Exclusion User Guide

Date: September 2020

Preface

This user guide is intended to provide a basic understanding of how to find and research section 301 exclusions in the Harmonized Tariff Schedule (“HTS”).

- The most recent edition of the HTS may be accessed at https://hts.usitc.gov/current.

- The information contained in this user guide is based on the 2020 HTS (as of January 2020). Thus, this user guide is not intended to provide up-to-date information on the HTS, nor is this guide intended to be used for official classification purposes.

- Additionally, this guide presupposes that the reader already knows the HTS subheading for the reader’s product. For more information on the HTS, and for user guides that detail how to determine the HTS subheadings for products, please see https://www.usitc.gov/harmonized_tariff_information.

- Please note also that U.S. Customs and Boarder Protection, and not the U.S. International Trade Commission, makes legally binding decisions with regard to classification matters, including the HTS provision under which each article should enter the United States.
I. Find the product’s HTS Code

Go to the HTS’s table of contents (https://hts.usitc.gov/current) and look for the product’s applicable section and chapter.

In this case, sebacic acid is located under Section VI, Chapter 29.
Helpful hints!
All products are classified in the HTS using a 4-, 6-, or 8-digit code, and some have an additional 2-digit suffix that is used for statistical purposes.¹

Find the applicable 8-digit code under the heading/subheading column header. Then locate the article description that corresponds to the applicable 10-digit HTS code.² In some cases, the article description will be the same at the 8-digit and 10-digit level.

¹ The final two numbers under the Statistical Suffix column create the ten-digit number, which is used in collecting detailed trade data.
² Note how the HTS moves like an outline: you go from less specificity (e.g., edible fruit, chapter 8) to more specificity (dried raisins, 0806.20; made from seedless grapes: sultanas, 0806.20.1020). In other words, the provisions at the ten-digit level must be read in the context of the nomenclature at the four-, six-, and eight-digit levels. (Duties are assigned at the eight-digit level.)
All products with a 301 exclusion will have an endnote on the applicable article description.

In this example, **endnote 25** leads to **9903.88.33**, which is in **Chapter 99**.³

**Helpful hints!**

Exclusions to section 301 tariffs are listed under U.S. note 20 to section III to Chapter 99.

³ **Endnote 76**, which is also flagged in the picture of **2917.13.0030**, above, cites **9902.02.93**. **9902.02.93** pertains to the Miscellaneous Tariff Bill (“MTB”) process. Under current law, MTBs do not relieve importers of additional duties imposed under **Chapter 99** of the Harmonized Tariff Schedule, including products of China subject to section 301 duties and steel and aluminium products subject to section 232 duties. An overview of the MTB process is at **https://www.usitc.gov/trade_tariffs/mtb_program_information**.
II. Follow the endnote to Chapter 99 and find the code

Endnote 25 to sebacic acid says to see 9903.88.33. The text of 9903.88.33 says that articles that are excluded from section 301 tariffs are listed in U.S. Note 20(ii). The screen captures below illustrate the workflow from the table of contents, to 9903.88.33, to U.S. Note 20(ii). Sebacic acid is the third exclusion listed in U.S. Note 20(ii).4

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4 The section 301 tariff applicable to products from China is in the General Rate of Duty column under 9903.88.03.
## Harmonized Tariff Schedule of the United States (2020) Revision 2

### U.S. Notes (Continued)

**20.**

(a) For the purposes of heading 9903.83.01, products of China, as provided for in this note, shall be subject to an additional 25 percent ad valorem rate of duty. The products of China that are subject to an additional 25 percent ad valorem rate of duty under heading 9903.83.01 are products of China that are classified in the subheadings enumerated in U.S. note 20(b) to subchapter III. All products of China that are classified in the subheadings enumerated in U.S. note 20(b) to subchapter III are subject to the additional 25 percent ad valorem rate of duty imposed by heading 9903.83.01, except products of China granted an exclusion by the U.S. Trade Representative and provided for in: (1) heading 9903.88.05 and U.S. note 20(h) to subchapter III of chapter 95; (2) heading 9903.88.09 and U.S. note 20(e) to subchapter III of chapter 99; (3) heading 9903.88.07 and U.S. note 20(j) to subchapter III of chapter 96; (4) heading 9903.88.08 and U.S. note 20(k) to subchapter III of chapter 96; (5) heading 9903.86.10 and U.S. note 20(m) to subchapter III of chapter 95; (6) heading 9903.86.19 and U.S. note 20(m) to subchapter III of chapter 95; (7) heading 9903.88.14 and U.S. note 20(e) to subchapter III of chapter 99; or (8) heading 9903.88.19 and U.S. note 20(e) to subchapter III of chapter 99.

