalf of an organization or industry? YES/NO

*Note: If you are submitting on behalf of an organization/industry, you must enter the information below.

Third Party Firm/Association Name:

Third Party First Name:

Third Party Last Name:

Third Party Mailing Address

Street Address Line 1:

Street Address Line 2:

City:

State:

Zip Code:

Third Party E-mail Address:

Third Party Phone Number:

Who is your importer of record?

Who will be the primary point of contact? (Select One):

- Requestor
- Third Party Submitter
- Requestor and Third Party Submitter

2. Please provide the 10-digit HTSUS item number* for the product you wish to address in this product exclusion request. A 10-digit HTSUS number is required.

*Use numerical characters only with no special characters (Example: 1023456789). For help with finding the HTSUS item number associated with your product, see <https://hts.usitc.gov/>.

3. Please provide a complete and detailed description of the particular product of concern.* (A detailed description of the product includes, but is not limited to, its physical characteristics (e.g., dimensions, weight, material composition, etc.), whether product is designed to function in or with a particular machine (application), and any unique physical features that distinguish it from other products within the covered 8-digit HTSUS subheading. If needed, please attach images and specification sheets, CBP rulings, court decisions, and previous import documentation below.)

Please also describe the product's principal use.

*USTR will not consider requests that identify the product using criteria that cannot be made available to the public. USTR will not consider requests in which more than one unique product is identified.

Product Name:

Product Description (e.g. dimensions, weight, material composition, etc.):

Product Function, Application, and Principal Use:

14. Please provide any additional information in support of your request, taking account of the instructions provided in Section [B] of the Federal Register notice.

15. Did you submit exclusion requests for the Section 301 \$34 billion (Docket ID: USTR-2018-0025) and/or the \$16 billion (Docket ID: USTR-2018-0032) tariff actions? YES/NO

Please enter the total value of your company's imports applicable to the tariff action for which you submitted one or more exclusion request:

Initial \$34 Billion Tariff Action:

Additional \$16 Billion Tariff Action:

16. Please comment on whether the particular product of concern is strategically important or related to "Made in China 2025" or other Chinese industrial programs. You must explain in the box below why you believe the product of concern is or is not strategically important or related to "Made in China 2025" or other Chinese industrial programs.

17. Include any additional attachments that should be considered along with this exclusion request (e.g., customs rulings, court decisions, previous import documentation, etc.). Please do not include attachments that contain your written argument.

Section 301 Investigation: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation – File a Response to an Exclusion Request

When submitting a Response, enter the specified information in the following fields and explain the basis and rationale for your statements. Fields marked with an asterisk (*) are required.

By submitting this Response, you certify that the information provided is complete and correct to the best of your knowledge.

301 Exclusion Response Fields

1. Responder Information

Responder First Name*:

Responder Last Name*:

Organization Name:

Relationship to Requestor:

- Supplier
- Purchaser
- Competitor
- Subsidiary
- Industry Group
- State or Local Level Official
- Member of Congress
- Other (Please Specify):

2. Please state your position on the requestor's product exclusion request.

- Support
- Oppose

3. Please provide a Response in the text field below. We encourage you to include information relevant to the criteria outlined in Section [B] of the Federal Register notice, particularly on the availability of the requested product. Your Response will be viewable to the Public. Please do not include Business Confidential Information in the provided field.*

4. Include any additional attachments that should be considered along with this Response. Attachments will be viewable to the Public. Please do not include attachments that contain Business Confidential Information.

Section 301 Investigation: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation – File a Reply to a Response

When submitting a Reply, enter the specified information in the following fields and explain the basis and rationale for your statements. Any Reply must be posted within the later of 7 days after the close of the 14 day Response period, or 7 days after the posting of a Response. All Replies must clearly identify the specific Responses being addressed. Fields marked with an asterisk (*) are required.

By submitting this Reply, you certify that the information provided is complete and correct to the best of your knowledge.

301 Exclusion Reply Fields

- 1. Please enter your Reply in the text field below. Your Reply will be viewable to the Public. Please do not include Business Confidential Information in the provided field.***
- 2. Include any additional attachments that should be considered along with this Reply. Attachments will be viewable to the Public. Please do not include attachments that contain Business Confidential Information.**

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