

**DOCKET QUESTIONS<sup>1</sup>**  
Proposed Modifications to Section 301 Actions and Exclusion Process

## Public Docket

Request for Comments on Proposed Modifications and Machinery Exclusion Process in the Section 301 Investigation: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

**Docket ID: USTR-2024-0007**

In a *Federal Register* notice published on September 8, 2022, USTR announced that the July 6, 2018 and August 23, 2018 actions, as modified, in the Section 301 investigation of China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation did not terminate on their four-year anniversary dates and would continue. *See* 87 FR 55073. The notice also announced that the U.S. Trade Representative would conduct a review of the actions. In connection with that review, USTR is seeking public comments on proposed modifications to the actions, the products being proposed for an exclusion process, and proposed exclusions for certain solar manufacturing equipment.

The 30-day public docket will open on May 29, 2024. To be assured consideration, written comments must be submitted by June 28, 2024.

If you have any questions or concerns regarding your submission, including the submission of confidential information, please call the 301 hotline at 202-395-5725.

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### Submitter Information Tab:

#### 1. Contact Information

- Organization:
- First Name:
- Last Name:
- Email:
- Third Party Information:
  - Third Party Organization Type:
  - Third Party Firm; Association Name:
  - Third Party Representative:
  - Third Party Email Address:

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<sup>1</sup> These docket questions are being posted on May 24, in advance of the scheduled opening of the docket on May 29, in order to provide advance notice to submitters. The questions as presented on the docket may be clarified or amended.

2. Does your business meet the size standards for a U.S. small business as established by the Small Business Administration? (Required)
  3. Are you an Industry Association? (Required)
  4. Please report the number of employees your business employs in the United States.
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**Section A:**

**Comments on Proposed Modifications to the Actions**

1. Do you wish to provide views on the proposed modifications listed in Annex A of the [May X] *Federal Register* notice?

[If “No” is selected, no additional question under this section](#)

2. From Annex A of the *Federal Register* notice, please provide the tariff code you wish to comment on. *Additional tariff codes can be entered by filing additional comments.*

3. For the tariff code provided, please discuss whether the proposed modification would enhance the effectiveness of the tariff actions in obtaining the elimination of or in counteracting China’s acts, policies, and practices related to technology transfer, intellectual property and innovation.

4. For the tariff code provided, please discuss the likely impact of the proposed modification on the U.S. economy, including U.S. consumers?

5. Please explain whether the tariff subheadings identified for each product and sector adequately cover the products and sectors included in the President’s direction to the U.S. Trade Representative.

6. For facemasks, medical gloves, and syringes and needles, the U.S. Trade Representative has been directed to increase rates of duty no less than the rates proposed in the May X *Federal Register* notice. Do you wish to provide views on the proposed rates?

[If yes checkbox and 5 a & b appear, please check box allowing multiple selections]

Facemasks; Medical Gloves; Syringes and Needles

a. Please comment on whether the tariff rate should be higher than the proposed rate:

b. For Facemasks, please comment on whether USTR’s proposed tariff lines should include additional statistical reporting codes under tariff subheading 6307.9098:

7. For ship-to-shore cranes USTR has drafted a description of products to be covered by the proposed modification:

“Ship-to-shore gantry cranes, configured as a high- or low-profile steel superstructure and designed to unload intermodal containers from vessels with coupling devices for containers, including spreaders or twist-locks (classified in subheading 8426.19.00).”

Do you wish to provide views on the scope of the product description?

[If yes, text and box appear] Please provide comment:

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## Section B

### Comments on Limited Exclusion Process for Certain Manufacturing Equipment

USTR is proposing subheadings that would be eligible for a limited exclusion process by which interested persons may request certain manufacturing equipment used in domestic manufacturing be excluded from the additional duties. The tariffs codes which USTR would consider for possible exclusion of manufacturing equipment are provided in Annex B of the [May X notice].

**a. Comments on Manufacturing Equipment Tariff Headings Covered in Annex B**

1. Do you wish to provide a view on one of the tariff codes listed in Annex B of the *Federal Register* notice?

[If “No” is selected, no additional question under this section](#)

2. From Annex B of the *Federal Register* notice, please provide the tariff code you wish to comment on. *Additional tariff codes can be entered by filing additional comments.*

3. For the tariff code provided, please provide a comment on the inclusion of the tariff code for the proposed exclusion process. If you oppose the inclusion of the code in the proposed exclusion process, please explain why.

**b. Comments on Additional Manufacturing Equipment Tariff Headings Not Covered by Annex B**

4. Do you have an additional tariff code covering manufacturing equipment used in domestic manufacturing that is not included in Annex B of the *Federal Register* notice that you believe should be included?

[If “No” is selected, no additional question under this section](#)

5. Please enter the tariff code below. *Additional tariff codes can be entered by filing additional comments.*

6. Please explain how products included under the tariff code entered above includes manufacturing equipment used in domestic manufacturing.

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**Section C**

**Comments on Proposed Exclusions for Certain Solar Manufacturing Equipment**

USTR is proposing 19 temporary exclusions for certain solar manufacturing equipment. The proposed temporary exclusions are provided in Annex C of the [May Notice]

1. Do you wish to provide a view on one of the exclusions for certain solar manufacturing equipment provided in Annex C of the *Federal Register* notice?

[If “No” is selected, no additional question under this section](#)

2. From Annex C of the *Federal Register* notice, please select the exclusion you wish to comment on. [\[Dropdown\]](#)

3. For the exclusion provided, please provide comments on the scope of the exclusion, including any suggested amendments to the product description.

### Attachments Tab

I certify that the information I am requesting confidential treatment for is business confidential, disclosure of the information would endanger trade secrets or profitability, and such information is not generally available. Additionally, if providing an attachment with BCI it is contained in double brackets [[ ]] and I have provided non-confidential (Public) attachment with BCI removed from the double brackets [[ ]]. (Required) [\[Drop Down: “Yes, I certify” and “I did not provide BCI information”\]](#)

Attachments may supplement the responses you have submitted in the boxes provided for each question, but should not replace those responses.

Public Attachment [\(to upload\)](#)

BCI Attachment [\(to upload\)](#)