Notwithstanding U.S. note 1 to this subchapter, all products of China that are subject to the additional 25 percent ad valorem rate of duty imposed by heading 9903.88.01 shall also be subject to the general rates of duty imposed on products of China classified in the subheadings enumerated in U.S. note 20(b) to subchapter III.

(b)(1) For purposes of heading 9905.86.22, the additional duties imposed by heading 9905.86.22 shall not apply to entries under subheadings 2020.99.36, 2203.99.37, 6810.00.00, 5819.01.10, 5810.93.90, 5810.96.10, 5810.96.96, 0205.90.00, 8205.00.00, 8215.00.00, 9107.90.10, 9120.00.15, and 9120.00.50, if such entries are subject to an applied rate of duty under such enumerated subheadings that is derived from another subheading that is subject to the additional duties imposed by heading 9905.86.02.

(b)(2) For purposes of heading 9905.86.23, the additional duties imposed by heading 9905.86.23 shall not apply to entries under subheadings 2202.99.36, 2203.99.37, 6810.00.00, 5819.01.10, 5810.92.90, 5810.96.10, 5810.96.96, 0205.90.00, 8205.00.00, 8215.00.00, 9107.90.10, 9120.00.15, and 9120.00.50, if such entries are subject to an applied rate of duty under such enumerated subheadings that is derived from another subheading that is subject to the additional duties imposed by heading 9905.86.03 or 9905.86.09.

(c)(1) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.86.03 and provided for in U.S. notes 20(e) and (g) to this subchapter could be excluded from the additional duties imposed by heading 9903.86.03, and by which particular products classified in heading 9903.86.04 and provided for in U.S. note 20(g) to this subchapter could be excluded from the additional duties imposed by heading 9903.86.04. See 83 Fed. Reg. 47974 (September 21, 2018) and 84 Fed. Reg. 26756 (June 24, 2019). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that the additional duties provided for in heading 9903.86.09 and in heading 9903.88.04 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers.

(1) Erythritol (CAS No. 149-22-6) (described in statistical reporting number 2930.49.4000)

(2) 3-Trimethylaminomethyl-4-nitrophenol (CAS No. 68-30-2) (IUPAC: 4-nitro-3-[(trimethylamino)methyl]phenol), valued over $16 per kg but not over $5 per kg (described in statistical reporting number 2930.59.9900)

(3) Substance (CAS No. 111-20-4) (described in statistical reporting number 2917.13.0000)
III. Section 301 exclusions and the U.S. Notes

As pointed out in part II, above, sebacic acid’s exclusion from section 301 tariffs is under U.S. Note 20(II)(3).

Note how U.S. Note 20(II) refers back to 9903.88.03. U.S. Note 20(II) states that sebacic acid is excluded from additional duties imposed by 9903.88.03 and U.S. Note 20(e) and (f).5

| III. The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.03 and provided for in U.S. notes 20(e) and (f) to this subchapter could be excluded from additional duties imposed by heading 9903.88.03, and by which particular products classified in heading 9903.88.04 and provided for in U.S. note 20(g) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.04. See 83 Fed. Reg. 47974 (September 21, 2018) and 84 Fed. Reg. 29576 (June 24, 2019). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that the additional duties provided for in heading 9903.88.03 or in heading 9903.88.04 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:
| (1) Erythritol (CAS No. 149-32-6) (described in statistical reporting number 2005.49.4000)
| (2) 3-Trifluoromethyl-4-nitrophenol (CAS No. 88-30-2) ([UPAC: 4-nitro-3-(trifluoromethyl)phenol], valued over $18 per kg but not over $25 per kg (described in statistical reporting number 2906.99.8000)
| (3) **Sebacic acid** (CAS No. 111-20-6) (described in statistical reporting number 2917.13.0030)
| (4) 4,4’-Diamino-2,2’-stilbenedisulfonic acid (CAS No. 81-11-8) (described in statistical reporting number 2921.59.2000)
| (5) Ethyl 4-aminobenzoate (CAS No. 94-09-7) (Benzoicaine (INN)) (described in statistical reporting number 2922.49.3700)

