

CSMS #49165775 - GUIDANCE: Conforming Amendment to Section 301 China Product Exclusion

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U.S. Customs and Border Protection

Cargo Systems Messaging Service

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The purpose of this message is to provide guidance regarding the amendment of a previously granted Section 301 China product exclusion to conform with the U.S. International Trade Commission's (USITC) Harmonized Tariff Schedule (HTS) changes effective July 1, 2021.

BACKGROUND

On December 29, 2020, the U.S. Trade Representative (USTR) published [85 FR 85831](#), extending and granting, through March 31, 2021, certain Section 301 China product exclusions to address ongoing efforts to combat COVID-19. On March 10, 2021, the USTR published [86 FR 13785](#), further extending these product exclusions through September 30, 2021.

On August 4, 2021, the USTR published [86 FR 42006](#), making an amendment to one product exclusion granted in [85 FR 85831](#) to conform with the USITC's recent change of certain

statistical reporting categories. This amendment is made to U.S. Note 20(qqq)(4) under product exclusion round 9903.88.64, and is effective July 1, 2021.

The functionality for the acceptance of the amended product exclusion will be available in the Automated Commercial Environment (ACE) 7 a.m. Eastern Daylight Time, August 12, 2021.

GUIDANCE

Instructions for importers, brokers, and filers on submitting entries to U.S. Customs and Border Protection (CBP) containing granted exclusions by the USTR from the Section 301 measures are set out below:

- Per the Annex to [86 FR 42006](#), U.S. Note 20(qqq)(4) to subchapter III of chapter 99 of the HTS of the U.S. is modified by deleting “3808.94.5090” and inserting “3808.94.5090 prior to July 1, 2021; 3808.94.5080 or 3808.94.5095 effective July 1, 2021” in lieu thereof.
- Importers shall not submit the corresponding Chapter 99 HTS number for the Section 301 duties when HTS 9903.88.64 is submitted.

ADDITIONAL INFORMATION

Imports, which have been granted a product exclusion from the Section 301 measures and which are not subject to the Section 301 duties, are not covered by the Foreign Trade Zone (FTZ) provisions of the Section 301 Federal Register notices, but instead are subject to the FTZ provisions in 19 CFR part 146.

To request a refund of Section 301 duties paid on previous imports of products granted duty exclusions by the USTR, importers may file a Post Summary Correction (PSC) if within the PSC filing timeframe. If the entry is beyond the PSC filing timeframe, importers may protest the liquidation if within the protest filing timeframe. The latest guidance on the process for submitting retroactive claims for product exclusions to CBP is found in [CSMS 42566154](#).

In situations where an importer has requested a product exclusion and the request is pending with the USTR, importers or their licensed representative may submit a request to extend the liquidation of impacted unliquidated entry summaries to CBP.

Reminder: Importers, brokers, and/or filers should refer to [CSMS 39587858](#) (Entry Summary Order of Reporting for Multiple HTS when 98 or 99 HTS are required) for guidance when filing an entry summary in which a heading or subheading in Chapter 99 is claimed on imported merchandise.

For ease of reference, a summary of Section 301 duties and product exclusion notifications is attached. This chart has been updated to include the dates that each Section 301 exclusion is currently scheduled to terminate.

Questions from the importing community concerning ACE entry rejections involving product exclusions should be referred to their CBP Client Representative. Questions related to Section 301 entry-filing requirements, please refer to CSMS message [#42203908](#) (Information on Trade Remedy Questions and Resources)

<https://content.govdelivery.com/accounts/USDHSCBP/bulletins/283fb04>.

Related Messages: CSMS #45318223, 43784137, 43762405, 41898289, 40430843, 40281968