IV. Exclusion End Dates

Go to the Office of the United States Trade Representative’s 301 investigations website (https://ustr.gov/issue-areas/enforcement/section-301-investigations/search) to find the Fed. Reg. citation needed to find the exclusion’s end date.

Enter the product’s 8-digit HTS code and click on the list that applies to your search results. See the diagram on the next page.

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5 Statistical reporting numbers specified in an exclusion are subject to change. In those instances, the exclusion will list the relevant statistical reporting numbers (previous and current), as well as the effective date of those statistical reporting numbers. For example, the statistical reporting changes for impellers are listed in U.S. Note 20(n)(13), which is in Chapter 99:

(13) Impellers (described in statistical reporting number 8413.91.9080 prior to January 1, 2019; described in statistical reporting number 8413.91.9095 effective January 1, 2019 through December 31, 2019; described in statistical reporting number 8413.91.9085 or 8413.91.9096 effective January 1, 2020)
How to Navigate the Section 301 Tariff Process

- Step One: Know Your HTS Subheading
  - Every product subject to a proposed or ongoing Section 301 tariff action is identified by an 8-digit or 10-digit HTS Subheading. This search engine allows you to search by an 8-digit HTS Subheading to obtain information about a proposed or ongoing Section 301 tariff action.
  - If you do not know the HTS subheading for your product, please contact your supplier, distributor, or customs broker.
  - Don’t know what an HTS Subheading is? To learn more, visit https://www.uspto.gov/tariff_affairs/about_hts.htm.

- Step Two: Find Your HTS Subheading
  - The HTS Subheadings are sorted into four separate tariff actions:
    - The $34 Billion Tariff Action (List 1);
    - The $16 Billion Tariff Action (List 2);
    - The $200 Billion Tariff Action (List 3); and
    - The $300 Billion Tariff Action (List 4).
  - To determine if an HTS Subheading is subject to a proposed or ongoing Section 301 Tariff Action, enter the 8-digit HTS Subheading into the search field, and press SEARCH.
  - Each HTS Subheading includes a corresponding article description.

- Step Three: Submit a Comment or Exclusion Request Based on Your HTS Subheading
  - If the comment period or product exclusion request period is open for a Section 301 tariff action, the due date will include a hyperlink that will direct you to the relevant regulations.gov electronic docket where a comment or product exclusion request may be submitted.

- For product exclusion status, visit the Product Exclusion Process section on the $34 Billion Trade Action (List 1), $16 Billion Trade Action (List 2), $200 Billion Trade Action (List 3), or $300 Billion Trade Action (List 4) webpages.

- For additional questions, please contact the Section 301 Hotline at (202) 395-5725.

Enter 8-digit HTS Subheading

29171100

SEARCH  RESET

Search Results

29171100

Unofficial Article Description:
Oxalic acid, its salts and esters

Comment Process Due Date: 6-Sep-18

Product Exclusion Request Due Date: 30-Sep-19

(List 3) $200 Billion Tariff Action Effective on September 24
IV. Verifying the exclusion’s end date

Search through the USTR’s Exclusions Granted heading on the Trade Action webpage until you find the Fed. Reg. publication that pertains to your product, e.g., sebacic acid.

**Helpful hints!**
- Ctrl-F to search for keywords that pertain to your product, such as the product’s HTS number or the name of the product.
Next, use ctrl-f to search for keywords that pertain to end dates or extensions of end dates, such as “year,” “effective,” etc.).

Note: the general rule for an end date is one year from publication, though there are exceptions to this general rule.